

Chapter 1111

Development

Requirements and

Standards

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1111.01 Subdivision Regulations

- (a) Purpose: It is the purpose of these Subdivision Regulations to establish minimum requirements for the subdividing or platting of land within the City, in order to protect, safeguard and promote the public health, safety, convenience and welfare; in order to facilitate the orderly growth and development of the City by providing suitable (planned) residential neighborhoods with adequate streets, utilities, public school sites, recreational areas and other public open spaces; in order to achieve individual property lots of maximum utility and livability; and in order to provide for economical streets of adequate width and proper design so that future traffic circulation is provided for by a coordinated street system.
- (b) Validity: If any section, subsection, sentence, clause or phrase of these Subdivision Regulations is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions shall not be affected thereby.
- (c) Fees:
- (1) Fees for Major Subdivisions and Minor Subdivisions shall be as provided for in section 1105.09.
 - (2) If, due to nature of the proposed subdivision, it becomes necessary for the City to hire outside professionals to review the proposed subdivision, the applicant, by submitting a subdivision application, agrees to reimburse the City for the actual cost of said outside review.

- (d) Applicability: All subdivisions defined as Major Subdivisions shall be subject to the requirements of sections 1111.02, 1111.03, 1111.04, 1111.05 and 1111.06.
- (e) Procedure: The procedures for the subdivision process, including required submittals, review by Planning Commission and Council, and the applicable review standards are outlined in section 1115.06 for Major Subdivisions and section 1115.07 for Minor Subdivisions.

1111.02 Subdivision Design Requirements and Standards

(a) General Provisions:

- (1) The proposed subdivision and its ultimate use shall be in conformity with the City's Comprehensive Land Use Plan as adopted, and shall not encroach upon an area designated in the Comprehensive Land Use Plan for future public use.
- (2) Land which the Planning Commission has found to be unsuitable for subdivision development due to flooding, poor drainage, soil conditions or other features which are likely to be harmful to the health, safety and welfare of future residents shall not be subdivided unless satisfactory methods of correction are formulated by the subdivider and approved by the Planning Commission.
- (3) The Planning Commission shall consider plats designed for special development of group housing, new concepts of solar orientation, superblock arrangements or other methods of site design which may require modification or adjustment of these Subdivision Regulations, provided that such plats do not have an unfavorable effect upon the development of adjacent properties.
- (4) Variations, exceptions and/or modifications of these design requirements may be made by the Planning Commission, in accordance with section 1111.02(h), in specific cases where it is deemed that extraordinary hardship, unusual topographical conditions or other unique conditions justify such variations.

(b) Streets:

- (1) The arrangement, character, extent, width, grade and location of all streets shall conform to the Major Thoroughfare Plan, as adopted by the Planning Commission, and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) Public right-of-way widths shall be as shown on the Major Thoroughfare Plan, and, unless otherwise indicated on the Major Thoroughfare Plan, shall not be less than the following:

<u>Classification</u>	<u>Right-of-Way Width (in Feet)</u>
A. Expressways	300
B. Major street	80 - 100
C. Collector streets	60 - 80
D. Minor streets	50
E. Marginal access streets	50
F. Alleys	20
G. Crosswalks	10
H. Utility easements	12

- (3) The following standards also apply to streets:
 - A. Additional street right-of-way width may be required by Planning Commission, upon the recommendation of the City Engineer, to assure adequate access, circulation and parking in subdivisions within high density residential areas, commercial areas and industrial areas.
 - B. Where a proposed subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-

- way width for the existing street may be required by Planning Commission in conformity with the standards of this Section.
- C. Minor streets shall be so arranged as to discourage their use by through traffic. Curvilinear street design is recommended for residential streets to discourage excessive vehicular speeds and to provide attractive vistas.
 - D. The street arrangement in a subdivision shall provide for the continuation of existing streets in surrounding areas and shall provide for suitable access to adjoining unplatted areas at points not more than one-thousand three-hundred twenty feet (1,320') apart.
 - E. Where a proposed subdivision abuts or contains an existing or proposed major street or highway as defined in the Major Thoroughfare Plan, the Planning Commission may require marginal access streets, reverse frontage lots containing a ten-foot no access reservation with approved screen planting along the rear property line, or such other treatment as may be necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
 - F. Intersections on major streets or thoroughfares shall be located not less than eight-hundred feet (800') apart, measured from center line to center line.
 - G. When a tentative layout, including streets, of the general area or neighborhood has been made, approved and adopted by the Planning Commission, the proposed subdivision shall be in conformity thereto.
 - H. Where a proposed subdivision abuts or contains a railroad right of way, expressway or other limited access highway, the Planning Commission may require a street approximately parallel to, and on each side of, such right of way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades for future bridges or grade separations.
 - I. Street jogs with center line offsets of less than one-hundred twenty-five feet (125') shall be prohibited.
 - J. There shall be no private streets, lanes or ways platted in any subdivision except under the special design considerations for PUDs, as outlined in section 1109.05, and for PRCDs, as outlined in section 1109.06, this requirement may be waived or modified by the Planning Commission.
 - K. Half streets shall be prohibited, except where Planning Commission finds it absolutely essential to the reasonable development of a tract in conformity with the subdivision design and improvement requirements of this Chapter, and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract.
 - L. Dead-end streets are prohibited, except those designed as permanent cul-de-sacs or those required for future access to adjacent unplatted property. Temporary turn-around arrangements for dead-end streets which will be extended in the future may be required by the Planning Commission.
 - M. Cul-de-sac streets shall be no longer than six-hundred feet (600') and shall contain at the closed end a turn-around having

an outside road pavement diameter of one-hundred five feet (105') and a street property line diameter of one-hundred twenty feet (120'). Special consideration will be given to longer cul-de-sacs under unusual topographic conditions.

- N. Street grades shall not be greater than five percent (5%) or less than five-tenths percent (0.5%) per one-hundred feet (100').
- O. To insure adequate sight distance, horizontal curves shall have the following minimum center line radii:

<u>Classification</u>	<u>Centerline Radii (in Feet)</u>
(1) Minor streets & Marginal Access Streets	150
(2) Collector streets	300
(3) Major streets	500
(4) Expressways	750
(5) A tangent at least one hundred feet (100') long shall be provided between reverse curves on collector streets and at least two hundred-fifty feet (250') long on major streets and thoroughfares, including expressways.	
- P. Streets shall intersect one another at right angles or as nearly at right angles as conditions permit. No street shall intersect another at an angle of less than sixty degrees (60°).
 - (i) "T" intersections of minor streets are to be encouraged.
 - (ii) Multiple intersections involving the junction of more than two streets shall be prohibited.
 - (iii) Minor streets intersecting with a major street or thoroughfare shall have a tangent section of center line not less than fifty feet in length.
- Q. No street names shall be used which will duplicate or be confused with the names of existing streets within the area of jurisdiction of the City. Street and subdivision names and house numbers shall be subject to the approval of the City Manager or his designee.

(c) Alleys:

- (1) Alleys shall be prohibited in subdivisions within single-family or two-family districts, unless Planning Commission finds they are warranted by special or unique conditions.
- (2) Alleys shall be provided for subdivisions where the intended use is for multiple dwellings or business, commercial or industrial purposes. The Planning Commission may waive this requirement where other definite provision is made for service access, off-street loading and parking.
- (3) Dead-end alleys are prohibited, unless Planning Commission finds them unavoidable because of special physical conditions. If permitted, dead-end alleys shall be provided with adequate turn-around facilities for service trucks, as determined by the Planning Commission.

(d) Blocks:

- (1) Block length shall be no longer than one-thousand three-hundred twenty feet (1,320') nor less than five hundred feet (500'), unless Planning Commission finds that special physical conditions justify a departure from these standards.
- (2) Block width shall be sufficient to provide for a development of two tiers of lots between streets except in cases where lots back to a major street or thoroughfare under the conditions specified in section 1111.02(b)(3)(E).

- (3) Where a proposed subdivision abuts or contains a major street or thoroughfare as shown on the Major Thoroughfare Plan, the long dimension of the block should parallel the major street or thoroughfare.
 - (4) Blocks designated for multiple dwellings or for business, commercial or industrial use may be specifically designed for such purposes with spaces set aside for off-street parking and loading facilities as specified in the parking regulations contained in section 1111.06.
 - (5) Dedication of an easement, at least ten feet (10') in width, may be required for a pedestrian walkway through a block over nine-hundred feet (900') in length or where Planning Commission finds it necessary in order to provide for safe and convenient access to schools, parks, shopping centers or other community facilities.
- (e) Lots:
- (1) The lot size, width, depth, shape and orientation shall be appropriate for the location and contemplated use of the subdivision but in no case shall any of the lot dimensions, building setback lines or lot area requirements be less than the minimum specified in the Zoning Code for the particular district in which the subdivision is located.
 - (2) The minimum lot depth for residential lots shall be one hundred (100) feet, one hundred thirty-five feet (135') on major streets, except as provided in section 1111.02(b)(3)(E).
 - (3) The general depth-to-width ratio of lots shall not exceed two and one-half to one (2.5:1).
 - (4) Every lot shall abut upon and have permanent access to a public street. However, in subdivisions designed under the special design considerations for PUDs, as outlined in section 1109.05, and for PRCs, as outlined in section 1109.06, this requirement may be modified or waived by the Planning Commission.
 - (5) Side lot lines shall be at approximately right angles or radial to the street right-of-way line.
 - (6) Utility easements may be required on rear or side lot lines, as specified by the Planning Commission. Such easements shall be at least twelve feet (12') in width with six feet (6') being taken from the abutting lots on both sides of the center line of the easements.
 - (7) Additional easements may be required by the Planning Commission along drainage channels or water courses in such width, as may be recommended by the City Engineer.
 - (8) Corner residential lots shall have extra width sufficient to maintain building setback lines specified for the zoning district, as outlined in Chapter 1107.
- (f) Modifications and Conditions:
- (1) Where the Planning Commission finds that strict compliance with the design requirements provided for in this Section results in extraordinary hardship or costs being imposed upon a particular subdivision, it may vary these design requirements, so that substantial justice may be done and the public interest secured.
 - (2) In granting modifications of these Subdivisions Regulations, the Planning Commission may require such conditions as will, in its judgment, secure the objectives of the standards or requirements so varied or modified.

1111.03 Public Improvements Design Requirements and Standards

- (a) **Applicability:** This section, in its entirety, shall apply to all Major Subdivisions, PUDs, PCRDs, and any other developments requiring the submission of a Site Plan, as outlined in section 1115.08.
- (b) **General Procedures – Major Subdivisions:**
- (1) **Construction Plans:** Prior to beginning construction on any improvements in a Major Subdivision or any section thereof, Construction Plans showing contemplated improvements for the required streets, utilities and other facilities required by this Section shall be submitted and approved in accordance with section 1115.06.
 - (2) **Guarantees:** Before approval of Construction Plans for a Major Subdivision or any section thereof will be granted, the Subdivider or Developer must file a guarantee with the City, in accordance with section 1111.03(e), to assure completion of the required public improvements.
 - (3) **Inspection Fees:** Before approval of Construction Plans for a Major Subdivision or any section thereof will be granted, the Subdivider or Developer shall pay to the City a fee to provide for the inspection of the various public improvements as they are constructed. Inspection fees shall be charged at the rate of two and one-half percent (2½%) of the estimated cost of the improvements. The fees shall be used to defray the cost of plan review, field inspection during the one- (1) year maintenance warranty period and any other incidental expenses directly related to the contracted improvement. Any costs incurred in excess of the two and one-half percent (2½%) shall be billed to the Subdivider or Developer. Any costs in excess of the two and one-half percent (2½%) shall be paid to the City before acceptance by the City of any improvements for operation and maintenance.
 - (4) **Acceptance by City:** No public improvements in a Major Subdivision shall be accepted by the City unless installed and constructed in accordance with this UDO. Acceptance of such improvements shall follow the procedures set forth in section 1115.06.
- (c) **General Procedures – PUDs and PCRD's:**
- (1) **Construction Plans:** Prior to beginning construction on any improvements in a PUD/PCRD or any section thereof, Construction Plans showing contemplated improvements for the required streets, utilities and other facilities required by this Section shall be submitted and approved in accordance with section 1115.05.
 - (2) **Guarantees:** Before approval of Construction Plans for a PUD/PCRD or any section thereof will be granted, the Developer must file a guarantee with the City, in accordance with section 1111.03(e), to assure completion of the required public improvements.
 - (3) **Inspection Fees:** Before approval of Construction Plans for a PUD/PCRD or any section thereof will be granted, the Developer shall pay to the City a fee to provide for the inspection of the various public improvements as they are constructed. Inspection

fees shall be charged at the rate of two and one-half percent (2.5%) of the estimated cost of the improvements. The fees shall be used to defray the cost of plan review, field inspection during the one (1) year maintenance warranty period and any other incidental expenses directly related to the contracted improvement. Any costs incurred in excess of the two and one-half percent (2.5%) shall be billed to the Developer. Any costs in excess of the two and one-half percent (2.5%) shall be paid to the City before acceptance by the City of any improvements for operation and maintenance.

- (4) **Acceptance by City:** No public improvements in a PUD or PRCD shall be accepted by the City unless installed and constructed in accordance with this UDO. Acceptance of such improvements shall follow the procedures set forth in section 1115.05.

(d) General Procedures – Other Developments:

- (1) **Construction Plans:** Prior to beginning construction on any improvements shown on the Final Site Plan, Construction Plans showing contemplated improvements for the required streets, utilities and other facilities required by this Section shall be submitted and approved in accordance with section 1115.08.

- (2) **Guarantees:** Before approval of the Construction Plans will be granted, the Developer must file a guarantee with the City, in accordance with section 1111.03(e), to assure completion of the required public improvements.

- (3) **Inspection Fees:** Before approval of Construction Plans will be granted, the Developer shall pay to the City a fee to provide for the inspection of the various public improvements as they are constructed. Inspection fees shall be charged at the rate of two and one-half percent (2.5%) of the estimated cost of the improvements. The fees shall be used to defray the cost of plan review, field inspection during the one (1) year maintenance warranty period and any other incidental expenses directly related to the contracted improvement. Any costs incurred in excess of the two and one-half percent (2.5%) shall be billed to the Developer. Any costs in excess of the two and one-half percent (2.5%) shall be paid to the City before acceptance by the City of any improvements for operation and maintenance.

- (4) **Acceptance by City:** No public improvements shown on a Final Site Plan shall be accepted by the City unless installed and constructed in accordance with this UDO. Acceptance of such improvements shall follow the procedures set forth in section 1115.08.

(e) Guarantees: The Subdivider or Developer shall enter into a contract with the City for the completion of the required public improvements, and shall provide a financial guarantee of performance in one or a combination of the following arrangements, subject to the review of Council:

- (1) **Performance Bond:** A performance or surety bond sufficient to cover the full cost of the contemplated improvements, as estimated by the Subdivider's or Developer's Engineer and as approved by the City Engineer, and payable to the City of Franklin, shall be filed with the Finance Director to assure satisfactory installation of said improvements in accordance with these regulations. Such bond shall specify the time period in which the improvements are

to be completed and shall be with an acceptable bonding company authorized to do business in Ohio by the Secretary of State.

- (2) **Escrow Fund:** The Subdivider or Developer may enter into an escrow agreement with the City, and may deposit in a financial institution, as approved by the City's Finance Director, a sum equal to the total estimated cost of the contemplated improvements, to be held in escrow for the estimated time period necessary to complete the required public improvements, to guarantee the satisfactory completion of said improvements within the required time. The escrow agreement may provide for the making of payments from such funds, from time to time, upon the written certification of the City Engineer that the balance remaining in the fund after such payments will, in his opinion, be adequate to pay the remaining costs of any unfinished improvements.
 - (3) **Deposit with the City:** A cash deposit or certified check sufficient to cover the full cost of the contemplated improvements, as estimated by the Subdivider's or Developer's Engineer and as approved by the City Engineer, may be deposited with the Finance Director. In the case of either cash deposits or certified checks, an agreement between the City and the Subdivider or Developer may provide for progressive payments out of the cash deposit or reduction of the certified check from time to time, upon the written certification of the City Engineer that the balance of funds remaining after such payments will, in his opinion, be adequate to pay the remaining costs of any unfinished improvements.
- (f) **Required Public Improvements:** Every Major Subdivision, PUD, PCRD or other development to which this Chapter applies shall be required to provide complete public utilities, including water, sanitary sewers and storm sewers, and full street improvements, including street paving, curbs, gutters, street trees, street lighting, and sidewalks. The Subdivider or Developer shall be responsible, at his own cost, for making application for and obtaining all necessary permits and approvals from the Ohio EPA. The minimum standards for required public improvements shall be as follows:
- (1) **Water:** A public water system containing an eight-inch minimum supply line, fire hydrants, valves and other water system appurtenances shall be constructed. The Subdivider or Developer shall provide the subdivision or development with a complete loop type water distribution system, unless otherwise directed by the City. The system shall be adequate to serve the area being platted or developed, shall include a connection for each lot, and shall include appropriately spaced fire hydrants in accordance with the requirements of the City of Franklin. The entire water system shall be designed to meet the approval of the City.
 - (2) **Sanitary Sewers:** A public sanitary sewer system containing an eight-inch minimum size pipe shall be constructed and the sewer size, grade and other appurtenances of the system shall be constructed in conformity with the requirements of the City Engineer. The Subdivider or Developer shall provide the subdivision or development with a complete sanitary sewer connected with such sewer main, including a lateral connection for each lot. Where a public sanitary main is not reasonably accessible, in the opinion of the Planning Commission, proper

provisions shall be made for the disposal of sanitary wastes by one or the other of the following methods, as the case may be:

- A. In the case of a subdivision or development in which the average size of lots is less than two acres, the subdivision shall be provided with a complete sewer system, including a lateral connection for each lot, and a community sewage treatment plant of a type meeting the approval of the City Engineer and the Health Commissioner. The right of the City to charge the actual cost of operating and maintaining such treatment plant shall be filed with the final or record plat and incorporated in each deed. B. In the case of a subdivision or development in which the average size of lots is two acres or more in area, and where the City Engineer and Health Commissioner deem it appropriate, based on soil and other conditions as determined by percolation and other tests, private restrictions shall be filed with the final or record plat or deed(s) calling for the installation on each lot of an individual sewage disposal system meeting fully the requirements of the officials having jurisdiction.

(3) **Storm Sewers:** A storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts and other necessary appurtenances shall be required and constructed in conformity with the Stormwater Design Requirements and Standards of this UDO. The Subdivider or Developer shall provide the subdivision or development with a storm water sewer or drainage system adequate to serve the area being platted or developed.

- A. All natural water drainage ways shall be preserved at their natural gradient unless otherwise determined by the Planning Commission upon recommendation from the City Engineer.
- B. All lots shall be finish graded so that all storm waters shall drain easily from the site.

(4) **Streets:** Full street improvements, including adequate subgrade preparation, hard surfacing, curbs and gutters shall be required in every subdivision and development, as applicable, in conformity with the construction standards of the City Engineer. The minimum standards for such street improvement shall be as follows:

A. *Street Surfacing:* Streets shall be fully constructed with all-weather macadam or concrete pavements surfaced with asphaltic or Portland cement concrete wearing surfaces, concrete curbs and gutters with tile underdrain and porous backfill and proper storm drains and inlets.

B. *Street Surfacing Width:* Minimum street surfacing widths shall be as follows:

<u>Classification</u>	<u>To Backs of Curbs (in Feet)</u>
Minor streets	35
Neighborhood collector streets	41
Major streets	52

**Added street pavement width may be required by the Planning Commission for minor streets which are designed to serve high density residential developments and commercial or industrial subdivisions.

- C. *Curbs and Gutters*: Curbs and gutters of a type approved by the City Engineer shall be provided for all streets within each subdivision or development, provided, however, that curbs and gutters shall not be required in subdivisions/developments in which the Planning Commission, pursuant to section 1109.06, has waived permanently or conditionally the necessity of sidewalks.
- D. *Street Islands and Boulevards*: Where the Subdivider or Developer proposes boulevard streets and/or street islands in his street layout, he shall make suitable plans for landscaping the boulevard or island areas. All such landscaping plans shall be approved as to height, size and type of plant material by the Zoning Official and City Engineer.
- E. *Sidewalks and Crosswalks*: Each subdivision or development shall provide concrete sidewalks five feet (5') in width on both sides of the street, in accordance with the City Engineer's specifications. The Planning Commission may reduce the requirement to four feet (4') where, in its judgment, such improvement will adequately serve the pedestrian needs of the subdivision or development. Crosswalks, where required, shall have a five foot (5') paving width centered within the required ten foot (10') public right of way.
- F. *Alleys*: Alleys, where permitted, shall be paved in concrete or other bituminous material in accordance with specifications approved by the City Engineer.
- G. *Street Trees*: Street trees shall be required in each subdivision or development of a type, size and location as specified by the City.
- H. *Monuments*: Monuments shall be placed at all block corners, angle points and points of curves in streets and at such other points as required by the City Engineer.
- I. *Street Lights*: Standard street lights shall be installed at street intersections and at such other locations as may be required to maintain minimum standards of public safety. If the Subdivider or Developer choose to install fixture types other than the standard fixture type, he shall place a covenant on each lot in the subdivision or development stating that said lots shall be a part of a special street lighting district, and that the owners of said lots shall collectively be responsible for the payment of the maintenance and replacement of said lights. Such costs shall be the difference between the cost of maintenance and replacement of standard street lights and the alternative lights installed, and said costs shall be divided equally among all the owners in the special district and shall be added on a monthly basis to their City utility bill. In the case of a condominium development, the Developer shall place within the condominium documents and the Homeowners Association bylaws that the Homeowners Association shall be responsible for the cost of the maintenance and replacements of said lights, which costs shall be billed on a monthly basis to the Homeowners Association.
- J. *Street Name Signs*: The City will erect the necessary street and traffic sign, and the Subdivider or Developer shall reimburse the City for the cost thereof. The City shall install the standard street name signs, unless the Subdivider or Developer requests the installation of street name signs of a

character or design which reflects the particular characteristics of the subdivision or development, and agrees to pay the cost thereof. Such special signing arrangements may be approved by the Planning Commission.

- K. *Electric and Telephone Lines:* Where it is necessary to locate electric or telephone lines in the street right-of-way, they shall be located in accordance with the City's right-of-way ordinance and/or as directed by the City Engineer.
- (g) Required Buffering: Landscape planting, louvered fences for screening, or other suitable landscape treatment shall be required by the Planning Commission and installed by the Developer within required greenbelts, buffer parks or other open spaces where Planning Commission finds it necessary to protect the development from the detrimental effects of adjacent expressways, major streets, railroads or other land uses. Such landscape plans should be indicated on the Subdivider's or Developer's construction plans and shall be approved by the Planning Commission after review by the Zoning Official and City Engineer.
- (h) Modifications and Conditions:
- (1) Where the Planning Commission finds that strict compliance with the minimum improvement requirements provided for in this chapter results in extraordinary hardship or costs being imposed upon a particular subdivision, PUD, PRCD or other development, it may vary these improvement regulations so that substantial justice may be done and the public interest secured.
 - (2) In granting modifications of these requirements, the Planning Commission may require such conditions as will, in its judgment, secure the objectives of the standards or requirements so varied or modified.
- (i) Penalty for Non-Completion: Should the Subdivider or Developer fail to complete the required public improvement work within the time period required by the conditions of the guarantees as outlined above, the City shall proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit, certified check or surety bond, or shall take the necessary steps to require performance by the bonding company.

1111.04 Parkland Requirements and Standards

- (a) Findings; Parkland Standard: It is found and determined that the public health, safety, convenience, comfort, prosperity and general welfare requires that at least seventeen (17) acres of property for each one thousand (1,000) persons residing within the City of Franklin, Ohio be devoted to parkland, and the same is hereby established as the parkland standard for all purposes of this UDO. The parkland standard utilized was determined by computing the approximate existing ratio of parkland to population within the City of Franklin.
- (b) Statement of Policy: With respect to Major Subdivisions and Planned Unit Overlay District developments, at least eight and one-half (8½) acres of property for each 1,000 persons (.0085 acres per person) should be reserved for parkland by or at the expense of the subdivider or developer of the dwellings in which such persons shall reside, and the remainder of the seventeen-acre standard established in this Section shall be acquired for such purposes by the City. All parkland reserved or acquired shall be developed and maintained by the City.
- (c) Adoption of Park Plan: Council may adopt a plan for the parks and other public grounds of the City, which may constitute a part of the Comprehensive Development Plan and which shall provide a guide for the orderly acquisition of parkland within the City, in accordance with the parkland standard set forth in this Section, the criteria set forth in this Section and such other criteria as Council may deem appropriate to accomplish the purposes of this Section.
- (d) Provision of Parkland by Subdividers or Developers: Every Subdivider or Developer who files any proposal, plan or plat for a Major Subdivision or a PUD Development of land within the City after the effective date of this UDO, who has not theretofore filed any preliminary plat or plan with respect to such subdivision or development, shall either dedicate a portion of such land, pay a fee in lieu of land dedication, or dedicate land and pay a fee in lieu of land dedication, all as provided in this section, for the purpose of providing parkland to serve future residents of each subdivision or development.
- (e) Determination of Total Population:
 - (1) **Population Factor:** For the purposes of this Section, a population factor for each dwelling unit planned for a subdivision or development shall be determined as follows:

<u>Residential Dwelling Type</u>	<u>Population Factor Per Dwelling Unit</u>
Single-Family	3.25
Two-Family	2.50
Three-Family	2.00
Multi-Family	
Unit (restricted to one tenant)	1.00
All other units	1.75
 - (2) **Total Population:** Total population for any subdivision or development shall equal the sum of the population factors of all dwelling units to be included in the subdivision or development. For the purposes of this Section, the Planning Commission shall determine the number and types of dwellings to be included in any

subdivision or development on the basis of such relevant information as it may have or be able to obtain to show the same, including, without limitation, any plans, estimates or statements of intention furnished by the Subdivider or Developer relating to the proposed improvement of the subdivision or development, the nature and topography of the land involved and the nature and kind of improvements actually planned or probable thereon.

(f) Determination of Land Dedication or Payment of Fee for Provision of Parkland:

(1) **Determination by Planning Commission:** The Planning Commission shall determine, subject to the approval of Council, whether a Subdivider or Developer shall dedicate land, pay a fee in lieu of dedication, or provide a combination of land dedication and fee payment. In addition, Planning Commission may, subject to the approval of Council,

- A. Require the dedication of a public area, in an amount up to five percent (5%) of the gross area of the proposed subdivision or development as a condition of approval of that subdivision or development, where a proposed neighborhood park, playground, recreation area, school site or other public use, as shown on the Comprehensive Development Plan, is located in whole or in part in a subdivision or development.
- B. Require the dedication of greenbelts or buffer parks in areas where they are desirable to separate and protect residential subdivisions or developments from adjacent commercial developments, express highways, major streets and railroad rights of way.
- C. Require the dedication or reservation of other public open spaces where deemed necessary by the Planning Commission for preservation of historic sites and scenic areas or for a particular type of development proposed in the subdivision or development, but not anticipated in the Comprehensive Development Plan.

(2) **Procedure:** In making the determination of land dedication or payment of fee, or combination thereof, for the provision of parkland, the following procedures shall apply:

- A. *Contents of Filings:* At the time of the filing of a Preliminary Plat or Development Plan, each Subdivider or Developer shall, as a part of such filing, submit a calculation of the total population of the subdivision or development, in accordance with section 1111.04(e), and indicate whether he wishes to dedicate land as parkland, to pay a fee in lieu of dedication, or to meet the requirements of this Section by a combination of parkland dedication and fee payment.
- B. *Planning Commission Determination:* After the Planning Commission has reviewed the Preliminary Plat or Development Plan, it shall determine whether the wishes of the Subdivider or Developer to dedicate land, pay a fee, or provide a combination thereof, are acceptable. If such wishes are acceptable, Planning Commission shall recommend to Council that Council accept the dedication of land, the payment of a fees, or a combination thereof, as proposed by the Subdivider or Developer. If Planning Commission deems such wishes unacceptable, it shall recommend an alternative course of action to the Subdivider or Developer. If the

Subdivider or the Developer rejects Planning Commission's alternative, upon presentation, Council shall determine whether to accept the Subdivider's or Developer's wishes, or Planning Commission's recommendation, or some other alternative.

- C. *Location:* If the Subdivider or Developer desires to dedicate land, he shall indicate the area he desires to dedicate on the Preliminary Plat or Development Plan. The location of such parkland shall be reviewed by Planning Commission to determine if it meets the criteria of this Section. If Planning Commission determines that the proposed location of the area to be dedicated is acceptable, it shall recommend to Council that Council accept the dedication of land as proposed. If Planning Commission deems that such location is unacceptable, it shall recommend an alternative location to the Subdivider or Developer. If the Subdivider or Developer rejects Planning Commission's alternative, upon presentation, Council shall determine whether to accept the Subdivider's or Developer's proposed location, or Planning Commission's recommendation, or some other alternative.
- D. *Reclamation; Adverse Effects of Development:* If, in the opinion of Council, or upon the recommendation of Planning Commission, any portion of land proposed for dedication has been, or will be, adversely affected by the operations of the Subdivider or Developer, and such land or portion thereof will require reclamation in order to render it suitable for parkland, Council may require the Subdivider or Developer to furnish a plan for such reclamation. The Planning Commission and Council shall seek the advice of the City Engineer or other professional, as it deems proper, with respect to any such plan, and shall determine, on the basis of such advice, whether such plan is acceptable in view of the purposes of this Section. If such plan is deemed acceptable, the Subdivider or Developer shall implement such plan in accordance with a timetable approved by Planning Commission. The City may, without prejudicing any rights the City may have in law or in equity, deny approval of a Final Plat or Development Plan for non-compliance with a previously approved reclamation plan or timetable approved by Council.
- E. *Criteria:* In making its determination, Planning Commission and Council shall utilize the following criteria:
 - (i) *Unity.* Dedicated land must form a single parcel of land, except in the event that the Planning Commission or Council determines that two or more parcels would be in the best public interest or in the event that the parcel adjoins an existing or proposed park.
 - (ii) *Shape and Topography.* The shape and topography of the dedicated parcel of land shall be suitable for active and/or passive recreation to serve the public properly as determined by Council after review by the Planning Commission.
 - (iii) *Location.* Dedicated land must be located in order to serve the recreation and open space needs of the subdivision or development for which the dedication is being made.

- (iv) Access. Public access and maintenance access shall be provided by adjoining frontage of one hundred or more feet (100') per acre at one location on a public street with street improvements, sidewalks and utilities installed by and at the expense of the Subdivider or Developer, or by public walkways installed by and at the expense of the Subdivider and Developer, unless otherwise recommended by Planning Commission and approved by Council. Frontage shall be increased by at least forty feet (40') for each acre of parkland beyond one acre.
- (v) Preservation of Natural Beauty. In all instances, natural features of scenic beauty, such as trees, plant life, brooks and other watercourses, topography, historic locations, views and similar conditions, which, if preserved, will add attractiveness and value to the dedicated land, shall be considered and preserved in the dedication of parkland.

(g) Amount of Land to be Dedicated: The amount of land to be dedicated by a subdivider or developer pursuant to this Section shall be determined in accordance with the following formula:

$$\begin{array}{l} \text{Acres of land} \\ \text{for dedication} \end{array} = \begin{array}{l} \text{Total population} \\ \text{as determined in} \\ \text{accordance with} \\ \text{paragraph (e), above} \end{array} \times .0085$$

(h) Determination of Fee in Lieu of Dedication: In the event Planning Commission recommends or Council determines that the Subdivider or Developer should pay a fee in lieu of land dedication, the amount of such fee shall be determined by the following formula:

$$\begin{array}{l} \text{Fee in lieu of} \\ \text{land dedication} \end{array} = \begin{array}{l} \text{Land area that} \\ \text{would otherwise be} \\ \text{required for} \\ \text{dedication pursuant} \\ \text{to paragraph (g), above} \end{array} \times \begin{array}{l} \text{Market Value} \\ \text{as determined} \\ \text{pursuant to} \\ \text{paragraph (i),} \\ \text{below} \end{array}$$

(i) Determination of Market Value: For the purposes of this Section, market value shall be determined as follows:

- (1) **Time for Determination:** Market value shall be determined as of the time of filing of the Final Plat or Development Plan, or the Construction Plans of the first section of an approved subdivision or development plan with the City.
- (2) **Method of Determination:** Market value shall equal the average value per acre of all land in each subdivision or development in its raw, undeveloped state, plus one-half (1/2) the cost of installation of four hundred feet (400') of public street, sidewalk and utility improvements in the subdivision or development for the first five (5) acres of park area, plus forty feet (40') of public street, sidewalk and utility improvements for each additional acre, as determined by the application of one of the following procedures:
 - A. By agreement between the Subdivider or Developer and the Council, which may include appraisal by a qualified independent appraiser paid for by the Subdivider or Developer and approved by Council; or

- B. In the event the Subdivider or Developer objects to the foregoing method or valuation, by a three-member board of appraisers, one of whom shall be appointed by Council, one of whom shall be appointed by the Subdivider or Developer, and one of whom shall be selected by the two appraisers so appointed. The City shall pay for the appraiser appointed by Council, the Subdivider or Developer shall pay for the appraiser appointed by him, and the City and the Subdivider or Developer shall split the cost of the third appraiser. The decision of a majority of such board shall be final.
- (j) Public Park Development and Maintenance: Public park development and maintenance shall be provided by the City.
- (k) Credit for Private Open Space:
- (1) **Allowance of Credit**: In the event that a Subdivider or Developer provides private open space for park purposes and such space is to be privately owned and maintained by the future residents of the subdivision or development, or by the Subdivider or Developer, and in the event Council, upon the recommendation of Planning Commission, determines that such private open space adequately fulfills a portion of the park needs of the proposed subdivision or development, the market value of such areas, as determined in paragraph (i), above, shall be credited against the land dedication or fee in lieu of dedication of land requirements of this section.
 - (2) **Maximum Credit**: Such credit shall be allowed only up to a maximum of one-half (1/2) of the total required land dedication or fee in lieu of dedication requirement. The remaining one-half (1/2) shall be provided in accordance with the requirements of this Section.
 - (3) **Standards and Limitations**: Notwithstanding subsections (1) and (2), hereof, the credit for private open space shall be allowed only if all of the following standards are met:
 - A. Yards, court areas, setbacks and other such open areas required to be maintained by this UDO shall not be included in the computation of such private open space;
 - B. Private ownership, development and maintenance of the private open space shall be assured by valid and enforceable undertakings on the part of the Subdivider or Developer;
 - C. The use of the private open space is restricted for park purposes by recorded covenants that run with the land in favor of the future owners of the property within the subdivision or development, and which cannot by their terms be defeated or eliminated without the consent of Council;
 - D. The proposed private open space is reasonably adaptable for park uses, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and
 - E. Facilities proposed for the private open space can be reasonably expected to meet the needs of future residents.

- (l) Treatment of Land to be Dedicated; Procedure for Dedication of Land and Payment of Fees:
 - (1) Following approval of a Preliminary Plat, Final Plat or Development Plan which designates land for dedication, the existing vegetation (except growing commercial crops other than growing timber), topography, features of historic value, stream courses, soil, rock strata and other natural features of such dedicated land shall not be altered or their condition adversely affected in any way without the consent of Council.
 - (2) Dedication of land to the City shall be by general warranty deed conveying to the City good and marketable title to the real estate described in such deed, free and clear of all liens and encumbrances.
 - A. The deed shall be executed and delivered to the City for signatures, and shall be recorded by the Subdivider or Developer with the Warren County Recorder, prior to the signing by the City of the Final Plat or Development Plan, prior to the signing of Construction Plans of the first section of an approved Final Plat or Development Plan, or prior to the issuance by the City of any permit allowing implementation of an approved Plat or Development Plan.
 - B. Open space covenants for private parks shall be submitted to the City, for review by the Law Director, prior to the approval of the Final Plat or Development Plan and shall be recorded at the same time as the Final Plat or Development Plan. No City permits allowing for the implementation of any Plat or Development Plan shall be issued until the open space covenants have been approved by Council and recorded with the Final Plat or Development Plan.
 - (3) If a fee in lieu of dedication of parkland is required, the amount thereof shall be deposited with the City prior to the signing by the City of the Final Plat or Development Plan, prior to the signing of Construction Plans of the first section of an approved Final Plat or Development Plan, or prior to the issuance by the City of any permit allowing implementation of an approved Plat or Development Plan.
 - (4) Where a Subdivision or Development is being developed in sections, Council, in its sole discretion, may follow one of the following options:
 - A. When land is being dedicated, Council may permit the subdivider or developer to place the deed to the parkland in escrow for later delivery to the City at the time of approval of the final section or Construction Plans for the final section; however, if any Construction Plans or other drawings are submitted for approval that includes or has a boundary contiguous with the proposed park, the deed (whether in escrow or not) transferring the parkland to the City shall be recorded prior to the signing by the City of the final plans or plat.
 - B. When a fee is being paid in lieu of dedication, Council may permit the subdivider or developer to pay only a proportionate amount of the total fee, which shall be proportionate to the section being developed. In this case, proportionate shall mean that the total amount of the fee to be paid shall be divided by the total number of all proposed dwellings within the entire subdivision or development, and the resultant dollar

amount shall be multiplied by the number of dwelling units in the section to be developed.

(m) Amendments of Approved Plats or Development Plans.

- (1) Any amendment of an approved Plat or Development Plan which, under the provisions of this section, increases the requirement for parkland dedication or payment of a fee in lieu of dedication shall require that such increased parkland be dedicated or that such fee in lieu of dedication be paid by the Subdivider or Developer in compliance with the requirements of this Section.
- (2) Any amendment of an approved Plat or Development Plan which, under the provisions of this section, decreases the requirement for parkland dedication or payment of a fee in lieu of dedication shall not require the deeding by the City of any previously dedicated parkland back to the Subdivider or Developer, the alteration of any deed placed in escrow or any escrow agreement that was a requirement of this section, or the repayment to the Subdivider or Developer of any fee in lieu of dedication already paid by the Subdivider or Developer to the City.

(n) Limitation on Use of Land and Fees. Any land or fees received by the City pursuant to this Section shall be used only for the purpose of providing parkland to properly serve the future residents of the subdivision or development concerned. Fees paid pursuant to this Section shall be deposited in a City fund to be used only for the acquisition of parkland in the City or adjacent to the City, or for the maintenance, upkeep and operation of existing City parks. "Operation" may include general operating expenditures including, but not limited to, salaries and wages.

(o) Modifications and Conditions:

- (1) Notwithstanding any provision of this Section to the contrary, Council may, in cases of an unusual or exceptional nature, allow for modifications in the parkland dedication and fee in lieu of dedication requirements and standards of this Section. Modifications may be allowed when, in the opinion of Council, it has been determined and satisfactorily shown that the character of the particular subdivision or development and the parkland needs generated by and associated with any subdivision or development sufficiently justify such modifications.
- (2) In granting modifications of these requirements, Council may require such conditions as will, in its judgment, secure the objectives of the standards or requirements so varied or modified.

(p) Severability: It is hereby declared that if any provision or provisions of this Section are declared by a court of competent jurisdiction to be invalid or ineffective, in whole or in part, all other provisions of this Section and of this UDO shall continue to be separate and fully effective and enforceable. It is further declared that if the application of any provision or provisions of this Section thereof to any lot, parcel or tract of land are declared by a court of competent jurisdiction to be invalid or ineffective or are declared to be inapplicable to any person or situation, in whole or in part, the application of any such provision or provisions to any other persons or situations shall not be affected.

1111.05 Stormwater and Drainage Requirements and Standards

- (a) Intent: The intent of this Section is to protect the land and water resources of City of Franklin by establishing standards to achieve a level of soil erosion and stormwater control that will minimize and abate degradation of land and water resources and damage to public and private property resulting from earth disturbing activities. In addition these regulations further intend to:
- (1) Assure that those involved in earth-disturbing activities minimize both soil erosion and the volume and rate of stormwater runoff from their sites.
 - (2) Preserve to the extent practicable the natural drainage characteristics of the site and minimize the need to construct, repair, and replace enclosed, subsurface storm drain systems.
 - (3) Assure that stormwater controls are incorporated into site planning and design at the earliest possible stage and that all stormwater management practices are properly designed, constructed, and maintained.
 - (4) Prevent unnecessary stripping of vegetation and loss of soil and to promptly re-vegetate and stabilize the site following earth disturbing activities.
 - (5) Reduce the need for costly maintenance and repairs to roads, embankments, ditches, water resources, wetlands, and stormwater management practices.
 - (6) Encourage the construction of stormwater management practices that serve multiple purposes such as flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.
 - (7) Preserve to the maximum extent practicable natural infiltration and groundwater recharge.
- (b) Scope: Any person or persons proposing to develop or redevelop land within the City of Franklin for any of the uses listed below shall design, develop, and submit a Site Development Plan as described in section 1111.05(i). This plan will be evaluated to determine the potential for erosion, runoff, and sedimentation impacts that may result from such development activities and the need for submission of a Stormwater Management Plan (SMP) described in section 1111.05(j), to minimize these impacts.
- (1) This Section shall apply to both the development and redevelopment of land proposed for the following:
 - A. Residential, institutional, commercial, office, and industrial purposes, including subdivision and land development proposals for non-agricultural uses in rural areas.
 - B. Recreational facilities, non-agricultural water impoundments and waterway construction or improvement.
 - C. Public infrastructure uses, including transportation and utilities.
 - D. Any earth disturbing activity within critical and sensitive natural areas, including floodplains, highly erodible lands (HEL) and wetlands.

- (2) This Section does not apply to earth disturbing activities associated with agricultural activities. No earth disturbing activity subject to regulation under this Section shall be undertaken for any land proposed for development or redevelopment for uses specified above without an approved 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). Final approval of a proposed development or redevelopment shall not be given unless:
- A. A determination is made by the City Engineer or his authorized agent(s) based on submission of a Site Development Plan that the proposed earth disturbing activity will not cause accelerated runoff, erosion, and/or sediment impacts harmful to the quality of off-site lands and waters, and
 - B. A SMP has been approved by the City Engineer after determining that the proposed earth disturbing activity will not cause accelerated runoff, erosion, and/or sediment impacts harmful to the quality of off-site lands and waters.
- (3) Any person or persons seeking approval for an earth disturbing activity listed below shall prepare a SMP as described in 1111.05(j) of this section.
- A. Activities disturbing greater than or equal to one (1) acre, or less than one (1) acre, if part of a larger common plan of development or sale.
 - B. Activities that require the extension of public utilities (roadways, water mains, sanitary sewer mains, storm sewers, etc.).
 - C. Activities that will modify an existing and/or approved drainage way, drainage structure, and/or drainage easement.
 - D. Activities that will channel, straighten, and/or modify a watercourse within the identified 100-year floodplain (studied and unstudied).
- (4) Any person or persons seeking approval to construct a structure shall be exempted from having to prepare a Site Development Plan and a SMP provided they submit a written request for exemption to the City Engineer and said request meets all of the following:
- A. Construction takes place on one parcel.
 - B. The earth disturbing activity does not affect more than ten thousand square feet (10,000 sq. ft.) of the development site at one time.
 - C. Is not located within one hundred feet (100') of a sensitive natural area.
 - D. Earth disturbing activities will not modify the general existing site drainage pattern(s), drainage structure, drainage tiles, drainage easements, etc.
 - E. One or both of the following:
 - (i) Specifications are obtained and followed for controlling potential off-site stormwater and erosion impacts from small lot building sites set forth by the City and/or its authorized agent(s).
 - (ii) The parcel is part of an overall development plan which has received approval of a SMP and the builder certifies that they will comply with said Plan.

- F. The request for an exemption shall be in writing and shall include sufficient detail to determine that granting an exemption will not be detrimental to abutting properties or to the drainage system.
- G. Exemption under this Section does not exempt any person or persons from other provisions of this Section or liability from their activities.

(c) Performance Standards:

- (1) **All Erosion and Sediment Kept on Site:** Erosion and sedimentation caused by accelerated wind or stormwater runoff over the site due to earth disturbing activities shall be stabilized and confined to within the boundaries of the development site.
- (2) **Discharge of Untreated Stormwater:** To the maximum extent practicable the site shall not discharge untreated stormwater directly into a receiving body of water.
- (3) **Structural and Nonstructural Best Management Practices:**
 - A. Nonstructural stormwater management practices shall be used to the maximum extent practicable. Such practices may include, but not be limited to, preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction, and designation of tree preservation areas.
 - B. Nonstructural and structural stormwater management practices shall be designed in accordance with requirements and standards specified in this Section and/or by the authorized agent(s).
 - C. Structural and nonstructural stormwater management practices shall be placed in easements, if necessary, and recorded on the property deeds on which they are located and shall remain unaltered unless first approved by the City Engineer.
 - D. Post-construction BMPs, based on the Ohio EPA's *Construction Stormwater General Permit* and the Ohio DNR's *Rainwater and Land Development Manual* are to be provided when applicable.
- (4) **Stream and Wetland Riparian Buffers:** The site owner and/or applicant shall leave an undisturbed riparian buffer on both sides of and/or surrounding water resources, except for crossings and other riparian area and wetland impacts approved by the City Engineer or other authorized agent. Buffer width will be determined on a case-by-case basis using criteria such as floodplain, topography, vegetative cover, canopy cover, and soil types, etc.
- (5) **Channel Protection:** To protect stream channels from degradation a specific channel protection criteria shall be provided as prescribed in the latest edition of the Ohio DNR's *Rainwater and Land Development Manual*.
- (6) **Temporary Stabilization of Disturbed Areas and Soil Stockpiles:** A temporary vegetative cover shall be established on disturbed areas as specified in **Table 1**, below.
 - A. Application practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Soil stabilization measures should be appropriate for the time of year, site conditions and estimated time of use.
 - B. Topsoil removed shall be stored on site and shall be stabilized with quick growing plants or other means, so that it is protected from wind and water erosion. Topsoil shall be

maintained in a usable condition for sustaining vegetation and reused on the site.

- (7) **Permanent Stabilization:** A permanent vegetative cover shall be established on disturbed areas as specified in **Table 2**, below. Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion and will survive severe weather conditions.
- (8) **Cut And Fill Slopes:** Cut and fill slopes shall be designed, constructed and stabilized in a manner which will minimize erosion. Consideration should be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. If after final grading excessive erosion takes place, additional slope stabilizing measures by the owner, developer or builder will be required until the problem is corrected. The following guidelines are provided to aid in developing an adequate design.
 - A. Roughened soil surfaces are generally preferred to smooth surfaces on slopes.
 - B. Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.
 - C. Concentrated stormwater should not be allowed to flow down cut or fill slopes unless contained within an adequate channel, flume or slope drain structure, with materials resistant to erosion.
 - D. Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.
- (9) **Protection of Adjacent Properties/Public Right-of-Ways:** Properties, public right-of-ways, and thoroughfares adjacent to the site of an earth disturbing activity shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer at the perimeter of the site, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins, or by a combination of such measures.
- (10) **Sediment Control Structures:** Sediment control structures shall be used to control erosion and trap sediment on a site. Such structures may include, but are not limited to, silt fences, storm drain inlet protection, sediment basins and diversions or channels which direct runoff to a sediment basin. All sediment control practices must be capable of ponding and/or filtering runoff in order to be considered functional. Sediment control structures shall be constructed as a first step in grading and be made functional before upslope earth disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched as soon as the installation is complete. Sediment control structures shall be functional throughout the course of earth disturbing activity and until the site is stabilized with permanent vegetation. Sheet flow runoff from the site shall be intercepted by silt fence or diversions. Silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage areas to silt fence for a particular slope range is shown in **Table 3**, below. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas

up to ten (10) acres. Whenever stormwater detention is required the stormwater runoff from the site shall pass through a sediment basin or other suitable sediment trapping facility before discharge to a receiving water body. The authorized agent(s) may require sediment basins or traps for smaller disturbed areas where deemed necessary.

- (11) **Stabilization Of Waterways And Outlets:** All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow without erosion. Methods adequate to prevent erosion shall also be provided at the outlets of all pipes and paved channels.
- (12) **Storm Sewer Inlet Protection:** All storm sewer inlets shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- (13) **Working In or Crossing Watercourses:** All activities shall be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall be restored to its original cross-section and all disturbed area stabilized immediately after in-channel work is completed. Where a watercourse will be crossed regularly during construction, a temporary stream crossing shall be provided, used for the shortest period practical, removed following site construction, and restored as described in this Section.
- (14) **Maintenance and Removal of Temporary Measures:** All temporary erosion and sediment control practices shall be maintained and repaired to assure continued performance. All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall have the final grade re-established and be permanently stabilized to prevent further erosion and sedimentation.
- (15) **Control Of Construction Site Debris and Wastes:** All owners, applicants, contractors and developers shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste on construction sites and shall keep streets and gutters clear of all sediment and debris from the site.
- (16) **Use, Safety, and Maintenance of Stormwater Practices:** Stormwater management practices shall be designed for the ultimate use of the site and function safely and with minimal maintenance. If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
- (17) **Inspection of Stormwater Controls:** All on-site control practices shall be periodically inspected to ensure proper function and to identify failures. On- and off-site discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters. Detailed records of inspections shall be maintained for three (3) years following the final stabilization of the site.

- (18) **Accessibility and Easements:** All permanent stormwater management measures shall have easements sufficient to cover the facility, if necessary, and to provide access for inspection and maintenance.
- (19) **Status of Standards:** The standards identified in this Section are general guidelines. Each application shall be reviewed on a case by case basis and some may require additional and more stringent requirements, while others may have individual requirements waived or not waived by the City Engineer or other authorized agent.

TABLE 1: Temporary Stabilization

Area Requiring Temporary Stabilization	Time Frame To Apply Erosion Controls
Any disturbed area not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 21 days.
For all construction activities, any disturbed area, including soil stockpiles that will be dormant for more than 21 days but less than one year.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter.	Prior to onset of winter weather.

TABLE 2: Permanent Stabilization

Area Requiring Permanent Stabilization	Time Frame To Apply Erosion Controls
Any area that will lie dormant for 6 months or more.	Within 7 days of the most recent disturbance.
Any area at final grade.	Immediately after reaching final grade within that area.

TABLE 3: Maximum Drainage Area to Silt Fence

Maximum Drainage Area (In Acres) To 100 Linear Feet Of Silt Fence	Range Of Slope For A Particular Drainage Area (Percent)
0.5	<2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

(d) Construction Standards:(1) **Storm Sewers:**

- A. *Size of Sewer.* The size of the sewer shall be determined on the basis of the hydraulic gradient to provide adequate capacity for the computed run-off, using $n = 0.015$ for vitrified, concrete pipe, bituminous paved corrugated metal, and brick sewers; and $n = 0.013$ for monolithic concrete sewers. In no case shall the size be less than 12" in diameter.
- B. *Depth.* Minimum depth for storm sewers shall be planned to provide clearance for all utilities and to permit inlet leads to be laid on not less than two percent (2%) slope, with the invert of the inlet pipe at the manhole, no lower than the top of the bench wall.
- C. *Minimum and Maximum Velocities.* Velocities in storm sewer pipe, when flowing full at average peak flows, shall not be less than two and one-half feet (2.5') per second nor more than twelve feet (12') per second. For velocities greater than twelve feet (12') per second, special provisions shall be made to protect the sewer pipe against erosion and against displacement by shock or for checking the flow velocity.
- D. *Pipe Gradients.* The sewer pipe shall be laid on such gradients so that the flow-full velocities shall be kept within the foregoing stated minimum and maximum. The pipe sizes should be so selected as to avoid large differences in velocities between consecutive reaches.

(2) **Manholes:** Manholes shall be placed at:

- A. All sewer intersections and termini;
- B. All changes in sewer size, alignment and slope;
- C. All points where inlets are to be connected; and
- D. At intermediate intervals, as required for maintenance, but not to exceed four hundred feet (400').

(3) **Catch Basins/Inlets:**

- A. *Capacity.* The capacity of the inlet should not be less than the quantity of flow tributary to the inlet. Inlets at low points or grade pockets should have extra capacity as a safeguard for flooding from flows in excess of design flows. Special inlets may be required for streets with steep gradients to provide the extra capacity such situations require.
- B. *Depth.* The desirable minimum depth of a terminal inlet shall be three feet (3') from the inlet top to the invert of the outlet pipe. Any inlets having a depth in excess of five feet (5') shall be provided with manhole-type steps. Wing-wall and ditch-type inlets shall be used where required to drain storm water from watercourses and drainage channels.
- C. *Location.* The inlets shall be so located that they pick up no more than 5.0 cfs, and this only when street grades do not exceed six percent (6%) on either side of the inlet, and when the maximum concentration of water on each side of the inlet does not exceed 2.5 cfs. Inlets shall be located upstream of all sidewalks at street intersections, crosswalks, driveways and roadways, in all pockets in streets, where a street grade flattens, and at intervals not greater than two-hundred fifty feet (250') in gutters.

- (4) **House and Building Downspouts and Sump Lines:** When a collector line, catch basin, or inlet is available at the front or rear of the property, the downspouts and sump line shall connect directly to the collector line, catch basin or inlet. When a collector line, catch basin, or inlet is not available, the downspouts and sump line shall discharge to the front or rear of the lot in such a manner that the terminus of the downspout or sump line is setback a minimum of fifteen (15) feet from the property line.
- (5) **Outfalls:**
- A. When a storm sewer system outfalls into a floodplain of any major watercourse, the outfall must not be subject to frequent floods or backwaters. Standard wing-walls with erosion control shall be constructed for all outfalls. Suitable baffles or other energy dissipaters shall be provided if determined to be necessary by the City Engineer.
- B. The invert of the first storm sewer appurtenance upstream of an outfall structure shall be above the twenty-five (25) year flood elevation.
- (6) **Specifications for Construction and Materials:** In all other respects, the materials and construction shall be as specified in Sections 603, 604, 706 and 707 of the State of Ohio Department of Transportation’s *Construction and Material Specifications*.
- (e) Stormwater Drainage Channel and Watercourse Standards:
- (1) **Stormwater Courses:**
- A. The Stormwater drainage system shall be adequate to handle run-off from the completely developed site as shown on the submitted plans for storms of the return frequencies cited below:
- (i) For all residential, commercial and industrial areas with drainage areas less than one (1) square mile – ten (10) year frequency.
- (ii) For concentrated high value districts and for all areas providing drainage flows in excess of the capacity of an eighty-four inch (84”) diameter pipe – twenty (25) year frequency.
- (iii) For main flood control channels – fifty (50) year frequency.
- The run-off computed from these storms shall be that from the development area and from all other tributary areas considered as fully developed in accordance with the Floodplain Overlay District and Zoning Map.
- B. To further protect buildings against flood damage, the lowest floor or opening elevation, whichever is lowest, shall be in accordance with the requirements of the flood damage prevention ordinance relative to the 100-year flood level.
- (2) **Drainage Channel Capacities:**
- A. Drainage channels shall be designed to carry the peak flows, as determined by the criteria in subsection (1), above, and using the “rational method,” outlined in subsection (n). Channel cross-section areas shall be determined by Mannings Formula, using the “n” valued listed in **Table 4**, below (taken from the latest edition of ODOT’s *Location and Design Manual*).

- B. When open drainage channel will require pavement lining to attain their ultimate design capacity, the earth sections of the drainage channel and its structure shall be designed and constructed to the ultimate design required. Lining shall not be required in the initial construction. All lining improvements shall be completed before the development proceeds to two-thirds (2/3) completion.
- (3) **Swales:**
 - A. Turfed or paved swales shall be permitted on development areas of one-half (1/2) acre or larger. They may be located at the rear of lots or along common property lines. The swale flow shall discharge into an open drainage channel or into an inlet-manhole. Inlet-manholes shall be provided with a paved apron and transition section to funnel the swale flow into the inlet. When the length of a swale in the rear of the lots exceeds the width of three (3) lots, an inlet and storm sewer are to be provided to collect the flow, and for every third lot as necessary for the overall length of the swale.
 - B. If an owner desires to eliminate a swale through his property, he shall first secure approval from the City Engineer along with a work permit for the installation of a yard drain of adequate capacity, with a sewer connection to a storm water sewer or drainage channel.
- (4) **Headwalls:** Standard headwalls and/or wing-walls shall be constructed for all culvert inlets and outlets in swales and at the outfall of all storm sewers.

TABLE 4: Channel Cross-Section Areas

Type of Lining	Roughness Coefficient
BARE EARTH	0.02
SEEDED	0.03
SOD	0.04
JUTE MATERIAL	0.04
EXCELSIOR MATERIAL	0.04
CONCRETE	0.15
BITUMINOUS	0.18
GROUND RIP-RAP	0.02
ROCK CHANNEL PROTECTION	0.06

- (f) **Retention Basins – Standards and Specifications:**
 - (1) **Definition and Scope:** These standards apply to permanent and temporary storm water run-off, sediment and debris basins formed by an embankment, an excavation or a combination of both. These standards are limited to the installation of basins on sites where:
 - A. Failure of the structure will not result in the loss of life, damage to homes, or interruption of use and/or service of public utilities (Soil Conservation Service Hazard, Class A);
 - B. Drainage area does not exceed two hundred (200) acres;
 - C. The water surface at the crest of the emergency spillway does not exceed five (5) acres.
 - (2) **Classes of Basins - Table 5:**
 - A. Height shall be measured from the low point of the original ground along the centerline of dam to the top of dam for Class A, and to the crest of emergency spillway for Classes B and C.

- B. Class A basins are to be used only where site conditions are such that it is impractical to construct an emergency spillway in undisturbed ground, and shall only be used as temporary structures.
- (3) **Basin Depth:** Wet-type basins shall have a normal depth of at least eight feet (8') to prevent stagnation.
- (4) **Run-Off and Sediment Capacity:**
 - A. The capacity of the run-off retention and sediment basin to the elevation of the pipe spillway crest shall be equal to the necessary volume to temporarily retain excessive storm water run-off and to permit a controlled rate of discharge as calculated by the methods in subsection (n), plus the volume of expected sediment yield from unprotected portions of the drainage area for a period of two (2) years. **Table 6**, below, shows the average annual sediment volumes that can be expected from unprotected disturbed areas.
 - B. Where unanticipated storm events or other conditions produce a sediment yield which reduces the basin's capacity to sixty percent (60%) or less of the designed capacity, the basin shall be cleaned out to its original capacity.
- (5) **Pipe Spillways:**
 - A. The pipe spillway will consist of a vertical pipe or box-type riser joined to a conduit which will extend through the embankment and outlet beyond the downstream toe of the embankment. The minimum diameter of the conduit shall be eight (8) inches.
 - B. The discharge conduit of wet-type basins shall be equipped with a means of obtaining complete drawdown of the basin.
 - C. In dry-type basins with a maximum water depth of four feet (4') or less, the discharge conduit may be connected to an outlet structure other than a riser pipe, such as a modified catch basin, upon approval by the City Engineer.
 - D. *Crest Elevation.* When used in combination with emergency spillways, the crest elevation of the riser shall be the head required to prime the pipe conduit, or one foot (1') below the control section of the emergency spillway, whichever is the least elevation. If no emergency spillway is provided, the crest elevation shall be at least three feet (3') below the settled elevation of the top of the embankment.
 - E. *Perforated Riser.* Metal pipe risers shall be perforated with one and one-half inch (1.5") diameter holes spaced vertically and horizontally around the pipe. The perforated portion of the riser shall extend down to the planned drawdown elevation and least one-half (1/2) the height of the riser. Box-type risers shall be ported or have some means for complete drainage down to the planned drawdown elevation within five (5) days.
 - F. *Anti-Vortex Device.* An anti-vortex device shall be installed at, and firmly attached to, the top of the riser. The anti-vortex device should be a vertical steel plate installed parallel with the pipe barrel. The minimum horizontal dimension shall be the diameter of the riser plus twelve inches (12"), and the minimum vertical dimension shall be equal to the diameter of the pipe barrel.

- G. *Base.* As a means of absorbing the energy of the falling water and of providing sufficient weight to prevent flotation of the riser, the riser shall be attached to a concrete base using a watertight connection.
 - H. *Trash Rack.* An approved trash rack shall be firmly attached to the top of the riser if the pipe spillway conveys twenty-five percent (25%) or more of the peak rate of run-off from the design storm.
 - I. *Anti-Seep Collars.* Anti-seep collars shall be installed around the pipe barrel for all installation where the height of the earth fill over the top of the pipe exceeds five feet (5'). The anti-seep collars and their connections to the pipe barrel shall be watertight. The maximum space between collars shall be fourteen (14) times the minimum projection of the collar measured perpendicular to the pipe. Collars shall normally extend two feet (2') outside the pipe, except for eight inch (8") pipe collars, which may be only four feet (4') square. The first collar should be located ten to twelve feet (10'- 12') downstream from the riser.
 - J. *Outlet Protection.* The pipe barrel shall outlet approximately at natural ground elevation beyond the downstream toe of the embankment, and protection against scour shall be provided. Protective measures may include rock rip-rap, paving, plunge pool, or the use of any other approved methods. Where a plunge pool is used, the pipe barrel must extend eight feet (8') downstream from the toe of the embankment.
- (6) **Emergency Spillways:**
- A. Emergency spillways shall be constructed for all Class B and Class C sediment basins (see Table 5). The emergency spillway cross-section will be trapezoidal with a minimum bottom width of four feet (4'). The steepest side slopes shall be 3:1.
 - B. For Class A sediment basins (see Table 5), the embankment will be used as an emergency spillway. The downstream slope of the embankment shall be at a ratio of five to one (5:1) or flatter, and the embankment must be immediately protected against erosion by sodding, rock rip-rap, asphalt coating, or other approved methods.
 - C. *Capacity.* The maximum capacity of the emergency spillway shall be that required to accommodate the peak rate of flow into the retention basin, as calculated in subsection (n), "Storage Requirements," minus the allowable capacity of the pipe spillway, as computed in subsection (n), "Discharge from Retention Basin."
 - D. *Velocities.* The maximum allowable velocity of the flow in the discharge channel shall comply with the maximum velocities outlined in subsection (e)(2) (See Table 4).
 - E. *Freeboard.* Freeboard is the difference between the design flow elevation of the emergency spillway and the top of the settled embankment. The minimum freeboard for all Class B and Class C basins (see Table 5) with less than one-hundred (100) acre drainage areas shall be one foot (1') above the water surface in the reservoir with the emergency spillway flowing at design depth, or three feet (3') above the emergency spillway crest elevation, whichever is greater. In

addition, a minimum fifteen foot (15') allowance for settlement will be added to the settled embankment elevation.

(7) Slope Requirements:

A. Embankments (Earth fill):

- (i) For Class A basins (see Table 5), the minimum top width shall be four feet (4'); the upstream slope shall be no steeper than a ratio of three to one (3:1); and the downstream slope shall be no steeper than five to one (5:1).
- (ii) For Class B and Class C basins (see Table 5), the minimum top width shall be six feet (6'), and the side slopes shall be no steeper than a ratio of four to one (4:1).

B. Excavations: The inside slope of all excavation basins shall be no greater than a ration of (4:1), with a minimum top width of four feet (4').

(8) Basin Bottoms: The bottom of all retention basins shall be provided with a four foot (4') wide, paved channel from the basin inlet to the basin outlet.

(9) Erosion and Pollution Control: Construction shall take place in such a manner to minimize soil erosion and water pollution, and appropriate measures shall be taken to protect the embankment, emergency spillway and other disturbed areas.

(10) Safety: Fencing necessary to restrict accessibility for reasons of safety shall be installed. Warning signs of danger shall be installed as necessary.

(11) Use of Parking Lots for Retention. The use of automobile parking lots for the retention of storm water is prohibited. Truck parking lots in industrial areas may be used for storm water retention, provided the maximum water depth is nine inches (9") or less.

TABLE 5: Basin Classes

Class	Max. Drainage Area (Acres)	Max Height of Embankment	Emergency Spillway Required	Type
A	20	5	No	Temporary
B	20	10	Yes	Permanent
C	200	20	Yes	Permanent

TABLE 6: Average Annual Sediment Volumes

Disturbed Area (Acres)	Annual Sediment Volume (Ac. Ft.)	Disturbed Area (Acres)	Annual Sediment Volume (Ac. Ft.)
1	1.0	40	2.5
2	1.1	60	2.8
4	1.3	80	3.1
6	1.5	100	3.3
8	1.6	125	3.5
10	1.7	150	3.7
20	2.1	175	3.9
30	2.3	200	4.0

(g) Cuts, Fills and Hillside Development:

- (1) **Hazardous Conditions:** Whenever the City Engineer or other approving agent determines that any excavation, embankment, slope or other condition on a development site has become a hazard to life, endangers property or adversely affects the safety, use or stability of a public way or drainage channel, the owner or person in control of the property upon which such a condition exists, upon receipt of written notice shall, within the period specified, correct the condition so as to eliminate the hazard and be in conformance with the requirements of this Section.
- (2) **Hillsides:** A hillside, as referred to herein, is defined as an area with an average slope equal to or greater than fifteen percent (15%). Only those areas meeting this definition shall be subject to the standards and criteria set forth herein as pertaining specifically to hillside or hillside areas.
- (3) **Determination of Average Slope:** The average slope of an area shall be measured over a horizontal distance of not less than one-hundred feet (100') nor more than two-hundred feet (200'), disregarding minor variations. All significant changes in grade shall be considered in determining such measurements.
- (4) **Cuts:** Unless otherwise recommended in the approved soil engineering and/or geology report, the slope of cut surfaces shall be no steeper than two (2) horizontal to one (1) vertical (2:1).
- (5) **Fills:**
 - A. Unless otherwise recommended in the approved soil engineering report, fills shall conform to the provisions of this section. In the absence of an approved soil engineering report, these provisions may be waived by the City Engineer for minor fills not intended to support structures.
 - B. *Slope.* The slope of fill surfaces shall be not steeper than three (3) horizontal to one (1) vertical (3:1).
 - C. *Fill Location.* Fill slopes shall not be constructed on natural slopes steeper than two (2) horizontal to one (1) vertical (2:1).
 - D. *Preparation of Ground.*
 - (i) The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable material, and by scarifying to provide a bond with new fill. Fill shall not be placed upon frozen material. Where receiving slopes are steeper than five feet to one foot (5':1') and the fill height is greater than five feet (5'), the fill shall be benched into sound bedrock or other competent material, as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five feet to one foot (5':1') shall be at least ten feet (10') wide.
 - (ii) Where fill is to be placed over a cut, the bench under the toe of the fill shall be at least ten feet (10') wide, but the cut must be made before placing fill and must be approved by the soils engineer and engineering geologist as a suitable foundation for fill.
 - (ii) Unsuitable soil is soil which, in the opinion of the City Engineer, other approving agent, soil engineer or geologist is not competent to support other soil or fill, or is not competent to support structures, or is not competent to satisfactorily perform the other functions for which the soil is intended.

- E. *Fill Material.* Detrimental amounts of organic material shall not be permitted in fills. No frozen material shall be placed in fills. No rock or small irreducible material with a maximum dimension greater than twelve inches (12') shall be buried or placed in fills except as permitted by the City Engineer or other approving agent, and subject to the following conditions:
 - (i) The soils engineer properly devises a method of rock placement, continually inspects its placement, and approves the fill stability;
 - (ii) Potential rock disposal areas are delineated on the grading plan;
 - (iii) Rock sizes greater than twelve inches (12") in maximum dimension shall be ten or more feet (10') below grade, measured vertically; and
 - (iv) Rocks shall be placed so as to assure filling of all voids with fines.
 - F. *Compaction.* All fills shall be compacted to a minimum of ninety percent (90%) of maximum density.
- (6) **Setbacks:**
- A. The setbacks and other restrictions specified in this section are minimum and may be increased by the City Engineer or other approving agent, or by the recommendation of a civil engineer, soils engineer or engineering geologist, if necessary for safety and stability or to prevent damage of adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage.
 - B. *Setbacks from Property Lines.* The tops of cuts and toes of fill slopes shall be set back from the outer boundaries of the permit area, including slope-right areas and easements, in accordance with **Figure No. 1** and **Table 7**.
- (7) **Drainage and Terracing:** Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section.
- A. *Terraces.*
 - (i) Terraces at least six feet (6') in width shall be established at not more than thirty foot (30') vertical intervals on all cut and fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than sixty feet (60') and up to one-hundred twenty feet (120') in vertical height, one terrace at approximately mid-height shall be twelve feet (12') in width. Terrace widths and spacing for cut and fill slopes greater than one-hundred twenty feet (120') in height shall be designed by a civil engineer and approved by the City Engineer or other approving agent. Suitable access shall be provided to permit proper cleaning and maintenance.
 - (ii) Swales or ditches on terraces shall have a minimum gradient of five percent (5%) and must be paved with reinforced concrete not less than three inches (3") in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of one foot (1') and a minimum paved width of five feet (5').

- (iii) A single run of swale or ditch shall not collect run-off from a tributary area exceeding thirteen thousand five-hundred square feet (13,500 sq. ft.), projected, without discharging into a down drain.
- B. *Subsurface Drainage.* Cut and fill slopes shall be provided with subsurface drainage as necessary to alleviate wetness problems and ensure slope stability.
- C. *Interceptor Drains.* Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area slopes towards the top of the cut and has a drainage path greater than forty feet (40') measured horizontally. Interceptor drains shall be paved with a minimum of three inches (3") of concrete or gunite and reinforced. They shall have a minimum depth of twelve inches (12") and a minimum paved width of thirty inches (30") measured horizontally across the drain. The slope of the drain shall be approved by the City Engineer or other approving agent.
- D. *Surface Drainage.* All lots, tracts or parcels shall be graded to provide proper drainage away from building and shall dispose of it without ponding. All land within a development area shall also be graded to drain and dispose of surface water without ponding.
- E. *Disposal.* All water from swales and/or ditches on terraces, from surface and subsurface drainage, and from interceptor drains shall be disposed of in a manner consistent with the requirements of this Section, specifically subsection (c), "Performance Standards."
- (8) **Erosion Control:** The faces of cut and fill slopes and all traded areas shall be prepared and maintained to control erosion in compliance with the requirements of this Section, specifically subsection (c), "Performance Standards."
- (9) **Retaining Walls:** Subject to the approval of the City Engineer or other approving agent, retaining walls may be used whenever topographic conditions warrant; or where necessary to retain fill or cut slopes within the right-of-way and/or property lines; or to reduce the required setbacks.
- (10) **Relocation and Protection Sewers:**
 - A. If, in the opinion of the City Engineer or other approving agent, it is necessary to relocate or modify the existing sewer system serving the area affected by an excavation or fill operation for the purpose of providing drainage of the affected area, or protecting the existing sewer system from damage, the developer or property owner shall obtain a permit to relocate or modify the existing sewer system for the affected area pursuant to the current rules and regulation of the City. Such relocation or modification shall be made at the expense of the developer or property owner. The developer or property owner shall grant such easements as may be necessary prior to receiving final plan approval.
 - B. In places where existing sewerage is adequate, but in the opinion of the City Engineer or other approving agent the excavation or fill operation may potentially damage the sewer system, before receiving final plan approval, the developer or property owner shall provide a bond , of a corporate surety authorized to do business in the State of Ohio, and naming the City as obligee thereof, covering the City Engineer's estimate

of replacement costs of the sewer and guaranteeing that the proposed fill will not damage the sewer for a period of one (1) year after the fill is complete.

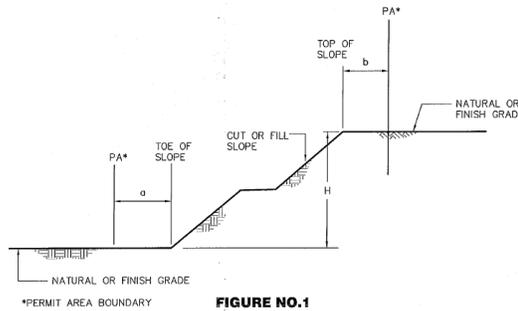


TABLE 7: Required Setbacks from Permit Area Boundary

Height (in feet)	A (in feet)	B (in feet)
Under 5	0	1
5-30	H/2	H/5
Over 30	15	6

* Additional width may be required for inceptor drain.

(h) Hillside Development Areas:

(1) **Lot and Building Requirements:**

- A. The maximum number of lots into which a parcel of land may be subdivided and/or the maximum number of dwelling units permitted on any lot or parcel of land shall be the sum of the number of lots or dwelling units allowed in each category of land, as shown on **Table 8**, below.
- B. For residential lots, there shall be a front yard having a depth of not less than twenty-five feet (25'), and a rear yard having a depth of not less than forty feet (40'), measured from the exterior boundaries of the site. For buildings exceeding fifteen feet (15') in height, there shall be a distance from front and rear boundaries equal to the required yard plus one additional foot (1') for each foot of building height it excess of fifteen feet (15').
- C. For residential lots, there shall be two (2) side yards, with a minimum depth of ten feet (10') on one side, with a total depth of twenty-five feet (25') for both yards, measured from the exterior boundaries of the site. For buildings exceeding fifteen feet (15') in height, there shall be a distance from the side boundaries equal to the required yards plus one additional foot (1') for each foot of building height in excess of fifteen feet (15').
- D. For all lots, the total ground floor area of all buildings in the development shall not occupy more than twenty-five percent (25%) of the site.

- E. No building shall exceed a height of thirty feet (30') above the natural grade of the land on the downhill side of the structure.
- F. All excavated material shall be removed from the site or contained behind retaining walls or otherwise placed in order that the slopes of any fill material will not be visible from any public street.

(2) **Special Design Standards:**

- A. Street grades shall not exceed fifteen percent (15%).
- B. Street grades exceeding twelve percent (12%) shall have a maximum length of six-hundred feet (600').
- C. Minimum dedicated street right-of-way shall be sixty feet (60').
- D. 'T' or 'Y' type turning and backing cul-de-sacs may be substituted for circular turnarounds.
- E. Panhandle: double frontage and other unorthodox lots shall be permitted.
- F. The maximum grade on driveways shall not exceed ten percent (10%). Each drive shall provide sufficient space and distance to turn around prior to entering the street.

TABLE 8: Lot and Building Requirements

Cross-Slope of Land	Maximum Number of Units or Lots Per Gross Acre
10% to 14.9%	1.80
15% to 19.0%	1.10
20% to 24.9%	0.70
25% to 29.9%	0.50
30% to 34.9%	0.30
35% and over	0.20

- (i) Site Development Plan: Any person seeking approval of land development proposals for use types listed in section 1111.05(b) shall develop and submit a Site Development Plan as detailed in this section. The applicant is encouraged to have a pre-submission meeting with the City Engineer or his authorized agent(s). Each applicant shall provide information that details the location of the area proposed for development, the site in relation to its general surroundings, predevelopment site conditions, existing characteristics of the site, and the extent of proposed earth disturbing activities.

(1) **Submittal Requirements:**

- A. At a minimum the Site Development Plan shall include the following elements:
 - (i) General location map prepared from a two thousandth scale (1 inch = 2,000 feet) USGS topographic base map that shows the area proposed for development and pertinent adjacent areas and features,
 - (ii) A description of the nature and type of the earth disturbing/construction activity (e.g. residential, commercial, highway, etc.) ,and

- (iii) A photocopy of the appropriate soil survey sheet found in the USDA Soil Survey of Warren County, Ohio with location of site identified.
 - B. A Site Plan Map that shows the location of existing features and proposed improvements on the site including:
 - (i) Total area of the site and the area of the site that is expected to be disturbed (i.e. grubbing, cleaning, excavation, filling or grading, including off-site borrow areas).
 - (ii) Surface water locations, including springs, wetlands, streams, lakes, water wells and ponds on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
 - (iii) The general directions of surface water flow and 100-year floodplain when applicable.
 - (iv) All improvements, including buildings, retaining walls, sidewalks, streets, parking lots, driveways, utilities and stormwater basins, drainage impoundments, channels and outlets, etc.
 - C. An estimate of the impervious area and percent imperviousness created by the earth disturbing activity.
 - D. A nonrefundable fee, as outlined in section 1105.09, to cover the costs of the City reviewing the submittal. If the SMP must be sent out for review by the City, the subdivider or developer shall pay the cost thereof, and no final approval of the Site Development Plan shall be issued until said costs are paid in full.
- (2) **Submittal Process:** The process for a Site Development Plan submission, review and action is described below. This process should be followed at the onset of the request for a review process.
 - A. Submission of a Site Development Plan by an applicant seeking approval initiates the review process.
 - B. The City Engineer or his authorized agent(s) shall review the Site Development Plan and conduct a site inspection of the proposed site.
 - C. Review of the Site Development Plan shall be completed within a reasonable amount of time from the date of submittal, not to exceed sixty (60) days.
 - D. Following the Plan's review, the authorized agent(s) shall:
 - (i) Approve the Site Development Plan; or
 - (ii) Conditionally approve the Site Development Plan pending additional information and/or the incorporation of required changes; or
 - (iii) Require the submission of a Stormwater Management Plan (SMP) based on written findings of the City Engineer or his authorized agent(s).

- (j) **Stormwater Management Plan:** Stormwater Management Plans (SMPs) are intended to provide information on all soil erosion and runoff control activities and Best Management Practices (BMPs) to be used and incorporated on the site both *during* and *after* site development, per the Ohio EPA's *Construction Stormwater General Permit*. This information includes, but is not limited to, site grading, stormwater management facilities and practices, erosion and runoff control information, maintenance plans, and other measures that focus on managing the effects of earth disturbing activities that occur as a result of site development. Reference to be used for all designs shall be the Ohio DNR's *Rainwater and Land Development Manual*. Each SMP shall provide site designs that meet the Performance Standards presented in section C and provide practical treatment for both water quality and quantity of stormwater from the site as appropriate.

Submittal Requirements:

- (1) In general, SMPs need to address:
 - A. Erosion and Sediment Control. Providing measures to insure that earth disturbing activities at the site *during* and *after* development will be managed in a manner that will not result in increased erosion and sedimentation from the site resulting in impacts to water quality and that meet the Performance Standards specified in section 1111.05(c).
 - B. Runoff Control. Providing measures to insure that the quantity of surface water runoff from the development site during and after construction will mimic the pre-development conditions and that meet the Performance Standards specified in section 1111.05(c).
- (2) If a SMP is required under section 1111.05(b) or (i), such Plan shall specifically include all the following:
 - A. The minimum elements required in the Site Development Plan described in section 1111.05(i).
 - B. The contents of the *Storm Water Pollution Prevention Plan (SWP3)* required by the Ohio EPA's NPDES Construction Activity Permit, latest edition, and incorporated here by reference. This Plan may be submitted as developed for the Ohio EPA, in conjunction with the other requirements of this section.
- (3) A nonrefundable fee, as outlined in section 1105.09, to cover the costs of the City reviewing the submittal. If the SMP must be sent out for review by the City, the subdivider or developer shall pay the cost thereof, and no final approval of the SMP shall be issued until said costs are paid in full.

Stormwater Management Plan Submission, Review and Action:

- (4) The applicant is encouraged to have a pre-submission meeting with the City Engineer or his authorized agent(s). Submission of two (2) sets of the SMP and other supporting data required by this regulation to the City Engineer completes the applicant's responsibilities and initiates the review process.
- (5) The SMP shall be reviewed by the City Engineer to:
 - A. Verify background information furnished by the applicant and evaluate the proposed development in relation to existing site conditions.
 - B. Assess the SMP in relation to the Performance Standards and requirements of this Section.

- (6) Upon submission of the SMP the City Engineer or his authorized representatives shall review the submission within a reasonable amount of time, not to exceed sixty (60) days, and shall either:
 - A. Approve the SMP as submitted by the applicant; or
 - B. Conditionally approve the SMP and require the submission of additional and/or revised information by the applicant, in order to fully meet the intent and standards of this Section; or
 - C. Disapprove the SMP.
- (7) Revisions to conditionally approved SMPs shall be prepared and submitted by the applicant to the City Engineer for review. Action by the City Engineer either approving or disapproving the SMP may be appealed to the Appeals Board.

- (k) **Grading Plan:** Based on information submitted with the application, site plan, or based on information from field investigation, the City Engineer or other approving agent may require a Grading Plan. The grading plan shall be supported with the following supplemental information:
 - (1) **Soil Engineering Report:** The Soil Engineering Report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.
 - (2) **Engineering Geology Report:** The engineering geology report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

- (l) **Cost for Initial Construction Inspections:** Before approving a final site plan and the accompanying construction plans for public improvements, the developer shall enter into an agreement with the City to provide for the inspection of the various public improvements as they are constructed. Inspection fees shall be charged at the rate of two and one-half percent (2.5%) of the estimated cost of the improvements. The fees shall be used to defray the cost of plan review, field inspection during the one-year warranty period and any other incidental expenses directly related to the contracted improvement. Any costs incurred in excess of the two and one-half percent (2.5%) shall be billed to the developer. The two and one-half percent (2.5%) shall be paid along with the bonds before acceptance by the City for operation and maintenance.

- (m) **Supplemental Requirements:** Stormwater discharge to critical areas with sensitive resources (i.e. wetlands, steep slopes, scenic river designation, recharge areas, etc.) may be subject to additional criteria, or may need to utilize or restrict certain stormwater practices.

- (n) Determination of Post Development Runoff: Each SMP shall include an evaluation of pre-development conditions together with during, and post-development impacts that quantifies the volume and rate of runoff from the site by subdrainage areas.
- (1) This evaluation shall be prepared according to methods prescribed in the latest edition of the Ohio DNR's *Rainwater and Land Development* or other appropriate sources. The evaluation shall:
 - A. Show delineation and sequence of subdrainage units which comprise the area proposed for development.
 - B. Indicate the hydraulic length of slope per individual subdrainage unit and the length of the natural or manmade watercourse which accommodates the surface runoff from each subdrainage unit.
 - C. Indicate within the legend the average percent slope, erosion factor (K) and runoff curve number (CN) per individual subdrainage unit for a twenty-four- (24) hour storm of a one- (1) year frequency.
 - D. Include a hydrograph for a twenty-four- (24) hour storm of the critical frequency to be controlled as determined according to section 1111.05(c) and all calculations made pertinent to evaluating the effects of the proposed development on the pre-development runoff conditions of the site.
 - (2) Calculations for the design of stormwater management facilities shall demonstrate the following for each subdrainage unit:
 - A. *Surface Run-Off*. To determine the amount of storm water for which drainage capacity must be provided, use the "Rational (Q=CIA) Method."
 - B. *Run-Off Coefficient*. Compute a weighted value of the run-off coefficient for the drainage area, using a value of 0p95 for impervious areas such as roofs and pavements and 0.40 for grass area.
 - C. *Time Concentration (Inlet Time)*. Using the "Overland Flow Nomograph" – **Table 9**, determine the time in minutes it will take the storm run-off from the most remote part of the development area to reach the point of the storm drainage system under consideration. For flow time in sewers, the conduit flow time may be determined assuming average full flow velocity at the existing or proposed sewer slopes.
 - D. *Intensity of Precipitation*. The "Point" values of average precipitation intensity, inches per hour, at Cincinnati is shown in **Table 10**, taken from page 35 of the U.S. Department of Commerce, Weather Bureau, Technical Paper No. 25, *Rainfall Intensity-Duration-Frequency Curves*. For any given storm duration (concentration time of run-off), the curves show the average precipitation intensity of storms having 2, 5, 10, 20, 25 and 100-year frequencies. These values may be used for drainage tributary areas of three-hundred (300) acres or less. For acreage above three-hundred (300) acres, see **Table 11**.

TABLE 9: Overland Flow Chart

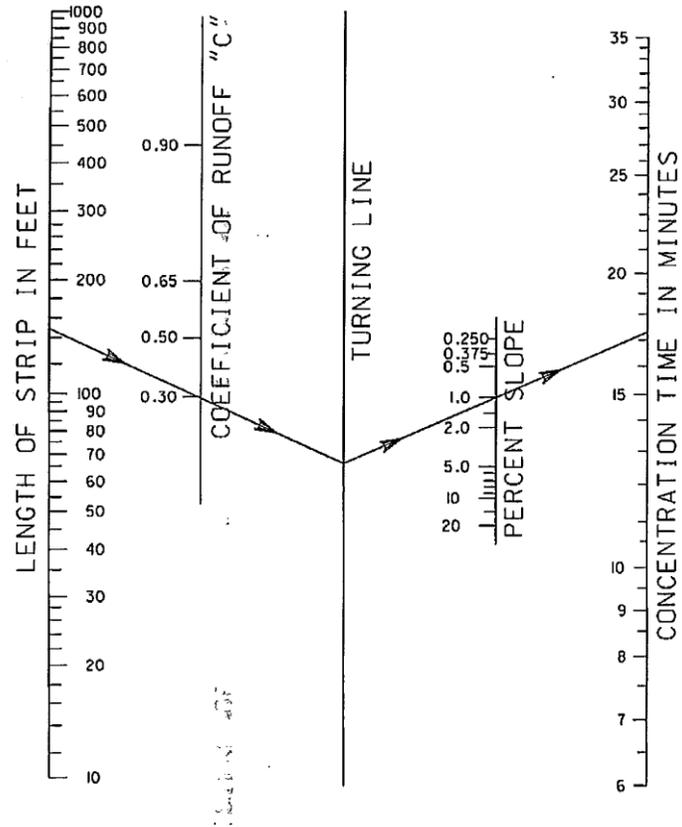


TABLE 10: Rainfall Intensity Duration – Frequency Curves

Duration (Minutes)	Storm Frequency					
	2-Year	5-Year	10-Year	25-Year	50-Year	100-Year
5	4.00	5.00	5.70	6.70	7.30	8.20
10	3.45	4.40	5.10	6.10	6.60	7.40
15	2.90	3.70	4.30	5.20	5.60	6.40
20	2.40	3.30	3.70	4.50	4.90	5.50
25	2.20	2.90	3.30	4.00	4.40	4.90
30	1.90	2.60	3.00	3.60	3.80	4.30
40	1.58	2.20	2.45	3.00	3.30	3.70
50	1.37	1.90	2.20	2.50	2.70	3.20
60	1.16	1.60	1.80	2.20	2.30	2.70
90	0.95	1.25	1.45	1.70	1.85	2.10
120	0.73	0.98	1.10	1.30	1.40	1.60
150	0.63	0.85	0.97	1.10	1.20	1.40
180	0.53	0.72	0.84	0.95	1.05	1.15
210	0.48	0.65	0.75	0.86	0.94	1.08
240	0.43	0.58	0.67	0.77	0.84	0.95

TABLE 11: Storm Durations

Duration of Storm in Minutes (tc)						
Area in Acres	10	20	30	60	90	120
300	1.00	1.00	1.00	1.00	1.00	1.00
400	0.993	0.993	0.993	0.995	0.996	0.99
500	0.986	0.986	0.987	0.990	0.993	0.99
1,000	0.997	0.997	0.978	0.981	0.985	0.98
1,500	0.986	0.970	0.972	0.974	0.978	0.98
2,000	0.958	0.963	0.966	0.968	0.975	0.98
2,500	0.948	0.953	0.957	0.962	0.970	0.97
3,000	0.938	0.944	0.949	0.957	0.965	0.97
3,500	0.928	0.935	0.941	0.951	0.960	0.96
4,000	0.918	0.927	0.933	0.945	0.956	0.96
4,500	0.908	0.918	0.925	0.939	0.952	0.96
5,000	0.898	0.910	0.918	0.935	0.948	0.95
5,500	0.888	0.901	0.911	0.930	0.945	0.95
6,000	0.880	0.894	0.905	0.927	0.942	0.95

(o) Storm Water Retention:

- (1) **General.** In order to minimize run-off damage to downstream properties, sediment pollution of public and private waters and hydraulic overloading of existing drainage facilities, the storm water run-off from a site after development shall not exceed the discharge from that site prior to development. The amount of water to be retained shall be determined by the method described in the following subsections.
- (2) **Pre-Development Run-Off.** Calculate the exiting site (undeveloped) run-off based on a ten (10) year storm frequency curve and a coefficient of run-off equal to 0.25. The coefficient run-off is based on the assumption of an existing ground condition of an average soli with an average grass cover. The existing ground condition assumption may be waived only if the development site is currently being used for the purpose set forth in a site plan previously approved by the Planning Commission. If the assumption is waived, the run-off coefficient may be based on actual existing ground conditions.
- (3) **Post-Development Run-Off.** Calculate the proposed ultimate development run-off based on a fifty (50) year frequency curve. Use a weighted coefficient of run-off based on the proposed development with $C = 0.95$ for impervious areas and $C = 0.40$ for unpaved and grass areas.
- (4) **Storage Requirement.** Provide on-site retention of storm water equal to the post-development run-off rate minus the pre-development run-off rate for a period of thirty (30) minutes, using an earth embankment or excavation retention basin meeting the standards and specifications outlined in subsection (f) hereof, or any other method of retention acceptable to the City Engineer or other approving agent.
- (5) **Discharge from Retention Basins.** The discharge from the retention basins shall be equal to the computed pre-development run-off minus any flow discharging directly from the development site.
- (6) **Large Lot Development.** For detention purposes only, residential subdivisions, including existing developments, with a minimum lot size of one (1) acre and a total drainage area of ten (10) acres or more, the most current ISDA Soil Conservation Service's *Urban*

Hydrology for Small Watersheds, Technical Release 55 (TR-55) method and formulas may be used. The pre-development run-off shall still be based on the ten (10) year frequency storm and the post-development run-off shall still be based on the fifty- (50) year frequency storm. Run-off coefficients shall be determined by using the TR-55 suggest values that apply, subject to the City Engineer's approval. The required detention volume shall be determined through hydrograph development.

- (p) **Off-Site Stormwater Control Facilities:** Exceptions to requiring permanent on-site runoff control on the site may be considered by the City Engineer, provided the applicant can prove that:
- (1) The intent and standards of this Section for runoff control can be best achieved by the utilization of off-site stormwater control facilities.
 - (2) Runoff from the site can be conveyed to off-site stormwater facilities in a manner and by means which satisfies or surpasses the standards of this Section.
 - (3) The applicant has ownership of or the right to use the off-site facility in question.
- (q) **Compliance Responsibility:** No provision of this Section shall limit, increase or otherwise affect the liabilities of the applicant nor impose any liability upon City not otherwise imposed by law. No condition of this permit shall release the applicant from any responsibility or requirements under other federal, state, or local environmental regulations. If requirements vary, the most restrictive requirement shall prevail.
- (1) **Proceeding with Activity:** Soil-disturbing activities regulated under this regulation shall not begin until all necessary state and federal permits and appropriate approvals of Site Development Plans or Stormwater Management Plans have been granted to the site owner/applicant.
 - (2) **Performance Responsibility:** The applicant is responsible for carrying out all provisions of the approved Site Development Plan or SMP and for meeting all the standards and requirements of this regulation.
 - (3) **Enforcement:**
 - A. All development sites are subject to inspections by the City Engineer or his authorized agent(s) to ensure compliance with the approved Site Development Plan or SMP.
 - B. After each inspection a status report shall be prepared and distributed to the appropriate person(s).
 - C. If it is found that the operations are being conducted in violation of the approved Site Development Plan and SMP, a stop-work order may be issued until the identified violations cease.
 - D. Following the issuance of a stop-work order, the City Engineer or his authorized agent(s) shall determine if and when the development may proceed. Any determination by the City Engineer or his authorized agent(s) may be appealed to the Appeals Board.
 - E. After the issuance of a stop-work order, but before the imposition of any fines, the applicant shall have the opportunity to request a hearing before Appeals Board to show

cause why work should not be stopped. A hearing shall be scheduled at the next meeting of the Appeals Board.

- (4) **Stop Work Orders:** Subsequent to the issuance of a stop-work order, one or more of the following penalties may be imposed.
 - A. If the earth disturbing activity involves a subdivision, the applicable penalties (including fines) outlined in section 1111.05(q)(10) shall apply.
 - B. The City may seek an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with this Section. In granting such relief, the Court may order the construction of sediment control improvements and/or the implementation of other control measures and/or fines as identified in section 1105.12, or any other relief the court determines.
- (5) **Internal Inspections:**
 - A. All controls on the site shall be inspected at least once every seven calendar days and within twenty-four (24) hours after any storm event greater than one-half inch of rain per twenty-four (24) hour period. The site owner and/or applicant shall assign qualified inspection personnel experienced in the installation and maintenance of erosion and runoff controls to conduct these inspections to ensure that all stormwater control practices are functional, that all provisions of the SMP and this regulation are being met, and whether additional control measures are required.
 - B. The site owner shall maintain for three (3) years following the final stabilization of the site a record summarizing inspections, names(s) and qualifications of personnel making the inspections, the date(s) of inspections, major observations relating to the implementation of the SMP and a certification as to whether the site is in compliance with the SMP and identify any incidents of non-compliance.
- (6) **Ownership and Maintenance of Stormwater Facilities:** In cases where stormwater control facilities are proposed on single private properties, the City Engineer shall approve an inspection and maintenance agreement. This agreement shall bind all current and subsequent owners of land served by the stormwater facilities. In the case of proposed subdivisions, inspection and maintenance agreements shall be approved before the City of Franklin accepts the final plat of the proposed subdivision. This agreement shall bind all current and subsequent owners of land served by the stormwater facilities. All inspection and maintenance agreements shall do the following:
 - A. Designate the party or parties responsible for the maintenance of all stormwater management facilities and practices including mowing, landscaping, debris pick-up, and to ensure all inlet and outlet structures are free of obstructions and in good repair.
 - B. For subdivisions, unless otherwise approved by the City of Franklin, responsible party(ies) this shall be an entity of common ownership (e.g. Land/Homeowner's Association) within the proposed subdivision. Each parcel sold in the proposed subdivision shall require continued membership in the Land/Homeowners Association.
 - C. Prohibit unauthorized alterations of all stormwater management facilities.

- D. Provide adequate access to all stormwater management facilities for inspection by the City and corrective actions by the owner.
 - E. All stormwater management facility easements shall be on the final plat, prior to approval by the City, and a reference shall be made to the entity or individual(s) responsible for their maintenance.
 - F. The owner/developer shall submit four (4) sets of as-built drawings of all stormwater facilities and improvements, along with a disc of the drawings (CAD or PDF) to the City Engineer.
- (7) **Drainage Easements:** The following conditions shall apply to all drainage easements:
- A. Easements shall be approved by the City prior to approval of the final plat and shall be recorded with said plat.
 - B. Unless otherwise required by the City, drainage easements shall be no less than twenty feet (20') wide, plus the width of the stormwater facility(ies).
 - C. Unless otherwise required by the City, stormwater management facilities, including basin, ponds or other retention/detention practices, shall be on separate lots held and maintained by an entity of common ownership (e.g., Land/Homeowners Association).
 - D. Those lots that contain and/or are crossed by a drainage easement shall have the following restriction – “Any lot area reserved for drainage purposes shall at all times be kept free of any obstructions to the flow of water. No improvements or modifications within the identified drainage easement area will be allowed without the approval of the City of Franklin Engineer. Maintenance of the drainage easement area, stormwater control facility(ies), and ditches shall be the responsibility of the owner(s) of the lot on which these facilities and/or ditches are located.”
- (8) **Complaints:** The City of Franklin authorized agent(s) shall investigate any complaint related to earth disturbing activities covered by this Section.
- (9) **Violations:** No person shall violate or cause or knowingly permit to be violated any of the provisions of this section, or fail to comply with any of its provisions or with any lawful requirements of any public authority made pursuant to it, or knowingly use or cause or permit the use of any lands in violation of this Section or in violation of any approval permit granted under this Section.
- (10) **Penalties:**
- A. Violation of any provision of this section, or any amendment or supplement thereto, or failure to comply with any of the requirements herein shall constitute a minor misdemeanor. Any person or persons violating any of the provisions herein shall be fined one hundred fifty dollars (\$150.00) per offense, and shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
 - B. Upon notice from the City or its authorized agent(s), that work is being done contrary to this section, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or the owner’s authorized agent, and shall state the conditions under which such work may resume;

provided, however, in instances where immediate action is deemed necessary for the public safety or the public interest, the City may require that work be stopped upon verbal order pending issuance of the written order.

- C. The imposition of any other penalties provided herein shall not preclude the City from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this Section or other applicable laws, ordinances, rules, regulations, or orders.

1111.06 Landscaping Requirements and Standards

- (a) Intent and Purpose: The intent of these landscaping regulations is to promote and protect the public health, safety and welfare through the preservation, protection and enhancement of the environment, by recognizing the vital importance of tree growth in the ecological system. It is further the purpose of this Section to:
- (1) Promote the preservation, replacement and augmentation of major trees removed in the course of land development, so as to mitigate the impact of development.
 - (2) Promote the proper utilization of landscaping as a buffer between certain land uses and to minimize the possibility of nuisances including potential noise, glare, litter and visual clutter of parking and service areas.
 - (3) To protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods.
 - (4) To offer a minimum standard for the consistent appearance of plant material in the community landscape.
 - (5) Soften the appearance of building masses and paved areas and reduce generation of heat and stormwater runoff.
- (b) Preservation of Trees: All major trees shall be preserved unless exempted, as follows: The City Engineer may approve the cutting down, removal or destruction of a major tree when the tree interferes with the proper development of a lot, provided that the lot is the subject of application for approval of a zoning certificate, a site plan, a development plan, a variance, or a conditional use permit and one of the following applies:
- (1) The tree will be located within a public right-of-way or easement.
 - (2) The tree on the proposed development lot is located within the area to be covered by proposed structures or within twelve feet (12') from the perimeter of structures, and the proposed structures cannot be located in a manner to avoid removal of the tree at the same time permitting desirable and logical development of the lot.
 - (3) The tree will be located within a proposed driveway designed to service a single-family home.
 - (4) The tree is damaged, diseased or a safety hazard.
 - (5) The tree is an undesirable species in its present location.
- (c) Preservation of Wooded Areas: When preparing and reviewing subdivision plans, development plans and landscaping plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. Developers of land are encouraged to designate heavily wooded areas as park reserves.
- (d) Tree Replacement: During the course of development of a single lot, subdivision, PUD or PCRD, the developer or owner shall be encouraged to replace major trees removed pursuant to section 1111.06(b). "Major trees" shall be defined as trees having a trunk diameter of at least fifteen inches (15"), measured two feet (2') above the ground level.

- (e) Applicability of Landscaping and Screening Standards:
- (1) **Landscaping:** Consistent with the objectives established in section 1111.06(a), landscaping shall be provided in the following areas:
 - A. At the perimeter of sites to buffer, separate and/or screen adjacent land uses;
 - B. At the perimeter of parking lots to shade, separate and/or screen the view of parked cars from adjacent residential uses;
 - C. In the interior of parking lots to shade and beautify the paved surface; and
 - D. Around the perimeter of buildings to soften, shade and enhance the appearance of structures.
 - (2) **Screening:** Screening shall be provided in the following areas:
 - A. To block the view of trash dumpsters, loading areas, service courts and storage areas;
 - B. Between residential and non-residential land uses;
 - C. Parking lots shall be screened to minimize the view of cars from adjacent residential uses. It is not necessary to screen, but only to separate adjacent non-residential parking areas.
- (f) Procedure:
- (1) Any person seeking a subdivision plat approval, development plan approval or site plan approval, or any person seeking a variance or conditional use, if applicable, shall file with his application a landscaping plan prepared in a professional manner that, by plot plan and description, includes:
 - A. The present location and size of all major trees, with a designation of major trees sought to be removed.
 - B. The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with this section.
 - C. The location and size of any structures presently on the lot, and those proposed to be placed on the lot.
 - D. The proposed location and description of screening proposed to be placed on the lot in order to comply with this section.
 - (2) The Planning Commission shall consider a landscape plan as part of its review of any conditional use permit, subdivision plat, development plan or site plan application. The Appeals Board shall consider a landscape plan as part of the action on a variance application.
 - (3) No variance, development plan approval, site plan approval or conditional use permit shall be granted or issued until final approval of the landscaping plan.

- (g) **Buffer Yards (Perimeter Lot Landscaping):** The buffer yard is a designated unit of yard or open area together with any plant materials, barriers, or fences required thereon. Both the amount of land and the type and amount of landscaping specified are designated to lessen impacts between adjoining land uses. By using both distance and landscaping, the impact of such items as noise, glare, activity, dirt, and unsightly parking areas will be minimized. It is a further intent of the following provisions to provide flexibility to the property owner through the manipulation of four basic elements -- distance, plant material type, plant material density, and structural or land forms.
- (1) **Location of buffer yards:** Buffer yards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Buffer Yards shall not extend into or be located within any portion of an existing street right-of-way.
 - (2) **Determination of buffer yard requirements:** To determine the type of buffer yard required between two adjacent parcels, the following procedure shall be followed:
 - A. Identify the land use class of *the proposed use* by referring to **Table 12**.
 - B. Identify the land use class of each *adjacent use* by referring to **Table 12**.
 - C. Determine the buffer yard requirements for those side and rear lot lines or portion thereof on the subject parcel (i.e., *the proposed use*) by referring to **Table 13**. Existing plant material or fences may be counted as contributing to the total buffer yard requirement. The buffer yards specified are to be provided on each lot or parcel of the *proposed use*, independent of adjacent uses or adjacent buffer yards.
 - D. Should a developed use increase in intensity from a given land use class to a higher one on **Table 12** or **Table 13** (e.g., Class III to Class IV), the Planning Commission shall, during the site plan or development plan review process, determine if additional buffer yard is needed and, if so, to what extent and type.
 - E. Buffer yard requirements are stated in terms of the width of the buffer yard and the number of plant units required per one hundred linear feet (100') of buffer yard. The requirements may be satisfied by any of the options indicated in **Table 14**.
 - (3) **Buffer yard requirements for nonconforming structures or sites:** If a nonconforming site is unable to comply with the minimum buffer yard requirements of this Section, the applicant shall not be entitled to the permit for which application has been made unless a variance is granted. Existing paved parking areas beyond the minimum UDO requirements for number of spaces, maneuvering/access aisles or loading areas, as outlined in section 1111.07, shall be removed if necessary to provide the required buffer.

TABLE 12: Land Use Classification

Class I: Light Residential
Agriculture Single-Family Detached Dwellings Two-Family Dwellings
Class II: Office/Institutional
Administrative and Business Offices Professional Offices Institutions – religious, social, cultural, educational, health and public Multi-Family Dwellings
Class III: Commercial
General Retail, Entertainment, Restaurants, Specialty Retail and Business Services
Class IV: Industrial
Manufacturing, Wholesaling, Research and Development Facilities

TABLE 13: Buffer Yard Requirements

Proposed Land Use Class	Adjacent Existing Land Use Class			
	I	II	III	IV
I	*	*	*	*
II	E	A	C	D
III	E	C	A	B
IV	E	D	B	A

* No buffer yard required.
(A, B, C, D and E indicate the required type of buffer yard, as shown on Table 3)

TABLE 14: Buffer Yard Types: Quantity Of Plant Material

Buffer Yard	Width	Deciduous Trees ¹	Deciduous Shrubs ¹	Evergreens ¹	Berm ²	Fence ²
A	15'	2	---	2		
	10'	2	2	2		
B	20'	2	---	2		
	15'	2	2	2		
C	10'	2	4	4		
	25'	2	2	2		
	20'	2	4	2		
D	15'	3	4	4		
	30'	2	2	2		
	25'	2	2	4		
	20'	3	4	4	*	
E	10'	3	4	4		*
	30'	2	2	2		
	25'	3	4	4		
	20'	3	4	4	*	
	15'	3	4	4		*

¹ Required number of minimum plant units per 100'.
² Entire length of buffer yard, 3'-4' berm or 4'-6' opaque fence.
* Indicates berm or fence is required.

(h) Screening of Service Court, Storage Areas and Loading Dock areas:

- (1) For commercial, industrial, office-institutional and community service uses, all areas used for service, loading and unloading activities shall be screened along the entire rear lot line and side lot lines from the rear lot line to the building setback line, if adjacent to or abutting a residential district.
- (2) Screening shall consist of walls, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven feet (7'), and walls and fencing no more than twelve feet (12') in height. Natural vegetation shall be a variety which will attain seven feet (7') in height within five (5) years of planting.
- (3) Natural vegetation screening shall have a minimum opaqueness of seventy-five percent (75%) at all times. The use of year-round vegetation, such as pines or evergreens is encouraged. Vegetation shall be planted no closer than three feet (3') to any property line.

(i) Screening of Trash Container Receptacles:

- (1) For commercial, community service, industrial, office-institutional and multiple family uses, all trash containers or receptacles shall be screened or enclosed. Trash containers designed to service more than one (1) residential unit or to service a non-residential structure shall be screened on all sides by walls, fences, or natural vegetation or an acceptable combination of these elements. Trash containers shall not be located in the front yard building setback and shall otherwise conform to the side and rear yard setbacks of the applicable zoning district.
- (2) The height of such screening shall be at least six feet (6'). The maximum height of walls and fences shall not exceed ten feet (10'). Natural vegetation shall have a minimum opaqueness of seventy-five percent (75%) at all times. The use of year-round vegetation, such as pines or evergreens is encouraged. Natural vegetation shall be a variety which will attain six feet (6') in height within five (5) years of planting.

(j) Parking Lot Screening and Landscaping:

- (1) **Perimeter Screening.** Effectively concealing vehicles within a parking area from the adjacent roadway or adjoining property requires the selective use of plant, mounding or fence material for visual separation. Located adjacent to the parking lot edge, the perimeter screening is designed to supplement required buffer yard material. The perimeter of parking areas, except those for single-family and two-family residential uses, shall be screened as follows:
 - A. Parking areas for non-residential uses and for residential uses such as churches, schools, parks and public facilities adjacent to residentially zoned or used land shall be developed with plant, mounding or fence/wall material which conceals the view of parked cars from the residential property. The height of wall/fences located in front of the building line should be minimized with a maximum height of four feet (4'). Plant material should be used to soften and add visual interest to a wall/fence. A plant material screen shall have a minimum opaqueness of seventy-five percent (75%) at all times. The use of year round vegetation, such as pines or evergreens is encouraged.

- B. The separation and landscaping of the required buffer yard will provide adequate screening for all other parking lot perimeters.
- (2) **Interior Parking Area Landscaping:** Landscaping within parking areas, whether ground cover or other upright plant material, is necessary not only to reduce the generation of heat and runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is one of the most effective ways to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Any open parking area (including loading areas) containing more than sixteen thousand square feet (16,000 sq. ft.) of area or fifty (50) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:
- A. For lots between sixteen thousand and twenty-nine thousand two hundred ninety-nine square feet (16,000-29,999 sq. ft.), the landscaped area shall equal five percent (5%). For lots larger than thirty thousand square feet (30,000), the landscaped area shall be ten percent (10%).
 - B. Whenever possible, large parking areas of thirty thousand square feet (30,000 sq. ft.) or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland or vegetation, drainage courses and retention areas.
 - C. Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. Minimum island or peninsula size shall be two-hundred square feet (200 sq. ft.), with a two foot (2') minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and a minimum width of ten feet (10').
 - D. The Planning Commission, as part of the site plan review process, may vary the requirements for minimum and maximum size of parking islands and peninsulas if situations including, but not limited to the following, exist:
 - (i) The need to concentrate landscape areas for the purpose of stormwater detention;
 - (ii) The need to relocate required landscaping on the perimeter of a parking area in the case of a small or unusually shaped lot or where additional screening is desired.
- (3) **Required plant materials for the interior of parking areas.**
- A. One (1) deciduous tree shall be required for every three thousand square feet (3,000 sq. ft.) of parking area or for every ten (10) parking spaces.
 - B. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five feet (5') above the ground, and the remaining required landscape areas shall be planted with shrubs or groundcover not to exceed two feet in height.

- (k) General Landscaping For Lots and Building Foundations for Multi-Family, Commercial and/or Industrial Development (Not applicable to single-family homes): To visually soften the building mass or help define exterior spaces, the following landscaping shall be required for all lots, in addition to the landscaping for buffer yards and parking areas. All required planting shall be located in areas which do not include any buffer yard or right-of-way. If the lot consists primarily of impervious surfaces, such trees may be placed close to the building or may be used to add to required parking area landscaping. Existing plant materials which meet the requirements of this Section may be counted as contributing to the landscaping required by this Section.
- (1) **Lot Interior Landscaping:** Three (3) deciduous trees shall be required for each one-hundred linear feet (100') of building perimeter of non-residential uses or per dwelling unit of single-family residential uses and one (1) deciduous tree for each multi-family unit.
 - (2) **Building Foundation Planting Requirements:** Foundation plantings are intended to soften building edges and screen foundations, and shall be placed within five feet (5') of the building perimeter if feasible. If the City Engineer determines that, because of site design considerations such as the location of sidewalks, plazas or service areas, this is not feasible, such plant materials may be located in planter boxes or in other areas of the site in a manner that enhances the overall landscape plan for the development.
 - A. Five (5) shrubs shall be required per dwelling unit.
 - B. Foundation shrubbery for non-residential uses shall be used to enhance and highlight building architecture. The use of foundation plantings is particularly important on blank walls (i.e. to window or door openings).
 - C. Ten (10) shrubs shall be required for every one-hundred linear feet (100') of building perimeter for non-residential uses.
- (l) Plant Material Specifications (For Buffer Yards, Landscaping and Screening): The following sections include specifications for plant materials. Alternatives to these materials which can be demonstrated to meet both the intent and requirements of this ordinance may be approved as part of a Landscape Plan.
- (1) **Deciduous Trees – Size at Planting:** A minimum caliper of at least two and one-half inches (2.5") measured twenty-four inches (24") above ground level.
 - (2) **Evergreen Trees – Size at Planting:** A minimum of five feet (5') high and a minimum spread of three feet (3') .
 - (3) **Shrubs:** Shrubs shall be at least twenty-four inches (24") average height and spread at the time of planting and, where required for screening, shall form a continuous, year-round solid visual screen within five (5) years after planting.
 - (4) **Groundcover and Grass:**
 - A. Groundcover – Groundcover shall be planted a minimum of eight inches (8") on center and shall be planted in such a manner so as to present a finished appearance and seventy-five percent (75%) coverage after one complete growing season. If approved as part of a Landscape Plan, groundcover may also consist of rocks, pebbles, sand, wood chips and other material.

- B. Grass – Grass shall be planted in species normally grown as permanent lawns in Franklin, Ohio, and may be sodded or seeded, except in swales or other areas subject to erosion, where solid sod, erosion-reducing net, or suitable mulch shall be used. Grass sod shall be clean and free of weeds and noxious pests or disease.
- (m) Modifications and Conditions: The quantity of required plant material may be modified by the Planning Commission or by the Appeals Board when the Board determines that special conditions exist making either more or less plant material necessary.
- (n) Maintenance and Replacement Requirements: The owner shall be responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat and orderly appearance. This should be accomplished by the following standards:
- (1) All plant growth in landscaped areas shall be controlled by pruning, trimming or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
 - (2) All planted areas shall be maintained in a relatively weed-free condition, clear of undergrowth and free from refuse and debris.
 - (3) All trees, shrubs, ground covers and other plant materials contained on a Landscape Plan approved by the Planning Commission or Appeals Board must be replaced if they die or become unhealthy because of accidents, drainage problems, disease or other causes. Replacement plants shall conform to the size standards that govern original installation. Deciduous trees must be replaced with deciduous trees, coniferous trees must be placed with coniferous trees and shrubbery must be replaced with shrubbery. Plants intended for screening must maintain the required minimum opacity. Dead or unhealthy plants shall be replaced within the next planting season.

1111.07 Off-Street Parking and Loading Requirements and Standards

- (a) **Purpose:** The purpose of these requirements for off-street parking and loading facilities is to promote the orderly development of land within the City and to promote the safety of residents of the City by assuring the orderly handling of vehicles and vehicular traffic.
- (b) **General Specifications and Requirements:**
- (1) **Applicability:** In all districts, at any time any building, structure or use is constructed, enlarged, increased in capacity, used or occupied, including change of occupancy, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of this section. A Parking Plan shall be required for all uses except for single or two-family residential uses. The Parking Plan shall be submitted to Planning Commission as part of the Site Plan or Development Plan review process and to the Zoning Official as a part of the application for a Zoning Certificate. The Plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage plans and perimeter screening/landscaping, as appropriate.
 - (2) **Minimum Area and Dimension Requirements:** Parking spaces shall conform to the following minimum area and dimensions, exclusive of driveways and aisles, as shown on **Table 15**.
 - (3) **Compact Car Spaces:** Excess parking spaces above the minimum required by this chapter may be designed to accommodate small cars for uses having little turnover such as apartments, general business offices or industrial plants. Commercial uses, medical offices and other high turnover uses are not permitted to designate small car spaces. The minimum width and length of such spaces shall be 8' x 17'. Approved small car spaces shall be grouped and clearly marked rather than scattered throughout the lot.
 - (4) **Access:** Each site shall have an access drive into the parking area with a minimum width as shown on **Table 16**. All parking spaces, except those required for single- or two-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
 - (5) **Parking Aisles:** Parking aisles adjacent to parking spaces shall contain the minimum widths shown on **Table 17**.

Table 15: Parking Space Dimensions

Parking Pattern	Minimum Width (Feet)	Minimum Length (Feet)
Ninety degree (90°) angle parking	9	19
Sixty degree (60°) angle parking	9	19
Forty-five (45°) degree angle parking	9	19
Parallel parking	9	23

Table 16: Driveway Width

Use	Minimum Driveway Width (Feet)
Single Family	10
Two-family	16 (combined drive)
All other uses	12 (one way)
	20 (two way)

Table 17: Parking Aisle Width

PARKING PATTERN	MINIMUM AISLE WIDTH (FEET)
Ninety degree (90°) angle parking	24
Sixty degree (60°) angle parking	18 (one way)
Forty-five degree (45°) angle parking	12 (one way)
	22 (two way)
Parallel	12 (one way)
	22 (two way)

(c) Location of Parking Spaces:

- (1) Parking spaces for single- and two-family residential uses shall be located on the same lot as the use which is to be served.
- (2) Parking in residential areas shall not be located off of the driveway in the front yard or side yard, except when such areas meet setback regulations and are paved with a hard or semi-hard, dust-free surface, as approved by the City Engineer.
- (3) Except as permitted in the Historic District, and in the instance of joint parking facilities authorized by section 1111.07(g), parking spaces for all nonresidential uses shall be located on the same lot as the use which is to be served.
- (4) Parking for uses in the Commercial and Office Districts shall be located in the rear or side yards, unless parking in the front yard is approved by Planning Commission.
- (5) Parking spaces for multiple family uses or similar residential uses shall be located not more than two hundred fifty feet (250') from the principal use served.
- (5) All land designated as C-3 Central Commercial District on the Official Zoning District Map is exempt from all off-street parking requirements.

(d) Required Improvements for Parking Areas:

- (1) All off-street parking and loading areas including spaces, driveways, aisles, circulation drives and other vehicular maneuvering areas shall be paved with a hard surface and shall be adequately drained and lighted, except for:
 - A. Permitted uses located in the Agricultural District.
 - B. Driveways behind the front yard building setback in the single-family and two-family residential districts.
- (2) Lighting shall be “full cut-off type” lighting, and shall be arranged to reflect the light away from adjoining property.
- (3) The owner of a lot used for parking and loading shall maintain the parking area in good condition to be free of holes, trash and debris. The demarcation of parking spaces shall be adequately maintained either through periodic re-striping or other means.

(e) Traffic Control Devices:

- (1) Entrances, exits and directional signs shall be provided where practicable, and signs shall conform to City sign regulations, outlined in section 1111.08.
- (2) All parking areas having a capacity in excess of ten (10) vehicles shall be striped.
- (3) When a parking area extends to a property line, or where the extension of a vehicle beyond the front line of the parking space would interfere with drive or aisle access, wheel blocks or other devices shall be used to prevent such extension.

(f) Determination of Required Spaces: In computing the number of parking spaces required by this section, the following rules shall apply:

- (1) Where gross floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls.
- (2) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each twenty linear inches (20”) of benches, or pews, except where occupancy standards are set by the Ohio Building Code.
- (3) Fractional numbers shall be increased to the next whole number.
- (4) The parking space requirements for a use not specified in this Section shall be determined by the Appeals Board, on recommendation from the Zoning Official, if the use is substantially similar to another use for which a standard has been established.

(g) Joint or Collective Parking Facilities:

- (1) Where two (2) or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of the individual requirements, unless modified by Planning Commission. In computation, a fractional space shall be rounded to the next highest number.
- (2) All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be

located not farther than two hundred fifty feet (250') from the building served.

- (3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the Director of Law, approved as to content by Planning Commission and filed with the application for a zoning certificate.
 - (4) Upon prior approval by the Planning Commission of the terms of a written agreement entered into by owners of property and the City providing for the joint use of parking spaces, two (2) or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not substantially overlap.
- (h) Parking Spaces for Handicapped Persons: Parking spaces for the handicapped shall meet the requirements of the Ohio Building Code and the ORC. Each such space may be included in the computation of required number of spaces by use.

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

- (i) Business and Professional Offices:
 - (1) **Business and professional offices and associations:** 1 space per three hundred square feet of gross floor area, but not less than 2 spaces per office.
 - (2) **Medical offices and clinics:** 3 spaces per treatment or examination room or chair, plus 1 space per staff and employee on the largest working shift, but not less than five spaces per office.
- (j) Commercial Entertainment:
 - (1) **Bowling alleys:** 5 spaces for each alley, plus any additional spaces required for a bar, restaurant or other accessory use.
 - (2) **Dance halls, bingo halls, assembly and exhibition halls:** 1 space for every fifty square feet of floor area.
 - (3) **Fraternal and social associations and private clubs:** 1 space for every fifty square feet of floor area in assembly or meeting rooms, plus 1 space for every two hundred square feet of other floor area.
 - (4) **Game rooms:** 1 space for every two patrons at maximum capacity, plus 1 space for every two employees on the largest work shift.
 - (5) **Golf driving range:** 1 space per tee, plus 1 space per employee on the largest work shift.
 - (6) **Miniature golf:** 1 and one-half spaces per hole, plus 1 space per employee on the largest work shift.
 - (7) **Other outdoor commercial entertainment:** 1 space for every four patrons at maximum capacity, plus 1 space for every two employees on the largest work shift.
 - (8) **Theatres, concert halls and meeting and banquet halls:** 1 space for every two and one-half seats of capacity.

- (k) Commercial and Service Uses:
- (1) **Business and cleaning services:** 1 space for every three hundred square feet of sales and office area, plus 1 space for every employee on the largest work shift, plus 1 space for every company or service vehicle regularly stored on the premises.
 - (2) **Commercial schools and studios:** 1 space for every three students at capacity and 1 space for each employee on the largest working shift.
 - (3) **Convenience food stores, mini-markets and carry-outs:** 1 and one-half spaces for every two hundred square feet of floor area, plus 1 space for each employee.
 - (4) **Drive-through retail:** 1 space for each employee, plus off-street stacking space for five vehicles, plus 1 space for each two hundred square feet of sales area open to the public.
 - (5) **Financial establishments, banks and savings and loan associations:** 1 space per two hundred square feet of gross floor area, plus 1 space per employee on the largest work shift, plus 5 off-street waiting spaces per drive-in window or drive-through teller machine.
 - (6) **Funeral homes and mortuaries:** 1 space per every fifty square feet of public floor area, plus 1 space for each employee, plus 1 space for each business vehicle.
 - (7) **General merchandise stores and supermarkets:** 1 space for each one hundred fifty square feet of gross floor area used for sales and display and 1 space for every two hundred fifty square feet of storage, warehouse and office area.
 - (8) **Home furnishings, home improvements and equipment stores:** 1 space for each four hundred square feet of indoor and outdoor sales and display area and 1 space for each eight hundred square feet of office, storage and warehouse area.
 - (9) **Hotels and Motels:** 1 space per room or suite, plus 1 space for every three employees on the largest work shift, plus 1 space for three persons to the maximum capacity of each public meeting and/or banquet room, plus fifty percent of the spaces otherwise required for accessory uses (e.g., restaurants).
 - (10) **Nurseries and garden supply stores:** 1 space for each employee on the largest shift, 1 space for each two hundred square feet of gross floor area of inside sales or display and 1 space for each one thousand square feet of exterior sales and display area.
 - (11) **Restaurant:** 1 space per one hundred square feet of seating capacity area, plus 1 space per employee on the largest work shift.
 - (12) **Restaurants, fast food:** 1 space per fifty gross square feet of seating capacity area, plus one space per employee on the largest shift with a minimum of fifteen total spaces per seating capacity area .
 - (13) **Specialty retail commercial, specialty food stores, personal services and commercial centers:** 1 space for every two hundred square feet of gross floor area less than two thousand and 1 space for every two hundred fifty square feet of gross floor area greater than two thousand square feet, and no use shall have less than 5 spaces.
 - (14) **Veterinary Services:** 3 spaces for each treatment area, plus 1 space for each staff and employee on the largest working shift, except that pet stores shall provide parking as retail commercial space.

- (l) **Industrial:**
- (1) **Construction trades and contractor offices and industrial craft shops:** 1 space for every three hundred square feet of floor area, plus 1 space for every business vehicle.
 - (2) **Lumberyards and buildings materials sales:** 1 parking space for each eight hundred square feet of floor area, plus 1 space for every three thousand square feet of lot area devoted to the storage and display of building materials.
 - (3) **Manufacturing, printing and publishing establishments and laundry and dry cleaning plants:** 1 space for each employee on the largest work shift, plus 1 visitor parking space for every ten thousand square feet of floor area, plus 1 space for every company vehicle regularly stored on the premises.
 - (4) **Recycling centers:** 1 space for each employee or volunteer on the largest work shift, plus 1 parking space for each collection vehicle and 2 drop-off spaces for each bay and/or collection vehicle and container.
 - (5) **Self-Service Storage Facilities or Mini-Warehouses:** If an on-site office is provided, at least 3 spaces, plus 1 space per employee on the largest working shift, unless otherwise required by Planning Commission.
 - (6) **Warehouses:** 1 space for every four thousand square feet of gross floor area, plus 1 space per employee on the largest work shift.
 - (7) **Wholesaling facilities:** 1 space for every three hundred square feet of office and sales area, plus 1 space for every four thousand square feet of warehouse and storage area, plus 1 space per employee on the largest work shift.
- (m) **Institutional Uses:** All such uses shall provide the total number of spaces required for the specific combination of institutional uses and/or recreation facilities (1111.07(n)) provided, as listed below. When two or more institutional and/or recreational uses are provided on the same lot by one property owner, Planning Commission, at its discretion, may waive or modify the total number of parking spaces required.
- (1) **Cemeteries:** 1 space per employee on the largest working shift, plus 1 space per four seats in the chapels.
 - (2) **Community centers, libraries, museums, art galleries, botanical gardens and other establishments of historical, education and cultural interest:** 1 space per two hundred fifty square feet of gross floor area plus one 1 space per employee on the largest work shift.
 - (3) **Daycare centers and nursery schools:** 1 space per employee on the largest working shift, plus 1 space per five children at capacity. In addition, there shall be a drop-off area at the main entrance sufficient to accommodate four automobiles per twenty or fewer children, plus one additional automobile for each additional ten children served. The drop-off area may either be in the form of spaces parallel to an access drive adjacent to the building or additional parking spaces beyond UDO requirements.
 - (4) **Elementary and junior high schools:** 1 space per employee on the largest working shift, plus 1 space per two classrooms.
 - (5) **High schools:** 1 space per employee on the largest working shift , plus 1 space per five students at capacity.
 - (6) **Hospital and medical centers:** 1 space for every two beds, plus 1 space for every staff and employee on the largest work shift.

- (7) **Junior colleges, colleges and universities:** 1 space for every three students, plus 1 space per employee on the largest working shift.
 - (8) **Places of worship:** 1 space per four seats at maximum capacity.
 - (9) **Public offices and buildings:** 1 space for every two hundred fifty square feet of gross floor area.
 - (10) **Residential care facilities, including assisted living & life care, skilled nursing facilities, nursing homes, extended care facilities, rest homes and convalescent homes:** 1 space per six beds, plus 1 space for each staff and employee on the largest work shift.
- (n) Recreation uses, indoor and outdoor: All such uses shall provide the total number of spaces required for the specific combination of recreation facilities and/or institutional uses (1111.07(m)) provided, as listed below. When two or more institutional and/or recreational uses are provided on the same lot by one property owner, Planning Commission, at its discretion, may waive or modify the total number of parking spaces required.
- (1) **Auditoriums, arenas, stadiums, gymnasiums, and playing fields with stands:** 1 space for every four seats at capacity.
 - (2) **Golf courses:** 8 spaces per hole, plus fifty percent of the spaces otherwise required for any accessory use (e.g., restaurant, pro shops).
 - (3) **Parks, playgrounds, playing fields without stands, nature areas and other open space:** Parking shall be provided as determined by Planning Commission, based on the submitted site plan.
 - (4) **Recreation centers:** 1 space for every two hundred fifty square feet of floor area, except those designed for use exclusively by senior citizens or youth under age sixteen, in which case there shall be 1 space for every seven hundred fifty square feet.
 - (5) **Skating rinks:** 1 space per three hundred square feet of gross floor area.
 - (6) **Swimming pools:** 1 space for every seventy-five square feet of water surface area.
 - (7) **Tennis, racquetball and handball courts:** Indoor courts - 4 spaces for each playing court. Outdoor courts - 2 spaces for each playing court.
 - (8) **Other requirements:** In addition to the above requirements, all recreational uses shall provide 1 space for every two employees on the largest work shift.
- (o) Residential Uses:
- (1) **Single-family (attached, semi-detached and detached) two-family:** 2 per dwelling unit.
 - (2) **Multi-family:** 2 per dwelling unit, plus guest parking at a rate of 1 space per four units.
- (p) Special Residential Uses:
- (1) **Dormitories, convents and monasteries:** 1 space per six residents, plus 1 space per employee on the largest working shift.
 - (2) **Bed & Breakfast:** 2 spaces, plus 1 space per guest room.
 - (3) **Boarding house:** 2 spaces, plus 1 space per boarder.
 - (4) **Corporate guest houses:** 1 space per two bedrooms, plus 1 space per employee.

- (5) **Family and group care homes:** 1 space per four residents, plus 1 space per employee on the largest working shift.
 - (6) **Retirement villages and senior citizen housing:** $\frac{3}{4}$ space per dwelling unit, plus 1 space per employee on the largest shift.
- (q) Road Service and Vehicle Uses:
- (1) **Vehicle accessories sale and installation:** 2 spaces for every service bay, plus 1 space for each employee on the largest working shift, plus 1 space for every four hundred square feet of sales area.
 - (2) **Gasoline service stations and vehicle repair, painting and body shops:** 2 spaces for each service bay, plus 1 space for each employee on the largest working shift and service vehicle, with a minimum of 6 spaces.
 - (3) **Vehicle washing facilities:** 1 space for each employee with a minimum of 4 spaces, plus four off-street waiting spaces for each car washing device or stall, or eight off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.
 - (4) **Vehicle sales and service:** 1 parking space for each eight hundred square feet of floor area, plus 1 space for each three thousand square feet of open lot area devoted to the sale and display of vehicles.
- (r) Required Number of Loading Spaces By Use:
- (1) Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this Section to accommodate the delivery or shipment operations in a safe and convenient manner.
 - (2) Loading spaces shall conform to the following minimum dimensions:
 - A. *Type A space* - (for semi truck vehicles) fourteen feet (14') minimum width, fifty-five feet (55') minimum length, fifteen feet (15') height clearance. The space shall not inhibit service access to neighboring facilities or loading areas.
 - B. *Type B space* - twelve feet (12') minimum width, thirty feet (30') minimum length, fifteen feet (15') height clearance, and arranged so as not to inhibit other service traffic.
 - (3) The number of loading spaces required are outlined in **Table 20** and **Table 21**.
 - (4) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
 - (5) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
 - (6) Whenever there exists a lot with one or more structures constructed before the effective date of this chapter, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this Section cannot

be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, the Planning Commission may modify or waive these requirements.

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

Table 20: Commercial and Industrial Buildings

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

Table 21: Office and Institutional Buildings (Excluding Churches)

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

(s) Modifications and Conditions:

- (1) Where the Planning Commission finds that strict compliance with the minimum improvement requirements provided for in this chapter results in extraordinary hardship or costs being imposed upon a particular subdivision, PUD, PRCD or other development, it may vary these improvement regulations so that substantial justice may be done and the public interest secured.
- (2) In granting modifications of these Requirements, the Planning Commission may require such conditions as will, in its judgment, secure the objectives of the standards of requirements so varied or modified.

1111.08 Signs

- (a) Purpose and Intent: It is the intent of this Section to establish reasonable regulations governing the size, character and location of signs within the incorporated area of the City of Franklin, in the interest of safety and general welfare of its citizens, business concerns and other affected sectors of the City. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the City, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign distractions and sight obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights of way, provide more open space, and curb the deterioration of the natural environment and enhance City development in such a way as to support and complement the land-use objectives set forth in this UDO. The specific public purposes of this Section are:
- (1) To provide reasonable, yet appropriate, conditions for identifying goods sold or produced or services rendered in Commercial, Office/Institutional and Industrial Districts;
 - (2) To control the size, location and design of permanent signs so that the appearance of such signs will be aesthetically harmonious with their surroundings;
 - (3) To eliminate any conflict that would be hazardous between business or identification signs and traffic control signs and devices;
 - (4) To ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and
 - (5) To reduce sign clutter.
- (b) Scope of Regulations:
- (1) **Applicability**: The regulations set forth herein shall apply to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing location and bulk of structures for the district in which it is located, unless such sign is otherwise specifically regulated by a conditional use provision or provisions relating to variances.
 - (2) **Nonconformities**: Any sign already established on the effective date of this UDO and which sign is rendered nonconforming by the provisions herein, and any sign which as a result of subsequent amendments hereto, shall be rendered nonconforming and shall be subject to the regulations of section 1111.08(1).
 - (3) **Variances**: Except as to premises located in the Historic District, variances to this Section may be considered by the Appeals Board. Variances for premises within the Historic District may be granted by the Appeals Board, upon recommendation of the Historic District Review Board.

(c) Permit Required:

- (1) All temporary and permanent signs to be erected, placed, constructed or modified within the City limits, except those specifically excluded herein, shall require a permit before work is initiated.
- (2) In order to defray the cost of examination of plans and inspections, an applicant for a sign permit shall pay a fee in accordance with section 1105.09.
- (3) **Applications:** Applications for sign permits shall contain the following information:
 - A. Two copies of plans and/or blueprints to scale of signage including details of fastenings, lighting and any lettering, symbols or other identification which will be on the sign.
 - B. A site plan of a proposed ground sign location showing the distance from the public right-of-way and relationship to access drives, parking areas and buildings or a facade elevation of proposed wall or window signs showing the height and proportions of the sign.
 - C. Any information peculiar to a particular sign application that is necessary to uphold the provisions of this Section.

(d) Administration:

- (1) The Zoning Official shall regulate and enforce the requirements of this Section, and shall be in charge of issuing all sign permits, both temporary and permanent, except for permits for permanent signs in the Historic Overlay District, as outlined below.
- (2) No signs, except for municipally owned signs and signs authorized by the City Manager for community events and programs which are sponsored by nonprofit, public, educational, religious and charitable organizations, shall be placed in, on or above the public right-of-way including on utility poles. The Zoning Official or his designee may effect removal of any sign illegally placed within the right of way of any road within the City.

(e) Signs in the Historic Overlay District:

- (1) The Zoning Official shall be in charge of issuing permits for temporary signs in the Historic Overlay District.
- (2) Applications for permanent signs in the Historic Overlay District must be submitted to the Historic District Review Board, who upon approval or denial shall forward its decision to the Zoning Official. The Board shall have the right to approve, approve with modifications or disapprove the application.
- (3) Upon denial or approval with modifications, the applicant shall have the right to appeal the decision of the Historic District Review Board to Council within thirty (30) days.
- (4) Permits for permanent signs subject to the approval of the Historic District Review Board and appeal to Council shall not be issued until such approval, by the Board or approval by Council upon appeal, is certified to the Zoning Official.

(f) Measurement:

- (1) Sign area shall include the face of all the display area of the sign not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign or are determined by the Zoning Official to be intended solely to make the sign more visible rather than serving any aesthetic or structural purpose. For internally illuminated signs or internally illuminated awnings, canopies or marquees, the entire lighted surface shall be considered the sign area. The lighted surface area of internally illuminated canopies, awnings or marquees is counted as signage regardless of whether it contains graphics.
- (2) Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces join back to back, are parallel to each other and not more than twenty four inches (24") apart, or form a V-angle of less than forty-five degrees (45°). For spherical signs, the sphere shall be dissected by an imaginary line through the center of the sphere and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
- (3) The area of letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter around the letters, numbers or emblems and determining its area.
- (4) The term "lot frontage" as used in calculating ground signs shall refer to the dimension of the lot along the street. The term "building frontage" as used in calculating wall signs shall refer to the building wall dimension facing the street or parking lot.
- (5) For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.

(g) Signs Which Do Not Require A Permit: The following signs may be erected without a permit:

- (1) **Business Flags:** Business flags, not exceeding one (1) per parcel and displaying the corporate or business emblem or seal, may be displayed if flown on a vertical staff or pole and in conjunction with the national flag. Such business flags shall be flown on the same staff or pole and below the national flag or on a separate staff or pole at a lower level than the national flag if such separate staff or pole is not in front of the national flag. The business flag shall not be larger than the national flag and in no instance exceed three feet (3') in width or five feet (5') in length. The business flag shall not display a product and shall contain no advertising copy. Business flags does not include international flags.
- (2) **Changeable Copy Sign Messages:** Messages displayed upon approved Manual Changeable Copy Signs may be changed without permit.
- (3) **Community Events:**
 - A. Signs for community events and programs which last for a time period of thirty (30) days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations. Signs may be displayed during the event for a period of thirty (30) days immediately preceding the

commencement of the event. One sign may be located at the site of the event, provided it does not exceed thirty-two square feet (32 sq. ft.) in size and six feet (6') in height. All off-site signs must be located on private property with the permission of the property owner, and may not exceed sixteen square feet (16 sq. ft.) nor six feet (6') in height. Signs shall not be illuminated, and shall not create a safety or visibility hazard, nor be affixed to any public utility pole or tree or be located within a public right-of-way. Each sign shall be placed at a different site and shall be removed not later than forty-eight (48) hours after the scheduled activity.

- B. If the program or event is for a continuing period of time in excess of thirty (30) days, only one sign, not larger than ten square feet (10 sq. ft.), is permitted and such sign must be located either at the site of the event or program or at the location of the sponsoring organization, unless otherwise approved by the Zoning Official.
- (4) **Construction Signs:** Construction signs which display the identification of the contractors, architects and other construction principals and temporary development signs which shall include signs indicating or promoting the development of land, facilities, or structures. Construction and/or development signs shall not be illuminated. No more than one such sign shall be permitted per street frontage and such signs shall be installed on the property to which they refer. For sites having at least one hundred feet (100') of frontage on each of two public rights-of-way, a second sign may be permitted facing the second right-of-way if both signs comply with UDO requirements. The two signs shall be no closer than seventy five feet (75'). The distance shall be measured by drawing two straight lines from the edge of each sign, forming a 90 degree (90°) angle. Such signs shall be limited to thirty-two square feet (32 sq. ft.) and six feet (6') in height. They shall be placed at least ten feet (10') from any public right-of-way. In residential subdivisions, development signs must be removed when seventy five percent (75%) of the lots in the first subdivision phase have received any certificate of occupancy or the permanent subdivision sign has been erected. For other than single-family residential development, development signs must be removed when more than fifty percent (50%) of the space is rented, sold or leased. For construction signs in developed residential neighborhoods, such sign shall be limited to six square feet (6') and must be removed upon completion of construction or the commencement of occupancy, whichever event occurs first.
- (5) **Directional Signs:** On-site directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to a maximum of two square feet in area and three feet in height and do not interfere with safe vehicular or pedestrian traffic circulation and are not located within the clear sight distance triangle. No more than two such signs are allowed per vehicular access point. Such signs may contain information such as "In," "Enter," "entrance," "Out," "Exit," "Do Not Enter," or similar language as approved by the Zoning Official or his designee or arrows indicating desired traffic movement. Such signs may not contain advertising, including logos, and must be of a rectangular shape. Such signs must be on the property to which they refer and

may not be placed within a public right-of-way. Private traffic and on-site Directional Signs are excluded from total sign count.

- (6) **Garage Sale Signs:** A sign which advertises the sale of personal property such as a garage, yard, porch or moving sale sign provided that it is limited to one sign, not greater than four square feet (4 sq. ft.) in size and which sign is located on the sale premises for a time period not greater than two (2) consecutive days. Such signs shall not be located in a public right-of-way.
- (7) **Identification Wall Signs:** Signs, in all districts except for the Historic District, up to a maximum of two square feet (2 sq. ft.) in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building which denotes the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.
- (8) **Informational Window Signs:** Informational window signs that are limited in size to four square feet (4 sq. ft.) per sign.
- (9) **Memorial Signs:** Signs, in all districts except for the Historic Overlay District, which are in the nature of cornerstones, commemorative tables, tablets, grave markers, headstones, statuary, remembrances of persons or events, or historical signs, provided that such signs are less than nine square feet (9 sq. ft.) in size and not illuminated and are noncommercial in nature. Such signs shall not be placed within a public right-of-way.
- (10) **Menu Boards:** Menu Boards, provided such signs are oriented solely for the use of patrons utilizing the drive-thru and are not visible from adjacent property or the right-of-way.
- (11) **Nameplate Signs:** For Home Occupations Type A (see section 1113.03) a sign indicating the name, address and profession of the person or persons residing on the premises, or legally occupying the premises, or indicating a home occupation legally existing on the premises in a residential district structure shall be permitted. Such sign shall be attached flush to the building and shall not exceed two square feet (2 sq. ft.) in area.
- (12) **Political Signs:** Political signs or posters concerning candidates for elective office or public issues to be decided by public election may be displayed on private property, with the permission of the owner, provided that any such sign shall be removed no later than seven (7) days after said election. Such signs shall not exceed six square feet (6 sq. ft.) in any residential district and/or the Historic Overlay District, and thirty-two square feet (32 sq. ft.) (single faced) in other districts, and shall not exceed six feet (6') in height. Signs shall not be illuminated; and shall not create a safety or visibility hazard, nor be affixed to any public utility pole or tree or be located within a public right-of-way. This Section is not applicable to political campaign headquarters signs, which shall require a temporary sign permit.
- (13) **Property Signs:** No trespassing signs or other such signs regulating the use of property, such as "Beware of Dog," or "No Hunting," etc., of no more than two square feet (2 sq. ft.) in size.
- (14) **Public:** Signs required or authorized for a public purpose by any law, statute or ordinance, such signs to include traffic control devices provided that such signs contain no supplementary advertising, and any identification of display of any official court or public office notices thereof, or any flag, emblem, or insignia of a nation, political unit, school or religious group.

(15) **Real Estate Signs:**

- A. Signs that indicate the sale, rental or lease of a particular residential structure or single- or two-family residential land area, to be limited in size to six square feet (6), with one sign allowed per street front, except that a corner lot may have one such real estate sign per street front. Such signs shall not be located in a public right-of-way, and shall not be illuminated. Signs advertising a single- or two- family residential structure or land area must be removed within fourteen (14) days after the sale, rental, or lease has occurred.
- B. Signs that indicate the sale, rental, or lease of a particular residential or non-residential undeveloped parcel over three (3) acres in area, multi-family, commercial structure or industrial land area, to be limited in size to thirty-two square feet (32 sq. ft.) in area and six feet (6') in height, with one sign allowed per street front. They shall be placed at least ten feet (10') from any public right-of-way, and shall not be illuminated. Individual tenant spaces within a parcel are allowed a window or wall sign.

(16) **Residential:** Address and name of occupant of premises for a residential structure, not including designations as to employment or home occupation and to be limited in size to two square feet (2 sq. ft.).

(17) **Security Signs:** A sign indicating that the property is protected by a security surveillance system of any nature.

(18) **Temporary Holiday Signs/Decorations:** Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday, to be limited to sixty (60) days in any one (1) year and to be displayed not more than sixty (60) consecutive days. Such signs must meet the sign area limitations of the applicable zoning district. Such signs may be illuminated provided that safety and visibility hazards are not created.

(19) **Temporary Window Signs:** Temporary window signs that are limited in size to twenty-five percent (25%) of the window area in which it is placed, and which are not illuminated. Such signs may be placed only in ground floor windows where no other temporary signs are placed and be limited to only one sign per window. Such signs may be displayed not more than one hundred twenty (120) days per calendar year if they indicate or promote special sales or special occasions. The date upon which a temporary window sign is first displayed shall be legibly marked on the sign. It will be assumed that a sign has been displayed continuously from the date marked. Merchandise may be displayed within individual store display windows.

(h) Temporary Signs and Temporary Sign Permits:

(1) General Restrictions for Temporary Signs:

- A. All temporary signs must be issued permits, in accordance with this Section, before they may installed, erected, constructed or otherwise displayed.
- B. All temporary signs shall be located at the site or location of the event being promoted or of the headquarters for the sponsoring.
- C. The date upon which a temporary sign is first displayed shall be legibly and permanently marked on the sign.

- (2) Professionally printed advertising banners, temporary wall signs and pennants less than sixteen square feet (16 sq. ft.) are permitted provided that they are attached at each corner, point and/or end so as to prevent movement. Banners may be attached to ground signs within the frame, provided that they are attached at each corner, point and/or end so as to prevent movement. Streamers are prohibited. Only one banner is permitted per establishment. No business shall display such signs for more than sixty (60) days within one calendar year per location. The date each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign. The area of each banner shall not count toward the maximum sign area as specified in this Section.
 - (3) Portable signs, “A” or “T” frame signs, swinger message board signs, windblown signs, or any other type of sign which can be moved from one location to another without any change in its structural components or members, including trailer signs, are prohibited. Portable “A”-frame (also known as sandwich board) signs, and swinger message board signs are permitted in the C-3 Central Commercial District; provided, however that such signs shall not exceed twenty-four inches by thirty-six inches (24” x 36”), and such signs comply with the Downtown Design Guidelines.
 - (4) Political campaign headquarters signs shall require a temporary sign permit and must meet the requirements of the zoning district in which the headquarters is located.
 - (5) The use of any inflatable signs, air activated attraction devices, beacons and searchlights is prohibited, except by special permit for specific events not to exceed ten (10) days in any twelve-month period.
- (i) **Permanent Signs:** All permanent signs shall require a permit. Permitted permanent signs shall be classified into one of the seven following types: canopy/marquee signs, ground signs, monument signs, projecting nameplate signs, wall signs, window signs, and shingle signs.
- (1) **Canopy/Marquee Signs:** Canopy or marquee signs may be painted on an awning area or attached to a canopy or marquee, provided that no part of any such sign may extend above the roofline, canopy or marquee. Canopy or Marquee signs shall be limited to Business signs or Identification signs.
 - (2) **Ground Signs:**
 - A. *Ground Signs as Permanent Residential Subdivision or Planned Unit Development Identification Signs:* Ground signs may be erected at the entrance of any subdivision, PUD, PCRDs, condominium development, or other similar development, provided the location, height and other characteristics of the sign meet the regulations of this section. Only one ground sign per street front will be permitted for any such development. Ground signs shall be permanently and securely anchored to the ground, and shall be flush with the base, which shall be of brick or stone. Ground signs shall not exceed four feet (4’) in height from the ground to the top of the sign, as measured from the grade.

- B. Such identification shall be limited to ground mounted signs or graphics only, for example, with placement on a brick wall, entrance columns on each side of a street or on a similar architectural or landscaping entrance feature that may be used. The reverse sides of identification features shall be finished to match the fronts. Pole type signage is hereby prohibited. Sign copy shall be limited to the name and logo of the subdivision or development.
 - C. Such identification features may not be located in the public right-of-way. Under no circumstances shall such feature be located in the tree lawn nor the clear sight, nor impair the future utilization or expansion of public streets.
 - D. The maximum area for such identification is twenty-four square feet (24 sq. ft.) at any one entry location, unless otherwise approved by Planning Commission as a part of its approval, or recommendation for approval, of the subdivision, PUD or development.
 - E. A maximum of one permanent residential subdivision identification sign is permitted on each side of the street at each entry location to a development.
 - F. No part of any such sign shall be in the right-of-way of the intersecting street.
 - G. Applications for permanent subdivision identification signs must demonstrate provisions for future maintenance and maintenance easements at the time of final platting. Written consent of the property owner of each proposed sign location shall be submitted with each permit application.
- (3) **Monument Signs:**
- A. Monument signs may be erected on a lot, provided the location, height and other characteristics of the sign meet the regulations of this section. Monument signs shall be permanently and securely anchored to the ground, and shall be flush with the base, which shall be of brick or stone or otherwise enclosed. Monument signs shall not exceed six feet (6') in height from the ground to the top of the sign, and such height shall be measured from the grade and not any mounding around the sign. Monument signs shall be limited to Business signs or Identification signs.
 - B. No monument sign shall be erected so as to obstruct free access to or egress from any building.
 - C. Inside the fire limits, no monument sign shall be constructed of combustible materials, except ornamental features. Outside the fire limits, the structural frame of monument signs shall not be erected out of combustible materials.
 - D. No person shall place or cause to be placed any monument sign within any right-of-way.
 - E. Monument signs shall be anchored to a minimum depth of thirty-two inches (32").
 - F. A monument sign shall only advertise matters that are the business, name or identity, address and/or activity of the establishment in front of whose property such sign is located, whether through logo, type, graphics or other symbols.
 - G. All changeable copy signs shall be monument signs.
 - H. No monument signs within the C-3 shall be internally illuminated.

- I. Monument signs shall not be permitted in the Historic Overlay District.
 - J. The base of all monument signs shall be effectively landscaped with a single, continuous landscaped area to be maintained beneath the sign, in accordance with the following standards:
 - (i) The edge of the required landscaped area shall be thirty inches (30") from the edge of the sign or any edge of the sign structure;
 - (ii) The landscaped area shall include all points where sign structural supports attach to the ground;
 - (iii) Where the required landscaped area adjoins a paved surface accessible to vehicular traffic, a raised planter-type area around the base of the sign shall be required to prevent the encroachment of vehicles; and
 - (iv) The landscaped area shall include living planting, aesthetically located and maintained.
- (4) **Projecting Nameplate Signs:**
- A. Projecting nameplate signs shall not exceed twelve square feet (12 sq. ft.) in size, shall be placed not less than eight feet (8') above the sidewalk or ground level, and shall not project more than four feet (4') outward from the building face. Projecting nameplate signs shall be limited to Business signs and Identification signs.
 - B. Projecting nameplate signs shall only be used by a business having its own separate and individual entrance which is located in a building having no front yard, or that is used by a number of businesses which share a common entry way in a building with no front yard, and whose nameplate identifies the name and/or street address of the building, and not the names of the individual businesses.
- (5) **Shingle Signs:**
- A. Shingle signs shall be limited to Identification signs, exceeding not more than two square feet (2 sq. ft.) in area and shall denote only the name, occupation of the professional occupant of the building, and shall not be illuminated.
 - B. The entire sign, including the pole(s), shall not exceed four feet (4') in height from the ground to the top of the sign or structure. Such signs shall be measured from the grade, not any mounding.
 - C. Such signs may be used by Home Occupation Type B's, as Identification signs, where approved by the Planning Commission.
- (6) **Wall Signs:** Business or identification signs may be erected on a building wall or extension of a building wall which faces a street, parking lot or service drive, and such sign may not extend beyond any building setback lines. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of ten inches (10"), except as otherwise provided herein.
- (7) **Window Signs:** Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises and its use. Except for the Historic District where a business does not occupy first floor space, such signs shall be limited to use solely on the ground or first floor.

- (j) Requirements Applicable to All Permanent Signs: The following general requirements shall apply for characteristics of permanent signs:
- (1) **Illumination**: Illumination of signs shall be permitted in all districts, except residential districts, or as otherwise provided in this Section. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate, travel, revolve, move or in any manner fail to provide constant illumination and shall not create a hazard or visibility problem or interfere with or impair vehicular movement on any street from which the sign may be viewed. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
 - (2) **Animation, mechanical or electronic changeable copy signs and moving signs**: Subject to the limitations stated herein for specific sign types, the Planning Commission may approve a changeable message sign, including such signs changed by electronic means, as part of any freestanding sign type permitted by this ordinance, and subject to the following restrictions:
 - A. The sign area shall comprise no more than one-third (33.3%) of the total area of the sign per side, or ten square feet (10 sq. ft.) per side, whichever is more;
 - B. Electronic changeable copy signs shall comply with the maximum height standards specified in this Section;
 - C. The sign area shall be an integral part of the sign;
 - D. The sign area and any messages, wording, letters or images displayed thereon shall not flash, blink, fluctuate, travel, revolve, or scroll and must show the entire message at one time without exhibiting the illusion of movement;
 - E. Each message shall be displayed for no less than thirty (30) seconds.

Electronic changeable message signs shall not be permitted in the Historic District, unless approved by the Historic District Review Board.
 - (3) **Manual changeable copy signs**: Manual changeable copy signs shall be permitted on monument and ground signs only. Manual changeable copy signs shall comprise no more than one-third (33.3%) of the total area of the sign per side, or ten square feet (10 sq. ft.) per side, whichever is more, shall comply with the maximum height standards specified in this Section, and shall be an integral part of the sign. In residential districts, the C-3 District, and the Historic Overlay District, manual changeable copy signs shall not be internally illuminated and may be illuminated only between 8:00 a.m. and 8:00 p.m., unless otherwise permitted by Planning Commission.
 - (4) **Pennants, streamers, etc.**: No sign shall contain or consist of banners, pennants, ribbons, streamers or similar moving devices.
 - (5) **Construction**: The construction of all signs, including any electrical wiring necessary for the operation of illuminated signs shall conform to the specifications of the Ohio Building Code. All signs shall be adequately maintained and shall not constitute a safety hazard. The sign faces of a sign shall be kept neatly painted or posted at all times and, where applicable, shall be painted or replaced with blank panel(s) when copy is removed.

- (6) **Location:** All permanent signs shall be located on the site being promoted, identified or advertised. Off premise signs are prohibited. In no case shall any part of a sign be placed in, over, or extend onto any public right-of-way, except for projecting nameplate signs on lots where no front yard exists and for publicly owned signs such as traffic control and directional signs. In no case shall any part of a sign be placed in, over or extend above the roof line of any structure.
- (7) **Maximum number, height, and area of signs:** In addition to placement of signs, the heights, area and number of permitted signs allowed per use or lot shall be regulated by districts and uses as listed under the regulations of this Section. The height of monument signs and ground signs shall be measured from the established grade, and no mounding shall be used to increase the height of a sign.
- (8) **Joint identification signs:**
 - A. Joint identification signs shall be limited to wall signs or monument signs, and to premises where there are two or more uses located on a property having frontage on at least one public street.
 - B. If the property fronts on one street, only one joint identification sign is permitted.
 - C. A second joint identification sign is permitted if the property fronts on two streets, provided that the frontage for each street is not less than two hundred lineal feet (200'). Additionally, a second joint identification sign may be permitted in the Historic District if the premises has pedestrian access open to the public from parking facilities both in the front and in the rear of the property.
 - D. The size of a joint identification sign shall not exceed a total of thirty-two square feet (32 sq. ft.) nor shall less than four square feet (4 sq. ft.) be utilized by any one occupant of the property.
- (9) **Billboards.** Billboards are prohibited.
- (10) **Pole Signs.** Pole signs are prohibited.
- (11) **Roof signs.** Roof signs are prohibited.

TABLE 22: Signs in Residential Districts

Residential: R-1, R-2 & R-3						
Sign Type	Per Unit	Per Building	Per Street Front	Maximum Height (Ft.)	Maximum Sign Area	Minimum Setback from Right-of-way
Shingle	1†	---	---	4	2 sq. ft.	10 *
Wall	1†	---	---		2 sq. ft.	---
Window	1	---	---	---	2 sq. ft.	---
Residential: Subdivisions, PUDs, PRCs & Condominium Developments						
Ground	---	---	1	4 (per sign, including mounding)	24 sq. ft. per sign	Shall not be in ROW of intersecting street
Residential: Multi-Family Project Identification						
Ground	---	---	1	4 (per sign, including mounding)	24 sq. ft. per sign	Shall not be in ROW of intersecting street

*Or as otherwise approved by Planning Commission, but in no case shall the setback be less than 5 ft..

†Either one shingle sign or one wall sign will be permitted, not both.

TABLE 23: Signs in Commercial Districts

Commercial: Individual Uses						
Sign Type	Per Unit	Per Street Front	Maximum Height (Ft.)	Maximum Sign Area	Min. Setback from Right-of-way	
Canopy	1†	1		Maximum Size, Maximum Sign Area, Maximum Copy Area and Minimum Setback from the right-of-way shall be determined by Planning Commission, upon application for a sign permit, on a case-by-case basis		
Monument	1	---	6	¼ sq. ft. per lineal foot of street frontage, or a maximum of 36 sq. ft., whichever is less	10*	
Wall	1†	1	---	One sq. ft. per lineal foot of building frontage, or a maximum of 150 sq. ft. total, whichever is less	---	
Window	---	---	---	25% window coverage for the combined area of all informational, permanent and temporary signs	---	
Commercial: Commercial Center						
Canopy	1†	1		Maximum Size, Maximum Sign Area, Maximum Copy Area and Minimum Setback from the right-of-way shall be determined by Planning Commission, upon application for a sign permit, on a case-by-case basis		
Monument	1•	1•	6	¼ sq. ft. per lineal foot of street frontage, or a maximum of 36 sq. ft., whichever is less.	10*	
Wall	1†	1	---	One sq. ft. per lineal foot of building frontage per tenant or per business, up to a maximum of 150 sq. ft. total for the entire Center, whichever is less	---	
Window	---	---	---	25% window coverage for the combined area of all informational, permanent and temporary signs, per tenant or per business	---	

*Or as otherwise approved by Planning Commission, but in no case shall the setback be less than 5 ft..

† Either one canopy sign or one wall sign will be permitted, not both.

• See Joint Identification Sign requirements contained in (j)(8).

TABLE 24: Signs in the Historic Overlay District

Historic Overlay District					
Sign Type	Per Unit	Per Street Front	Maximum Height (Ft.)	Maximum Sign Area	Min. Setback from Right-of-way
Canopy	1†	1	Maximum Size, Maximum Sign Area, Maximum Copy Area and Minimum Setback from the right-of-way shall be determined by Planning Commission, upon application for a sign permit, on a case-by-case basis		
Projecting Nameplate Sign	1†	---	Projects not more than 4 feet outward from building face	12 sq. ft.	10*
Wall	1†	1	---	One sq. ft. per lineal foot of building frontage or 24 sq. ft. total, whichever is less	---
Window	---	---	---	25% window coverage for the combined area of all informational, permanent and temporary signs	---

*Or as otherwise approved by Planning Commission, but in no case shall the setback be less than 5 ft..

† Either one canopy sign, one projecting nameplate sign or one wall sign will be permitted.

TABLE 25: Signs in the Office/Institutional District

Office/Institutional: Individual/Multiple Occupancy					
Sign Type	Per Unit	Per Street Front	Maximum Height (Ft.)	Maximum Sign Area	Min. Setback from Right-of-way
Canopy	1†	1	Maximum Size, Maximum Sign Area, Maximum Copy Area and Minimum Setback from the right-of-way shall be determined by Planning Commission, upon application for a sign permit, on a case-by-case basis		
Monument	1 per complex	---	6	¼ sq. ft. per lineal foot of street frontage, or a maximum of 36 sq. ft., whichever is less	10*
Wall	1†	1	---	One sq. ft. per lineal foot of building frontage per tenant or per business, up to a maximum of 150 sq. ft. total for the entire Center, whichever is less	---
Window	---	---	---	25% window coverage for the combined area of all informational, permanent and temporary signs	---

*Or as otherwise approved by Planning Commission, but in no case shall the setback be less than 5 ft..

† Either one canopy sign or one wall sign will be permitted, not both.

TABLE 26: Signs in Industrial Districts

Industrial: Individual/Multiple Occupancy					
Sign Type	Per Unit	Per Street Front	Maximum Height (Ft.)	Maximum Sign Area	Min. Setback from Right-of-way
Monument	1 per complex	1	6	¼ sq. ft. per lineal foot of street frontage, or a maximum of 36 sq. ft., whichever is less	10*
Wall	1	1	---	One sq. ft. per lineal foot of building frontage, or a maximum of 150 sq. ft., whichever is less	---
Window	---	---	---	25% window coverage for the combined area of all informational, permanent and temporary signs	---

*Or as otherwise approved by Planning Commission, but in no case shall the setback be less than 5 ft..

TABLE 27: Sign Regulations Applicable in All Districts

All Districts: Schools, Parks, Churches, Libraries, Cemeteries and Public Uses					
Sign Type	Per Unit	Per Street Front	Maximum Height (Ft.)	Maximum Sign Area	Min. Setback from Right-of-way
Monument	---	1 †	6	36 sq. ft.	10*
Wall	---	1 †	---	20 sq. ft.	---
All Districts: Parking Lots and Outdoor Commercial Recreation Facilities					
Monument	---	1	6	36 sq. ft.	---

*Or as otherwise approved by Planning Commission, but in no case shall the setback be less than 5 ft..

† Only one wall sign or one monument sign shall be allowed per street front.

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

- (l) Nonconforming Signs and Illegal Signs: The continuance of an existing sign that does not meet the regulations and requirements of this Section shall be deemed a nonconforming sign that shall terminate by abandonment or discontinuance or shall terminate by damage or destruction.

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

- A. A sign shall be considered abandoned or discontinued:
- (i) When the sign is associated with an abandoned or discontinued use.
 - (ii) When the sign remains after the termination of a business. A business has ceased operations and terminated if it is closed to the public for at least ninety (90) consecutive days and no active building permit is on file for remodeling or reconstruction. Seasonal businesses are exempt from this determination.
- B. Abandonment shall be determined, based upon the above definitions, by the Zoning Official. When the Zoning Official finds, upon investigation, that a sign has been abandoned, he shall notify the owner of said sign, together with the owner of the land on which the sign is located, by certified mail, of his findings. Such notice shall advised the owner(s) that the sign has been declared abandoned and must be removed within thirty (30) days. The owner may appeal such decision by the Zoning Official to the Appeals Board within twenty (20) days of receipt of the notice.
- C. If the abandoned sign is not removed as ordered and the owner has not filed an appeal within twenty (20) days to the Appeals Board, or if the sign is not removed within ten (10) days of notice to the owner of the Appeals Board's denial of the owner's appeal, the sign may be removed at the expense of the property owner. If the City is not reimbursed for such costs within thirty (30) days, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property on which the sign is located.
- D. Upon a finding that the signage is abandoned, the right to maintain and use such sign shall terminate immediately.

(2) **Termination by Damage or Destruction.**

- A. In the event that any nonconforming sign is destroyed by any means to the extent of more than fifty percent (50%) of the replacement cost of such sign, as determined by the Zoning Official, it shall not be repaired or restored and shall be removed within thirty (30) days.
- B. Where damage to the sign is fifty percent (50%) or less of the replacement cost of such sign, as determined by the Zoning Official, the sign may be repaired within sixty (60) days. If such repairs are not made within sixty (60) days, the sign shall lose its legal nonconforming status, shall not be repaired, and shall be removed within thirty (30) days.

(3) **Unsafe and/or Structurally Unsound Signs.**

- A. Should any sign be or become unsafe or in danger of falling, the owner thereof and/or the property owner shall proceed at once to put such sign in a safe and secure condition or shall remove the sign.
- B. When the Zoning Official or his designee finds, upon investigation, that a sign is unsafe or unsound structurally, he shall notify the owner of said sign, together with the owner of

the land on which the sign is located, by certified mail of his findings. Such notice shall advise the owner that the sign has been declared abandoned and/or unsafe and/or structurally unsound and must be removed with ten (10) days for an unsafe or structurally unsound sign. The owner may appeal such decision by the Zoning Official to the Appeals Board within ten (10) days of receipt of the notice.

- C. If an unsafe, or structurally unsound sign is not removed as ordered and the owner has filed an appeal within ten (10) days to the Appeals Board, or if the sign is not removed within ten (10) days of notice to the owner of the Appeals Board's denial of the owner's appeal, the sign may be removed at the expense of the property owner. If the City is not immediately reimbursed for such costs, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property on which the sign is located.

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

- A. All signs, together with all supports, braces, guys and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be subject to periodic inspection.
- B. Every sign and the immediately surrounding premises shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition free and clear of all obnoxious substances, rubbish and weeds.
- C. The size and structural shape shall not be changed or altered. The copy may be changed provided that the change applies to the original nonconforming use associated with the sign and that the change is made by the owner of the sign at the time the sign became nonconforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign into compliance within sixty (60) days.

- (5) A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of the sign requirements and standards of this UDO. Should any replacement or relocation take place without being brought into compliance, the sign shall be deemed an illegal sign.

(m) Enforcement:

- (1) If any sign is installed, erected, constructed or maintained in violation of any provision of this section, except for nonconforming signs in compliance, the Zoning Official or his designee shall notify the owner or user thereof to comply with the provisions of this section by certified mail, personal service, or as otherwise allowed by law.
- (2) If the owner or user fails to comply with such notice, and the owner has not requested an opinion as to the existence of the violation from the Appeals Board, or, if after a reasonable search, the owner cannot be found, the Zoning Official or his designee shall cause such graphic or such portion thereof as is constructed or maintained in violation of this Section to be taken down, the expense of which shall be paid by the owner or user.

- (3) Unless clearly specified otherwise, the property owner will be considered to be the presumptive owner of said sign. However, nothing herein contained shall prevent the Zoning Official or his designee from adopting such precautionary measures as may seem to him necessary or advisable in case of imminent danger to place the graphic in safe condition, the expense of which shall be paid by the owner of the premises or recovered against him in the manner as further described in this section.
 - (4) No owner or person in charge, possession or control of the sign(s) shall fail to comply with the notices provided in within five (5) days of mailing of the notice. No owner or person in charge, possession or control of permanent signs shall fail to comply with the notices provided within twenty-one (21) days of mailing of the notice.
 - (5) If a violation of a provision of this section is repeated within ninety (90) days of a previous violation of the same provision of this Section by the owner or user subject of the previous violation on the same property as the previous violation, such sign may be seized immediately and a charge assessed for removal without additional notification.
 - (6) Fees for removal shall be immediately due and payable to the City. Notice of such assessment shall be given to the owner or user by mailing such notice to the address utilized by the County Treasurer for tax billing purposes. All assessments not paid within ten (10) days after such mailing shall be certified by the Finance Director to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.
 - (7) The City may also collect such costs together with interest through a civil action in the appropriate court of law having jurisdiction thereof and seek such additional orders from a court of competent jurisdiction as may be necessary from time to time in order to enforce the provisions of this section.
- (n) Penalties:
- (1) Any person, firm, corporation, partnership, or association violating any provision of this Section or failing to obey any lawful order issued pursuant to its terms shall be charged with a minor misdemeanor offense and fined not less than \$75.00. Each day during which such violation continues may be deemed a separate offense.
 - (2) An organization may be charged and found guilty of a violation of a provision of this Section under any of the following circumstances:
 - A. The offense is committed by an officer, agent or employee of the organization acting in or on its behalf and within the scope of his office or employment.
 - B. The offense consists of an omission to discharge a specific duty imposed by law on the organization.
 - C. If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated or performed by the board of trustees, partners or by a high managerial officer, agent or employee acting in behalf of the organization and within the scope of his office or employment.