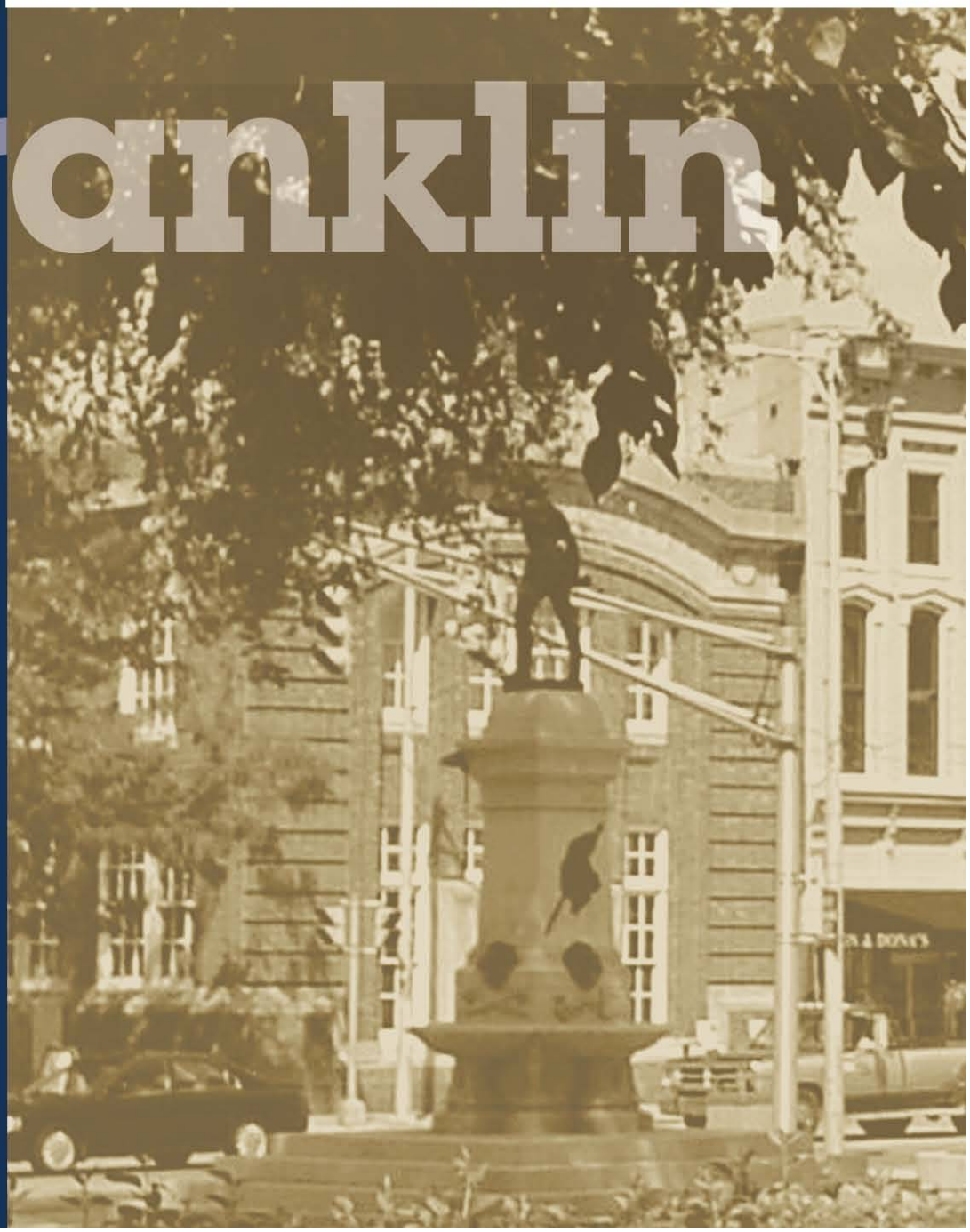
CITY OF FRANKLIN, INDIANA

Franklin



Zoning Ordinance

EFFECTIVE DATE: MAY 10, 2004

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City of Franklin

Zoning Ordinance

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Contents

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1.1 Title & Document Format

See Also:

Article 13, Definitions

A. **Title:** This Ordinance shall be formally known as the "City of Franklin, Indiana Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance" or "Ordinance".

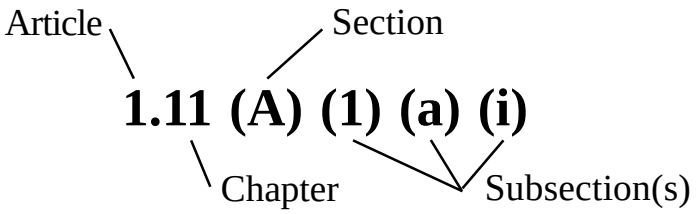
B. **Defined Words:** Words used in a special sense in this Ordinance are defined in Article 13, Definitions. All other words shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

C. **Meanings:** The following rules of construction shall apply to the text of this Ordinance:

1. The particular and specific provisions of this Ordinance shall supersede any general requirements that are established by it.
2. The words “shall” and “will” are always mandatory and not discretionary. The word “may” is permissive.
3. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
4. A building or structure includes any part thereof.
5. The phrase “used for” includes “arranged for, designed for, intended for, maintained for, or occupied for.”
6. The word person includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
7. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves 2 or more items, conditions, provisions, or events connected by the conjunction “and, or,” or “either . . . or,” the use of the conjunction is defined as follows:
   a. “And” means that all the connected items, conditions, provisions, and events apply together and not separately.
   b. “Or” means that the connected items, conditions, provisions, or events apply separately or in any combination.
   c. “Either . . . or” means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
8. The word “includes” does not limit a term to the specified examples, but is intended to extend the term’s meaning to all other instances or circumstances of like kind or character.
9. The word "city" means the City of Franklin, Indiana, the word “county” means Johnson County, Indiana, and the word “state” means the State of Indiana.

D. **Format:** The structure of the text of this Ordinance is as follows: Article (indicated by 1, etc.), Chapter (indicated by 1.1, etc.), Section (indicated by A, etc.), and subsequent Subsections (indicated by 1, a, i, etc.)

Document Format



1.2 Authority & Purpose

See Also:

IC 36-7-4 et. seq.
(Local Planning & Zoning)

IC 36-7-4-205
(Contiguous Unincorporated Jurisdiction)

IC 36-7-4-1105
(Heritage Markers)

IC 36-7-4-601(c)
(Zoning Ordinance Purpose)

A. **Authority:** This Ordinance is adopted by the City of Franklin pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Indiana Code.

B. **Jurisdiction:** This Ordinance shall apply to all land within the jurisdiction of the City of Franklin Advisory Plan Commission, including all lands within the City limits and any lands outside of the City limits but within the jurisdiction of the Plan Commission consistent with the provisions of IC 36-7-4-205.
   1. Federal and State Property: This Ordinance shall not apply to any property owned by the government of the State of Indiana or the United States of America. This Ordinance shall apply to all property owned by other units of local government, including Johnson County, the Franklin Community School Corporation, the City of Franklin Park Board, etc.
   2. Heritage Markers: In no instance shall this Ordinance be interpreted as restricting or prohibiting the State of Indiana or any of its political subdivisions from setting aside, by law, sites, memorials, edifices, and/or monuments in commemoration of persons or objects of historical or architectural interest or value, or as part of local heritage (consistent with IC 36-7-4-1105).

C. **Purpose:** This Ordinance is intended to guide the growth and development of the City in accordance with the Franklin Comprehensive Plan and for the following purposes (consistent with IC 36-7-4-601(c)):
   1. Adequate Facilities: To secure adequate light, air, and convenience of access; and provide safety from fire, flood, and other dangers.
   2. Public Safety: To promote the public health, safety, convenience, and general welfare.
   3. Future Development: To plan for the future development of the City to the end that:
      a. the community grows with adequate public ways, utilities, health, education, and recreation facilities;
      b. the needs of agriculture, industry, and business be recognized in future growth;
      c. residential areas provide healthful surroundings for family life; and
      d. the growth of the community is commensurate with and promotes the efficient and economical use of public funds.

1.3 Interpretation & Application

A. **Conflicting Requirements:** The provisions of this Ordinance shall be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

B. **Overlapping Regulations:** When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, Federal laws or other regulations applies to a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations, or preventing their enforcement by the appropriate entity.

C. **Compliance:** No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

Covenants Note: *Nothing in this Ordinance shall be interpreted as requiring the City of Franklin to enforce private covenants. Nor shall this Ordinance, or any action taken in the administration of this Ordinance (even if contrary to the specifications of private covenants) prevent a party to the covenants from seeking their enforcement through the appropriate legal mechanisms.*

1.4 Official Zoning Map

A. **Official Zoning Map:** The zoning map for the City of Franklin, officially labeled "Official City of Franklin, Indiana Zoning Map", is hereby included as part of this Ordinance. The map may also be known and referred to as the “Official Zoning Map” and as the “Zoning Map”. The Official Zoning Map shall include the ordinance number by which it was adopted and the date of adoption.

B. **Official Zoning Map Copies:** Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map copies shall be labeled as copies and have the date which they were last modified printed on them.

C. **Location of the Official Zoning Map:** The Official Zoning Map will be located in the office of the Franklin Plan Commission.

D. **Zoning District Boundaries & Identification:** The Zoning District boundaries shall be as shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Map. Planned Unit Developments shall be indicated on the Official Zoning Map using the three-digit "PUD" abbreviation and the ordinance number by which each PUD is created. Re-zonings that include conditions shall be noted as such.

E. **Regular Revisions:** The Official Zoning Map should be formally revised annually, or otherwise as the Plan Commission determines necessary.
   1. Zoning Map Amendments: A notation on the Official Zoning Map shall be made within 2 business days of the effective date of any approved Ordinance making a Zoning Map Amendment. The notation shall be made either electronically or though a permanent-pen hand written note. The notation shall include the ordinance number by which the change was approved and the date of the approval by the City Council.
   2. Errors and Omissions: Other revisions may be made to correct drafting or other errors or omissions in the Zoning Map, but shall not have the effect of amending the Map.

F. **Damaged, Destroyed, or Lost Official Zoning Map:** In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the City Council may, by ordinance, adopt a new Official Zoning Map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map. Unless the prior map has been lost or completely destroyed, it or any significant parts shall be preserved, together with any available records of its adoption and amendment.

1.4 Official Zoning Map (cont.)

G. **Interpretation Standards:** Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:
   1. Streets and Easements: Zoning district boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the center lines.
   2. Property Lines: Zoning district boundaries indicated as following section or fractional sectional lines, platted lot lines, or city corporation lines shall be construed as following such lines.
   3. Bodies of Water: Zoning district boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines. Boundaries indicated as following shore lines shall be construed as moving with any change in the actual shore line.
   4. Divided Lots: Where a zoning district boundary line divides a lot, the zoning in which the majority of the area of the property is included shall apply to the entire property. In cases where a property is divided equally between 2 or more zoning districts, the least intense district shall apply to the entire property. The Planning Director shall determine the applicable zoning for properties divided into multiple zoning districts consistent with this section.
   5. Extensions of Lines: Zoning district boundaries indicated as parallel to or extensions of the features listed in 1.4(G)(1-4) above shall be construed as so.

H. **Interpretation Procedure:** The Planning Director shall determine the applicable zoning for each property in the Plan Commission's jurisdiction as described in 1.4(G)(1-5) above.
   1. Appeals of Planning Director Interpretations: Any ruling of the Planning Director pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.
   2. Plan Commission Interpretation Required: If the Planning Director cannot definitely determine the location of a district boundary immediate action on any affected application shall be refused. The Plan Commission shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance. This interpretation may occur as part of a regular or special Plan Commission meeting and does not require a public hearing. Decisions of the Plan Commission may not be appealed to the Board of Zoning Appeals, but may be appealed to a court of jurisdiction.

1.4 Official Zoning Map (cont.)

I. **Effect of Vacation on Zoning:** Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by the proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area. The resolution of any disputes as to the exact zoning district boundaries shall be determined by the Planning Director. Appeals of the Planning Director's determination may be brought before the Board of Zoning Appeals.

1.5 Adoption & Amendments

A. **Transition Rules:** The following transition rules shall apply to the adoption of this Ordinance.

1. Previously Applied for Improvement Location Permits: Any application for an Improvement Location Permit that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the zoning ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those established by this Ordinance.
2. Previously Filed Zoning Map Amendment Requests: Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists, the Planning Director shall, with the applicant's consent, amend the application so that the request for rezoning would accomplish the same end goal.
3. Previously Filed Board of Zoning Appeal Petitions: Any application before the Board of Zoning Appeals (i.e. special exception, use variance, development standards variance) that has been filed with the Board of Zoning Appeals or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing, provided that:
   a. *Obsolete Petitions:* If the petition is no longer required by the terms of this Ordinance, the application will be dismissed;
   b. *Applicable Regulations:* The improvements to which the petition relates shall be regulated by the terms and conditions of the zoning ordinance that was in place at the time of filing (consistent with 1.5(A)(1); and
   c. *Administrative Procedures*: All administrative procedures and penalties shall follow those established by this Ordinance.
4. Expiration of Previous Approvals: All variances, special exceptions, and other petitions regulated by this Ordinance that were approved prior to the effective date of this Ordinance and not executed through the proper receipt of an Improvement Location Permit shall expire and become void 1 year following the effective date of this ordinance.
   a. *Construction Approved, but not Begun:* All Improvement Location Permits issued prior to the effective date of this Ordinance shall be void 1 year after their date of issue if construction has not begun.

See Also:

IC 36-7-4-602(b) (Ordinance Amendments)

IC 36-7-4-602(c) (Zoning Map Amendments)

Franklin Plan Commission Rules & Procedures

IC 36-7-4-603 (Decision Criteria)

Article 2, Administration

1.5 Adoption & Amendments (cont.)

b. *Construction Begun, but Abandoned:* Improvement Location Permits issued prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of 12 consecutive months or if, in the opinion of the Planning Director, construction has otherwise ceased.

c. *Re-issued Approvals:* All approvals which expire and/or become void shall comply with this Ordinance if re-issued.

B. **Amendments:** The following process and decision criteria shall apply to the amendment of this Ordinance.

1. Amendment Process: In accordance with IC 36-7-4-602, the Franklin City Council may amend or partially repeal the text of this Ordinance or it may amend the Official Zoning Map of this Ordinance as follows:
   a. *Zoning Ordinance Text Amendments:* The City Council or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedures of IC 36-7-4-602(b) and the adopted Plan Commission Rules and Procedures.
   b. *Official Zoning Map Amendments:* The City Council, Plan Commission, or at least 50% of the affected property owners may initiate a petition to change the Official Zoning Map according to the procedures of IC 36-7-4-602(c), the adopted Plan Commission Rules and Procedures, and the requirements of Article 2, Administration, of this Ordinance.
2. Decision Criteria: In its review of the text and zoning map amendment proposals, the Plan Commission and City Council shall pay reasonable regard to (consistent with IC 36-7-4-603):
   a. the most recently adopted Comprehensive Plan;
   b. current conditions and the character of structures and uses in each district;
   c. the most desirable use for which the land in each district is adapted;
   d. the conservation of property values throughout the Plan Commission's jurisdiction; and
   e. responsible development and growth.

C. **Repealer:** The Zoning Ordinance of the City of Franklin, Indiana adopted as Municipal Ordinance 91-21 on August 26, 1991, and its associated Zoning Map and any revisions to either are hereby repealed. This City of Franklin, Indiana Zoning Ordinance and Official Zoning Map shall replace the repealed ordinance and map.

D. **Severability:** If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

E. **Saving Provision:** This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

F. **Effective Date:** This Ordinance shall be in full force and in effect on May 10, 2004. The effective date is based on the passage and notice of adoption as required by law.

This Ordinance was recommended for adoption by the Plan Commission of the City of Franklin, Indiana as Resolution 2004-05 on April 20, 2004.

This Ordinance was passed and adopted by the City of Franklin, Indiana City Council as Ordinance 2004-09 on May 10, 2004.

Amendments to this Ordinance were passed and adopted by the City of Franklin, Indiana City Council as Ordinance 2005-21 on August 22, 2005; Ordinance 2007-03 on May 15, 2007; and Ordinance 2007-09 on July 30, 2009.

Article 2
Administration

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2.1 General Administration

A. **Administrative Officer:** The Franklin Planning Director (including any designee(s) of the Planning Director), will have the principal responsibility for the administration and enforcement of this Ordinance within the Plan Commission's planning jurisdiction. The duties of the Planning Director, or his/her designee shall include, but not be limited to:

1. Improvement Location Permits: Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;
2. Inspections: Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Plan Commission, Technical Review Committee, Common Council, Board of Zoning Appeals, Board of Public Works & Safety, or other body in the execution of its duties as established by this Ordinance and Indiana State Code;
3. Record Keeping: Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, special exceptions, variances, and appeals;
4. Plan Commission Applications: Receiving, processing, docketing, and referring to the Plan Commission all appropriate applications;
5. Board of Zoning Appeals Applications: Receiving, processing, docketing, and referring to the Board of Zoning Appeals all appeals, variances, special exceptions, and other matters upon which it is authorized to act under this Ordinance and Indiana State Code;
6. Technical Review Committee Applications: Receiving, processing, docketing, and referring to the Technical Review Committee all appropriate applications;
7. Clerical & Technical Assistance: Providing all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Plan Commission, Technical Review Committee, Common Council, or other body in the execution of its duties as established by this Ordinance and Indiana State Code.

B. **Fee Schedule:** The Planning Director shall maintain a schedule of fees for all applications, permits, and other processes outlined in this Ordinance.

1. Fee Basis: All fees shall be intended to reimburse the Commission for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of applications.
2. Public Access: The fee schedule shall be made available to the public by the Planning Director.

3. Establishment and Revisions: The fee schedule shall be prepared by the Planning Director, reviewed by the Plan Commission, and approved by Ordinance by the Common Council.
   a. The fee schedule may be amended by a recommendation submitted to the Common Council by the Plan Commission followed by the Council's approval of a revised fee schedule Ordinance.
   b. The Planning Director shall review the fee schedule annually and bring any necessary revisions to the attention of the Plan Commission and Common Council.
4. Payment Required: Until all applicable fees have been paid in full, no action shall be taken on any application.
5. Fines for Failing to Obtain a Permit: The Planning Director may require any person who initiates construction of a structure or the alteration of land prior to obtaining any required permit to pay up to 2 times the amount of the normal permit fee listed on the fee schedule as a fine for such activity (and in addition to the established fee).

C. **Schedule of Meeting and Filing Dates:** The Planning Director shall maintain an annual Calendar of Meeting and Filing Dates for the Technical Review Committee, Plan Commission, and Board of Zoning Appeals. The existence of this calendar shall not be interpreted as prohibiting special meetings of the Committee, Commission, or Board.
   1. Coordination of Calendars: The calendars of the Technical Review Committee and Plan Commission shall be coordinated to ensure the efficient processing of applications.
   2. Conformance with Indiana Code: All meeting and filing dates shall be based on the requirements of this Ordinance and the laws of the State of Indiana.
   3. Adoption by Resolution: The Calendar of Meeting and Filing Dates shall be prepared by the Planning Director and adopted by resolution by the Plan Commission and Board of Zoning Appeals (the Plan Commission shall be responsible for adopting a coordinated calendar for the Technical Review Committee). The calendar of meeting and filing dates shall be reviewed and updated annually by the Planning Director.

2.2 Common Council Duties & Powers

The powers and duties of the City of Franklin Common Council with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter.

A. **Duties:** Duties should be interpreted as activities that are obligations. Common Council duties include:
   1. Plans and Ordinances: Adopt, reject, or amend the Comprehensive Plan, any other plans, the Zoning Ordinance, and the Subdivision Control Ordinance as certified and submitted by the Plan Commission;
   2. Plan and Ordinance Amendments: Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, any other plans, the Zoning Ordinance, and the Subdivision Control Ordinance as certified and submitted by the Plan Commission;
   3. Zoning Map Amendments: Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;
   4. Planned Unit Developments: Adopt, reject, or amend proposals for Planned Unit Developments as certified and submitted by the Plan Commission;
   5. Fee Schedule: Adopt, reject, or amend proposals to adopt or amend a Fee Schedule as certified and submitted by the Plan Commission; and
   6. Other Duties: All additional duties as established by Indiana State Code.

B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Common Council. Common Council powers include:
   1. Plan and Ordinance Amendments: Initiate amendments to the text of the Comprehensive Plan, any other plans, the Zoning Ordinance, and/or the Subdivision Control Ordinance;
   2. Zoning Map Amendments: Initiate amendments to the Official Zoning Map; and
   3. Other Powers: All additional powers as permitted by Indiana State Code.

2.3 Plan Commission Duties & Powers

The powers and duties of the City of Franklin Plan Commission with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter. These powers and duties are further described by the Plan Commission Rules and Procedures.

A. **Duties:** Duties should be interpreted as activities that are obligations. Plan Commission duties include:
   1. Rules: Supervise and make rules for the administration of the affairs of the Commission (IC 36-7-4-401(a)(1));
   2. Procedures: Prescribe uniform rules pertaining to investigations and hearings (IC 36-7-4-401(a)(2));
   3. Record Keeping: Maintain a complete record of all proceedings (IC 36-7-4-401(a)(3));
   4. Meeting Time and Records: Fix the time for holding regular meetings each month, or as necessary, keep minutes of all meetings, and maintain all minutes and records in the office of the Commission (IC 36-7-4-306);
   5. Certification: Adopt a seal and certify all official acts (IC 36-7-4-401(a)(6) and (7));
   6. Recommendations: Make recommendations to the Common Council concerning the adoption and amendment of the Comprehensive Plan, the Zoning Ordinance (including the zoning map), the Subdivision Control Ordinance, and Planned Unit Development district ordinances (IC 36-7-4-405(a)(1));
   7. Decisions: Approve or deny plats, re-plats, and amendments to plats consistent with the IC 36-7-4-700 series (IC 36-7-4-405(b)(2));
   8. Surety: Record and file all bonds and contracts and assume responsibility for the custody and preservation of all Commission documents and papers (IC 36-7-5-401(a)(4));
   9. Publications: Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by the Indiana Code (IC 36-7-4-401(a)(5));
   10. Fiscal Supervision: Supervise the fiscal affairs of the Commission (IC 36-7-4-401(b)(1));
   11. Budgeting: Prepare and submit an annual budget to the Common Council, and be limited in all expenditures to the provisions made for those expenditures by the Common Council (IC 36-7-4-401(b)(2));
   12. Employees: Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Commission, consistent with the compensation fixed by the Common Council (IC 36-7-4-402(a));
   13. Street Names and Addresses: Assign street numbers to lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments (IC 36-7-4-405(b)(1), (2), and (3));

2.3 Plan Commission Duties & Powers (cont.)

14. Board of Zoning Appeals Facilities: Provide suitable facilities for the holder of BZA hearings and for the preserving of records, documents, and accounts (IC 36-7-4-914); and
15. Other Duties: All additional duties as established by Indiana State Code.

B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Commission. Plan Commission powers include:

1. Advisory Committees: Establish advisory committees as necessary, composed of specific members and organized for specific purposes (IC 36-7-4-407);
2. Executive Committee: Establish an executive committee (IC 36-7-4-408);
3. Funding Assistance: Seek funding assistance through grant programs as necessary (IC 36-7-4-409) and accept gifts, donations, and grants (IC 36-7-4-310);
4. Fee Schedule: Establish a schedule of fees to defray the administrative costs of the official actions of the Commission (IC 36-7-4-411);
5. Secretary: Appoint and fix the duties of a secretary (IC 36-7-4-304);
6. Professional Services: Contract for special or temporary services and any professional counsel (IC 36-7-4-311); and
7. Other Powers: All additional powers as permitted by Indiana State Code.

2.4 Technical Review Committee

A. **Authority and Approvals:** The authority of the Technical Review Committee and appeals of its decisions shall be as follows:
   1. Review Authority: the Technical Review Committee shall have the authority to review the following types of applications:
      a. Re-zoning Applications,
      b. Planned Unit Development Concept Plans,
      c. Planned Unit Development Detailed Plans, and
      d. Annexations.
   2. Approval Authority: The Technical Review Committee shall have the authority to approve Site Development Plans as specified by Article 9.
   3. Advisory Capability: The Technical Review Committee may also review and comment on any other matter at the request of the Plan Commission, Board of Zoning Appeals, Common Council, Board of Public Works & Safety, or Planning Director.
   4. Appeal Rights: All decisions of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in Section 2.4(G).

B. **Committee Structure:** The Planning Director shall serve as the staff for the Technical Review Committee. He/she shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as described below:
   1. Membership: The Technical Review Committee shall, at a minimum, consist of the following members:
      a. the Planning Director;
      b. the City Engineer;
      c. the Park & Recreation Director or his/her designee;
      d. the Police Chief or his/her designee;
      e. the Fire Chief or his/her designee;
      f. the Street Commissioner or his/her designee;
      g. the Superintendent of Public Works or his/her designee;
      h. no more than 5 members of the Plan Commission (appointed by the Plan Commission);
      i. a representative of the Franklin Community School Corporation;
      j. a representative of the Johnson County Health Department;
      k. a representative of each of the local gas, water, cable television, electricity, and telephone utilities; and
      l. any others deemed necessary by the Planning Director.

Intent:

The intent of the Technical Review Committee is to provide a coordinated and thorough review of all development plans and to ensure that all applicable requirements are met. By establishing this body, applications can be reviewed by all necessary departments, local agencies, and utility providers at one meeting. Such review helps to identify issues early in the process, and eliminates the need for multiple meetings and individual correspondence between the applicant and each of these departments and agencies.

Note: *The intent of including Plan Commission members on the Technical Review Committee is to ensure continuity throughout the review process. The Plan Commission Members' roles are not to supersede an area of expertise of other Technical Review Committee Members.*

2.4 Technical Review Committee (cont.)

2. Attendance: It is expected that members of the Committee shall be present at the time of the scheduled Committee meeting. If Committee members have comments and are unable to attend, they shall submit the comments in writing to the Planning Director prior to the appropriate meeting.
   a. Each committee member shall only comment on the aspects of each application that directly relate to their area of expertise regarding the applicable adopted standards of the City of Franklin or the entity they are representing.
   b. If no comments are received from any member of the Committee it shall indicate that individually they have no objection to any aspect of the application.
3. Duties of the Planning Director: The Planning Director shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of an application on which members of the Technical Review Committee disagree.
   a. In cases of disagreement and at his/her discretion, the Planning Director may forward any application before the Technical Review Committee to the Plan Commission for a determination on the request.
   b. The Planning Director shall determine the action to be taken on each application by the Committee based on the comments of the Committee members.
4. Continued Applications: All applications that are not approved by the Technical Review Committee and not forwarded to the Plan Commission shall be denied or continued and placed on the agenda for the next appropriate Committee meeting.
   a. Prior to that meeting the applicant shall address the comments of the Committee, making appropriate modifications to the application materials.
   b. The applicant shall provide appropriate copies of the revised materials prior to the next Committee meeting based on the adopted Calendar of Meeting and Filing Dates.
   c. The applicant may withdraw any application following the review of the Committee by submitting a notice of such withdrawal in writing to the Planning Director. Any applications that are withdrawn and are subsequently re-filed shall be considered a new application and shall be subject to all applicable requirements for new applications (including fees) established by this Ordinance.

D. **Attendance Required:** The applicant and/or any representative of the applicant shall be required to attend all Technical Review Committee meetings at which their application is to be reviewed. If the applicant or their representative is not present, the application shall automatically be continued and placed on the agenda for the next appropriate Committee meeting.

E. **Meeting Record:** The Planning Director shall make written documentation of the comments and findings of the Technical Review Committee for each application and make those findings available to the applicant within 5 business days of the Committee's review. The written documentation shall consist of the following:
   1. Action Taken: a letter to the applicant stating the action taken by the Committee, and
   2. Outstanding Comments: a list of any unresolved comments made by the members of the Committee.

F. **Decision Criteria:** In all cases, the Technical Review Committee shall only consider the applicable requirements of this Ordinance, the Franklin Subdivision Control Ordinance, and any other adopted and applicable standards of the City of Franklin, the State of Indiana, and/or the Federal government. The minimum standards and specifications of each other represented entity shall also be considered.
   1. Mandatory Approval: In all cases in which the TRC has approval authority and an application conforms to the applicable standards, that application shall be approved.
   2. Committee Member Comments: In no case shall any applicant be required to make any modifications to any application based solely on the opinions or other undocumented standards of any member of the Committee.
      a. This shall not be interpreted as prohibiting any committee member from providing comments that express their professional opinions regarding an application being forwarded to the Plan Commission.
      b. This shall further not be interpreted as preventing the City Engineer or representatives of other entities from establishing requirements for individual applications based on professional norms.

G. **Appeals:** Any applicant or interested party may appeal the decision of the Technical Review Committee to the Plan Commission.
   1. Relief from Specific Requirements: Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance that are unrelated to the Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.
   2. Appeal Procedure: All appeals of determinations of the Technical Review Committee shall meet the following requirements:
      a. The appealing party shall be required to provide the Planning Director with written notice of the appeal within 30 days of the date of the Committee decision.
      b. The Planning Director shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted Calendar of Meeting and Filing Dates.

2.4 Technical Review Committee (cont.)

c. The appealing party shall be required to provide public notice for the meeting, consistent with the provisions Chapter 11.2.
d. The Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.

H. **Consistency:** In all cases, the application materials, including any drawings that are presented to the Plan Commission or provided to the Planning Director with an Improvement Location Permit application following Committee review shall be completely consistent with those that were approved by the TRC, with the exception of any corrections or revisions requested by the Committee. Any application that is inconsistent with the version approved by the Technical Review Committee shall be referred back to the TRC for review and comment.

2.5 Board of Zoning Appeals

A. **Establishment and Membership:** Pursuant to the IC 36-7-4-900 series, the Franklin Common Council establishes the City of Franklin Advisory Board of Zoning Appeals which shall conduct business consistent with all requirements of the Indiana Code and this Ordinance.

B. **Powers and Duties:** The powers and duties of the City of Franklin Board of Zoning Appeals with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter. These powers and duties are further described by the Board of Zoning Appeals Rules and Procedures.

1. Duties: Duties should be interpreted as activities that are obligations. Board of Zoning Appeals duties include;
   a. *Meeting Time:* Fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances (IC 36-7-4-920);
   b. *Minutes:* Keep minutes of its proceedings and record the vote on all actions taken, file all minutes and records in the office of the Board, and make written findings of fact in all cases (IC 36-7-4-915);
   c. *Rules and Procedures:* Adopt rules concerning the filing of appeals, applications, public notice, the conduct of hearings, and the determination of whether a variance application is for a variance of use or for a variance from the development standards (IC 36-7-4-916(a));
   d. *Publications:* Make adopted rules available to all applicants and other interested persons (IC 36-7-4-916(c));
   e. *Variances:* Review, hear, and approve or deny all applications for variances from development standards (such as height, setback, or area) and variances of use (IC 36-7-4-918.4 and 36-7-4-918.5);
   f. *Special Exceptions:* Review, hear and approve or deny all applications for special exceptions (IC 36-7-4-918.2);
   g. *Appeals:* Review, hear, and decide appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Plan Commission Director or other Plan Commission staff, committees, administrative boards, or any other bodies (except the Plan Commission) (IC 36-7-4-918.1); and
   h. *Other Duties:* All additional duties as established by Indiana State Code.
2. Powers: Powers should be interpreted as activities that are optional and may be initiated by the Board. Board of Zoning Appeals powers include;
   a. *Hearing Officer:* Appoint a hearing officer (IC 36-7-4-923);
   b. *Secretary:* Appoint a secretary and other employees as necessary for the discharge of Board duties (IC 36-7-4-913); and
   c. *Other Powers:* All additional powers as permitted by Indiana State Code.

See Also:

Board of Zoning Appeals Rules & Procedures

Section 1.2(B), Jurisdiction

Chapter 11.2, Notice of Public Hearing

Indiana Code 36-7-4-900 series, Board of Zoning Appeals

2.5 Board of Zoning Appeals (cont.)

C. **Rules and Procedures:** The Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code Section 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices and conduct of meetings, and public hearings.

D. **Filing:** All applications for variances, special exceptions, and requests for administrative appeal shall be filed by the applicant with the Planning Director in the manner prescribed by the Board.

E. **Communication with Board Members:** No person (including applicants, remonstrators, and other interested parties) may communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board.

F. **Notice of Public Hearing:** For all public hearings, notice shall be provided to the public consistent with the requirements of Chapter 11.2.

G. **Re-filing of Denied Applications:** No request for variance, special exception, or administrative appeal that has been denied may be re-filed for a period of 1 year from the date of the denial, unless changes have been made that address the reasons for denial.

H. **Re-Consideration of Applications:** The applicant, remonstrators, or any other interested party may seek the reconsideration of any variance, special exception, or administrative appeal by submitting a written request to the Planning Director within 30 days of the date of Board action on the request. A variance, special exception, or administrative appeal may be reconsidered by the Board of Zoning Appeals under the following procedure:

1. Public Hearing: Upon receipt of the written request for reconsideration by the Planning Director the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. At the public hearing the Board shall only consider whether or not sufficient grounds for reconsideration are present, but shall not take any new action on the application. If sufficient grounds are present, the Board shall place the application on the agenda for its next regularly scheduled meeting, at which time the application shall be reconsidered and subsequent action taken.
2. Grounds for Reconsideration: At the public hearing the Board shall determine whether or not the variance, special exception, or administrative appeal shall be reconsidered.
   a. The Board may reconsider the application if a finding is made that the entity seeking the reconsideration is able to provide substantial new information or clarified facts that were not known or available at the initial hearing on the application and such new information or facts are directly related to the decision criteria established by this Ordinance.

b. In no instance shall a reconsideration be granted to allow an applicant to modify their application.

3. Time Limitation: In no case shall the Board hear more that 1 request for reconsideration for any single application.

I. **Appeals:** Every decision of the Board of Zoning Appeals shall be subject to review by a court of jurisdiction (writ of certiorari) as prescribed by the IC 36-7-4-1000 series. All appeals shall be presented to a court of jurisdiction within 30 days of the Board's decision.

J. **Improvement Location Permit Required:** If the Board grants a special exception or variance, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with all established requirements and this Ordinance, an Improvement Location Permit for the execution of the approved variance or special exception shall be issued.

K. **Expiration of Approvals:** A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.

L. **Termination:** A variance or special exception may be terminated by the Board of Zoning Appeals under the following procedure:

1. Public Hearing: Upon determination by the Planning Director that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. The Planning Director shall notify the applicant of the hearing via Certified Mail a minimum of 10 days prior to the hearing.
2. Grounds for Termination: At the public hearing the variance or special exception shall be revoked if a finding is made by the Board that one or more of the following is true:
   a. The execution of the approval is not consistent with any requirement of this Ordinance,
   b. The execution of the approval is not consistent with any condition of approval,
   c. The execution of the approval is not consistent with any written commitment, or
   d. The approved was the result of fraud or the misrepresentation of facts.
3. Time Limitation: No special exception or variance may be reviewed by the Board of Zoning Appeals for the same cause more than once in any 1 year period.

Article 3
Zoning Districts

3

Article Three: Zoning Districts ..... Page #

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See Also:

Article 4, Performance Zoning\ (suspended)

Article 5, Overlay Zoning

Article 6, Planned Unit Development

3.1 Establishment of Zoning Districts

A. **Establishment of Zoning Districts:** For the purpose of this Ordinance, the planning jurisdiction is divided into the following zoning districts. Each of the zoning districts stands alone and is not part of a hierarchy-system of zoning. For example, uses permitted in the MXN district are not permitted in the MXC district unless expressly listed as such in the MXC district. Only those uses and standards that are expressly indicated and noted for each district apply to that district.

Agricultural Zoning District

A - Agricultural ..... page 3-10

Single-Family Residential Zoning Districts

RR - Residential, Rural ..... page 3-12
RSN - Residential, Suburban Neighborhood ..... page 3-14
RS-1 - Residential, Suburban One ..... page 3-16
RS-2 - Residential, Suburban Two ..... page 3-18
RS-3 - Residential, Suburban Three ..... page 3-20
RTN - Residential, Traditional Neighborhood ..... page 3-22
RT-1 - Residential, Traditional One ..... page 3-24
RT-2 - Residential, Traditional Two ..... page 3-26
RT-3 - Residential, Traditional Three ..... page 3-28

Multi-Family Residential Zoning Districts

RM - Residential, Multi-Family ..... page 3-30
RMH - Residential, Manufactured Home Park ..... page 3-32

Mixed-Use Zoning Districts

MXD - Mixed-Use, Downtown Center ..... page 3-34
MXN - Mixed-Use, Neighborhood Center ..... page 3-36
MXC - Mixed-Use, Community Center ..... page 3-38
MXR - Mixed-Use, Regional Center ..... page 3-40

Institutional Zoning District

IN - Institutional ..... page 3-42

Industrial Zoning Districts

IBD - Industrial, Business Development ..... page 3-44
IL - Industrial, Light ..... page 3-46
IG - Industrial, General ..... page 3-48

B. **Establishment of Planned Unit Development District:** This Ordinance allows for any zoning district(s) to be rezoned for the creation of a Planned Unit Development. All Planned Unit Developments shall be consistent with the requirements of Article 5 of this Ordinance.

3.2 Land Uses

C. **Subdivision of Land:** The subdivision of land in every zoning district shall be consistent with the provisions of the applicable subdivision control ordinance for the jurisdiction in which the property is located.

A. **Land Uses Specified:** Each land use is either a permitted, non-permitted or a special exception use in each zoning district. A general list of permitted and special exception uses for each district are noted in the "Permitted Uses" and "Special Exceptions" columns accompanying the description of each district in this Article. Specific land uses within each general category are listed in the Land Use Matrix that begins on this page.

B. **Unlisted or Questionable Land Uses:** Any use not listed as a permitted use or special exception use is considered non-permitted. The Planning Director may determine into which category any questionable use is placed if it is not specifically listed but is similar to another use that is a permitted or a special exception use. This determination may be appealed to the Board of Zoning Appeals consistent with the provisions of Chapter 11.5 for Appeals of Administrative Decisions.

A. **Lot Standards Established:** The lot standards for each zoning district shall be as specified in the description of each district in this Article. Lot standards shall include, but not be limited to, front yard setback, side yard setback, rear yard setback, lot area, lot width, lot frontage, lot depth, height, living and ground floor areas, primary structures, and lot coverage. A summary of the lot standards is provided in the table below:

See Also:

Chapter 11.5, Appeals of Administrative Decisions

Primary Land Use P Permitted Use S Special Exception Use	**Zoning District**															
	A	**RR**	**RSN**	**RS** 1,2,3	**RTN**	**RT** 1,2,3	**RM**	**RMH**	**MXD**	**MXN**	**MXC**	**MXR**	**IN**	**IBD**	**IL**	**IG**
Agriculture Uses																
agricultural product sales, distribution, & storage facility fertilizer sales, distribution, & storage seed sales, distribution, & storage farm co-op. facility	S															S
animal boarding/stables (excluding kennels)	P	S														
farm (confined feeding)	P															
farm (general) farm dwelling grazing & pasture land livestock raising & breeding crop production crop processing & storage (materials produced on-site)	P	P	P	P		P	P	P		P	P	P		P	P	P
farm equipment sales and service	S											P		S	P	S
farmer's market	S								P		P	P	P			
greenhouse (commercial)	P															S
livestock auction/sales facility	S															S
winery	P	S							P		P	P				

3.2 Land Uses (cont.)

Primary Land Use
P Permitted Use
S Special Exception Use

Primary Land Use	A	RR	RSN	RS 1,2,3	RTN	RT 1,2,3	RM	RMH	MXD	MXN	MXC	MXR	IN	IBD	IL	IG
Communications/Utilities Uses																
communication service exchange									S		S	P	P	P	P	P
public wellfield/water treatment facility	P	P											P			
sewage treatment plant													P			
telecommunications facility/tower	P								S		S	S	S	P	P	P
utility substation											S	S	P	P	P	P
water tower	P	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P
Park Uses																
campground/RV park	S															
driving range (as a primary use)											S	S	S			
golf course and/or country club (including driving range)	P	P	P	P	P	P	P						S			
nature preserve/center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
park and/or playgrounds (including athletic facilities)	P	P	P	P	P	P	P	P	P	P	P	P	P			
Residential Uses																
bed and breakfast facility	S	S			S	S			S	S	S	S				
boarding house	S	S							S		S	S	S			
mobile home / manufactured home park								P								
dwelling, multi-family (more than 2 dwelling units)					S	S	P		S		S	S				
dwelling, secondary (on upper floors of other use)							P		P	P	P	P				
dwelling, single-family (includes manuf. home types I & II)	P	P	P	P	P	P	P	P								
dwelling, two-family					S	S	P									
fraternity/sorority house							S						S			
nursing/assisted living facility							P		S		S	S	P			
residential facility for the developmentally disabled type I		P	P	P	P	P	P	P	S	S	S	S	P			
residential facility for the developmentally disabled type II							P		S		S	S	P			
residential facility for the mentally ill		P	P	P	P	P	P	P	S	S	S	S	P			
retirement facility							P		S		S	S	P			
Institutional/Public Uses																
airport	S														S	S
animal shelter	P											S	S	S	S	
cemetery	S	S											P			
church or other place of worship	P	P	S	S	S	S	S	S	P	S	S	S	P			
community center		S	S	S	S	S	S	S	P	S	P	P	P			
day-care center									P	P	P	P	P	S	S	S
fairgrounds	P												P			
funeral home									P		P	P				
government facility (non-office)	S											S	P	S	S	S
government office									P		P	P	P			
heliport	S	S											S	P	P	P
hospital/medical center											P	P	P			
institution for the developmentally disabled/mentally ill							S		S		S	S	P			
library									P	P	P	P				
lodge or private club									P		P	P				
medical clinic									P	P	P	P	P	P	P	P
museum or gallery									P	S	S	S	P			
parking lot or garage (as a primary use)									P	S	P	P		P	P	P
penal or correctional institution	S												S	S	S	S
police, fire, or rescue station	P	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
post office									P	S	S	S	P			
school (P-12)		S	S	S	S	S	S	S	S	S	S	S	P			
trade or business school									P		P	P			P	P
university or college									S		S		P			

Primary Land Use P Permitted Use S Special Exception Use	Zoning District															
	A	RR	RSN	RS 1,2,3	RTN	RT 1,2,3	RM	RMH	MXD	MXN	MXC	MXR	IN	IBD	IL	IG
Commercial Uses																
adult uses																P
auto-oriented uses (small scale)																
gas-station											P	P				
car wash																
auto-oriented uses (medium scale)																
auto repair and body shop											P	S		S		
vehicle detailing/accessory shop																
oil change shop																
auto-oriented uses (large scale)																
automobile/motorcycle sales and service											P	P				
recreational vehicle sales and service																
mass transit terminal/station (excluding a public bus stop)									S		S	S				
conference center									P		P	P	S	P	P	P
data processing / call center									P		S	P		P	P	P
fireworks sales (permanent)											S	S				
health spa	S								P		P	P				
hotel									P		P	P				
kennel	P	S										S		S	S	
liquor store									P		P	P				
mobile/manufactured home sales												S				
office uses																
administrative/professional office																
bank/financial institution																
medical/dental office																
radio/TV station									P	S	P	P				
veterinary office/animal clinic (without outdoor kennels)																
print shop/copy center																
business/financial services office																
investment firm																
employment service																
personal service uses																
barber/beauty shop																
dry cleaners (retail)																
photographic studio																
self-service laundry									P	P	P	P		P		
shoe repair/tailor shop																
dance or martial arts studio																
gymnastics center																
tanning salon																
fitness center																
recreation uses (small scale)																
billiard room or arcade																
night club									P	S	P	P		S		
microbrewery/brew-pub																
bar																

3.2 Land Uses (cont.)

Primary Land Use P Permitted Use S Special Exception Use	Zoning District															
	A	RR	RSN	RS 1,2,3	RTN	RT 1,2,3	RM	RMH	MXD	MXN	MXC	MXR	IN	IBD	IL	IG
Commercial Uses																
recreation uses (medium scale)																
bowling alley																
theater																
banquet or assembly hall									P		P	P				
miniature golf course																
shooting/archery range (indoor)																
skating rink/swimming pool																
recreational uses (large scale)																
seasonal hunting or fishing facility	S	S														
shooting range (outdoor)																
restaurant									P	P	P	P		S		
retail uses (small scale)																
video/music store																
art or photo gallery																
bakery (retail)																
deli																
flower shop																
gift shop						S			P	P	P	P				
news dealer/bookstore																
stationary shop																
ice cream shop																
convenience store (without gas station)																
jewelry store																
antique shop																
meat market																
retail uses (medium scale)																
craft/fabric store																
apparel/footwear store																
record/CD/musical instrument shop																
sporting goods shop																
pharmacy																
grocery store									P		P	P				
garden shop																
variety store																
auto parts sales (without on-site repair)																
building finishes shop (paint, carpet, wallpaper, etc.)																
repair services (small appliances, jewelry, alterations, etc.)																
pet store																
retail uses (large scale)																
auction facility (excluding livestock)																
supermarket																
department store																
shopping mall									S		P	P				
hardware store																
home electronics/appliance store																
office supply store																
building supply store																
retreat center	S	S							P		P	P	S			
truck stop / travel center												S			S	S

Primary Land Use P Permitted Use S Special Exception Use	Zoning District															
	A	RR	RSN	RS 1,2,3	RTN	RT 1,2,3	RM	RMH	MXD	MXN	MXC	MXR	IN	IBD	IL	IG
Industrial Uses																
agricultural products terminal	P															P
animal & animal products processing																S
boat/RV storage facility (outdoor)														P	S	
concrete/asphalt production facility																S
contractor's warehouse/storage facility														P	P	
dry cleaners (commercial)															P	P
food & beverage production														P	S	P
general industrial production																
manufacturing facility														P		P
fabrication facility																
hazardous materials production																
bottle gas storage & distribution																
explosive manufacturing and storage																S
petroleum and chemical processing and storage																
light industrial assembly & distribution																
packaging facility																
assembly facility														P	P	P
printing/publishing facility																
light industrial processing & distribution																
lumber yard												S		P	P	P
tool and dye shop																
mineral extraction and processing	P	S														
mini-warehouse self-storage facility														P	P	
power generation facility (commercial)	S														S	P
research and development facility														P	P	P
truck freight terminal															S	P
truck sales & service center															S	S
warehouse & distribution facility														P	P	P
wholesale facility														P	P	
waste disposal facility																
incinerator																
junk/scrap metal yard																
sanitary landfill																S
refuse dump / transfer station																
inoperable vehicle storage																

3.3 Standards

See Also:

Article 10, Nonconformities

Zoning District	Min. Lot Area	Max. Lot Area	Min. Lot Width	Max. Lot Depth	Max. Lot Coverage (all hard surfaces)	Min Front Yard Setback			Min. Side Yard Setback	Min. Rear Yard Setback	Min. Living Area	Min. Ground Floor Living Area	Max. # Primary Structures Per Lot	Max. Height
						Arterial Street	Collector Street	Local Street						
Agricultural Zoning District														
A	2 acres	None	200 ft.	NA	NA	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	1,000 sq. ft.	NA	NA	50 ft.
Single-Family Residential Zoning Districts														
RR	2 acres (septic) 1 acre (sewer)	None	100 ft.	3.5x lot width	35%	50 ft.	50 ft.	50 ft.	15 ft.	15 ft.	1,600 sq. ft.	60%	1	50 ft.
RSN	per existing preliminary plat	None	per existing plat	NA	50%	per existing plat*	per existing plat*	per existing plat*	5 ft.*	15 ft.*	current min. in plat area	40%	1	48 ft.
RS-1	15,000 sq. ft.	None	100 ft.	NA	50%	50 ft.*	30 ft.*	20 ft. *	15 ft.*	25 ft.*	1,800 sq. ft.	50%	1	48 ft.
RS-2	10,000 sq. ft.	None	75 ft.	NA	60%	50 ft.*	30 ft.*	20 ft. *	10 ft*	20 ft.*	1,600 sq. ft.	40%	1	48 ft.
RS-3	7,200 sq. ft.	None	50 ft.	NA	70%	50 ft.*	30 ft.*	20 ft. *	8 ft.*	15 ft.*	1,200 sq. ft.	40%	1	48 ft.
RTN	5,000 sq. ft.	None	40 ft.	NA	85%	Block Average (Build-to)	Block Average (Build-to)	Block Average (Build-to)	5 ft.	20 ft.	800 sq. ft.	NA	1	48 ft.
RT-1	9,000 sq. ft.	15,000 sq. ft.	75 ft.	NA	75%	50 ft.*	20 ft. (Build-to)*	20 ft. (Build-to)*	10 ft.*	20 ft.*	1,600 sq. ft.	50%	1	48 ft.
RT-2	7,200 sq. ft.	15,000 sq. ft.	60 ft	NA	75%	50 ft.*	15 ft. (Build-to)*	15 ft. (Build-to)*	8 ft.*	15 ft.*	1,200 sq. ft.	40	1	48 ft.
RT-3	5,000 sq. ft.	15,000 sq. ft.	50 ft.	NA	75%	50 ft.*	15 ft. (Build-to)*	10 ft. (Build-to)*	6 ft.*	15 ft.*	1,000 sq. ft.	40%	1	48 ft.
Multi-Family Residential Zoning Districts														
RM	8,000 sq. ft. min. w/ 2,000 sq. ft./d.u **	None	50 ft.	NA	65%	50 ft.*	30 ft.*	20 ft.*	8 ft. (duplex)* 50 ft. (other)*	20 ft. (duplex)* 50 ft. (other)*	1,000 sq. ft. (duplex) 450 sq. ft. (other)	NA	NA	48 ft.
RMH	5 acres (park) 4,000 sq. ft. (site)	None	50 ft.	NA	65%	50 ft.*	50 ft.*	50 ft. (public)* 20 ft.(internal)*	50 ft. (lot)* 10 ft. (site)*	50 ft. (lot)* 10 ft. (site)*	720 sq. ft.	100%	NA	35 ft.
Mixed-Use Zoning Districts														
MXD	Existing Lots	NA	Existing Lots	NA	100%	0 ft. (Build-to)	0 ft. (Build-to)	0 ft. (Build-to)	0 ft. (Build-to)	0 ft.	450 sq. ft.	NA	1	48 ft.
MXN	5,000 sq. ft.	1 acre	50 ft.	NA	85%	20 ft.	15 ft.	10 ft.	0 ft.	20 ft.	450 sq. ft.	NA	1	35 ft.
MXC	10,000 sq. ft.	10 acres	80 ft.	NA	75%	50 ft.	30 ft.	20 ft.	15 ft.	20 ft.	650 sq. ft.	NA	1	45 ft.
MXR	15,000 sq. ft.	None	100 ft.	NA	75%	50 ft.	30 ft.	20 ft.	15 ft.	20 ft.	650 sq. ft.	NA	1	45 ft.
Institutional Zoning District														
IN	20 acres	None	50 ft.	NA	75%	50 ft.	30 ft.	20 ft.	25 ft.	25 ft.	NA	NA	NA	60 ft.
Industrial Zoning Districts														
IBD	22,000 sq. ft.	5 acres	100 ft.	NA	75%	50 ft.	50 ft.	25 ft.	25 ft.	25 ft.	NA	NA	1	50 ft.
IL	1 acre	None	100 ft.	NA	85%	50 ft.	50 ft.	25 ft.	25 ft.	25 ft.	NA	NA	NA	50 ft.
IG	2 acres	None	100 ft.	NA	85%	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	NA	NA	NA	50 ft.

* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)

** no RM lot shall be less than 8,000 square feet (for developments exceeding 4 units, an additional 2,000 square feet of lot area shall be required for each additional unit)

B. **General Lot Requirements:** All lots shall comply with the following requirements consistent with the applicable lot standards:
   1. Legal Nonconforming Lots: All lots legally established prior to the effective date of this Ordinance which are in conflict with the lot standards shall be considered Legal Non-Conforming Lots consistent with the provisions of Article 10, Nonconformities.
   2. Compliance Requirements: Except as provided in this Ordinance, no structure shall be erected, altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot regulations of the zoning district in which it is located. The lot requirements of this Article shall not apply in instances where this Ordinance specifically provides alternate requirements, such as an overlay zoning district.
   3. Setback Standards: No portion of any structure is allowed to be located within the required setbacks. Structures shall include, but not be limited to garages, carports, balconies, roofs, decks, chimneys, fire escapes, and platforms above normal grade level. Parking spaces, interior drives, other vehicle use areas and sidewalks shall be permitted within the required setbacks at normal grade level subject to the requirements of this Ordinance. Cornices, bay windows, eaves, steps, and other minor appurtenances to structures may also encroach into the required setbacks.

C. **Development Standards:** All structures and land uses, including any alterations to either, that are established or otherwise occur after the effective date of this Ordinance shall conform to the development standards provided by this Ordinance. The development standards that apply to each zoning district shall be as cross-referenced in the description of each district in this Article and as described in Article 7, Development Standards. The development standards shall not apply in instances where this Ordinance specifically provides alternate requirements, such as an overlay zoning district.

3.4 Agricultural (A)

District Intent:

The "A", Agriculture zoning district is intended to provide locations for agricultural operations and related land uses. This district is further intended to reduce conflicts between residential and agricultural uses, preserve the viability of agricultural operations, and limit development in areas with minimal infrastructure. This district should be used to protect agricultural operations from land uses that are incompatible with the available infrastructure.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- animal boarding/stables (excluding kennels)
- farm (confined feeding)
- farm (general)
- greenhouse (commercial)
- winery

Residential Uses
- dwelling, single-family (includes manuf. home types I & II)

Communications/Utilities Uses
- public wellfield/water treatment facility
- telecommunications facility/tower
- water tower

Institutional/Public Uses
- animal shelter
- church or other place of worship
- fairgrounds
- police, fire, or rescue station

Park Uses
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

Commercial Uses
- kennel

Industrial Uses
- agricultural products terminal
- mineral extraction and processing

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- agricultural product sales, distribution, & storage facility
- farm equipment sales and service
- farmer's market (for sale of products grown off-site)
- livestock auction/sales facility

Residential Uses
- bed and breakfast facility
- boarding house

Institutional/Public Uses
- airport
- cemetery
- government facility (non-office)
- heliport
- penal or correctional institution

Park Uses
- campground/RV park

Commercial Uses
- health spa
- recreational uses (large scale)
- retreat center

Industrial Uses
- power generation facility (commercial)

C. Lot Standards

Minimum Lot Area
- 2 acres (87,120 square feet)

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 200 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- not applicable

Min. Front Yard Primary Struct. Setback
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 50 feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback
(measured from adjacent property line)
- 50 feet

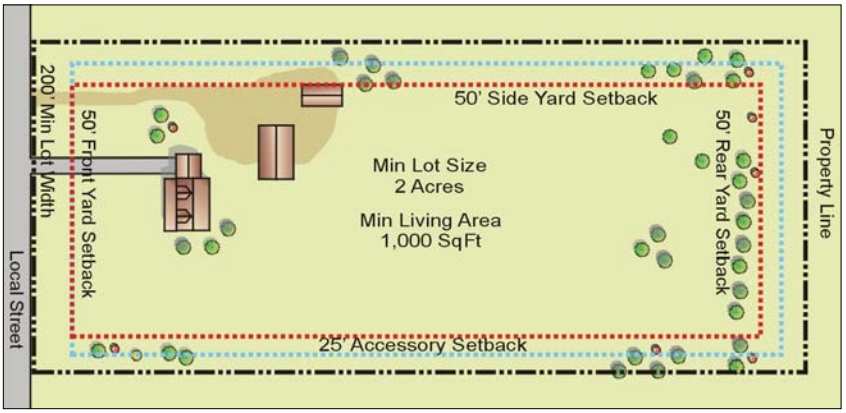
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 50 feet

Minimum Living Area per Dwelling
(for primary structures)
- 1,000 square feet

Minimum Ground Floor Living Area
(for primary structures)
- 60%

Maximum Primary Structures per Lot
- 1 dwelling (with unlimited agricultural structures)

Maximum Height
(for primary structures)
- 50 feet
- See Chapter 7.14, for telecommunications facility height requirements



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3.5 Res.: Rural (RR)

District Intent:

The "RR", Residential: Rural zoning district is intended to provide areas for a mixture of agricultural and residential land uses. This mixture is intended to promote and maintain agricultural operations, while also allowing increased development in areas adjacent to developed infrastructure . This district should be used to provide unique, rural housing options and the future ability to extend urban infrastructure.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Communications/Utilities Uses
- public wellfield/water treatment facility

Institutional/Public Uses
- church or other place of worship

Park Uses
- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- animal boarding/stables (excluding kennels)
- winery

Residential Uses
- bed and breakfast facility
- boarding house

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- cemetery
- community center
- heliport
- police, fire, or rescue station
- school (P-12)

Commercial Uses
- kennel
- recreational uses (large scale)
- retreat center

Industrial Uses
- mineral extraction and processing

C. Lot Standards

Minimum Lot Area
- 2 acres (87,120 sq. ft.) - if septic system used
- 1 acre (43,560 sq. ft.) - if public sewer used

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 100 feet

Maximum Lot Depth
- 3.5 times the lot width

Maximum Lot Coverage
(including all hard surfaces)
- 35%

Min. Front Yard Primary Struct. Setback
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 50 feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback
(measured from adjacent property line)
- 15 feet

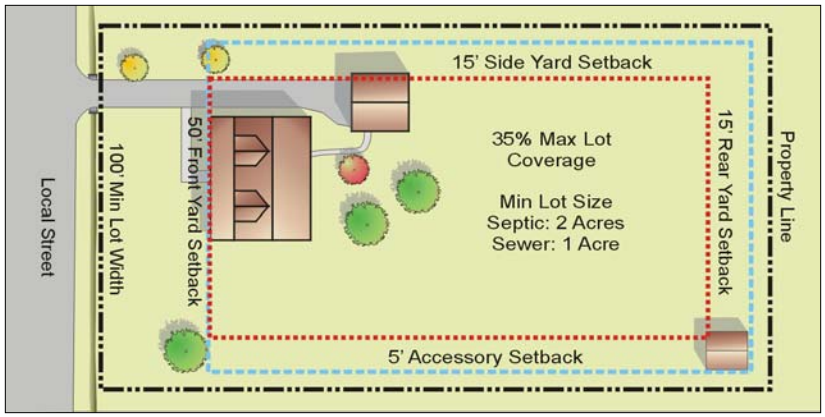
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 15 feet

Minimum Living Area per Dwelling
(for primary structures)
- 1,600 square feet

Minimum Ground Floor Living Area
(for primary structures)
- 60%

Maximum Primary Structures per Lot
- 1 dwelling (with unlimited agricultural structures)

Maximum Height
(for primary structures)
- 50 feet
- See Chapter 7.14, for telecommunications facility height requirements



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3.6 Res.: Suburban Neighborhood (RSN)

District Intent:

The "RSN", Residential: Suburban Neighborhood zoning district is intended to ensure the continued viability of suburban-style lots in existence on the effective date of this Ordinance. This district should only be used to maintain established setbacks and standards in suburban neighborhoods.

This Zoning District is for use as a Holding Zone Only

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Park Uses
- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)

C. Lot Standards

Minimum Lot Area
- equal to the smallest lot established by the same approved preliminary plat on the effective date of this Ordinance

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- equal to the smallest lot established by the same approved preliminary plat on the effective date of this Ordinance

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 50%

Min. Front Yard Primary Struct. Setback*
(measured from street right-of-way)
- as shown on the approved preliminary plat on the effective date of this Ordinance

Min. Side Yard Primary Struct. Setback*
(measured from adjacent property line)
- 5 feet

Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 15 feet

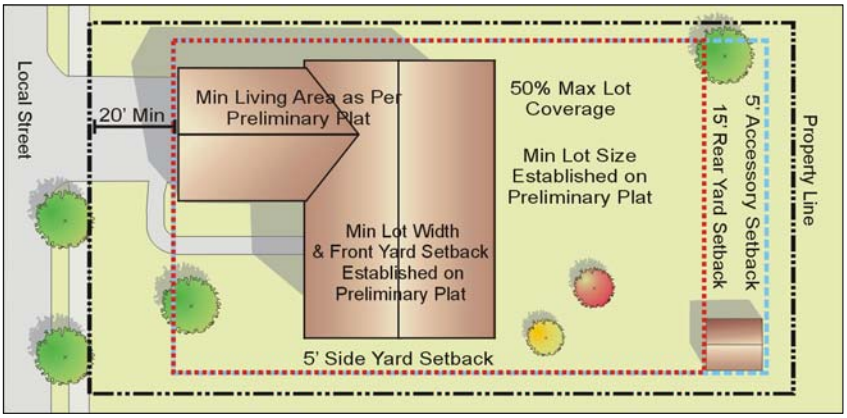
Minimum Living Area per Dwelling
(for primary structures)
- equal to the smallest living area of any dwelling located on a lot in the same final plat

Minimum Ground Floor Living Area
(for primary structures)
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 48 feet
- See Chapter 7.14, for telecommunications facility height requirements

* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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3.7 Res.: Suburban One (RS-1)

District Intent:

Residence Districts, designated RS-1 are established to provide suburban style, medium to low density single-family residential development along with contributing infrastructure and other necessary features.

Performance Zoning District - see Article 4

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Park Uses
- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)

C. Lot Standards

Minimum Lot Area
- 15,000 square feet

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 100 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 50%

Min. Front Yard Primary Struct. Setback*
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20* feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback*
(measured from adjacent property line)
- 10 feet

Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 25 feet

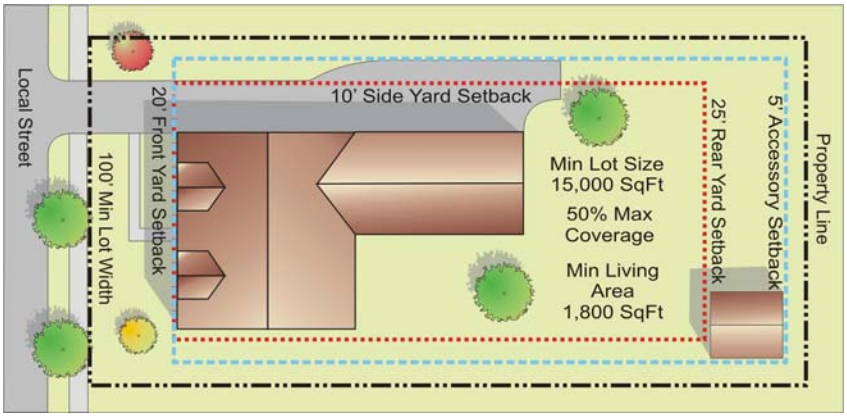
Minimum Living Area per Dwelling
(for primary structures)
- 1,800 square feet

Minimum Ground Floor Living Area
(for primary structures)
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 48 feet
- See Chapter 7.14, for telecommunications facility height requirements

* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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3.8 Res.: Suburban Two (RS-2)

District Intent:

The "RS-2", Residential: Suburban Two zoning district is intended to include areas for medium density single family residences developed to a suburban model along with the contributing infrastructure and other necessary features.

Performance Zoning District - see Article 4

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Park Uses
- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)

C. Lot Standards

Minimum Lot Area
- 10,000 square feet

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 75 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 60%

Min. Front Yard Primary Struct. Setback*
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20* feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback*
(measured from adjacent property line)
- 10 feet

Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 20 feet

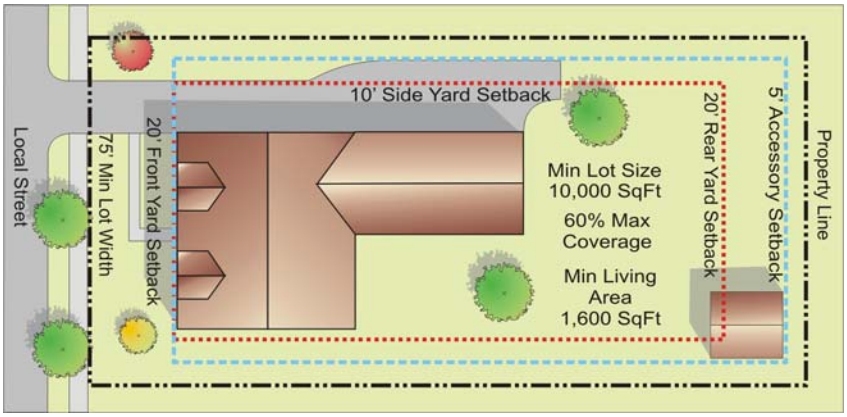
Minimum Living Area per Dwelling
(for primary structures)
- 1,600 square feet

Minimum Ground Floor Living Area
(for primary structures)
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 48 feet
- See Chapter 7.14, for telecommunications facility height requirements

* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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3.9 Res.: Suburban Three (RS-3)

District Intent:

The "RS-3", Residential: Suburban Three zoning district is intended to include areas for high density single family residences developed to a suburban model along with the contributing infrastructure and other necessary features.

Performance Zoning District - see Article 4

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Park Uses
- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)

C. Lot Standards

Minimum Lot Area
- 7,200 square feet

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 50 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 70%

Min. Front Yard Primary Struct. Setback*
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20* feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback*
(measured from adjacent property line)
- 8 feet

Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 15 feet

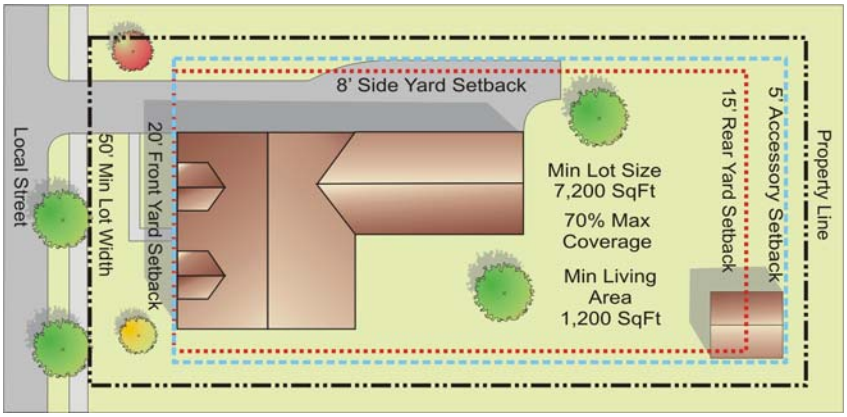
Minimum Living Area per Dwelling
(for primary structures)
- 1,200 square feet

Minimum Ground Floor Living Area
(for primary structures)
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 48 feet
- See Chapter 7.14, for telecommunications facility height requirements

* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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3.10 Res.: Traditional Neighborhood (RTN)

District Intent:

The "RTN", Residential: Traditional Neighborhood zoning district is intended to ensure the continued viability of the traditional-style neighborhoods in existence on the effective date of this Ordinance. This district should be used to maintain contextually appropriate setbacks and standards in its traditional neighborhoods.

This Zoning District is for use as a Holding Zone Only

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Park Uses
- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- dwelling, multi-family (more than 2 dwelling units)
- dwelling, two-family

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)

C. Lot Standards

Minimum Lot Area
- 5,000 square feet

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 40 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 85%

Front Yard Primary Struct. Build-to Line
(measured from street right-of-way)
- the average setback of all other primary structures on the same side of the same block

Min. Side Yard Primary Struct. Setback
(measured from adjacent property line)
- 5 feet

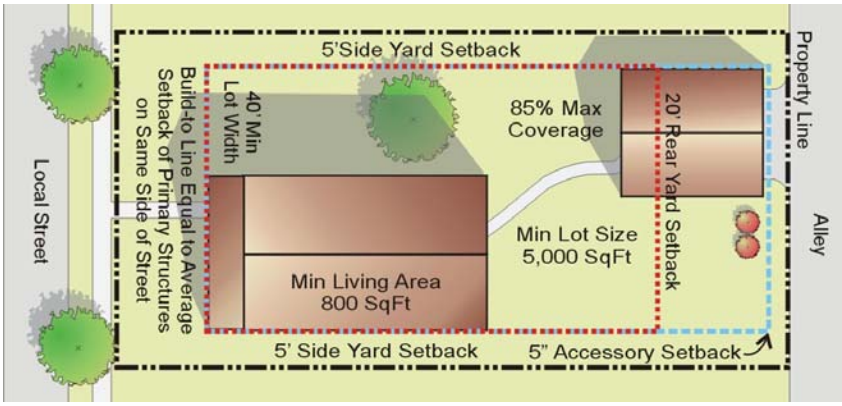
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 20 feet

Minimum Living Area per Dwelling
(for primary structures)
- 800 square feet

Minimum Ground Floor Living Area
(for primary structures)
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 48 feet
- See Chapter 7.14, for telecommunications facility height requirements



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3.11 Res.: Traditional One (RT-1)

District Intent:

The "RT-1", Residential: Traditional One zoning district is intended to promote the building of pedestrian friendly neighborhoods in a traditional development style.

Performance Zoning District - see Article 4

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Park Uses
- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- dwelling, multi-family (more than 2 dwelling units)
- dwelling, two-family

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)

Commercial Uses
- retail uses (small scale)

C. Lot Standards

Minimum Lot Area
- 9,000 square feet

Maximum Lot Area
- 15,000 square feet

Minimum Lot Width
(measured at front setback/build-to line)
- 75 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 75%

Front Yard Primary Structure Minimum Setback / Build-to line*
(measured from street right-of-way)
- see individual requirements below

Parcels 0 to 4.999 acres
- 50 foot minimum setback when adjacent to an Arterial Street
- 20 foot build-to line when adjacent to a Collector Street
- 20 foot build-to line when adjacent to a Local Street

Parcels 5.00+ acres
- 50 foot minimum setback when adjacent to an Arterial Street
- 20 foot minimum setback when adjacent to a Collector Street
- 20 foot minimum setback when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback*
(measured from adjacent property line)
- 10 feet

Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 20 feet

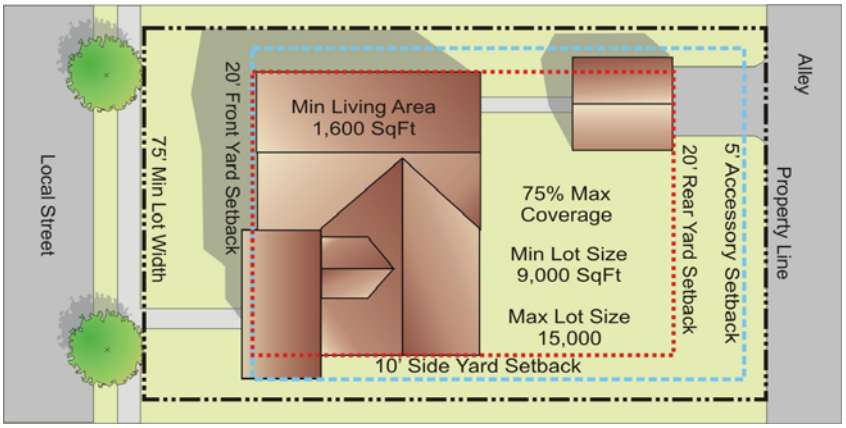
Minimum Living Area per Dwelling
(for primary structures)
- 1,600 square feet

Minimum Ground Floor Living Area
(for primary structures)
- 50%

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 48 feet
- See Chapter 7.14, for telecommunications facility height requirements

* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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3.12 Res.: Traditional Two (RT-2)

District Intent:

The "RT-2", Residential: Traditional Two zoning district is intended to promote the building of pedestrian friendly neighborhoods in a traditional development style.es.

Performance Zoning District - see Article 4

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Park Uses
- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- dwelling, multi-family (more than 2 dwelling units)
- dwelling, two-family

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)

Commercial Uses
- retail uses (small scale)

C. Lot Standards

Minimum Lot Area
- 7,200 square feet

Maximum Lot Area
- 15,000 square feet

Minimum Lot Width
(measured at front setback/build-to line)
- 60 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 75%

Front Yard Primary Structure Minimum Setback / Build-to line*
(measured from street right-of-way, see individual requirements below)

Parcels 0 to 4.999 acres
- 50 foot minimum setback when adjacent to an Arterial Street
- 15 foot build-to line when adjacent to a Collector Street
- 15 foot build-to line when adjacent to a Local Street

Parcels 5.00+ acres
- 50 foot minimum setback when adjacent to an Arterial Street
- 15 foot minimum setback when adjacent to a Collector Street
- 15 foot minimum setback when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback*
(measured from adjacent property line)
- 8 feet

Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 15 feet

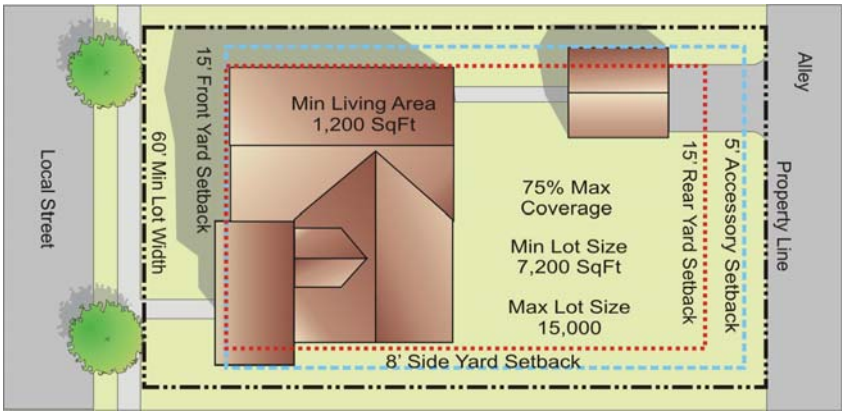
Minimum Living Area per Dwelling
(for primary structures)
- 1,200 square feet

Minimum Ground Floor Living Area
(for primary structures)
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 48 feet
- See Chapter 7.14, for telecommunications facility height requirements

* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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3.13 Res.: Traditional Three (RT-3)

District Intent:

The "RT-3", Residential: Traditional Three zoning district is intended to promote the building of pedestrian friendly neighborhoods in a traditional development style.

Performance Zoning District - see Article 4

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Park Uses
- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- dwelling, multi-family (more than 2 dwelling units)
- dwelling, two-family

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)

Commercial Uses
- retail uses (small scale)

C. Lot Standards

Minimum Lot Area
- 5,000 square feet

Maximum Lot Area
- 15,000 square feet

Minimum Lot Width
(measured at front setback/build-to line)
- 50 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 75%

Front Yard Primary Structure Minimum Setback / Build-to line*
(measured from street right-of-way, see individual requirements below)

Parcels 0 to 4.999 acres
- 50 foot minimum setback when adjacent to an Arterial Street
- 15 foot build-to line when adjacent to a Collector Street
- 10 foot build-to line when adjacent to a Local Street

Parcels 5.00+ acres
- 50 foot minimum setback when adjacent to an Arterial Street
- 15 foot minimum setback when adjacent to a Collector Street
- 10 foot minimum setback when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback*
(measured from adjacent property line)
- 6 feet

Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 15 feet

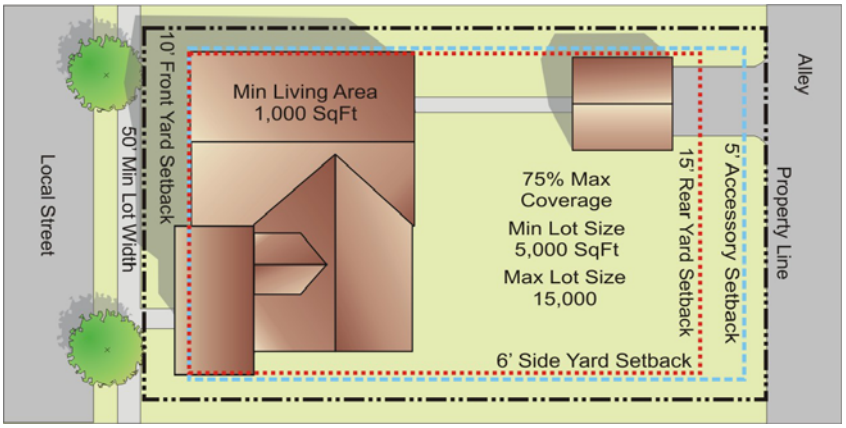
Minimum Living Area per Dwelling
(for primary structures)
- 1,000 square feet

Minimum Ground Floor Living Area
(for primary structures)
- 40%

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 48 feet
- See Chapter 7.14, for telecommunications facility height requirements

* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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3.14 Res.: Multi-Family (RM)

District Intent:

The "RM", Residential: Multi-Family zoning district is intended to provide locations for a variety of multi-family uses, such as two-family dwellings, apartment homes and complexes, and condominiums. This district should be used to create high density residential developments in areas with compatible street systems, open space, and other related land uses and amenities.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, multi-family (more than 2 dwelling units)
- dwelling, two-family
- nursing/assisted living facility
- residential facility for the developmentally disabled type I
- residential facility for the developmentally disabled type II
- residential facility for the mentally ill

Park Uses
- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- fraternity/sorority house

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- institutional facility for the developmentally disabled
- institutional facility for the mentally ill
- police, fire, or rescue station
- school (P-12)

C. Lot Standards

Minimum Lot Area
- 2,000 square feet per dwelling unit (with a minimum of 8,000 square feet if fewer than 5 units)

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 50 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 65%

Min. Front Yard Primary Struct. Setback*
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback*
(measured from adjacent property line)
- 8 feet - for a duplex structure
- 50 feet - for all other structures

Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 20 feet - for a duplex structure
- 50 feet - for all other structures

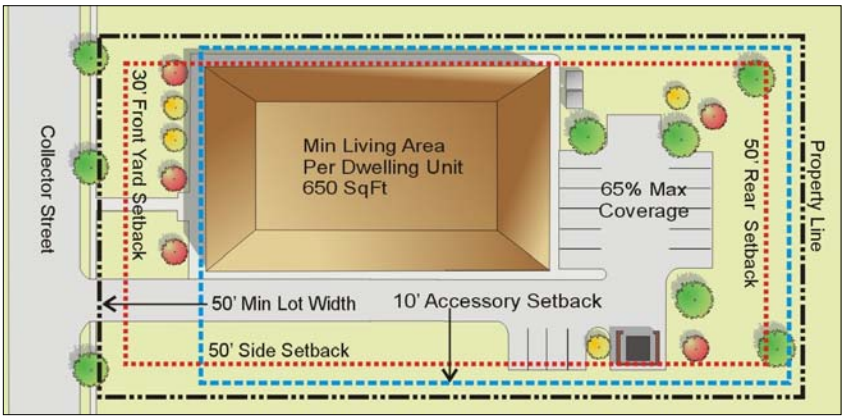
Minimum Living Area per Dwelling
(for primary structures)
- 1,000 square feet - for a duplex structure
- 650 square feet - for all other structures

Minimum Ground Floor Living Area
(for primary structures)
- not applicable

Maximum Primary Structures per Lot
- not applicable

Maximum Height
(for primary structures)
- 48 feet
- See Chapter 7.14, for telecommunications facility height requirements

* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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3.15 Res.: Manufactured Home Park (RMH)

District Intent:

The "RMH", Residential: Manufactured Home Park zoning district is intended to provide locations for leased-lot neighborhoods of manufactured and mobile homes. This district should be used to establish and maintain locations for these facilities with compatible infrastructure, related land uses, and amenities.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, mobile home/manufactured home type III
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Park Uses
- athletic fields, courts, & areas
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)

C. Lot Standards

Minimum Lot Area
- 5 acres - for the park as a whole
- 4,000 square feet - for each home site

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 50 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 65%

Min. Front Yard Primary Struct. Setback*
- 50 feet when adjacent to an Arterial Street (measured from street right-of-way)
- 50 feet when adjacent to a Collector Street (measured from street right-of-way)
- 50 feet when adjacent to a Local Street (measured from street right-of-way)
- 20 feet when adjacent to an internal park street (measured from edge of pavement)

Min. Side Yard Primary Struct. Setback*
(measured from adjacent property / lot line)
- 50 feet - from all properties outside the park
- 10 feet - from other park home sites, facilities, or common areas

Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 50 feet - from all properties outside the park
- 10 feet - from other park home sites, facilities, or common areas

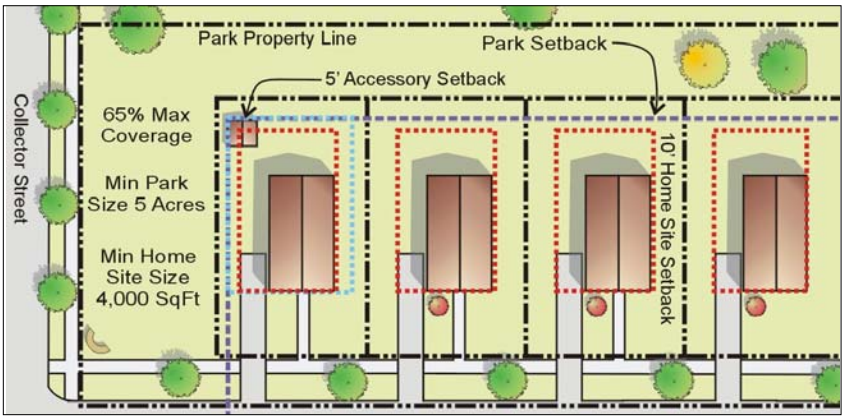
Minimum Living Area per Dwelling
(for primary structures)
- 720 square feet

Minimum Ground Floor Living Area
(for primary structures)
- 100%

Maximum Primary Structures per Lot
- not applicable

Maximum Height
(for primary structures)
- 35 feet
- See Chapter 7.14, for telecommunications facility height requirements

* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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3.16 Mixed-Use: **Downtown Center (MXD)**

District Intent:

The "MXD", Mixed-Use: Downtown Center zoning district is intended to provide for the continued viability of the historic central business district. This district is also intended to accommodate and support the use of existing structures within the downtown. It is further intended to permit the continued, contextually appropriate, development of the area through re-use and infill development.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farmer's market
- winery

Residential Uses
- dwelling, secondary (on upper floors)

Institutional/Public Uses
- church or other place of worship
- community center
- day-care center
- funeral home
- government office
- library
- lodge or private club
- medical clinic
- museum or gallery
- parking lot or garage (as a primary use)
- police, fire, or rescue station
- post office
- trade or business school

Park Uses
- nature preserve/center
- park and/or playgrounds

Commercial Uses
- conference center
- data processing / call center
- health spa
- hotel
- liquor store
- office uses
- personal service uses
- recreation uses (small scale)
- recreation uses (medium scale)
- restaurant
- retail uses (small scale)
- retail uses (medium scale)
- retreat center

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- boarding house
- dwelling, multi-family (more than 2 dwelling units)
- nursing/assisted living facility
- residential facility for the developmentally disabled type I
- residential facility for the developmentally disabled type II
- residential facility for the mentally ill

Communications/Utilities Uses
- communication service exchange
- telecommunications facility/tower
- water tower

Institutional/Public Uses
- institutional facility for the developmentally disabled/mentally ill
- school (P-12)
- university or college

Commercial Uses
- mass transit terminal/station
- retail uses (large scale)

C. Lot Standards

Minimum Lot Area
- all lots shall remain as legally established on the effective date of this ordinance

Maximum Lot Area
- all lots shall remain as legally established on the effective date of this ordinance

Minimum Lot Width
(measured at front setback/build-to line)
- all lots shall remain as legally established on the effective date of this ordinance

Maximum Lot Depth
- all lots shall remain as legally established on the effective date of this ordinance

Maximum Lot Coverage
(including all hard surfaces)
- 100%

Front Yard Primary Struct. Build-to Line
(measured from street right-of-way)
- 0 feet when adjacent to an Arterial Street
- 0 feet when adjacent to a Collector Street
- 0 feet when adjacent to a Local Street

Side Yard Primary Struct. Build-to Line
(measured from adjacent property line)
- 0 feet

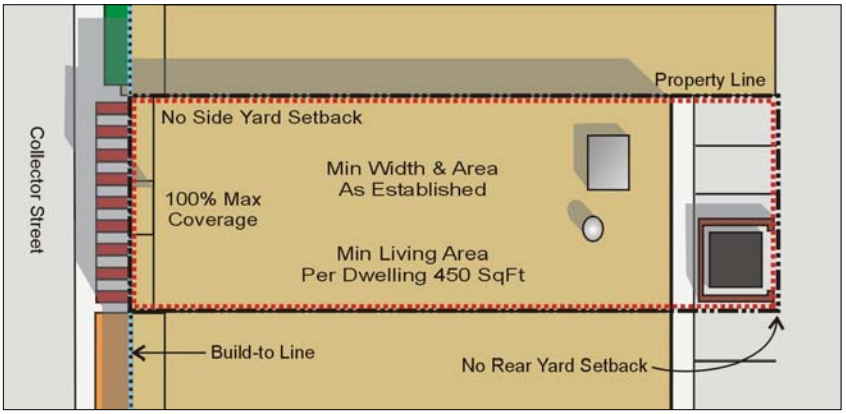
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 0 feet

Minimum Living Area per Dwelling
(for primary structures)
- 450 square feet

Minimum Ground Floor Living Area
(for primary structures)
- not applicable

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 48 feet
- See Chapter 7.14, for telecommunications facility height requirements



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3.17 Mixed-Use: **Neighborhood Center (MXN)**

District Intent:

The "MXN", Mixed-Use: Neighborhood Center zoning district is intended to provide convenience goods, services, and amenities within close proximity of residential areas. This district is further intended to permit the development of traditional, mixed-use neighborhood centers. This district should be protected from non-neighborhood serving land uses.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Residential Uses
- dwelling, secondary (on upper floors)

Institutional/Public Uses
- day-care center
- library
- medical clinic
- police, fire, or rescue station

Park Uses
- nature preserve/center
- park and/or playgrounds

Commercial Uses
- personal service uses
- restaurant
- retail uses (small scale)

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

Communications/Utilities Uses
- water tower

Institutional/Public Uses
- church or other place of worship
- community center
- museum or gallery
- parking lot or garage (as a primary use)
- post office
- school (P-12)

Park Uses
- athletic fields, courts, & areas

Commercial Uses
- office uses
- recreation uses (small scale)

C. Lot Standards

Minimum Lot Area
- 5,000 square feet

Maximum Lot Area
- 1 acre (43,560 square feet)

Minimum Lot Width
(measured at front setback/build-to line)
- 50 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 85%

Min. Front Yard Primary Struct. Setback
(measured from street right-of-way)
- 20 feet when adjacent to an Arterial Street
- 15 feet when adjacent to a Collector Street
- 10 feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback
(measured from adjacent property line)
- 0 feet

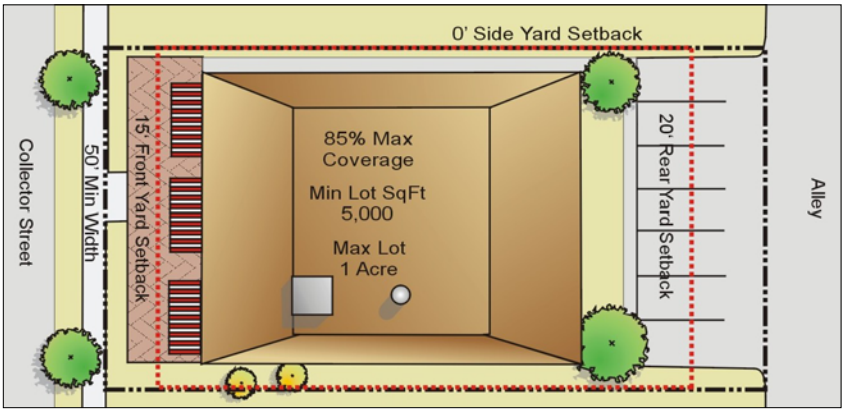
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 20 feet

Minimum Living Area per Dwelling
(for primary structures)
- 450 square feet

Minimum Ground Floor Living Area
(for primary structures)
- not applicable

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 35 feet
- See Chapter 7.14, for telecommunications facility height requirements



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3.18 Mixed-Use: **Community Center (MXC)**

District Intent:

The "MXC", Mixed-Use: Community Center zoning district is intended to provide locations for a variety of small-to-mid-sized business and institutional facilities that serve the entire Franklin-area community. This district should be used alone, and in combination with other zoning district to create areas for community shopping, entertainment, services, and public gatherings.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)
- farmer's market
- winery

Residential Uses
- dwelling, secondary (on upper floors)

Institutional/Public Uses
- community center
- day-care center
- funeral home
- government office
- hospital/medical center
- library
- lodge or private club
- medical clinic
- parking lot or garage (as a primary use)
- police, fire, or rescue station
- trade or business school

Park Uses
- athletic fields, courts, & areas
- nature preserve/center
- park and/or playgrounds

Commercial Uses
- auto-oriented uses (small scale)
- auto-oriented uses (medium scale)
- auto-oriented uses (large scale)
- conference center
- health spa
- hotel
- liquor store
- office uses
- personal service uses
- recreation uses (small scale)
- recreation uses (medium scale)
- recreational uses (large scale)
- restaurant
- retail uses (small scale)
- retail uses (medium scale)
- retail uses (large scale)
- retreat center

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- boarding house
- dwelling, multi-family (more than 2 dwelling units)
- nursing/assisted living facility
- residential facility for the developmentally disabled type I
- residential facility for the developmentally disabled type II
- residential facility for the mentally ill

Communications/Utilities Uses
- communication service exchange
- telecommunications facility/tower
- utility substation
- water tower

Institutional/Public Uses
- church or other place of worship
- institutional facility for the developmentally disabled/mentally ill
- museum or gallery
- post office
- university or college

Park Uses
- driving range (as a primary use)

Commercial Uses
- mass transit terminal/station
- data processing / call center
- fireworks sales

C. Lot Standards

Minimum Lot Area
- 10,000 square feet

Maximum Lot Area
- 10 acres (435,600 square feet)

Minimum Lot Width
(measured at front setback/build-to line)
- 80 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 75%

Min. Front Yard Primary Struct. Setback
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback
(measured from adjacent property line)
- 15 feet

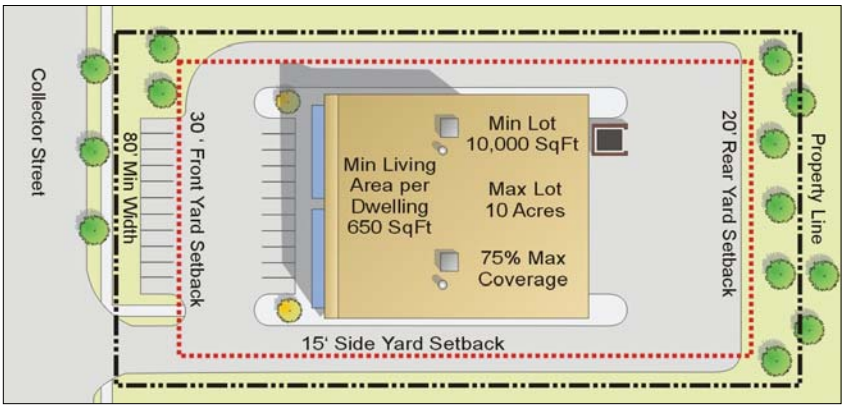
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 20 feet

Minimum Living Area per Dwelling
(for primary structures)
- 650 square feet

Minimum Ground Floor Living Area
(for primary structures)
- not applicable

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 45 feet
- See Chapter 7.14, for telecommunications facility height requirements



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3.19 Mixed-Use: **Regional Center (MXR)**

District Intent:

The "MXR", Mixed-Use: Regional Center zoning district is intended to provide locations for a variety of business and institutional land uses that either serve a regional market, or require convenient access to high-volume transportation routes. This district is intended to permit a mixture of compatible land uses in close proximity to appropriate transportation routes and other necessary infrastructure.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)
- farm equipment sales and service
- farmer's market
- winery

Residential Uses
- dwelling, secondary (on upper floors)

Institutional/Public Uses
- community center
- day-care center
- funeral home
- government office
- hospital/medical center
- library
- lodge or private club
- medical clinic
- parking lot or garage (as a primary use)
- police, fire, or rescue station
- trade or business school

Park Uses
- athletic fields, courts, & areas
- nature preserve/center
- park and/or playgrounds

Commercial Uses
- auto-oriented uses (small scale)
- auto-oriented uses (large scale)
- data processing / call center
- conference center
- health spa
- hotel
- office uses
- personal service uses
- recreation uses (small scale)
- recreation uses (medium scale)
- recreational uses (large scale)
- restaurant
- retail uses (small scale)
- retail uses (medium scale)
- retail uses (large scale)
- retreat center

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- bed and breakfast facility
- boarding house
- dwelling, multi-family (more than 2 dwelling units)
- nursing/assisted living facility
- residential facility for the developmentally disabled type I
- residential facility for the developmentally disabled type II
- residential facility for the mentally ill

Communications/Utilities Uses
- communication service exchange
- telecommunications facility/tower
- utility substation
- water tower

Institutional/Public Uses
- animal shelter
- church or other place of worship
- government facility (non-office)
- institutional facility for the developmentally disabled/mentally ill

Park Uses
- driving range (as a primary use)

Commercial Uses
- auto-oriented uses (medium scale)
- mass transit terminal/station
- fireworks sales
- kennel
- mobile/manufactured home sales
- truck stop/travel center

Industrial Uses
- light industrial assembly/distribution
- light industrial processing/ distribution

C. Lot Standards

Minimum Lot Area
- 15,000 square feet

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 100 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 75%

Min. Front Yard Primary Struct. Setback
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback
(measured from adjacent property line)
- 15 feet

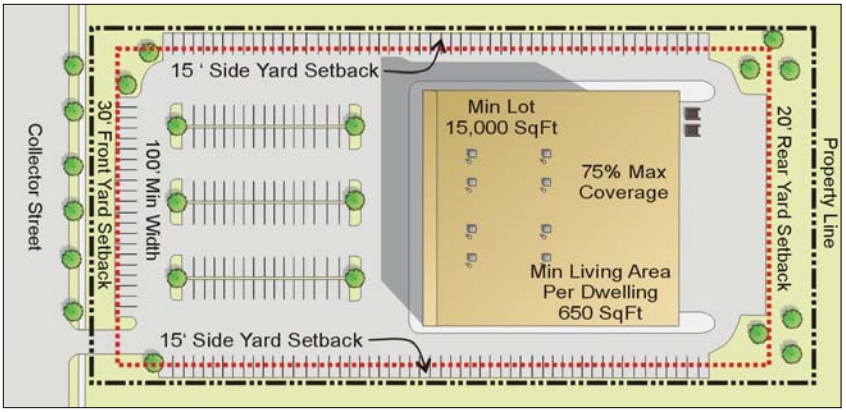
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 20 feet

Minimum Living Area per Dwelling
(for primary structures)
- 650 square feet

Minimum Ground Floor Living Area
(for primary structures)
- not applicable

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 45 feet
- See Chapter 7.14, for telecommunications facility height requirements



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3.20 Institutional (IN)

District Intent:

The "IN", Institutional zoning district is intended to provide locations for large-scale public facilities, educational facilities, religious centers, and other institutions. This district is further intended to provide a set of setbacks and other standards that are responsive to the unique scale and other considerations common to these types of uses. This district is further intended to reduce land use conflicts and ensure that institutions are appropriately integrated into the community.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agricultural Uses
- farmer's market

Residential Uses
- nursing/assisted living facility
- residential facility for the developmentally disabled type I
- residential facility for the developmentally disabled type II
- residential facility for the mentally ill

Communications/Utilities Uses
- communication service exchange
- public wellfield / water treatment facility
- sewage treatment plant
- utility substation

Institutional/Public Uses
- cemetery
- church or other place of worship
- community center
- day-care center
- fairgrounds
- government facility (non-office)
- government office
- hospital/medical center
- institutional facility for the developmentally disabled
- institutional facility for the mentally ill
- medical clinic
- museum or gallery
- police, fire, or rescue station
- post office
- school (P-12)
- university or college

Park Uses
- athletic fields, courts, & areas
- nature preserve/center
- park and/or playgrounds

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Residential Uses
- boarding house
- fraternity/sorority house

Communications/Utilities Uses
- telecommunications facility/tower
- water tower

Institutional/Public Uses
- animal shelter
- heliport
- penal or correctional institution

Park Uses
- driving range (as a primary use)
- golf course and/or country club (including driving range)

Commercial Uses
- conference center
- retreat center

C. Lot Standards

Minimum Lot Area
- 20 acres

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 50 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 75%

Min. Front Yard Primary Struct. Setback
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback
(measured from adjacent property line)
- 25 feet

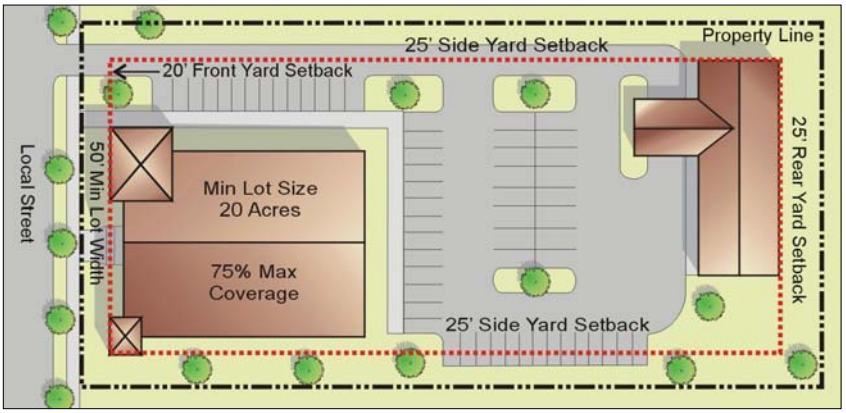
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 25 feet

Minimum Living Area per Dwelling
(for primary structures)
- not applicable

Minimum Ground Floor Living Area
(for primary structures)
- not applicable

Maximum Primary Structures per Lot
- not applicable

Maximum Height
(for primary structures)
- 60 feet
- See Chapter 7.14, for telecommunications facility height requirements



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3.21 Industrial: **Business Development (IBD)**

District Intent:

The "IBD", Industrial: Business Development zoning district is intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Communications/Utilities Uses
- communication service exchange
- telecommunications facility/tower
- utility substation
- water tower

Institutional/Public Uses
- heliport
- medical clinic
- parking lot or garage (as a primary use)
- police, fire, or rescue station

Park Uses
- nature preserve/center

Commercial Uses
- conference center
- data processing / call center
- personal service uses

Industrial Uses
- boat/RV storage facility (outdoor)
- contractor's warehouse/storage facility
- food & beverage production
- general industrial production
- light industrial assembly & distribution
- light industrial processing and distribution
- mini-warehouse self-storage facility
- research and development facility
- warehouse & distribution facility
- wholesale facility

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm equipment sales and service

Institutional/Public Uses
- animal shelter
- day-care center
- government facility (non-office)
- penal or correctional institution

Commercial Uses
- auto-oriented uses (medium scale)
- kennel
- recreation uses (small scale)
- restaurant

C. Lot Standards

Minimum Lot Area
- 22,000 square feet

Maximum Lot Area
- 5 acres

Minimum Lot Width
(measured at front setback/build-to line)
- 100 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 75%

Min. Front Yard Primary Struct. Setback
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 25 feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback
(measured from adjacent property line)
- 25 feet

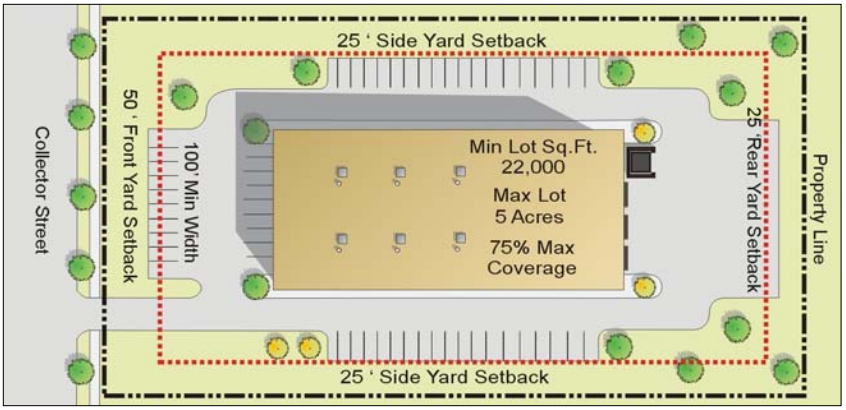
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 25 feet

Minimum Living Area per Dwelling
(for primary structures)
- not applicable

Minimum Ground Floor Living Area
(for primary structures)
- not applicable

Maximum Primary Structures per Lot
- 1

Maximum Height
(for primary structures)
- 50 feet
- See Chapter 7.14, for telecommunications facility height requirements



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3.22 Industrial: **Light (IL)**

District Intent:

The "IL", Industrial: Light zoning district is intended to provide locations for light production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants. This district should be used to support industrial retention and expansion in Franklin.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)
- farm equipment sales and service

Communications/Utilities Uses
- communication service exchange
- telecommunications facility/tower
- utility substation
- water tower

Institutional/Public Uses
- heliport
- medical clinic
- parking lot or garage (as a primary use)
- police, fire, or rescue station
- trade or business school

Park Uses
- nature preserve/center

Commercial Uses
- conference center
- data processing / call center

Industrial Uses
- contractor's warehouse/storage facility
- dry cleaners (commercial)
- light industrial assembly & distribution
- light industrial processing and distribution
- mini-warehouse self-storage facility
- research and development facility
- warehouse & distribution facility
- wholesale facility

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Institutional/Public Uses
- airport
- animal shelter
- day-care center
- government facility (non-office)
- penal or correctional institution

Commercial Uses
- kennel
- truck stop / travel center

Industrial Uses
- boat/RV storage facility (outdoor)
- food & beverage production
- power generation facility (commercial)
- truck freight terminal
- truck sales & service center

C. Lot Standards

Minimum Lot Area
- 1 acre (43,560 square feet)

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 100 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 85%

Min. Front Yard Primary Struct. Setback
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 25 feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback
(measured from adjacent property line)
- 25 feet

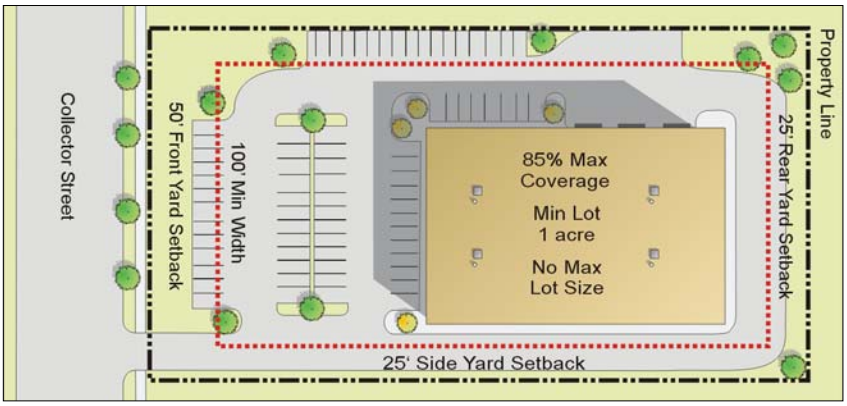
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 25 feet

Minimum Living Area per Dwelling
(for primary structures)
- not applicable

Minimum Ground Floor Living Area
(for primary structures)
- not applicable

Maximum Primary Structures per Lot
- not applicable

Maximum Height
(for primary structures)
- 50 feet
- See Chapter 7.14, for telecommunications facility height requirements



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Site Development Plans	**Art. 9**

3.23 Industrial: **General (IG)**

District Intent:

The "IG", Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Franklin.

P

A. Permitted Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- farm (general)

Communications/Utilities Uses
- communication service exchange
- telecommunications facility/tower
- utility substation
- water tower

Institutional/Public Uses
- heliport
- medical clinic
- parking lot or garage (as a primary use)
- police, fire, or rescue station
- trade or business school

Park Uses
- nature preserve/center

Commercial Uses
- adult uses
- conference center
- data processing center

Industrial Uses
- agricultural products terminal
- dry cleaners (commercial)
- food & beverage production
- general industrial production
- light industrial assembly & distribution
- light industrial processing and distribution
- power generation facility (commercial)
- research and development facility
- truck freight terminal
- warehouse & distribution facility

S

B. Special Exception Primary Uses:

Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.

Agriculture Uses
- agricultural product sales, distribution, & storage facility
- farm equipment sales and service
- greenhouse (commercial)
- livestock auction/sales facility

Institutional/Public Uses
- airport
- day-care center
- government facility (non-office)
- penal or correctional institution

Commercial Uses
- truck stop / travel center

Industrial Uses
- animal & animal products processing
- concrete/asphalt production facility
- hazardous materials production
- truck sales & service center
- waste disposal facility

C. Lot Standards

Minimum Lot Area
- 2 acres (87,120 square feet)

Maximum Lot Area
- not applicable

Minimum Lot Width
(measured at front setback/build-to line)
- 100 feet

Maximum Lot Depth
- not applicable

Maximum Lot Coverage
(including all hard surfaces)
- 85%

Min. Front Yard Primary Struct. Setback
(measured from street right-of-way)
- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 50 feet when adjacent to a Local Street

Min. Side Yard Primary Struct. Setback
(measured from adjacent property line)
- 50 feet

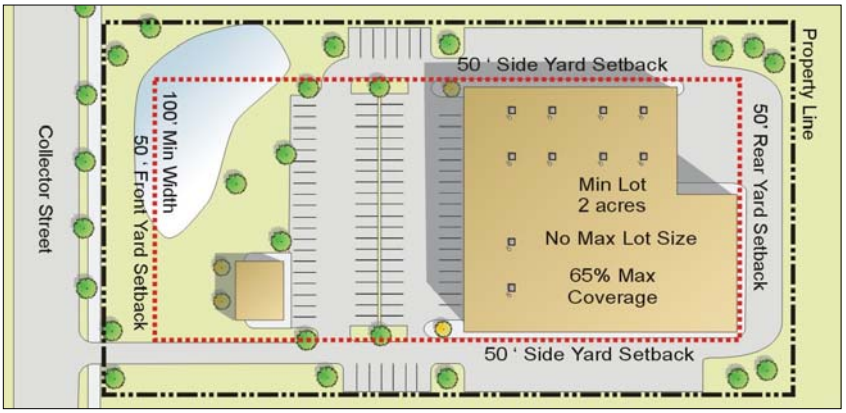
Min. Rear Yard Primary Struct. Setback
(measured from rear property line)
- 50 feet

Minimum Living Area per Dwelling
(for primary structures)
- not applicable

Minimum Ground Floor Living Area
(for primary structures)
- not applicable

Maximum Primary Structures per Lot
- not applicable

Maximum Height
(for primary structures)
- 50 feet
- See Chapter 7.14, for telecommunications facility height requirements



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Article 4
Performance Zoning

4

Suspended from use per Ordinance #2005-21

Article 5
Overlay Districts

5

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5.3 Wellfield Protection (WP-OL) 5-26
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5.5 Downtown (DT-OL)……...5-32

5.1 Establishment & General Standards

See Also:

Article 3,

Zoning Districts

Article 6,
Planned Unit Development

A. **Establishment of Overlay Districts:** The overlay districts noted below have been established to provide additional development standards that respond to unique characteristics of the properties to which they apply. The Overlay districts will assist Franklin in providing for the public welfare and accomplishing the goals of the Comprehensive Plan. The development of properties which are located in one or more overlay districts shall be subject to the requirements of both the overlay district(s) and the underlying district in which they are located. The following overlay zoning districts shall apply to properties in the jurisdiction of the Franklin Plan Commission as specified in the description of each district in this Article.

FH-OL - Flood Hazard Area page 5-3
WP-OL - Wellfield Protection page 5-26
GW-OL - Gateway page 5-28

B. **Effect of Planned Unit Development District:** All Planned Unit Developments shall be consistent with the requirements of Article 5 of this Ordinance. Planned Unit Developments shall not be subject to the requirements of any overlay district, unless otherwise specified as an element of the Planned Unit Development Detailed Plan.

C. **Land Uses:** All land uses which are permitted, non-permitted or a special exception use in any underlying zoning district to which an overlay district is applied shall remain permitted, non-permitted, or special exception uses unless otherwise specified by the applicable overlay district(s).

D. **Lot, Yard, & Development Standards:** Any lot, yard, and development standards established by an overlay district shall apply as follows:
   1. Replacement of Underlying District Standards: All lot, yard, and development standards established by an underlying zoning district shall apply unless alternate standards are provided by the overlay district(s).
   2. Additional Overlay District Standards: Properties located in any overlay district(s) shall also be subject to any additional lot, yard, and development standards established by the overlay district(s).

E. **Performance Standards:** In no instance shall any overlay district be interpreted as modifying any performance standards established for the "RS" and "RT" zoning districts by Article 4 of this Ordinance.

5.2 Flood Hazard Area (FH-OL)

A. **Definitions:** Words used in a special sense exclusive to the application of this Chapter are defined as follows. These definitions do not define terms used in any other Chapter of this Ordinance. However, additional terms may be found in Article 13: Definitions, that are relevant to this Chapter.

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction

Intent

The purpose of this overlay zone is to guide development in flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. This district is established in order to:

a. prevent developments from increasing flood or drainage hazards;
b. protect new buildings and major improvements to buildings from flood damage;
c. protect human life and health from the hazards of flooding;
d. lessen the burden on the taxpayer for flood control projects, repairs to flood damaged facilities and utilities, and flood rescue and relief operations;
e. maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
f. make federally subsidized flood insurance available for structures and their contents by fulfilling the requirements of the National Flood Insurance Program.

of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Elevation Certificate is a certified statement that verifies a structure's elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction means any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Five-hundred year flood (500-year flood) means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Map amendment means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum of 1929 (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood) is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

Participating community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Post-FIRM construction means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM construction means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings,

such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

5.2 Flood Hazard Area (FH-OL) (cont.)

B. **Statutory Authorization:** The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Franklin does hereby adopt the following floodplain management regulations.

C. **Findings of Fact:**
1. The flood hazard areas of Franklin are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

D. **Statement of Purpose:** It is the purpose of this Chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
6. Make federally subsidized flood insurance available for structures and their contents in the City by fulfilling the requirement

E. **Objectives:**
1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
7. To ensure that potential homebuyers are notified that property is in a flood area.

F. **District Boundaries (Regulatory Flood Elevation)**: This Chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of City shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Johnson County and Incorporated Areas, dated August 2, 2007 and the corresponding FIRM dated August 2, 2007, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
2. The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs of City delineated as an "A Zone" on the FIRM of Johnson County and Incorporated Areas shall be according to the best data available as provided by the Indiana Department of Natural Resources.

G. **Discrepancy between Mapped Floodplain and Actual Ground Elevations:**

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
2. If the elevation of a site in question (near a delineated SFHA) is below the base flood elevation and is not protected by existing means, that site shall be included in the SFHA and regulated accordingly.
3. If the elevation (natural grade) of a site in question is above the base flood elevation, that site shall be included in the SFHA and the floodplain regulations will be applied unless the property owner receives a Letter of Map Amendment (LOMA) removing the area from the SFHA.

H. **Interpretation:** In the interpretation and application of this ordinance all provisions shall:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

I. **Duties of the Administrator**: The Planning Director shall implement this Chapter and be referred to as the Floodplain Administrator. The Floodplain Administrator and his/her designees is appointed to review all development and subdivision proposals to ensure compliance with this Chapter, including but not limited to the following duties:

1. Ensure Compliance: Ensure that all development activities within the Statistical Flood Hazard Areas (SFHAs) of the jurisdiction of the City of Franklin meet the requirements of this Chapter.
2. Provide Information: Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
3. Ensure Proper Authorization: Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 5.2(J)(2)(a) and Section 5.2(J)(2)(c), and maintain a record of such authorization (either copy of actual permit, letter of recommendation, or floodplain analysis and regulatory assessment). Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit.
4. Maintain Construction Records: Maintain a record of the "as built" elevation of the top of the lowest floor (including basement) of new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.
5. Maintain Engineering Records: Maintain a record of the engineer's certificate and the "as-built" floodproofed elevation of all buildings subject to Section 5.2(M).
6. Improve Data: Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Chapter. Submit reports as required for the National Flood Insurance Program.
7. Provide Data: Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessment, federal permit documents, and "as-built" elevation and floodproofing data for all building constructed subject to this Chapter.
8. Enforcement: Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
9. Maintenance: Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

10. Assist With Notification: Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
11. Inspect Damages: Inspect and inventory damaged structure in SFHA and complete substantial damage determinations.

J. **Improvement Location Permit**: No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Floodplain Administrator. The Floodplain Administrator shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this Chapter.

1. Application Materials: The application for an Improvement Location Permit shall be accompanied by the following:
   a. *Development Description*: A description of the proposed development.
   b. *Location Description*: Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.
   c. *Legal Description*: A legal description of the property site.
   d. *Site Plan*: A site plan showing existing and proposed development locations and existing and proposed land grades.
   e. *Elevations*: Elevation of the top of the lowest floor (including basement) of all proposed development or elevation to which any nonresidential structure will be floodproofed. Elevation should be in North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD 29). If NGVD 29 is used, the conversion formula should be included.
   g. *Watercourse Alterations (if required)*: Description of the extent to which any watercourse will be altered or related as a result of proposed development.
2. Review Procedure: Upon receipt of an application for an Improvement Location Permit, the Floodplain Administrator shall determine if the site is located within (1) an identified floodway, (2) an identified floodway fringe, or (3) the floodplain where the limits of the floodway have not yet been determined.
   a. *Identified Floodway Sites*: If the site is in an identified floodway the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway.
      i. Under the provisions of IC 14-28-1 a permit from the Indiana Department of Natural Resources is required

prior to the issuance of an Improvement Location Permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building. However, it does exclude non-substantial additions/improvement to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.

ii. No action shall be taken by the Floodplain Administrator until a permit has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Improvement Location Permit, provided the provisions contained in Sections 5.2(K), (L), (M), (N), and (O) have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Indiana Department of Natural Resources.

iii. No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot.

iv. For all projects involving channel modifications or fill (including levees) the City of Franklin shall submit the data and request that the Federal Emergency Management Agency revised the regulatory flood data.

b. *Identified Floodway Fringe Sites:* If the site is located in an identified floodway fringe, then the Floodplain Administrator may issue the local Improvement Location Permit provided the provisions contained in Sections 5.2(L), (M), (N), and (O) have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).

c. *Undefined Floodplain Sites with Significant Upstream Drainage*: If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along

with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

i. No action shall be taken by the Floodplain Administrator until either a permit for construction in the floodway or a floodplain analysis and regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

ii. Once the Floodplain Administrator has received the proper permit or floodplain analysis and regulatory assessment approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Sections 5.2(K), (L), (M), (N), and (O) have been met.

d. *Undefined Floodplain Sites with Insignificant Upstream Drainage*: If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site. Upon receipt, the Floodplain Administrator may issue the local Improvement Location Permit, provided the provisions contained in Sections 5.2 (K), (L), (M), (N), and (O) have been met.

i. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

3. Construction Stage: Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD 29 elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any

further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

K. **Uses**: All land uses shall be prohibited in the floodway unless otherwise specified below:
   1. Permitted Uses: The following uses shall be permitted, provided that they are also permitted by the underlying zoning district:
      a. agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, and vineyards;
      b. forestry, wildlife areas, and nature preserves; and
      c. parks and recreational uses (excluding golf courses and driving ranges).
   2. Special Exception Uses: The following uses shall be special exceptions, provided that they are also permitted or special exceptions in the underlying zoning district:
      a. riding stables;
      b. public wellfields;
      c. sewage treatment facilities (excluding septic fields);
      d. parking lots (as primary uses); and
      e. golf courses and/or driving ranges.

L. **Development Standards**:
   1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
   2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
   3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
   4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
   5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
   6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
   7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
   8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance; and
10. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.

M. **Development Standards - Protecting Buildings**: In addition to the damage prevention requirements of Section 5.2(L), all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

1. Protection Situations: This building protection requirement applies to the following situations:
   a. construction or placement of any new structure having a floor area greater than 400 square feet;
   b. structural alterations made to:
      i. an existing (previously unaltered) structure, the cost of which equals or exceeds 50% of the value of the pre-altered structure (excluding the value of the land);
      ii. any previously altered structure;
   c. reconstruction or repairs made to a damaged structure that are valued at or more than 50% of the market value of the structure (excluding the value of the land) before damage occurred;
   d. installing a manufactured home on a new site or a new manufactured home on an existing site. This Chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
   e. installing a travel trailer or recreational vehicle on a site for more than 180 days.
2. Protection Methods: This building protection requirement may be met by one of the following methods. The Floodplain Administrator shall maintain a record of compliance with these building protection standards as required in Section 5.2 (I) of this ordinance.
   a. *Residential Construction:* New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 5.2(M)(2)(d).

b. *Nonresidential Construction:* New construction or substantial improvement of any commercial, industrial, or nonresidential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance Section 5.2 (M)(2)(h).

c. *Structures on Fill*: A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:

   i. The fill shall be placed in layers no greater than six (6) inches deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.

   ii. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.

   iii. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

   iv. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

   v. The top of the lowest floor including basements, (see definition of lowest floor) shall be at or above the FPG.

d. *Elevated Structures*: New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

   i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

      (1). provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area;

      (2). the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the lowest exterior foundation grade);

      (3). openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

      (4). access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment

used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);

(5). the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and

(6). portions of the building below the FPG must be constructed with materials resistant to flood damage.

e. *Structures Constructed with a Crawlspace:* A residential or nonresidential structure may be constructed with a crawlspace located below the FPG provided that the following conditions are met:

i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

ii. Any enclosed area below the FPG shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade;

iii. The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point;

iv. Utility systems within the crawlspace must be elevated above the FPG;

v. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;

vi. Portions of the building below the FPG must be constructed with materials resistant to flood damage; and

vii. The interior grade of the crawlspace must be at or above the base flood elevation.

f. *Permanent Manufactured Homes & Recreational Vehicles*: Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

(1). outside a manufactured home park or subdivision;

(2). in a new manufactured home park or subdivision;

(3). in an expansion to an existing manufactured home park or subdivision; or

(4). in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

ii. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

g. *Temporary Recreational Vehicles*: Recreational vehicles placed on a site shall either:

i. be on the site for less than 180 consecutive days;

ii. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

iii. meet the requirements for "manufactured homes" in Section 5.2(M)(2)(f) of this section.

h. *Floodproofing*: A nonresidential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

i. A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator as set forth in Section 5.2(I)(5).

ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

N. **Other Development Standards**: The Floodplain Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a SFHA.

1. Flood Hazard Area Subdivisions: If the Floodplain Administrator finds the subdivision to be so located and areas are to be developed within the floodway, the Floodplain Administrator shall require the petitioner to forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Floodplain Administrator

shall require appropriate changes and modifications in order to assure that:

a. it is consistent with the need to minimize flood damages;
b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
c. adequate drainage is provided so as to reduce exposure to flood hazards;
d. onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood;
e. base flood elevation data shall be provided for subdivision proposals.

2. Flood Elevation Recording: Developers shall provide the 100 year flood elevation on all subdivision plats containing lands (identified elsewhere by this Chapter) within a flood hazard area prior to submitting the plats for approval by the Plan Commission.

O. **Critical Facility:** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated at or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

P. **Variances**: The Board of Zoning Appeals as established by the Common Council of the City of Franklin shall hear and decide appeals and requests for variances from requirements of this Chapter. The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this Chapter. Any person aggrieved by the decision of the board may appeal such decision to a court of jurisdiction. Variances to the regulation of this Chapter shall be consistent with the following provisions:

1. Procedures: In passing upon such application, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

a. The danger of life and property due to flooding or erosion damage.
b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
c. The importance of the services provided by the proposed facility to the community.

d. The necessity to the facility of a waterfront location, where applicable.
e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
f. The compatibility of the proposed use with existing and anticipated development.
g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
h. The safety of access to the property in times of flood for ordinary and emergency vehicles.
i. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

2. Standards & Conditions: The Board of Zoning Appeals may issue a variance of exception to the terms and provisions of this Chapter subject to the following standards and conditions:
   a. Variances shall only be issued when there is:
      i. A showing of good and sufficient cause.
      ii. A determination that failure to grant the variance would result in exceptional hardship.
      iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances
   b. No variance or exception for a residential use within a floodway subject to Section 5.2(J)(2)(a) or Section 5.2(J)(2)(c) of this Chapter may be granted.
   c. Any variance or exception granted in a floodway subject to Section 5.2(J)(2)(a) or Section 5.2(J)(2)(c) of this Chapter will require a permit from the Indiana Department of Natural Resources.
   d. Variances or exceptions to the Building Protection Standards of Section 5.2(M) may be granted only when a new structure is to be located on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the FPG.
   e. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure;

f. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and,

g. Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

h. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

3. Variance Notification: Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

   a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage.

   b. Such construction below the base flood level increases risks to life and property.

   The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

4. Historic Structure: Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

5. Special Conditions: Upon the consideration of the factors listed in Section 5.2(P), and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance

Q. **Disclaimer of Liability**: The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this Chapter does not create any liability on the part of the City of Franklin, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Chapter or any administrative decision made lawfully there under.

R. **Violations**: Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Ordinance. All violations shall be considered a common nuisance and be treated in accordance with the provisions of Article 12, Enforcement & Penalties.
   1. A separate offense shall be deemed to occur for each day the violation continues to exist.
   2. The Planning Director shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
   3. Nothing herein shall prevent the City of Franklin from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

S. **Abrogation & Greater Restrictions**: This Chapter repeals and replaces other ordinances adopted by the City of Franklin to fulfill the requirements of the National Flood Insurance Program. However, this Chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Chapter and other easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the City of Franklin shall assure that all National Flood Insurance Program regulations (44 CFR § 60) as well as Indiana laws and regulations regarding floodplain issues (312 IAC 10, IC 14-28-1 and IC-14-28-3) are met.

T. **Nonconforming Structures and/or Uses in Flood Hazard Areas:** Any structure, use, or structure and use in combination that is legal nonconforming due to its presence in a flood hazard area may be altered, enlarged, or extended on a one-time only basis provided that the new construction conforms with the standards included in this Chapter and does not increase the value of the structure or use (excluding the value of the land) by more than 50% of its pre-improvement market value. Such structures that are legal nonconforming as the result of other, non-flood related conditions shall be subject to the provisions of Article 9, Nonconformities that address those conditions (such as legal nonconforming uses, structures, etc.).

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5.3 Wellfield Protection (WP-OL)

Intent

This Chapter is intended to safeguard the public health, safety, and general welfare of those persons within and around the City of Franklin who rely on public and / or utility-operated wellfields for clean, safe drinking water. These regulations are intended to prevent land uses and certain development practices that commonly have the potential to degrade water quality by introducing chemicals, organic hazards, and other potentially harmful elements into the ground water system within the 5-year capture area of the wellfields. This includes the introduction of hazardous materials into the area, the creation of hazardous by-products from on-site activities, and the alteration of the land in a manner that increases the exposure of the ground water system to potential contaminants.

A. **Boundaries & Exemptions:** The Wellfield Protection Overlay District (WP-OL) shall apply to all proprieties as indicated on the Official Zoning Map of the City of Franklin, but shall generally conform to the boundaries of the 5-year wellfield capture areas within the City's jurisdiction (as updated periodically).

B. **Uses:** All uses permitted in the underlying district(s) are permitted in the Wellfield Protection Overlay District; and all uses that are special exceptions in the underlying district(s) are special exceptions in the Wellfield Protection Overlay District unless specifically noted otherwise below.

1. Prohibited Uses: The following uses shall be prohibited in the Wellfield Protection Overlay District (see the use matrix on pages 3-3 through 3-7 for detailed use listings):
   a. *Agriculture Uses:* Agricultural Products Sales, Distribution, & Storage Facility; Farm (confined feeding); Farm Equipment Sales and Service; Greenhouse (Commercial); and Livestock Auction / Sales Facility.
   b. *Communications / Utility Uses:* Sewage Treatment Plant.
   c. *Park Uses:* Campground / RV Park; Driving Range (as a Primary Use); Golf Course and / or Country Club (including Driving Range).
   d. *Institutional / Public Uses:* Airport; Animal Shelter; Fairgrounds; Government Facility (Non-Office); Heliport; Hospital / Medical Center; and Medical Clinic.
   e. *Commercial Uses:* Auto-Oriented Uses (Small Scale); Auto-Oriented Uses (Medium Scale); Auto-Oriented Uses (Large Scale); Mass Transit Terminal / Station (excluding a Public Bus Stop); Kennel; Fireworks Sales (permanent); and Truck Stop / Travel Center.
   f. *Industrial Uses:* Animal & Animal Products Processing; Boat / RV Storage Facility (outdoor); Concrete / Asphalt Production Facility; Contractor's Warehouse / Storage Facility; Food & Beverage Production; General Industrial Production; Hazardous Materials Production; Light Industrial Assembly & Distribution; Light Industrial Processing & Distribution; Mineral Extraction & Processing; Research & Development Facility; Truck Freight Terminal; Truck Sales & Service Center; and Waste Disposal Facility.
2. Uses not Specified: The Plan Commission, through the Site Development Plan review process, may also prohibit or impose conditions on other uses not listed in Section 5.3(B)(1) above that are specifically demonstrated to pose a hazard to the drinking water supply due to chemicals used on-site or by-products of on-site activities. Some examples of this type of use may include building cleaning or maintenance service companies, engineering or vocational shops or laboratories, landscape or lawn installation or maintenance services, and mortuaries.

5.3 Wellfield Protection (WP-OL) (cont.)

C. **Development Standards:** All development within the boundaries of the Wellfield Protection Overlay District shall comply with all applicable state, Federal, and local regulations, in addition to the following development standards.

1. Abandoned Wells: All known abandoned wells shall be identified and sealed consistent with any applicable requirements of the City Engineer.
2. Surface Water Impoundments: No surface impoundments, ponds, or lagoons shall be established except for the purpose of (a) storm water retention and detention ponds or (b) recreation and landscaping purposes. All detention and retention ponds shall be constructed in a manner that provides an effective barrier to the migration of potential containments into the ground water.
3. Public Sewer Service: All development, with the exception of a single-family residence located on a lot of at least 2 acres, shall be connected to a public sewer. All floor drains must be connected to the sanitary sewer or routed to a temporary holding area for future removal.
4. Trash and Recycling Containers: All non-residential trash and recycling containers shall be located on hard-surfaced areas that drain to a public storm sewer.
5. Storage and Transfer of Potential Contaminants: All areas that may be used for the storage and / or transfer of potential ground water contaminants shall be constructed in a manner to prevent any release from the area from reaching the ground water. The containment area shall be capable of, at a minimum, containing 110% of the potentially hazardous material for which the area has storage and transfer capacity.
6. Auto Repair Facilities: All vehicle and auto repair facilities shall be located within an enclosed building that includes a floor constructed of material that forms an effective barrier to prevent the migration of fluids or other materials into the ground water.
7. De-watering: The de-watering of sites shall be permitted only for the purposes of (a) preventing water damage to structures, (b) protecting ground water quality, and (c) temporarily de-watering for the construction of sewers and other underground facilities (including foundations).

5.4 Gateway (GW-OL)

Intent

The purpose of this Chapter is to establish an overlay district to address the unique characteristics of the properties adjacent to Franklin's gateway transportation routes. These gateways have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the goals of the Comprehensive Plan and fulfill the purpose of this Ordinance.

The intent of the Gateway Overlay District is to require development at the City's entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

A. **Boundaries & Exemptions:** The Gateway Overlay District (GW-OL) shall apply to all proprieties as indicated on the Official Zoning Map of the City of Franklin. All agricultural and single and two-family residential uses shall be exempt from the requirements of this overlay district.

B. **Uses:** All uses permitted in the underlying district(s) are permitted in the Gateway Overlay District. All uses that are special exceptions in the underlying district(s) are special exceptions in the Gateway Overlay District.

C. **Development Standards:** All development within the boundaries of the Gateway Overlay District shall comply with the following development standards.

1. Architectural Standards (Facade Walls): A "facade wall" shall be defined as any exterior wall visible from a street (public or private) or other GW-OL zoned property. All facade walls shall meet the following requirements:
   a. *Exterior Materials:* The use of smooth-faced concrete block, untextured smooth-faced tilt-up panels, and standing seam metal panels shall be prohibited. The Planning Director shall approve or deny the use of all composite and alternative materials that replicate the appearance and durability of those listed below. All facade wall exterior building materials shall be high quality materials, and shall be limited to any combination of the following:
      i. brick or face tile;
      ii. wood;
      iii. native stone;
      iv. glass (reflective glass shall be limited to a maximum of 50% of the area of any facade wall on which glass is used);
      v. tinted and / or textured concrete masonry units (such as split-face block and burnished block);
      vi. tilt-up concrete panels that are adorned or textured as to conform to 5.4(C)(1)(a)(v);
      vii. architectural pre-cast concrete; and
      viii. architectural metal.
   b. *Exterior Colors:* Exterior facade wall colors shall be low reflectance, subtle, neutral, or earth tones. The use of high intensity, primary, metallic, black or fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors. Such building trim and accent areas shall not exceed 10% of any single exterior wall area excluding all windows, doors, and glass construction materials.

c. *Roof Design:* All roofs or parapets should vary three-dimensionally to add visual interest to the building and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar detailing. All roofs shall comply with the following:
   i. All roof-top mechanical equipment, such as HVAC units, shall be screened from the view of all streets (public and private) and all GW-OL zoned properties by parapets, dormers, or other screens. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure.
   ii. Sloped roofs shall not exceed an average height equal to that of the supporting walls.
   iii. Sloped roofs shall have overhanging eaves that extend past the supporting walls.
   iv. Sloped roofs shall either be of architectural standing seam metal, tile, slate, or dimensional shingles.

d. *Main Entrance:* The main entrance to the primary structure shall be located on the facade wall that fronts on a public street. If the structure fronts on 2 or more public streets, the main entrance shall be located on the facade wall that fronts on the street with the highest Thoroughfare Plan classification.

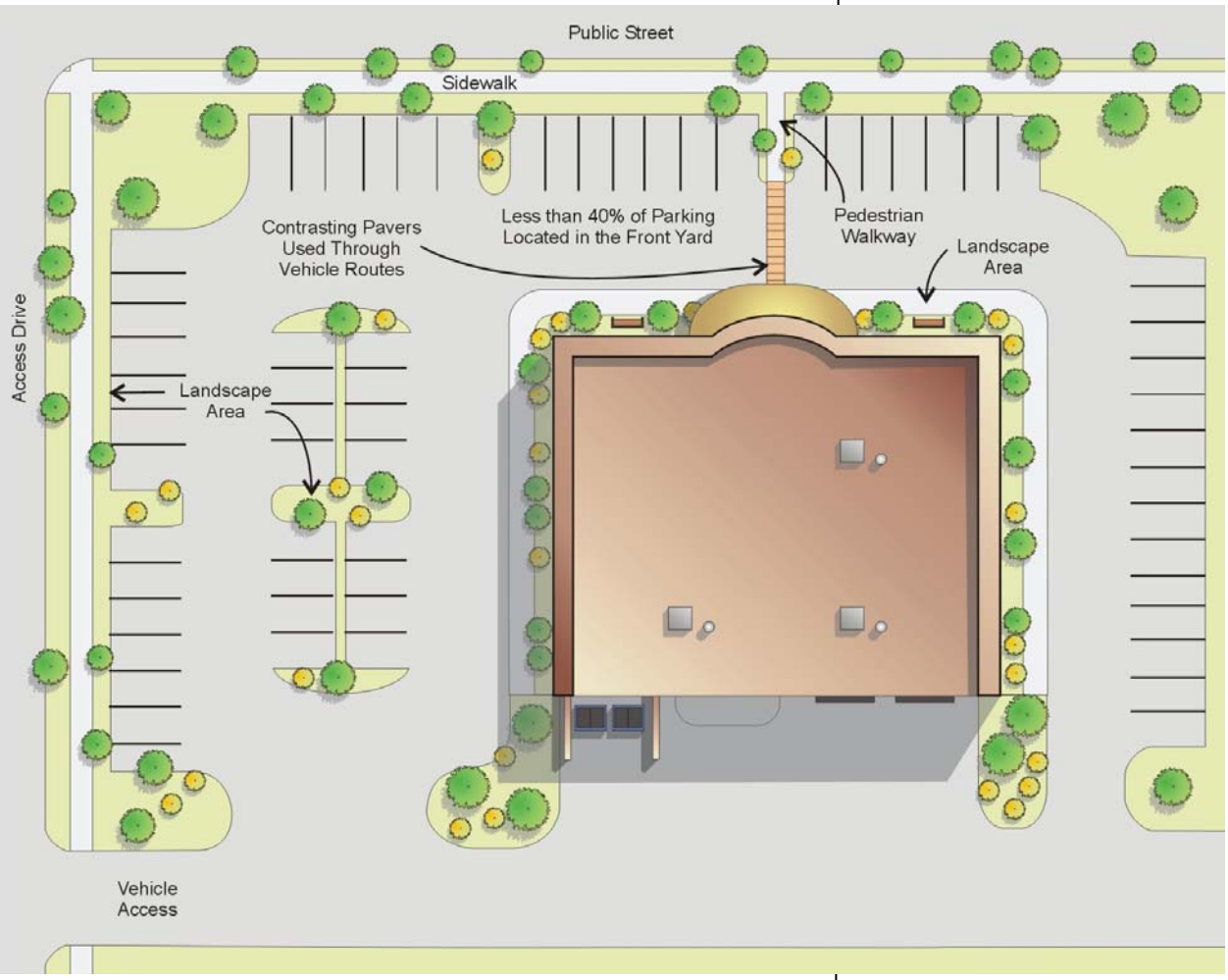
e. *Entry Features:* Entry features shall be provided at the main entrance to each primary structure and shall include at least 3 of the following design elements:
   i. raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5/12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design;
   ii. integral planters or wing walls that incorporate landscaped areas and / or places for sitting;
   iii. enhanced exterior lighting such as wall sconces, building mounted accent lights, or decorative pedestal lights;
   iv. a prominent three-dimensional entryway feature, such as a clock tower or other similar architectural design element, projecting from the vertical plane of the main exterior wall by a minimum of 4 feet and raised above the adjoining parapet wall/roof by a minimum of 3-feet; or
   v. pilasters projecting from the plane of the wall by a minimum of 8 inches and/or architectural or decorative columns that create visual breaks and interest in the facade walls.

f. *Display Windows:* All commercial building facade walls shall have display windows, faux windows, or decorative windows for no less than 60% of the facade wall's horizontal length along all pedestrian walkways.

2. Sidewalks & Pedestrian Walkways: Pedestrian walkways and sidewalks shall be provided on each lot in order to promote pedestrian access and reduce vehicle traffic impacts. Sidewalks and pedestrian walkways shall meet the following requirements.
   a. *Sidewalks:* Sidewalks shall be provided along all sides of the lot consistent with the design and construction requirements of the Franklin Subdivision Control Ordinance.
   b. *Pedestrian Walkways:* Pedestrian walkways shall be provided from the sidewalks to the main customer entrance of the structures on each lot and along the full length of any facade of a building that includes a customer entrance or abuts a parking area.
      i. Walkways connecting the structure entries with the sidewalks shall be concrete, and a minimum of 5 feet in width. They shall be bordered on each side by a planting area that is a minimum 2 feet in width. The planting areas on each side of the sidewalk shall each include flowers, shrubs, and trees for a minimum of 50% of their length. The remainder shall be planted with grass.
      ii. Where walkways are parallel to parking lots and/or interior drives the bordering landscape area shall be a minimum of 5 feet in width, and shall be curbed on the side adjoining the vehicle area.
      iii. Where walkways pass through vehicle use areas they shall be of a paving material different from that of the vehicle use area, such as unique pavers, bricks, or scored concrete, to distinguish them as a pedestrian route.
      iv. Walkways along the facades of the building shall be concrete, shall be a minimum of 5 feet in width, and shall be separated from the building by a landscape area that is a minimum of 5 feet in width. The landscape area shall include benches and seating areas, and be planted with flowers, trees, and shrubs for a minimum of 50% of its length.
      v. Weather protection features, such as awnings or arcades shall be provided over all sidewalks within 10 feet of all customer entrances.

5.4 Gateway (GW-OL) (cont.)

3. Outdoor Merchandise Storage Areas: Merchandise may be stored or displayed for sale to customers only in areas immediately adjacent to the primary structure on each property. The storage of outdoor merchandise for sale elsewhere on the property shall be prohibited. This area shall be (1) enclosed by a minimum 8 foot tall wall, or (2) composed of a 3 foot tall base wall topped by wrought iron or tubular steel fencing. No merchandise other than trees shall be visible above the wall or fencing. Each wall shall comply with the building materials requirements of Section 5.4(C)(1)(a) and (b) and shall be consistent in appearance and material as the primary structure on the property.



Illustrative Layout (Does not reflect all requirements established by this Ordinance).

5.5 Downtown Overlay (DT-OL)

Introduction: The purpose of this Chapter is to establish an overlay district to address the unique characteristics of the properties in Franklin's Historic Downtown. The character of historic towns and the sense of place that it creates are defined by its history, and unique architecture and streetscape. Preservation of this indigenous design not only creates a visually inviting environment, but drives economic development. People are pulled to the human scaled, pedestrian oriented environments with an architecture that provides the scale and detail that people innately seek. The general principles behind the following standards are:

Retain and restore what you have when practical
Harmonize new structures with the old
Provide for the automobile but design for the pedestrian

These design standards will provide the criteria by which the City Council, Plan Commission, and Planning Department Staff will evaluate development plans for consistency with the implementation policies of the City's Downtown Plan and the purposes of the Downtown Overlay District. The design standards are required to be met in the Downtown Overlay (DT-OL) Zoning District. Figure 1 outlines the boundaries of the Downtown Overlay Zoning District where the design standards are required to be met. Figure 1 also outlines the boundaries of the Integrated Economic Development Area. In this area the design standards should be referenced as guidelines, but are not required. The Franklin Development Corporation offers incentive financing and grants for projects that meet the design standards in the Downtown Overlay Zoning District and for projects that opt to meet the design standards in the Integrated Economic Development Area, where the design standards are not required.

Boundary: The Downtown Overlay (DT-OL) Zoning District shall apply to all properties as indicated on the Official Zoning Map of the City of Franklin (see Figure 1).

Appeals: Any applicant or interested party may appeal the decision of the Planning Director (or his or her designee) or the requirements of applicable ordinances to the Board of Zoning Appeals.

Relief from Specific Requirements: Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance that are unrelated to the Planning Director's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.

Appeal of ordinance interpretation: Applicants seeking an appeal of a decision or interpretation of the Planning Director may appeal to the Board of Zoning Appeals.

Appeal Procedure: All appeals of determinations of the Planning Director shall meet the following requirements:

5.5 Downtown Overlay (DT-OL) (cont.)

i. The appealing party is required to provide the Planning Director with written notice of the appeal within 30 days of the date of the Planning Director's decision.

ii. The Planning Director will place the appeal on the agenda for the next scheduled Board of Zoning Appeals meeting consistent with the adopted Calendar of Meeting and Filing Dates.

iii. The appealing party is required to provide public notice for the meeting, consistent with the provisions of Chapter 11.2.

iv. The Board of Zoning Appeals shall consider the provisions of Chapter 11.5 and all other documented, applicable standards in deciding the appeal.

Uses: All uses permitted in the underlying district(s) are permitted in the Downtown Overlay Zoning District. All uses that are special exceptions in the underlying district(s) are special exceptions in the Downtown Overlay Zoning District.

Background: The downtown core of Franklin is characterized by historic structures that are predominately late Victorian Italianate and Beaux Arts style of the late 19th and 20th centuries circa 1880 to 1930. This is exemplified by the structures along Jefferson Street running from Walnut east to Home Street on the north side of the street. These structures are typically two to three stories in height and consist of a lower storefront predominately of clear glass and columns or large windows, an upper floor with punched masonry windows and an ornamental cornice at the top of the building. The proportions of the façades are based largely on an 18 to 20 foot wide storefront bay repeated multiple times where the buildings are larger and repeated only once where they are of a single bay width. The façades are primarily constructed of glass, cast iron, brick masonry, brick and stone masonry, ornamental metal, and in some cases wood trim. The historic windows in the upper façades are largely double hung windows with either one over one or two over two panes. An 18 to 20 foot width is established on the façades that run vertically through the building. The buildings are organized by six to eight foot bay lines running vertically through the building consisting of columns, windows and pilaster elements creating the vertical width and ordering of the façade.

Jefferson Street

5.5.1 Façade Retention & Restoration

General Requirements

The building facades on a street provide the visual image of the downtown. Because they are composed of similar parts, their appearance should be organized and coordinated. Over the years, however, maintaining this appearance has been a challenge. Due to technological developments, changing tenants, and different merchandising trends, a storefront will go through multiple design changes over time. The upper façade, often viewed as less important, tends to have been ignored or even covered over. Because building appearance is an essential ingredient of a successful downtown, owners are encouraged to restore and maintain their building facades in the original, intended manner.

The primary facades of all historic structures (Outstanding, Notable or Contributing by the Johnson County Interim Inventory Report, published by Historic Landmarks Foundation of Indiana, 1985) should have all defining features of the overall historical character retained. In the case where these defining features no longer exist, have been torn down, or covered up, these features should be restored if and when restoration or remodeling takes place in the particular area of the feature. Where documentation of the original is not accessible, all work on a façade should comply with the standards for new development in Section 5.5.12. Changes that have no historical basis or seek to create an earlier appearance should be avoided.

The façade of the typical downtown building is made up of three parts: the storefront with entrance and display windows, the upper façade, and the cornice that caps the building. Within these three parts are the details that give a façade its character, including the bulkheads, transom, storefront cornice, windows, and window hoods (see Figure 2).

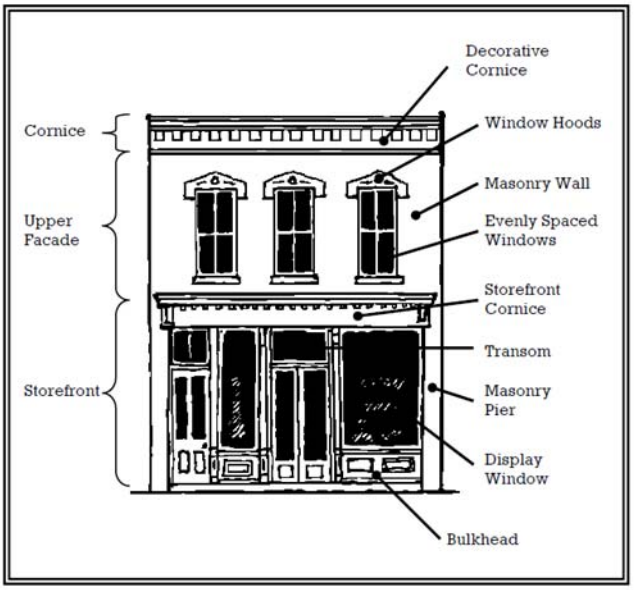


Figure 2

5.5.1 Façade Retention & Restoration (cont.)

When planning a façade renovation, consult the following standards, as well as the standards relating to specific elements found later in these standards.

Façade Retention: All historic buildings should be preserved. In the case of commercial buildings where the area of the building behind the façade is in severely deteriorated condition, all primary façades should be retained and new construction may be in-filled behind the façade.

A. Original features, historic elements, and examples of craftsmanship should be retained wherever possible. The removal of distinguishing features or significant architectural details should be avoided. Previously made changes that have achieved architectural or design significance should be retained.

B. Exception: In the case where an accessory structure is so severely deteriorated that it is an unsafe structure, the accessory structure may be razed. This exception should not be construed as permitting the demolition of an accessory structure by means of purposely causing or allowing it to fall into disrepair.

Façade Restoration: The following standards apply to the repair or restoration of any façade or façade feature.

A. Historic buildings should retain all architectural elements such as windows, cornices, porches, roof lines, eaves, entry ways, and façade materials. Deteriorated architectural elements on any historic building should be repaired or replaced. Where an architectural element has been previously removed or the severity of deterioration requires replacement of a feature, the new feature should match the original in size, scale, and architectural style, and where possible, materials. Synthetic materials may be used in the case where original materials are not available.

B. Non-historic buildings which contain architectural elements similar to those on surrounding historic buildings should retain those elements by repairing or replacing those elements. It is recommended that those elements be repaired rather than replaced. If those elements are being replaced, they should match the original in size, scale, and architectural style. Those elements should not be removed without being replaced.

C. Where any architectural element on a primary façade or other highly visible location is being replaced, the replacement feature should match identically any parts, portions, or pieces of remaining similar architectural elements in size, scale, style, design, color, and where possible, materials.

5.5.1 Façade Retention & Restoration (cont.)

E. Chemical or physical treatments that cause damage to historic building materials should not be used. The surface cleaning of structures should be undertaken using the gentlest means possible in order to preserve the building materials.

F. Infilling, enclosing, covering, or removing of any original windows, doors, storefronts, porches, display windows or other architectural details is prohibited.

G. Shutters, if utilized, should be sized to appear as though they could work. However, shutters were seldom used on 19th and 20th century buildings.

H. Awnings should be of a proportion and color to complement the existing colors of the building.

I. Accessibility modifications should be made at side or rear entrances to maintain façade integrity.

Contrast of missing and preserved cornice elements

The following are the defining primary façade features which should be retained or restored. This should not be construed as preventing the ordinary maintenance and repair of a façade.

A. Kick plates at the base of storefront display windows

B. Clear glass, which does not produce excess amounts of glare for all first story windows and glazing

C. Original recessed entrance areas, angled vestibules, spaces, or corners

D. Transoms above doors and windows

E. Clearstory portions of the façade

F. Signage bands including relevant ornamentation

G. Original window styles including opening size and location, sashes, mullions, muntins, sills, and heads

H. Decorative columns, pilasters of cast iron, brick or stone

I. Cornices

J. Parapet walls

5.5.1 Façade Retention & Restoration (cont.)

The following additional requirements also apply to all facades:

A. In the case where a building was originally built in such a way that it would not meet the standards of this chapter and the façade does not contribute to the overall character of the Downtown Overlay District, any remodeling of such building's facades should follow the standards for new development. This should not be interpreted as being required during ordinary maintenance and repair.

B. No HVAC, mechanical or other equipment should be placed on or attached to the primary façade. Additionally, equipment should be concealed from view from any public street.

C. First floor display windows should allow visibility from any pedestrian walkway into the business or contain a display of products, art, or other creative display, which is oriented towards and facing the sidewalk and is a minimum of 18 inches deep. No obstruction of view such as paper or plywood coverings or interior facing display case is permitted within 18 inches of the interior of the glazing except during active construction for which all required certificates, permits, and approvals have been obtained.

D. Windows on secondary facades or upper stories should not be covered from the inside with coverings such as paper or plywood. If the space behind the window is vacant, it is recommended that the window contain blinds or curtains if blocking of the window is so desired.

E. The use of the following inappropriate materials should not be used:

i. Coarsely finished rustic material such as wood shake shingles, barn boards plywood and wood siding.
ii. Carpeting
iii. Expanded or perforated metals, industrial metal siding, wire mesh, or corrugated metal or fiberglass
iv. Inappropriate ornate ironwork such as New Orleans style grills and rail work,
v. Stucco surfaces with rustic or highly textured surfaces characteristic of Mediterranean or Southwestern styles.
vi. Antique appearing, synthetic, oversized, or variegated brick
vii. Silver, gold or clear anodized bright metal including aluminum or stainless steel trim for windows and doors,
viii. Residential type materials such as embossed entry doors, sliding patio doors and residential beveled and leaded stained glass doors
ix. Flat or molded plastic sheeting used to simulate historic materials, stone, or masonry veneers
x. Rustic field stone or rustic rock masonry work
xi. Flush glazing treatments, glass block windows, or mirrored, highly tinted, colored, metalized, or reflective glass

5.5.2 Window Restoration & Replacement

Windows play an important visual role in the downtown. Display windows provide merchants with an area to display their wares. The upper story windows establish the pattern that helps tie together the facades of a block. Transom windows provide light and ventilation to the inside of the building. Window style and decoration has changed through the years (see Figure 3). However, proper care and maintenance of all storefront windows remains key to an attractive building.

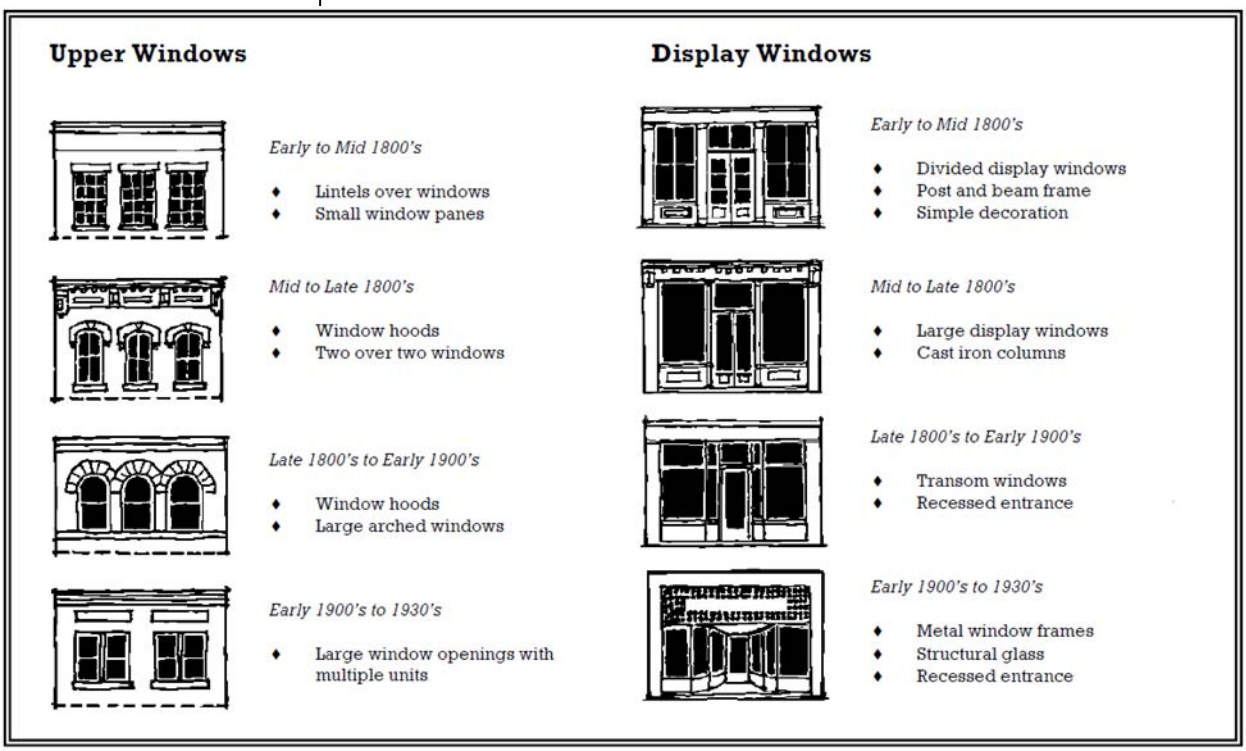


Figure 3

Display Windows: The display window is a crucial element in the success of a downtown business. An attractive, well-planned display can be the difference between someone merely walking by or actually coming in to shop. After setting up your window display, be sure to view the display from outside, to gain the same perspective as customers and passers-by. Also, be careful with all window signage. While a display window can provide space for an attractive painted sign, you should not cover excessive amounts of any window with signage.

Upper Story Windows: Upper story windows are often neglected, inappropriately replaced, or even boarded up. Not only does this impact the appearance of the building, it can change the character of a block. If your building has upper story windows, be sure to set up a regular maintenance schedule. This will help prevent further deterioration.

5.5.2 Window Restoration & Replacement (cont.)

Transom Windows: Transom windows, located at the top of the storefront opening, are a source of natural light and ventilation. For energy conservation, these windows were often covered or removed. Covering or painting over transom windows upsets the design relationship of the façade and destroys the rhythm of repeating patterns on the street. Uncovering and restoring transom windows is encouraged.

Windows on historic buildings are the most important elements in defining its architectural character and significance. Their original materials and features should be respected and retained. Repairing historic windows has become easier with the introduction of new materials and techniques. The following standards apply to the restoration or replacement of windows.

A. Window Repair: The most common window problems involve damaged or deteriorated wood, faulty window operation, and broken glass panes. Many problems can be easily repaired at a minimum cost.

a. Deteriorated wood is often found on the sill or bottom of the sash. These parts can be replaced without replacing the whole window. Local building supply stores may have pieces that match the original window. Minor repairs can be made by scraping off old paint, filling in cracks with putty or caulk, sanding, priming and applying a fresh coat of paint.

b. A window that isn't operating like it used to should be addressed. It could be that the window is painted shut. This can be corrected by tapping the sash with a hammer wrapped in cloth. Another problem could be with the window mechanism (sash locks, cords, and weights). If this is the case, contact a window dealer who can offer assistance without changing the window. Franklin Heritage can recommend contractors who have experience with this type of work.

c. Broken glass panes can be easily fixed by removing all old glass and glazing putty, and installing a new pane using the appropriate glazier's points and putty.

d. Be sure to check all joints between a window and its masonry opening. If loose or open joints exist, caulk to prevent air and water filtration.

e. Window trim, cornices, sills, and decorative window caps or other details should be replaced and installed on historic buildings only if they originally existed. In the case of non-historic buildings, these window elements may be added only where they fit the architectural style of the building. Enhancing windows with superfluous non-historic or architecturally inaccurate details is not permitted.

f. Creating new window openings or eliminating original window openings that significantly alter the character of the elevations is prohibited.

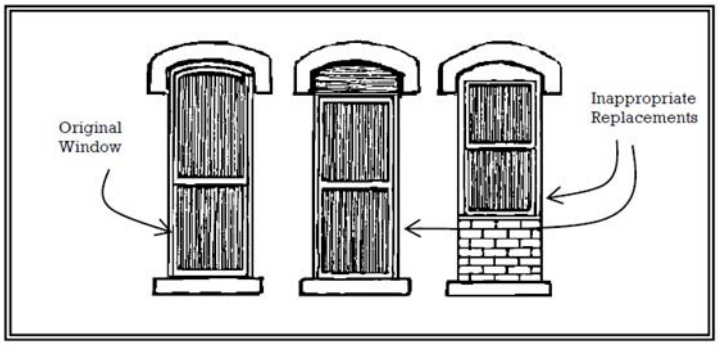
5.5.2 Window Restoration & Replacement (cont.)

g. Re-establishing original window openings that have been reduced or completely closed is encouraged. New windows used to re-establish the original openings need to follow the standards for window replacement.

B .Window Replacement: Sometimes repairs may be impractical and the only option available is replacement. If you're replacing only one window, find a replacement that matches the existing units. If you cannot find a suitable replacement, consider having one custom made. Wood is the preferred choice, however if you must use aluminum or vinyl, a darker color is preferred. Do not alter the existing window opening to fit new windows and do not install windows that are not in keeping with the style of your building (See Figure 4).

C. Storm Windows: Installing storm windows is a great way to cut down on your energy costs. The downside is that they often look inappropriate on an older building façade. If possible, consider installing storm windows on the inside so they will not be seen. If they must be installed on the outside, make sure they are the same shape and have the same overall design features as other outside windows. An anodized or baked-on finish is more desirable than plain aluminum.

Figure 4



Removing windows eradicates character definition of a building.

Filling in windows detracts from the architectural integrity of the building.

5.5.3 Masonry Repair & Restoration

Regular maintenance is the most efficient and economical way to keep your building looking its best. As a general rule, you should treat any historic detail with care. First and foremost, maintain what you have. If necessary, repair or replace the detail, duplicating or complimenting the original. The following tips will assist you in identifying and addressing potential problems.

Every effort should be made to retain the historic masonry façades in their original design, shape and architectural appearance including all relevant detailing, and ornamentation. For the purposes of this section, masonry includes stone, brick, architectural terra cotta, cast stone, concrete, and concrete block. Typically masonry deterioration and damage has been caused by neglect or deferred maintenance due to water infiltration, horizontal and vertical movement of the masonry due to disengagement from the structural frame, vertical settlement, or horizontal movement due to expansion and contraction. Extreme care is required for any masonry repair to prevent an obvious unsightly patch.

Moisture: Brick and stone are durable but they can deteriorate over time. Most often, water infiltration is responsible. Moisture can enter through the top of a wall or where the wall meets the roof. Check your roof, flashing, and wall copings periodically for soundness. Gutters and downspouts should also be inspected periodically for leakage.

A. **Tuckpointing:** The mortar used in older masonry buildings gradually erodes as water runs over the wall surface and with freeze/thaw cycles. Joints should be inspected periodically for crumbling or missing mortar. If mortar joints have recessed more than 2”, they should be repointed with new mortar to prevent water infiltration and ensure the integrity of the wall. New mortar joints should match the original in style, size, composition, and color. It is especially important to repoint with mortar of the same hardness as the original. The softer historic mortar compresses as the bricks expand in warm weather and flexes as they contract in cold weather. It is by design, the sacrificial element of the wall and gradual erosion is to be expected. Harder modern mortars with a high content of Portland cement will resist the warm weather expansion of the brick, which can cause cracks in the brick surface. In the cold weather, this same inflexibility may cause cracks to open up as the historic bricks contract.

B. Cleaning: Masonry cleaning can have a huge impact on the appearance of a building. Most historic masonry buildings have never been cleaned, and accumulated dirt can obscure the original masonry color. Masonry should always be cleaned by the gentlest method possible. In many cases low pressure water washing (no more than 250 psi), together with scrubbing with a natural bristle brush may be sufficient. If paint or heavy grime must be removed, a chemical cleaner may be required. There are a variety of chemical cleaners available and a qualified cleaning contractor should be consulted to evaluate your building and recommend a treatment.

5.5.3 Masonry Repair & Restoration (cont.)

Whatever treatment is selected, a test patch should first be tried in an inconspicuous area and allowed to weather for a few weeks or months. If the results of the test are satisfactory and no damage is observed, it should be safe to proceed. Remember to protect nearby trees, shrubs, and groundcover when cleaning your building. Chemical cleaners may be hazardous to vegetation. The following treatments are appropriate and should be used during all cleaning, repairing, and restoring of masonry:

a. Cleaning masonry with the least abrasive method possible.
b. Using test patches in inconspicuous areas on secondary elevations to determine the appropriate means of cleaning.
c. Addressing and correcting the underlying cause of damage to masonry before any repair or repointing is undertaken.
d. Mortar joints should be cleaned out and loose mortar removed to appropriate depth, usually one to one, replacing typically all mortar on historic buildings with a high lime content.
e. All mortar should be carefully removed so as to not damage any of the edges of masonry surfaces.
f. All replacement masonry should match the existing whether it is salvaged or new material and reused material should be closely matched in terms of size, color and texture.
g. Painted masonry structures should be permitted to retain painted surfaces after appropriate cleaning and removing of loose paint and debris.

Inappropriate Masonry Treatments: The following treatments are discouraged for all cleaning, repairing, and restoring of masonry:

a. You should not use abrasive treatments (sand blasting or high pressure washing) to clean masonry surfaces.
b. Replacing bricks and brick masonry unless it is excessively spalled or cracked. Instead the same bricks should be reused if possible by cleaning and reversing their faces. Use of contemporary new brick that is “antique in appearance” with a wide range of color is discouraged. Brickwork, particularly on historic buildings, is usually uniform in character.
c. Covering of historic masonry surfaces with any type of siding, metal or synthetic sidings, stucco, exterior insulation finishing systems (EIFS) or ceramic or fiberglass veneers.
d. Using any kind of power grinding to remove masonry or to remove mortar or to alter masonry.
e. Sandblasting should not be done on historic structures unless where otherwise specifically allowed. Sandblasting is especially harmful to brick surfaces, eroding the hard outer layer to expose a softer, more porous surface that will weather rapidly. You should be aware that sandblasting will disqualify a project from consideration when applying for state and federal tax credits.

5.5.3 Masonry Repair & Restoration (cont.)

f. Exposed masonry should never be painted. A previously painted surface can be restored by a chemical paint remover. Previously painted structures should, in all probability, be retained as such because removing paint can result in detrimental effects to the underlying masonry surfaces.

g. Waterproofing, repellants or sealers used on any masonry surface. These materials can potentially cause serious damage by trapping moisture in masonry, which would cause deterioration in the future. If used, it is essential to allow breathing of the surfaces on which they are applied

h. Abrasive methods for paint removal to expose original brick.

Examples of careful and appropriate cleaning

Excessively deteriorated brick

Inappropriate mortar work

5.5.4 Wood Maintenance

Storefronts, cornice brackets and other decorative façade elements were often made of wood. These original exterior woodwork elements should be retained wherever possible. Regular maintenance will prevent deterioration. Check periodically for soft, rotted areas, splits, and dampness. Damage or decayed sections can usually be repaired by re-nailing, caulking, and filling. Epoxy pastes and epoxy consolidants can also be very effective in repairing even seriously rotted wood. When painting, use an oil-based primer followed by two coats of oil-based paints.

Severely rotted or missing pieces may be reproduced by a good carpenter or millwork shop. Try to match or at least complement the existing details when replacing woodwork.

5.5.5 Metal Maintenance

Many of the buildings in the historic core of Franklin are defined by the cast iron and ornamental metal elements that form the storefronts at the pedestrian level. These elements are principal defining features of the façades and should be retained and restored through every possible effort. The lower display window kick fronts support columns, window mullions, and decorative elements of the transom and sign bands are typically made of these materials. Stamped or pressed metal was most often used to create decorative metal cornices. This kind of architectural ornamentation became quite popular because intricate detail could be reproduced at a reasonable cost.

The signs of metal deterioration are obvious: corrosion, tears, holes and missing pieces. Pressed or stamped metal may be of copper, which requires no surface protection, or of sheet iron, usually coated with zinc or lead to retard rusting. A proper coat of paint is essential to prevent rust and corrosion on such metals. Missing parts can be reproduced in fiberglass or aluminum using existing pieces to make a mold. Be sure to communicate to the person fabricating the replacement part the importance of maintaining the intricate decoration of such pieces.

Appropriate Cleaning and Repair: Strip and clean off old paint and rust using appropriate chemical strippers and non-abrasive power washing and light sandblasting. Extreme caution should be taken with rolled sheet metal surfaces so as to not damage them if any of the power washing or light non-abrasive power blasting methods are used.

5.5.6 Decorative Glass Maintenance

Beveled, stained, leaded and etched glass are all forms of decorative glass. Glass decoration is often covered up. Look for it in transoms or behind plywood window covers. Sagging means that the glass and frame will need to be reinforced with a brace. Leaded or stained glass can have problems. The metal between the glass pieces, called the "came," could either be zinc or lead. You should always use the same metal when making repairs.

5.5.7 Color Guidelines and Recommendations

Choosing the right color combination for a building can unify the elements of the façade and relate the building to others on the block. Again, step outside and look at your building as it relates to others. Make sure the colors you use are in character with the rest of the buildings on the block. Generally, no more than three colors are sufficient for a building façade. Paint manufacturers have a large selection of historic colors available and can assist with an appropriate color scheme. Stay away from bold colors that attract undo attention to the property. The use of fluorescent, metallic, reflective, or glittery colors for exterior walls, trim or other architectural features is prohibited.

Background: Muted or natural tones are appropriate for the background of the building. The background consists of the upper wall and the piers on either side of the storefront. This color is often natural brick and requires no painting. In fact, painting of brick surfaces is strongly discouraged and discussed in section 5.5.3 Masonry Repair & Restoration.

Major Trim: The color of major trim elements such as cornices, window frames, sills and hoods, and the storefront frame, bulkhead and columns should complement the background color.

Secondary Trim: Secondary trim such as the window sashes, doors, and certain cornice and bulkhead details, should enhance the color scheme established by the background and major trim. A darker shade of the major trim is often used to highlight these features. Caution should be exercised to ensure that the façade is not over-decorated.

In general, color schemes should be selected that are appropriate to the building's style and period. Using a 1950's color scheme on a Victorian building is inappropriate. The color schemes should be developed to enhance the character defining elements of the architecture and to complement and relate to its neighbors in the downtown core. Different color schemes were popular at various times. In the mid 1800's, soft, neutral tints were common. Toward the end of the 19th century, darker, richer shades were used. Tastes changed again at the beginning of the 1900's to lighter, calmer colors. If you are thinking about returning your building to its original colors, carefully scrape the paint from a small area. There may be several layers of paint over the original color. It's possible that the original color may have changed over time. For a better idea of the true color, wet the original surface. The base color will appear more accurately when wet. It is not necessary that colors be researched and analyzed to document original authenticity. As noted in the masonry repair section, previously painted structures should, in all probability, be retained as such because removing paint can result in detrimental effects to the underlying masonry surfaces.

5.5.7 Color Guidelines and Recommendations (cont.)

The sun will play an important role in the colors you select. Before deciding on a color, take a paint chip outside to see how it looks. Do this at various times throughout the day, and also on both sunny and cloudy days. Sometimes a small paint chip is not enough to get a good idea of how a color will look. In that case, invest in a quart of the color you choose and apply it to a small area on your building. The effect may be surprising.

Next Steps:
Painting your building can provide a dramatic improvement in your building's appearance for a relatively low cost. After deciding on the appropriate colors, however, your work has just begun. There are several steps you should follow to ensure your new paint job will be long lasting and successful.

Type of Paint: Should you use oil based or latex paint? Both have their advantages and disadvantages. Oil based paints are generally more durable, and may provide better adherence. Clean up is more difficult. Latex paints are easier to apply and clean up is simple. However, latex paint can be less durable than oil based. Whichever you choose, select a quality paint. Although you'll pay more, a quality paint will last longer than a cheaper paint, will not fade or peel as quickly, and gives better coverage. It is important to note that once you use a certain type of paint for your building, you should continue to use the same type of paint. Switching back and forth between oil and latex is difficult.

General Preparation: There are many things you can do to prep your building for painting. Check the condition of any wood and replace any boards that are rotted. If you are painting a masonry building, check the condition of the mortar and tuck-point where necessary. Review the condition of your windows. Install new glass in all broken windows. Replace damaged putty with a glazing compound and make sure it goes all around the windows. You'll need to wait 2-3 days for the compound to dry before you can paint.

Surface Preparation: Prior to painting, all surfaces should be adequately prepared. All loose or peeling paint must be removed. Wire brushes and scrapers are the best tools to use. If these do not work, consider a blow torch or electric heat gun. Use caution with these last two devices, with only enough heat to soften the paint so it can be easily pushed away. Consider using a primer for the first coat, especially on older buildings. It will help the final coat adhere better.

5.5.7 Color Guidelines and Recommendations (cont.)

Other Considerations:

1. Colored mortars should not be employed to alter the coloration of historic structures.
2. Natural colors of brick, terra cotta, fired clay stones, masonry, limestone, granite, sandstone or other natural materials should be retained and should not be painted over unless it is consistent with the historic precedent.
3. Architectural metals such as copper, bronze and brass should not be painted. in any case.

Transoms have been maintained with appropriate clear glass.

Historic windows have been repaired. New windows on infill structure harmonize with old.

Shaded glass does not invite pedestrians into a store or café.

Storefront scale, façade rhythm and proportion have been compromised.

Inappropriate materials and use of Mansard roofing.

5.5.8 Doors

Traditionally, downtown buildings had three doors. On the building front, there was storefront door, providing access to the business, and a secondary door, providing access to the upper floors (see Figure 5). The rear door was primarily used as a service door.

Storefront Door: Historically the entry to a store was more than just a door. The design and appearance reflected its commercial importance. The traditional storefront door was substantial, built of wood with a large glass panel. Despite its stately proportion, the door was inviting to a customer. Although traditional storefront doors are rarely found these days, there are several things that can be done to make a front door the special, inviting element it should be.

1. A front door should be compatible with the rest of the storefront and make a significant statement.
2. To retain a traditional appearance, a wood door with a tall glass panel is most appropriate to maintain the original character. Try to locate a salvaged older door to repair or use a new door of similar design.
3. If a traditional appearance is not desired, the design choice should be based on the overall design of the storefront. Many different wood and metal styles are available. If a glass and aluminum door is chosen, consider using a dark, anodized finish rather than a metallic color.
4. Avoid over-decorating the door. The design should reinforce the character of the building and be inviting for shoppers.

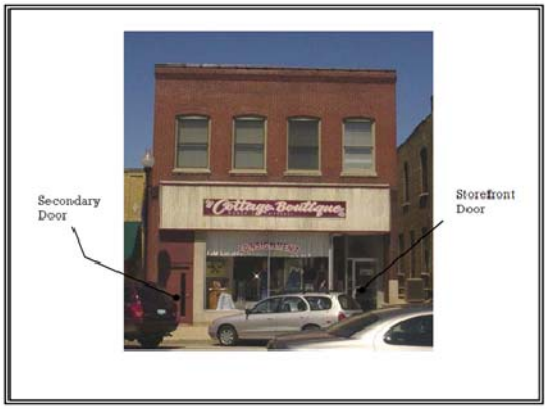


Figure 5

Secondary Door: A secondary door on the front façade provides access to the upper floors and is usually less elaborate in design. When choosing a secondary door, keep in mind that it should be visually understated, fitting in with the overall façade, but not drawing attention to itself. To maintain a traditional appearance, an old wood panel door is most appropriate.

Rear Doors: A practical style is recommended for a rear door to reflect the unadorned character of the rear façade. If the back door will be used as a customer entrance, consider the addition of glass to the door to make it more inviting to shoppers and passers-by.

5.5.9 Awnings

Awnings can be both a decorative and functional addition to a storefront. Visually, an awning can add character and interest to a storefront. Practically, an awning provides a sheltered space for customers to view store window displays, and can provide energy saving benefits, especially when used on southern facing windows. When planning an awning for your building, the following should be considered:

Design: The design of an awning determines how energy efficient it will be. There are two types of awnings available, fixed and operable. An operable awning can be opened and closed, allowing sun to shine in on cold days and providing shade on warm sunny days. A fixed awning is primarily decorative.

Style: Awnings should be integrated into the design of the building façade, with simple pitch and profile that matches the building bay structure. Awnings along a street should have a consistent pattern in size and shape, and not conflict with others. Look at your neighbors' buildings and visualize how adding an awning will affect the character of the streetscape (see Figure 6).

Material: Awnings can be constructed from several different materials, including canvas, vinyl, and aluminum. Whichever material is chosen, make sure it is guaranteed weather-resistant. Fading or bleaching from the sun is also an important consideration.

A. Canvas awnings are traditionally popular, but must be weather-treated before installation. Canvas has a lower initial cost, but may require more maintenance than plastic or aluminum.
B. Vinyl (plastic) has a more contemporary effect, but can be attractive if done correctly. Vinyl is more flexible and usually requires less maintenance than fabric.
C. Aluminum is another choice but is more residential in character and not generally appropriate in the downtown area.

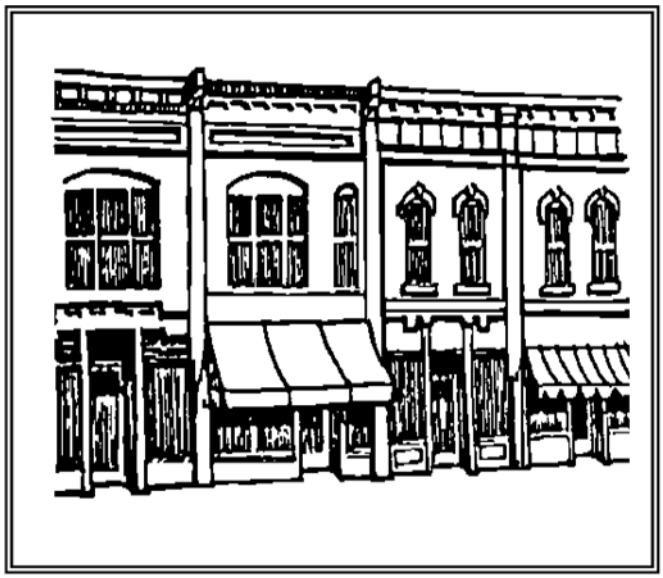


Figure 6

5.5.9 Awnings (cont.)

Mounting: Awnings should be mounted so that the valence is approximately 8 feet above the sidewalk. A 12-inch valence flap is usually attached at the awning bar and can serve as a sign panel. Typically, an awning will project between 4 and 7 feet from the building. An awning can be attached above the display windows and below the sign panel or cornice. It can also be mounted between the transom and the display window, which allows light into the store while shading the merchandise for customers. An awning over upper story windows should not cover the piers or the space between the window sills and the storefront cornice. If an awning has support posts that are permanently affixed to the sidewalk, approval from the Board of Works is required before installation. Contact the mayor's office to make the request.

Color: Look at the entire building before deciding on a color for your awning. You'll want a color that enhances the existing features without overwhelming them. For buildings with more detail, a subtle shade should be used. For buildings with minimal architectural detailing, a bright accent color may enhance the façade. Pattern is important too, depending on the image you would like to project.

Signs: The valence of an awning has traditionally been used for advertising. If you choose to incorporate a sign on an awning, keep the message simple and for identification purposes only (see Figure 7).

Illumination: Internally illuminated or back-lit awnings are highly discouraged and not recommended.

Figure 7

5.5.10 Signage Treatments

All signs must conform to Article 8 Sign Standards. In addition the following standards apply to all signs in the Downtown Overlay Zoning District.

Signs are a vital part of any downtown. They call attention to your business and help attract customers. Additionally, signs help shape the image of downtown. The following questions are provided to help you determine the right signage for your business and the downtown:

What is the Purpose of My Sign? Do you merely want to identify the name of your business? Or should you provide information on the products you sell or services you offer? Who are you trying to attract? Take some time to consider what you want your sign to do.

What Type of Message Should I Use? Can you convey your message with words? Or will a logo or symbol be more recognizable to potential customers? Possibly, a combination of words and symbols is appropriate. Sign lettering should have a high contrast ratio in order to be clearly legible for vehicular traffic. Sign lettering on wall signs, awning signs, or projecting signs needs to be a minimum of 4 inches in height so as to be clearly legible for vehicular traffic.

What Style Sign Should I Use? For most downtown businesses, wall, window, projecting, or canopy signs are the only types of signs that can be used. For new development or redeveloped sites, a freestanding sign is a possibility with special approval from the Board of Zoning Appeals. If you want to use a freestanding sign, consider a monument style sign to maintain the pedestrian scale of the downtown. Taller pole signs are inappropriate and should be avoided.

5.5.10 Signage Treatments (cont.)

Where Should I Put My Sign? When considering sign placement, you need to visualize how your sign will appear in relation to the entire façade. A sign should not dominate the façade; its shape and proportions should fit the building just as a door or window fits. The most common location for a wall sign is just below the lower cornice. This location compliments the architecture of the building and presents a strong image. Other common locations include on the glass display window and on the awning flap (see Figure 8). A good resource to consult is a picture of how your building looked in the past. This may give you ideas about how signs were related to the details of your building. Signs should never project above the upper cornice line or be mounted on the roof of a building. Never cover up architectural details. Horizontal projecting signs have a width which is longer than the height of the sign. Horizontal projecting signs should project no more than 4 feet from the building and be no more than 12 square feet in sign area. In addition, horizontal projecting signs should generally be located between the transom line of the first floor and the lower half of the windows of the second floor. Vertical projecting signs have a height which is longer than the width of the sign. Vertical projecting signs project no more than 3 feet from the building and do not exceed 30 square feet in sign area. In addition, vertical projecting signs should be located above the first floor or sign band whichever is higher.

Figure 8

Should I Illuminate My Sign? Illuminating a sign may be desirable. Individual back-lit letters and signs illuminated by wall-mounted fixtures are appropriate. Illuminated box signs, flashing signs, moving signs, and electronic or fixed letter reader boards are not permitted.

Materials: Appropriate sign materials include painted or carved wood, galvanized sheet metal or aluminum, stone materials consisting of marble, slate or sandstone veneer, granite or granite veneer, gold leaf, gilt, painted accents, sandblasted glass or metal, stained glass, clear or acrylic neon. While the use of neon can create an attractive sign, neon should not be used to outline or trim a building or the architectural elements.

5.5.11 Lighting

Lighting is an important element when considering visibility in the evening hours. Generally, street lighting installed by the City will provide adequate lighting of the overall building and sidewalk. However, there are times when you may want to provide additional illumination to your building.

Lighting should only be used to illuminate entries, signage, displays, adjacent pedestrian and parking areas, or to highlight significant architectural elements. Use fixtures with a traditional style, or contemporary fixtures that are appropriately scaled. Building mounted fixtures should be used to illuminate entries, wall mounted signs, and walkways adjacent to buildings. Fixture color should be muted and coordinate with the overall color scheme of the building. Exposed or painted metal finishes are recommended.

To attract attention to your storefront area, there are some traditional methods of lighting you can use:

- Well-lit display windows attract attention to items in your window.
- Residual light washed the sidewalk and attracts pedestrians.
- Light over recessed entry doors can highlight your entrance.
- Lighted signs in the window (neon is acceptable) can highlight products and services.

5.5.12 New Development

Construction of new buildings on vacant lots in the downtown is encouraged. The design and location of such buildings, however, requires special care. Two types of new construction are discussed: Infill Development, where new construction fills in gaps in the existing street façade, and Standard Development, where new construction is on parcels located in lesser dense areas of the downtown. In order to retain the historic context and character, new buildings should reflect the character of existing historic buildings by relating to the massing, scale, articulation, and rhythm of Franklin's historic architecture.

Infill Development: The design of new infill development, especially the front façade is critical. The new façade must look appropriate in relation to the surrounding buildings, without replicating them. When designing a new infill building, particular attention should be paid to the following:

A. Building Design: The design of new infill buildings should be harmonious with its surroundings. Architectural style is not restricted, however, extremes of styles, or attempts to recreation a style indigenous to the downtown are discouraged.

B. Building Setback: A new infill building should maintain the line of existing storefronts at the sidewalk edge. Creating gaps in the streetscape by setting the building too far back from its neighbors, or by placing off-street parking in front of a building is not permitted (see Figure 9).

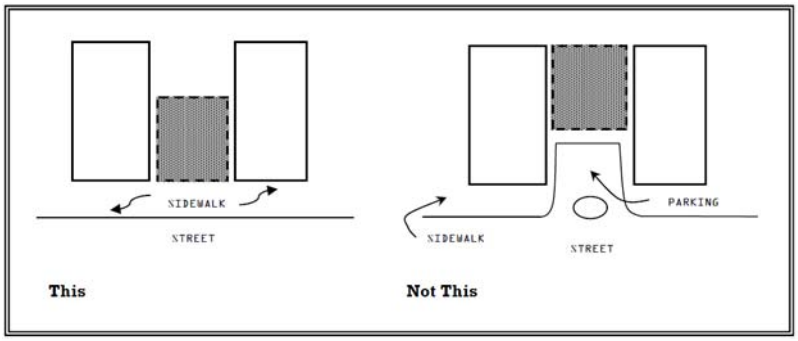


Figure 9 – Building Setback

C. Building Scaling and Massing: When designing a new infill building, the scale (height and width) and mass of existing buildings along the street should be respected. The average height and width of nearby buildings can be used to determine a general set of proportions for an infill structure or the bays of a larger structure. The infill building should fill the entire void, or, if the site is large, the mass of the façade can be divided into two or more smaller bays to maintain the established rhythm of the block (see Figure 10). Primary facades should have vertical articulation a minimum of every 20 feet. There should be a minimum of 2 windows per upper story between required vertical articulations. A vertical articulation may be implemented by using one or more of the following techniques: a structural or expressed column, a distinctive change in coloration, a slightly varied façade position, or distinctive change in overall style of architectural elements.

5.5.12 New Development (cont.)

D. Buildings should meet the ground with a solid base treatment to create a visual transition from the sidewalk to the building wall. Glass treatments that extend to the ground are not recommended. Upper stories should not be set back from the first story primary façade.

Figure 10 – Façade Proportions

E. Roof Forms: The type of roof used for an infill building should be similar to those found on adjacent buildings. In general, flat roofs are preferred over gable, gambrel, hop, or mansard roofs. A parapet should be used to conceal a flat roof and any roof protrusions, other than the chimney.

F. Openings: Doors and windows on an infill building should be similar in size, proportion, and alignment based on the architectural style of the building, and to those on adjacent facades. The rhythm of structural mass to voids (doors, windows, etc.) should relate to rhythms established on adjacent buildings (see Figure 11).

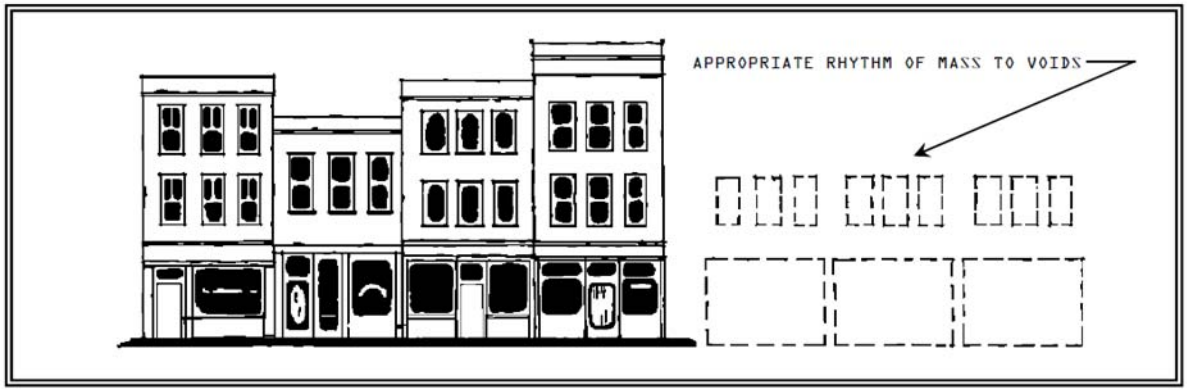


Figure 11 – Openings

G. Detailing: Details from adjacent buildings, such as the masonry work, cornice lines, window shapes and bulkheads should be reflected in the architecture of infill buildings.

5.5.12 New Development (cont.)

H. Building Materials: Materials used in the construction of infill buildings should be similar to that used on adjacent buildings. A new building should not stand out from other buildings on the block. Brick and wood are preferred materials. The following is a list of materials that are not considered appropriate:

a. Aluminum siding
b. Aluminum panels
c. Coarsely finished rustic material such as wood shake shingles, barn boards, and plywood
d. Mirrors or reflective glass
e. Carpeting
f. Stucco surfaces with rustic or highly textured surfaces characteristic of Mediterranean or Southwester styles
g. Antique appearing, synthetic, oversized, or variegated brick
h. Corrugated fiberglass and metal
i. Residential type materials such as embossed entry doors, sliding patio doors and residential beveled and leaded stained glass doors.
j. Flat or molded plastic sheeting used to simulate historic materials, stone, or masonry veneers.
k. Rustic field stone or rustic rock masonry work.
l. Flush glazing treatments, glass block windows, or mirrored, highly tinted, colored, metalized, or reflective glass.

Aluminum, steel, or vinyl cased wood windows may be used, but should have an appropriate finish and color consistent with the overall color scheme.

I. Details from adjacent buildings, such as the masonry work, cornice lines, window shapes and bulkheads should be reflected in the architecture of infill buildings.

J. On Site Parking: On-site parking should be confined to the rear of structures and should be screened from public view per the Landscape Standards in Article 7.

K. Height Requirements: Buildings should be a minimum of two stories of habitable floor space. Any building facing the Courthouse Square should be no more than three stories and should be no taller than the height of the upper cornice line of the Courthouse. Any building not facing the courthouse square should follow the maximum height as specified in the base zoning district.

5.5.12 New Development (cont.)

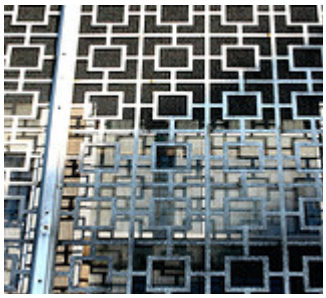
a. **Exception:** in the case of freestanding institutional buildings such as churches, schools, or government buildings, which do not face the immediate courthouse square, the DRC Planning Director may exempt the development from certain requirements of this section where those requirements specifically contradict the traditional architectural style for that type of institutional building; e.g. a church would not be required to have first floor display windows, but vertical articulation and vertically oriented windows would still be appropriate.

b. **Exception:** In detached buildings away from the courthouse square, the building may have only one habitable story as long as the minimum height of façade walls is 20 feet.

Miscellaneous:

Floor Level: The floor level of an infill building should relate to and be consistent with the floor levels of adjacent buildings.

Rustic materials are not permitted.



An example of inappropriate grillwork.

Mirrored glass front is not permitted.

Windows in new buildings replicate transoms of historic context.

New building blends with four story buildings at other end of block in scale and with one story neighbor at street level by harmonizing window design and building materials.

5.5.13 Residential Type Structures

The following applies to all residentially designed structures in addition to the general requirements of this chapter. Any one or two dwelling unit structures as a primary use located in the Downtown Overlay Design Standards zoning district shall be exempt from these design standards.

1. **Residential Façade Design Standards:** The following applies to the restoration of residential primary and accessory structures in addition to the general requirement for facades.
   - **a. General:** All work shall follow the general requirements of 5.5.1 for façade retention and restoration.
   - **b. Windows:** All work on windows shall follow the general requirements of 5.5.2 for window restoration and replacement.
   - **c. Masonry:** All masonry work shall follow the general requirements of 5.5.3 for masonry repair and restoration.
   - **d. Retention of entrances:** Primary building entrances should maintain historic stoops, terraces and relationship to grade so as to maintain the character of the historic facades. Handicap accessible entries may be located on a secondary façade so as to not obstruct the primary front yard elements.
   - **e. Alterations:** Any exterior alterations or remodeling shall follow the standards for new residential development under 5.5.10.3 New Residential.

2. **Additions:** The following shall apply to additions of residential buildings.
   - a. They should be substantially similar to the primary structure in terms of building materials, trim detail, roof lines, window and door styles, and other prominent details.
   - b. They should match the primary structure in terms of coloration of siding, trim, and other details.
   - c. They should not include architectural styles and details from a period different than the existing primary structure.
   - d. They should be no taller than the existing primary structure.
3. **New Residential:** The following applies to all new residential buildings including accessory structures. New infill structures should visually relate to the character and scale of the adjacent structures in the immediate block in which they are located.

a . ROOF

i. Roof pitch should reflect the architectural character of the home and may be either gable, hipped, or a combination.

ii. Eave lines should align wherever possible. Eaves and rakes should be articulated by multiple fascia boards, cove and crown molds, or gutters.

iii. Eave overhang should be minimum sixteen inches (16") from exterior face of structural framing.

iv. Overhang of gable should be a minimum of twelve inches (12”).

v. The following roofing materials are permitted: wood shingle, slate, tile and asphalt shingle.

vi. Boxed in eave lines are not permitted.

b. WINDOWS: The following applies to all windows on primary facades and windows which are highly visible from a public street.

i. All windows should be double-hung in appearance (except tran soms). Single hung windows with a lower operable sash and fixed, non-operable windows are acceptable provided they have a double hung appearance.

ii. Casement windows may be used where the paneling adds to and is consistent with the architectural style of the house.

iii. Preferred window types include all wood, vinyl-clad wood, or aluminum-clad wood. All-vinyl windows may be utilized, pro vided they have an acceptable profile. Window types should be called out on plans.

iv. If all-vinyl windows are used, windows should have painted wood trim consistent with item v. below, consistent with the architectural style of the home.

c. SHUTTERS

i. Shutters will be permitted on homes only if they are appropriate to the architectural style of the home.

ii. Shutters should function or appear to be functional by matching the size and shape of the shutters to the window. They should include decorative hinges or be placed such that the shutters could pivot so as to be functional.

d. EXTERIOR DOORS AND TRIM

i. Door trim should match exterior window trim treatment. Wood trim around doors is required when wood trim is used on windows. Storm doors are acceptable provided that they are full-light doors with clear glass so the primary door is visible and all trim on the storm door is painted to match the home colors.

ii. Sliding glass doors are not acceptable along a primary façade of the home.

e. SIDING AND DECORATIVE TRIM

i. Brick, wood, or cement-fiber are preferred exterior materials.
ii. Natural stone may also be permitted.
iii. Vinyl siding may be utilized and should be a flat color, not shiny.
iv. No dutch lap vinyl siding will be permitted, as all vinyl siding should be either double-four or triple-three type. Vinyl siding with a brush-stroke finish in lieu of a wood grained texture is acceptable.
v. Horizontal siding should have a maximum six-inch (6") reveal.
vi. Mixing of material types is restricted to fishscale or shake decorative siding at second floor transition and in gables in conjunction with horizontal siding.
vii. Trim boards, corner and frieze boards should be built out with filler boards to allow siding to be tucked behind trim board. Corner trim boards should be a minimum of three and one-half inches (3 1/2") in width.
viii. All trim must be smooth surface trim. No rough-saw trim will be accepted.
ix. Siding latticework, spindles, brackets and other decorative trim is encouraged.
x. T-1-11, ODB, plywood, aluminum or similar product styles and types are prohibited.
xi. Recreating historic details or features contrary to the original architectural style of the subject structure should not be done.

f. BRICK

i. The use of brick is encouraged, but if used should be provided consistently on all four sides of the home.
Ii. Brick front porches are desirable and encouraged.

g. GARAGES and Accessory Structures

i. Accessory structures should not exceed 75 percent of primary structure footprint in ground floor area.
ii. Roof slope must be minimum 4:12 roof slope. Roof slope is preferred to match primary dwelling.
iii. Roofs should be gable or hip roofs.
iv. Roof shingles should match those on primary dwelling.
v. Aluminum gutters and downspouts must match those on primary dwelling.
vi. Garages should have minimum eave overhang as required for roof venting. It is preferred that overhang depth and finish should be consistent with the primary dwelling.
vii. Accessory structures should be wood framed wall and roof construction.
viii. Horizontal siding and trim should match those on primary dwelling in terms of design and coloration. The materials used for siding may differ from the primary structure.
ix. Decorative siding in gables is preferred, but not required.
x. Overhead and passage doors and windows should be finished to match house.

5.5.13 Residential Type Structures (cont.)

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Article 6
Planned Unit Development

6

Article Six: Planned Unit Development ..... Page #

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Intent

The purpose of these regulations is to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Zoning and Subdivision Control Ordinances.

Planned Unit Development regulations are intended to encourage innovations in land development techniques so that unique opportunities and circumstances may be met with greater flexibility. Planned Unit Developments should be used to address unique environmental concerns, provide a unique mix of land uses, and implement the Comprehensive Plan in ways not considered by the established zoning districts. A Planned Unit Development should not be used if the proposed development can be created using established zoning districts.

See Also:

IC 36-7-4-1500 series, Planned Unit Development

Article 7, Development Standards

Franklin Plan Commission Rules & Procedures

6.1 PUD Intent, Uses, & Standards

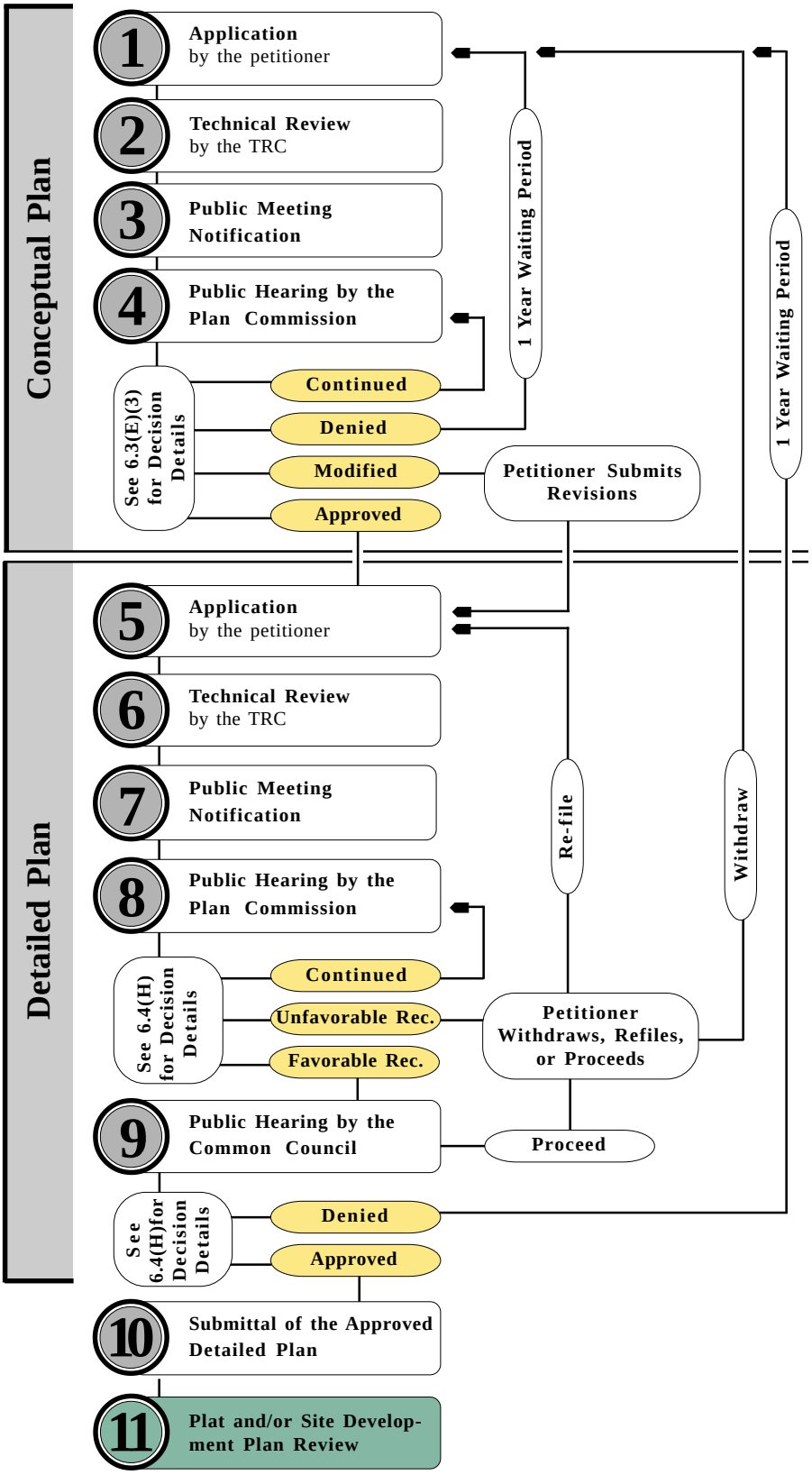
A. **Uses:** All uses are subject to the discretion and approval of the Plan Commission. No uses are granted by right, and no uses are considered Special Exceptions. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.

B. **Development Requirements:** Development requirements for all proposed Planned Unit Developments shall be created by the applicant as part of the Detailed Plan submittal. All proposed development requirements are subject to the review and approval of the Plan Commission and Common Council. Generally, the Planned Unit Development shall provide standards for the development that replace (1) the lot standards established by Article 3, Zoning Districts, (2) each topic area regulated by Article 7, Development Standards, and (3) any standards replacing those established by the Subdivision Control Ordinance.

C. **Rules and Procedures:** All proceedings brought under this Article are subject to the Rules and Procedures of the Plan Commission.

D. **Limitation of Ordinance Amendments:** Any initiative of the Plan Commission to amend the Zoning Ordinance that would affect an approved Planned Unit Development before its completion, shall not be enforced on the Planned Unit Development. New amendments to the Zoning Ordinance shall only apply to Planned Unit Developments that have been declared abandoned, or for which an approval has expired.

E. **Origination of Proposals:** Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this Article. The applicant making the proposal must intend to act as developer or sponsor of the development. A parcel or site proposed for a Planned Unit Development may or may not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement (1) not to develop the parcels separately, but in accordance with a single, unified plan, and (2) in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the Plan Commission.


Conceptual Plan
1 Application by the petitioner
2 Technical Review by the TRC
3 Public Meeting Notification
4 Public Hearing by the Plan Commission
See 6.3(E)(3) for Decision Details
Continued
Denied
Modified
Approved
1 Year Waiting Period
Petitioner Submits Revisions
1 Year Waiting Period
Detailed Plan
5 Application by the petitioner
6 Technical Review by the TRC
7 Public Meeting Notification
8 Public Hearing by the Plan Commission
See 6.4(H) for Decision Details
Continued
Unfavorable Rec.
Favorable Rec.
Re-file
Withdraw
Petitioner Withdraws, Refiles, or Proceeds
9 Public Hearing by the Common Council
Proceed
See 6.4(H)for Decision Details
Denied
Approved
10 Submittal of the Approved Detailed Plan
11 Plat and/or Site Development Plan Review

6.2 General Application Requirements

See Also:

Franklin Plan Commission

Rules & Procedures
Franklin PUD
Application Packet

Franklin Plan Commission
Calendar of Filing &
Meeting Dates

A. **General Application Requirements:** All applications may be obtained through the Planning Director's office. Fees shall be paid at the Planning Director's office at the time the applications are submitted.
   1. Application Forms: All applications shall be made on forms provided by the Planning Director. All applicants shall submit original applications which are completed in their entirely in ink or typed.
   2. Copies Required: All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Planning Director and the applicable Rules and Procedures of the Plan Commission.

B. **Review Schedule:** All applications shall be assigned reference and/or docket numbers by the Planning Director. Applications shall be scheduled by the Planning Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the adopted Calendar of Filing and Meeting dates for the Plan Commission.

6.3 Conceptual Plan

A. **Application**: The petitioner shall submit a Conceptual Plan review application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a copy of the deed(s) for the property involved, the required filing fee, the Conceptual Plan, and any other supporting information.

B. **Conceptual Plan Data:** The Conceptual Plan may take the form of a booklet of letter and/or tabloid sized paper, a set of 24 inch by 36 inch sheets, or a combination of these formats. The Conceptual Plan may include any graphics that will explain the features of the development. The following shall be included in the Conceptual Plan submission.

1. Cover Page & Index: The cover sheet shall indicate that it is the Conceptual Plan for that particular development and include the date of submittal, an index identifying all sections included in the Conceptual Plan document, and references to any separate sheets of information.
2. Site Description: A description of the property and petitioners involved, including:
   a. the name, mailing address, e-mail address, and telephone number of the applicant,
   b. the name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Conceptual Plan design,
   c. the legal description of the subject property and common address of the site, and
   d. the proposed name of the development (if applicable).
3. Vicinity Map: A vicinity map showing the use and zoning of all properties within 1,320 feet (1/4 mile) of the property subject to the Conceptual Plan.
4. Common Holdings Map: A map of any property adjacent to the property subject to the Conceptual Plan that is owned or otherwise controlled by any or all of the applicants. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Conceptual Plan. The general description may be in either text or map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.

STEP 1

Intent

The purpose of the Conceptual Plan is to provide a formal opportunity for the applicant and the Plan Commission to discuss the general elements of the proposed PUD. The Conceptual Plan prepares the Plan Commission for a future discussion of details and minimizes the risk incurred by the applicant in creating the Detailed Plan.

See Also:

Chapter 2.4, Technical Review Committee

Franklin Plan Commission Calendar of Filing & Meeting Dates

Chapter 11.2, Notice of Public Hearing

Franklin Plan Commission Rules & Procedures

Franklin Comprehensive Plan

Indiana Historic Sites & Structures Inventory - Johnson County Interim Report

National Register of Historic Places

Indiana Register of Historic Sites & Structures

6.3 Conceptual Plan (cont.)

5. Existing Site Conditions: A site survey of all existing conditions on the subject property, including:
   a. *Built Features:* All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights;
   b. *Easements:* All existing easements and an indication of their purpose;
   c. *Topography:* A topographic survey extrapolated from USGS data or otherwise meeting the requirements of the City Engineer;
   d. *Natural Features:* The location of natural streams, regulated drains, 100-year floodplains and floodways (extrapolated from FEMA maps), water courses, wetlands (general locations as indicated by the National Wetlands Inventory), and wooded areas;
   e. *Utilities:* The general location of utilities serving the site (including sanitary sewer, water, electricity, natural gas, and data transmission);
   f. *Historic Features:* An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Johnson County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures; and
   g. *Other Features:* Any other significant feature(s) that may influence the conceptual design of the development.
6. Proposed Development: A description of the proposed development of the property, including:
   a. *Street Systems:* The general layout and description of proposed street systems (that identifies proposed arterial and collector streets);
   b. *Land Uses:* The general land use areas within the development (including proposed densities of residential uses);
   c. *Open Space:* The general location of open space;
   d. *Landscaping:* The general description of any areas of landscaping, buffering, and/or screening proposed for the development;
   e. *Natural Features:* A description of the general accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands, and wooded areas identified in Section 6.3(B)(5)(d) above;
   f. *Historic Features:* A description of the general accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Johnson County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures;

g. *Written Commitments:* A description of any written commitments that are being proposed as part of the development;

h. *Covenants:* A general description of any private covenants and restrictions that may be established for the development; and

j. *Drainage:* A general drainage concept meeting the requirements of the City Engineer.

7. Supplemental Information: Any other information requested by the Planning Director, Technical Review Committee, or Plan Commission to aid in the review of the Conceptual Plan. This may included, but not be limited to, topic areas such as traffic, utilities, tree preservation, flood hazards, and architectural design standards.

STEP 2

C. **Technical Review:** The application materials shall be reviewed by the Technical Review Committee, consistent with the provisions of Chapter 2.4 of this Ordinance, in a meeting scheduled based on the adopted Calendar of Meeting and Filing Dates.

1. Representation: Either the applicant(s) or a representative of the applicant(s) shall be present during the review to answer questions regarding the petition. If neither is present no action or discussion shall be taken on the petition and it shall be rescheduled for the next meeting of the Technical Review Committee.
2. Revisions: Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through revised application materials submitted prior to the Plan Commission hearing.

STEP 3

D. **Public Hearing Notification:** Notification for the scheduled public hearing regarding the Conceptual Plan shall be completed consistent with the requirements of Chapter 11.2 of this Ordinance and the Rules and Procedures of the Plan Commission.

STEP 4

E. **Plan Commission Public Hearing:** The Plan Commission will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting dates (but no later than 60 days following the receipt of the application), review the application and required supporting information.

1. Representation: Either the applicant or a representative of the applicant must be present at the public hearing to present the petition and address any questions the Commission may have.
2. Presentations: The Commission shall consider a report from the Planning Director, describing the findings of the Technical Review Committee, and testimony from the applicant, remonstrators, and interested parties at the hearing. The presentation of reports and testimony and all other aspects at the public hearing shall be consistent with the Rules and Procedures of the Commission.

6.3 Conceptual Plan (cont.)

3. Possible Action: Upon review, the Plan Commission shall approve, approve with modifications, deny, or continue the Conceptual Plan application.
   a. *Approve:* The application may be approved if it is found to be consistent with all applicable requirements and the intent of this Ordinance and the Franklin Comprehensive Plan. The Plan Commission may accept or require written commitments from the petitioner as part of the approval.
   b. *Approve with Modifications:* The application may be approved with modifications if it is generally consistent with all applicable requirements of this Ordinance. The Plan Commission may impose conditions on the approval of the Conceptual Plan, which shall become written commitments of the applicant.
   c. *Deny:* The application may be denied if it is found to be inconsistent with any applicable requirements and/or the intent of this Ordinance and/or the Comprehensive Plan.
   d. *Continue:* The application may be continued based on a request by the Planning Director, the petitioner, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.
      i. Additional legal notice shall not be required unless specified by the Plan Commission.
      ii. The continuing of all petitions shall be consistent with the adopted Rules and Procedures of the Commission.
4. Re-Filing Following Denial: If the Plan Commission denies the application, the applicant may re-file a revised Conceptual Plan within 90 days of the date of denial. The revised Conceptual Plan shall be reviewed by the Technical Review Committee and the Plan Commission as if it were a new application.
   a. The applicant shall provide notice within 30 days of the Plan Commission decision of their intentions to re-file.
   b. Conceptual Plan applications that have been denied and not re-filed within the specified deadline shall not be re-filed for a period of 1 year from the date of the denial.

F. **Findings of Fact:** The Planning Director shall prepare and sign written findings of fact documenting the comments of the Technical Review Committee and the action taken by the Plan Commission. The Planning Director shall make copies of the written findings of fact available to the applicant within 5 business days of the date of each review of the application.

6.4 Detailed Plan & Rezoning

A. **Application:** The applicant shall submit a Planned Unit Development Detailed Plan review application, an affidavit and consent of property owner (if the owner is someone other than the petitioner), a copy of the deed(s) for the property involved, the required filing fee, the Detailed Plan, and any other supporting information. The Detailed Plan filing shall occur within 1 year of the date of Conceptual Plan approval. If no Detailed Plan filing has occurred within that year, the Conceptual Plan approval shall expire.

B. **Detailed Plan Data:** The Detailed Plan may take the form of a booklet of letter or legal sized paper, a set of 24 inch by 36 inch sheets, or a combination of these formats. The following shall be included in the Detailed Plan submission:

1. Cover Page & Index: The cover sheet shall indicate that it is the Detailed Plan for that particular development and include the date of submittal, and an index identifying all sections included in the Detailed Plan document, and references to any separate sheets of information.
2. Site Description: A description of the property and petitioners involved, including:
   a. the name, mailing address, e-mail address, and telephone number of the applicant,
   b. the name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Detailed Plan design,
   c. the legal description of the subject property and common address of the site, and
   d. the proposed name of the development (if applicable).
3. Common Holdings Map: A map of any property adjacent to the property subject to the Detailed Plan owned or otherwise controlled by any or all of the petitioners. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Detailed Plan. The general description shall be in map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.
4. Sewerage Verification: A letter verifying that proper waste disposal will be available to the property.
   a. For proposals using septic systems (or other alternatives to public sewer service), a letter from the Johnson County Health Department shall be provided verifying that the development shall be adequately served.
   b. For proposals using public sewers, a letter from the City Engineer and/or Public Works Superintendent shall be included verifying that the proposed development shall be served.

STEP 5

Intent

The purpose of the Detailed Plan & Rezoning Application is to finalize the details of the proposed PUD, document those details, and obtain final PUD approval from the Plan Commission and Common Council.

See Also:

Franklin Subdivision Control Ordinance

Chapter 2.4, Technical Review Committee

Franklin Plan Commission Calendar of Filing & Meeting Dates

Chapter 11.2, Notice of Public Hearing

Franklin Plan Commission Rules & Procedures

IC 36-7-4-1512, Conditions of Approval

IC 36-7-4-1503, PUD District Ordinances

IC 36-7-4-608, Re-zoning Procedures

Chapter 11.8, Improvement Location Permits

IC 36-7-4-603, Re-zoning Criteria

6.4 Detailed Plan & Rezoning (cont.)

5. Existing Site Conditions: A description of all existing conditions on the subject property, including:
   a. *Built Features:* All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights;
   b. *Easements:* All existing easements and an indication of their purpose;
   c. *Topography:* A topographic survey of the area with contour lines a maximum of 2 feet apart;
   d. *Natural Features:* The location of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
   e. *Historic Features:* An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Johnson County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures; and
   f. *Other Features:* Any other significant feature(s) that may influence the design of the development.
6. Proposed Development: A description of the proposed development of the property, including:
   a. *Street Systems:* The layout and design of proposed street systems (including on-street parking, sidewalks, and street trees);
   b. *Land Uses:* The land use areas within the development (including a specific list of the individual land uses permitted in each area and densities of any proposed residential uses);
   c. *Open Space:* The location, improvement, design, and use of open space (including park facilities, natural areas, trail systems, and other common areas);
   d. *Landscaping:* The design of any landscaping, buffering, and/or screening proposed for the development;
   e. *Natural Features:* A description of the accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);

f. *Historic Features:* A description of the accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Johnson County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures;

g. *Development Requirements:* Detailed text documenting the development requirements that will apply to development (including general lot size and dimensions, building setbacks, off-street parking requirements, lighting standards, sign standards, landscaping requirements, etc.);

h. *Written Commitments:* A description of any written commitments that are being proposed as part of the development;

i. *Covenants:* A description of any private covenants and restrictions that will be established for the development;

j. *Drainage:* A detailed drainage concept meeting the requirements of the City Engineer; and

k. *Project Phasing:* A statement of the proposed order of development of the major elements of the project, including phasing, if applicable, and the order and content of each phase.

7. Supplemental Information: Any other information requested by the Planning Director, Technical Review Committee, or Plan Commission to aid in the review of the Detailed Plan. This may included, but not be limited to, topic areas such as traffic, utilities, tree preservation, flood hazards, and architectural design standards.

C. **Plat / Site Development Plan Requirement:** Planned Unit Developments shall be required to comply with the City of Franklin Subdivision Control Ordinance (per IC 36-7-4-1513) and the provisions of Article 9 for Site Development Plan review. In no instance shall the approval of a PUD be interpreted as waiving or modifying any Subdivision Control Ordinance or Site Development Plan processes. If a subdivision of land and/or Site Development Plan review is required for the development, the Preliminary Plat and/or Site Development Plan may be filed simultaneously as the Detailed Plan for review by the Plan Commission.

D. **Technical Review:** The application materials shall be reviewed by the Technical Review Committee, consistent with the provisions of Chapter 2.4 of this Ordinance, in a meeting scheduled based on the adopted Calendar of Meeting and Filing Dates.

1. Representation: Either the applicant(s) or a representative of the applicant(s) shall be present during the review to answer questions regarding the petition.
2. Revisions: Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through revised application materials submitted prior to the Plan Commission hearing.

6.4 Detailed Plan & Rezoning (cont.)

STEP 7

STEP 8

E. **Public Hearing Notification:** Notification for the scheduled public hearing regarding the Detailed Plan shall be completed consistent with the requirements of Chapter 11.2 of this Ordinance and the Rules and Procedures of the Plan Commission.

F. **Plan Commission Public Hearing:** The Plan Commission will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates (but no later than 60 days following the receipt of the Detailed Plan application), review the application and required supporting information.

1. Representation: Either the applicant or a representative of the applicant must be present at the public hearing to present the application and address any questions the Commission may have.
2. Presentations: The Commission shall consider a report from the Planning Director and testimony from the petitioner, remonstrators, and other interested parties at the hearing. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules and Procedures of the Commission.
3. Possible Action: The Detailed Plan shall be forwarded to the Common Council with a favorable recommendation, forwarded with an unfavorable recommendation, or continued by the Commission. Per IC 36-7-4-1512 the Plan Commission may impose conditions or require written commitments from the applicant.
   a. *Favorable Recommendation:* The Detailed Plan application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Section 6.4(J).
   b. *Unfavorable Recommendation:* The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in Section 6.4(J).
   c. *Continued:* The application may be continued based on a request by the Planning Director, the petitioner, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.
      i. Additional legal notice shall not be required unless specified by the Plan Commission.
      ii. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Commission.

4. Re-Filing Following an Unfavorable Recommendation: If the Plan Commission gives an unfavorable recommendation, the applicant may re-file a revised Detailed Plan within 90 days to be reviewed and reconsidered by the Technical Review Committee and the Plan Commission following the process specified beginning with Section 6.4(A).
   a. The petitioner shall provide written notice within 15 business days of the Plan Commission decision of their intentions to re-file, withdraw, or proceed with the hearing by the Common Council.
   b. If a PUD Detailed Plan has been withdrawn, there shall be no waiting period before which a new Conceptual Plan petition may be filed.
5. Certification of Recommendation: The Plan Commission shall certify its recommendation by resolution to the Common Council within 5 business days of its decision. The Planning Director shall forward to the Council appropriate copies of the Plan Commission resolution, the original application and all supporting information, any staff reports regarding the petition, and a PUD district ordinance (re-zoning) meeting the requirements of IC 36-7-4-1503 for the Council's consideration.

G. **Common Council Meeting:** The Common Council shall hold a meeting and vote on the proposed Planned Unit Development district ordinance (re-zoning) within 90 days of its certification by the Plan Commission.

STEP 9

1. Legal Notice: Legal Notice of action on the ordinance shall be provided consistent with Indiana law.
2. Possible Action: The Council may either approve or deny the PUD district ordinance (re-zoning) consistent with the decision criteria provided by Section 6.4(J). Per IC 36-7-4-1512 the Common Council may impose conditions, require written commitments from the applicant, and/or condition the release of Improvement Location Permits on the provision of adequate surety for any public improvements.
   a. *Failure to Act*: If the Council fails to act within the 90 day time frame the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission and the provisions for re-zoning petitions of IC 36-7-4-608.
   b. *Denial*: If a PUD district ordinance (re-zoning) is denied by the Common Council a 1-year waiting period shall be imposed prior to the filing of a new Conceptual Plan for the same development.
   c. *Approval*: If the Council approves the rezoning, the land is officially re-zoned. The Official Zoning Map must be amended to reflect the zoning change, the date of approval by the Council, and the ordinance number.

6.4 Detailed Plan & Rezoning (cont.)

STEP 10

H. **Detailed Plan Decision Criteria:** In reviewing the Planned Unit Development Detailed Plan, the Plan Commission and Common Council shall pay reasonable regard to the following, consistent with IC 36-7-4-603:
   1. Requirements and Intent: The extent to which the proposal fulfills the requirements and intent of this Article;
   2. Planning Documents: The Comprehensive Plan and any other applicable, adopted planning studies or reports;
   3. Characteristics: The current conditions and the character of current structures and uses in each zoning district;
   4. Desired Use: The most desirable use of which the land in each district is adapted;
   5. Property Values: The conservation of collective property values throughout the City of Franklin's jurisdiction as a whole; and
   6. Growth Management: Responsible growth and development.

I. **Detailed Plan Signatures & Filing:** The implementation of an approved Detailed Plan must be consistent with the following provisions:
   1. Detailed Plan Signatures: When approved, the Detailed Plan shall be signed by the Plan Commission President and Secretary.
   2. Detailed Plan Filing: The approved Detailed Plan, including all development requirements serving as the zoning requirements on the subject property shall be filed with the Planning Director by the applicant. The documents must clearly state that the development requirements and any written commitments are enforceable by the Plan Commission.
   3. Covenant Recording: Any covenants for the development shall be recorded with the Johnson County Recorder. The documents must (a) clearly distinguish covenants for development requirements and written commitments and (b) indicate that covenants are private agreements that are not enforceable by the Plan Commission. The petitioner shall provide 1 copy of the recorded documents to the Planning Director for the records of the Commission.

6.5 Written Commitments

The applicant in any Planned Unit Development may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-615. Commitments made by the applicant and conditions of approval established by the Plan Commission or Common Council shall be considered written commitments for the purpose of this Chapter.

A. **Commitment Proposals:** Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Technical Review Committee, or in response to any modifications requested by the Plan Commission or Common Council.

B. **Consideration of Commitments:** Any commitments shall be considered by the Technical Review Committee, Plan Commission, and Common Council if they have been established at the time of the review. Written Commitments shall be included as an element of the PUD district ordinance (re-zoning) establishing the PUD zoning.

C. **Enforcement of Commitments:** The written commitments shall be considered part of this Ordinance binding on the subject property.
   1. Applicability: The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in any portion of the subject property.
   2. Enforcement: The written commitments shall be enforceable by the Franklin Plan Commission consistent with the adopted provisions for the enforcement of this Ordinance.
   3. Modification: The recorded written commitments may be modified only through the Planned Unit Development process described by this Article.

Note: *Covenants shall be distinguished from written commitments and development requirements. Written commitments and development requirements are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements which are not enforceable by the Plan Commission*

See Also:

IC 36-7-4-615, Written Commitments

6.6 Covenants

Note: Covenants shall be distinguished from written commitments and development requirements. Written commitments and development requirements are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements that are not enforceable by the Plan Commission

Covenants shall be set forth in detail. The Plan Commission may review covenants that pertain to any written commitments, development requirements and/or common areas, swales, or drainage systems. A copy of the recorded covenants shall be provided to the Planning Director by the petitioner for the records of the Commission.

A. **Lot Owner's Association:** Adequate provision shall be made for a private organization (i.e., Lot Owner's Association) with direct responsibility to, and control of, the lot owners involved. The lot owner's association shall provide for the operation and maintenance of all common facilities, such as any common areas and ponds, in the best possible manner. Legal assurances shall be provided which show that the private organization is self-perpetuating.

B **Service Access to Common Areas:** The covenants shall state that all common facilities and drainage systems not dedicated to the public shall be maintained by the private lot owner's organization in such a manner that adequate access is provided for fire, police, health, sanitation, and public utility vehicles to service them.

6.7 Minor Modifications

A. **Administration:** The Planning Director may from time to time approve minor modifications of the Detailed Plan without a public hearing consistent with IC 36-7-4-1511(i). The modifications shall be consistent with the purpose and intent of the overall development. Such modifications shall not include any change in type of use or any alteration of the development requirements.

1. Procedure: To request a minor modification, the property owner, developer, or applicant shall provide the Planning Director with a letter that identifies the PUD and the requested minor modification. The letter shall be accompanied by any necessary supporting drawings or other materials. The Planning Director shall provide a written response within 15 business days informing the applicant if the minor modification has been approved. All materials relating to the minor modification shall be kept on file with the other PUD materials in the office of the Plan Commission.
2. Public Notice: No notice, in addition to that which may be required by the Rules & Procedures of the Plan Commission, shall be required for the review or approval of minor modifications.

B. **Appeal:** Any affected party may appeal any minor modification decision by the Planning Director to the Plan Commission within 30 days of the determination.

C. **Rules and Procedures:** The Plan Commission may, through its Rules & Procedures, establish rules governing the nature of proceedings and notice required to make a minor modification under this Chapter per IC 36-7-4-1511(j).

See Also:

Franklin Plan Commission Rules & Procedures

IC 36-7-4-1511(j), Minor Modifications

6.8 Expiration, Abandonment, & Extensions

See Also:

Franklin Subdivision Control Ordinance

Chapter 11.6, Zoning Map Amendments

A. **Expiration:** Detailed Plans shall expire 2 years from the date of adoption of the PUD district ordinance (re-zoning) by the Common Council if, in the opinion of the Planning Director, no construction activity has begun. Any corresponding Preliminary Plat approval shall also expire at the time of Detailed Plan expiration.

B. **Abandonment:** The Planned Unit Development may be considered officially abandoned if, in the opinion of the Planning Director, the development is incomplete and no, or minimal, construction activity has occurred for a period of 5 consecutive years. Any outstanding surety for the project may be used by the City of Franklin consistent with the Franklin Subdivision Control Ordinance provisions for subdivision surety.

C. **Extensions:** An extension, not to exceed 6 months, for accomplishing any processes required by this Article, or for resuming construction activity in an abandoned development may be granted by the Plan Commission upon a written request from the petitioner. All requests for extensions must occur a minimum of 30 days **prior** to the applicable deadline

D. **Plan Commission Rezoning:** The Plan Commission may initiate a rezoning for any property included in a Planned Unit Development that has been abandoned or for which the Detailed Plan approval has expired. Any rezoning by the Plan Commission shall meet all applicable requirements for the rezoning process provided by Chapter 11.6 of this Ordinance.

Article 7
Development Standards

7

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7.19 Large Scale Retail Standards 7-72
7.20 Adult Use Standards 7-77

7.1 Introduction & Application

A. **Introduction:** All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this Ordinance (except as may otherwise be provided within this Ordinance) shall be subject to all Development Standards and regulations applicable to the zoning district in which they are located.

B. **Expansion or Modification of Existing Uses and Structures:** No structure, parking area, or other site feature regulated by this Ordinance shall be enlarged, altered, or expanded unless the minimum improvements required by this Article are provided on the property in a manner equal to the extent of its alteration or expansion.

C. **Requirements for Non-conforming Uses and Uses Permitted by Special Exception or Variance:** Any use which is non-conforming in the zoning district in which it is located or is permitted by special exception or variance shall be consistent with the standards for the zoning district in which the use is permitted by this Ordinance. The Board of Zoning Appeals may specify the appropriate standards for all uses permitted by special exception or variance.

Intent:

The intent of these height standards is to protect the public health, safety, and general welfare by providing for adequate light and air, and by ensuring adequate fire protection service.

7.2 Height Standards

General Height Standards

These General Height Standards apply to all zoning districts:

A. **Height Requirements:** The maximum height permitted shall be as described below and noted in the Maximum Structure Height table, subject to the exceptions listed in Section 7.2(B).
   1. Measuring Height: In all instances, the height of a structure shall be measured from grade level at the lowest point of the base of the structure to the highest point of the of the structure, excluding the necessary appurtenances listed in Section 7.2(B)(4).
   2. Additional Residential Limitations: No accessory structure located in a single-family residential zoning district may exceed the height of the primary structure on the property.
   3. Fire Department Limitations: The height of no structure shall exceed the fire-fighting ability of the Franklin Fire Department.

Maximum Structure Height

Type of Structure	Zoning District															
	A - Agricultural	RR - Residential, Rural	RSN - Residential, Suburban Neighborhood	RS-1, RS-2, RS-3 - Residential, Suburban	RTN - Residential, Traditional Neighborhood	RT-1, RT-2, RT-3 - Residential, Traditional	RM - Residential, Multi-Family	RMH - Residential, Manufactured Home Park	MXD - Mixed-Use, Downtown Center	MXN - Mixed-Use, Neighborhood Center	MXC - Mixed-Use, Community Center	MXR - Mixed-Use, Regional Center	IN - Institutional	IBD - Industrial, Business Development	IL - Industrial, Light	IG - Industrial, General
Primary Structure	50 ft.	50 ft.	48 ft.	48 ft.	48 ft.	48 ft.	48 ft.	35 ft.	48 ft.	35 ft.	45 ft.	45 ft.	60 ft.	50 ft.	50 ft.	50 ft.
Accessory Structure	35 ft.	35 ft.	25 ft.	25 ft.	35 ft.	35 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	60 ft.	60 ft.	60 ft.

7.2 Height Standards (cont.)

General Height Standards

B. **Exceptions:** No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. For the purposes of this section, the height of church steeples, chimneys, and other structures which are attached or otherwise a part of another structure shall be measured from grade level.

1. General Exceptions: The following structures may exceed the permitted height regulations by twofold (x2):
   a. Church steeples;
   b. Spires, belfries, and cupolas; and
   c. Industrial related storage tanks, mechanical equipment, and smokestacks.
2. Telecommunications Towers and Antenna: The height of telecommunication towers and antenna shall meet the requirements of Chapter 7.14, Telecommunications Facility Standards.
3. Amateur Radio Towers: Amateur radio towers shall meet the requirements of the Accessory Use & Structure Standards of Section 7.3(F)(2).
4. Necessary Appurtenances: The following structural elements may exceed the permitted height standards for the zoning district in which they are located by up to 10 feet:
   a. Necessary mechanical appurtenances;
   b. Utility substations and related essential facilities;
   c. Water tanks;
   d. Chimneys;
   e. Fire towers;
   f. Stair towers;
   g. Stage bulkheads; and
   h. Elevator bulkheads.
5. Agricultural Structures: All structures in a zoning district where agriculture is permitted that are used in agricultural products storage and/or processing may exceed the permitted height standards for the district in which they are located and be erected to any height that is necessary for their operation. This exemption shall not be interpreted as applying to commercial agricultural structures, such as commercial grain terminals and similar uses.
6. Watertowers: Watertowers may exceed the permitted height standards for the zoning district in which they are located and be erected to a maximum height of 200 feet.

C. **FAA Requirements:** Nothing in this Ordinance, including the exceptions listed above shall be interpreted as waiving any height regulations related to air travel. All applicable Federal Aviation Administration (FAA) restrictions and regulations shall apply to all structures.

Intent:

The intent of these accessory use & structure standards is to address the unique features of these types of structures and uses; allow the reasonable utilization of property; and to ensure the provision of adequate light, air, and circulation on each property.

7.3 Accessory Use & Structure Standards

General Accessory Use & Structure Standards

These General Accessory Use & Structure Standards apply to all zoning districts.

A. **Order of Establishment:** No accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure. All accessory uses and structures shall be permitted only in association with, and on the same lot as, the primary use or structure. Properties located in the RR, Residential Rural and A, Agriculture zoning district shall be exempt from these requirement.

B. **Incidental Uses & Structures:** The following shall be considered incidental uses and structures and shall meet the requirements specified.

1. Satellite Dish: All satellite dishes located in a single-family residential zoning district that exceed 1 meter (approximately 3.3 feet) in diameter and those located in all other zoning districts that exceed 2 meters (approximately 6.6 feet) in diameter shall comply with the following requirements. All smaller satellite dish shall be exempt from the requirements of this Ordinance.
   a. *Location:* In addition to the location requirements specified by 7.3(E), no satellite dish (including anchors or supports) shall be located in any side yard.
   b. *Height:* No satellite dish shall exceed 10 feet in height from ground level (if mounted on the ground) or 5 feet in height above the highest point of the roof of the primary structure (if mounted on the roof). Satellite Dish shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standard variance process, that the increased height is technically necessary to successfully receive satellite signals.

7.3 Acc. Use & Structure Standards (cont.)

General Accessory Use & Structure Standards

2. Other Incidentals: Bird baths and houses, swing sets, mailboxes, lamp posts, doghouses, attached & detached decks that are less than 30 inches above finished grade, patios, fences, yard ornaments, athletic courts, and similar items, except as otherwise stated in this Ordinance, shall be exempt from the requirements of this Chapter.

C. **Vehicle Use:** In no instance shall a vehicle be used as an accessory structure in any district (such as for storage, etc.).

D. **Permitted Accessory Uses:** Accessory uses shall be permitted in each zoning district as either permitted uses or special exceptions consistent with the Permitted Accessory Uses table. All accessory uses shall be subject to the standards provided by this Chapter. The Planning Director shall determine whether or not uses not specifically listed are permitted based on the consistency of each use with the intent of the district in which it is located.

1. Accessory Dwelling Standards: Single-family dwellings constructed and used as accessories to the primary dwelling on the property (otherwise commonly known as "mother-in-law quarters" and "granny flats") shall be either (a) attached to, and

Permitted Accessory Uses

Use (P - Permitted, S- Special Exception)	Zoning District															
	A - Agricultural	RR - Residential, Rural	RSN - Residential, Suburban Neighborhood	RS-1, RS-2, RS-3 - Residential, Suburban	RTN - Residential, Traditional Neighborhood	RT-1, RT-2, RT-3 - Residential, Traditional	RM - Residential, Multi-Family	RMH - Residential, Manufactured Home Park	MXD - Mixed-Use, Downtown Center	MXN - Mixed-Use, Neighborhood Center	MXC - Mixed-Use, Community Center	MXR - Mixed-Use, Regional Center	IN - Institutional	IBD - Industrial, Business Development	IL - Industrial, Light	IG - Industrial, General
recreational raising of animals	P	P														
dwelling, accessory (see Section 7.3(D)(1))		P	S	S	S	P										
day-care home (see Section 7.3(D)(2))	P	P	P	P	P	P	P	P	P	P	P	P				
home occupation (see Section 7.3(D)(3))	P	P	P	P	P	P	P	P	P	P	P	P				
parking lot or garage							P	P	P	P	P	P	P	P	P	P
other accessory uses related to the primary use	P						P	P	P	P	P	P	P	P	P	P

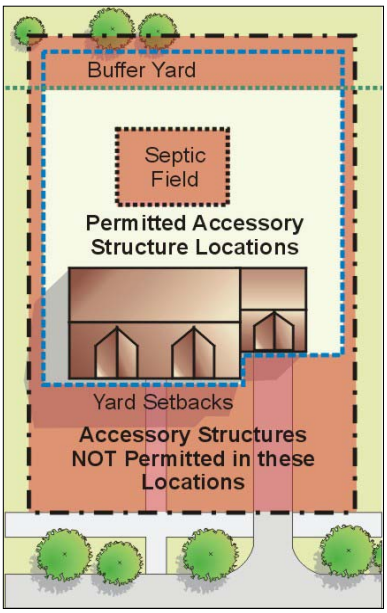
designed and constructed as part of the primary structure or (b) located above a detached garage or workshop. In no case may any accessory dwelling exceed 1,000 square feet in living area.

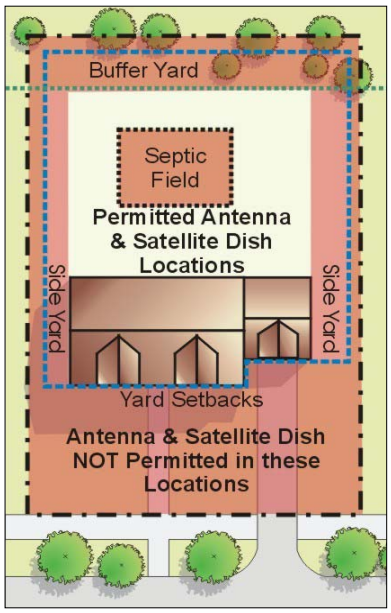
2. Day-Care Home Standards: Child day-care homes shall meet the definition established by I.C. 12-7-2-28-6 and shall be consistent with all applicable regulations of the State of Indiana.
3. Home Occupation Standards: Home occupations shall comply with all applicable provisions of the Home Occupation Standards of Chapter 7.7.

E. **Accessory Structure Location:** Accessory structures shall comply with the following location requirements:

1. Septic Fields: No accessory structures shall be placed in any operable septic fields.
2. Landscaping & Buffer Areas: No accessory structure shall encroach into any required landscaped area or buffer yard.
3. Yard Location: No accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks specified by the Permitted Accessory Structures table.

Permitted Accessory Structure Locations





F. **Permitted Accessory Structures:** The type of accessory structures, setbacks for accessory structures, and maximum number of accessory structures in each zoning district shall be consistent with the Permitted Accessory Structures table.

1. Interpretation: The Planning Director shall determine whether or not accessory structures not specifically listed are permitted based on the consistency of each structure with the intent of the district in which it is located.

7.3 Acc. Use & Structure Standards (cont.)

General Accessory Use & Structure Standards

Permitted Accessory Structures

Use (P - Permitted, S- Special Exception)	Zoning District															
	A - Agricultural	RR - Residential, Rural	RSN - Residential, Suburban Neighborhood	RS-1, RS-2, RS-3 - Residential, Suburban	RTN - Residential, Traditional Neighborhood	RT-1, RT-2, RT-3 - Residential, Traditional	RM - Residential, Multi-Family	RMH - Residential, Manufactured Home Park	MXD - Mixed-Use, Downtown Center	MXN - Mixed-Use, Neighborhood Center	MXC - Mixed-Use, Community Center	MXR - Mixed-Use, Regional Center	IN - Institutional	IBD - Industrial, Business Development	IL - Industrial, Light	IG - Industrial, General
amateur radio and television & radio receiver antenna (see Section 7.3)(F)(2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
attached & detached decks above 30 inches or more from grade	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
recreational greenhouses	P	P	P	P	P	P	S	S								
detached garages and carports (1)	P	P	P	P	P	P	P	P								
mini-barns, sheds, & gazabos (1)	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
swimming pools & hot tubs (above-ground & in-ground)	P	P	P	P	P	P	P	P			P	P	P			
dumpsters, recycling, and trash containers							P	P	P	P	P	P	P	P	P	P
other accessory structures related to the primary use	P	P					P	P	P	P	P	P	P	P	P	P
maximum number of these accessory structures permitted (2)	NA	5	5	5	5	5	5	5	5	5	5	5	NA	5	5	5
minimum side & rear yard setback for accessory structures	25 ft.	5 ft.	5 ft. (4)	5 ft. (4)	5 ft.	5 ft. (4)	5 ft. (4)	5 ft. (3)	0 ft.	5 ft.	5 ft.	5 ft.	25 ft.	25 ft.	25 ft.	25 ft.

NA - Not Applicable

(1) - Carports not on a permanent foundation and less than 200 square feet shall not be counted as an accessory structure and shall be exempt from this Chapter

(2) - Permitted per residence or business use (no more than 2 of any one type of accessory structure is permitted)

(3) - Indicates the required setback for each dwelling site

(4) - No garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking)

2. Amateur Radio and Television & Radio Receiver Antennas: All amateur radio antenna, CB radio antenna, antenna for receiving television signals, antenna for receiving radio signals, and all other personal broadcasting equipment shall meet the following requirements:
   a. *Location:* In addition to the location requirements specified by 7.3(E), no antenna (including anchors or supports) shall be located in any side yard.
   b. *Height:* No amateur radio tower shall exceed 48 feet in height from ground level or 5 feet in height above the highest point of the roof of the primary structure, whichever is greater. Amateur radio towers shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standard variance process, that the increased tower height is technically necessary to successfully engage in amateur radio communications.
   c. *Electrical Interference:* No amateur radio tower or equipment shall be permitted that result in interference with other electrical transmissions or devices.

G. **Park & Recreation Facility Accessory Uses & Structures:** Where park and recreation facilities are permitted, customary accessory uses & structures such as restrooms, groceries, refreshment stands, restaurants, laundries, and sporting goods sales are also permitted, subject to the following standards:
1. Area: The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed 10 percent of the park and recreation site;
2. Subordinate Role: The accessory uses and structures shall be subordinate to the recreational character of the development;
3. Design Focus: The accessory uses and structures shall be located, designed and intended to serve only the needs of the park and recreation facility;
4. Visibility: The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park or recreation park facility;
5. Parking: Parking for accessory uses and structures shall be consistent with the Parking Standards of Chapter 7.10; and
6. Waste Containers: All dumpsters and other waste containers shall be screened consistent with Section 7.17(Part 2)(A) of the Buffering and Screening Standards.

7.3 Acc. Use & Structure Standards (cont.)

General Accessory Use & Structure Standards

H. **Multi-family Dwelling / Manufactured Home Park Accessory Uses & Structures:** Where multi-family dwellings or manufactured home parks are permitted, customary incidental uses and accessory structures such as management offices, sales offices, storage facilities, day-care centers, self-service laundries, fitness centers, community centers, and recreation centers, shall also be permitted, subject to the following standards:

1. Area: The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed 10 percent of the park and development site;
2. Subordinate Role: The accessory uses and structures shall be subordinate to the recreational character of the development;
3. Design Focus: The accessory uses and structures shall be located, designed and intended to serve only the needs of the development;
4. Visibility: The accessory uses and structures shall present no visible evidence of their business nature to areas outside the multi-family or manufactured home park facility;
5. Parking: Parking for accessory uses and structures shall be consistent with the Parking Standards of Chapter 7.10; and
6. Waste Containers: All dumpsters and other waste containers shall be screened consistent with Section 7.17(Part 2)(A) of the Buffering and Screening Standards.

Intent:

The purpose of these temporary use & structure standards is to establish minimum standards for the temporary use of property and the placement of temporary structures in order to (1) accommodate the temporary needs or properties and land uses, (2) ensure that temporary uses do not become permanent without proper scrutiny, and (3) protect the public welfare from the unique hazards that can be created by temporary uses and structures.

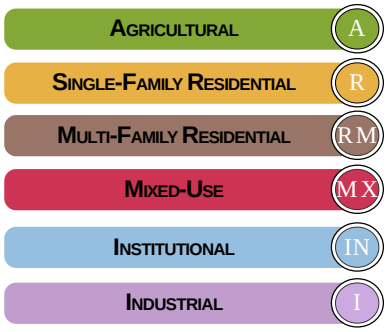
7.4 Temporary Use & Structure Standards

General Temporary Use & Structure Standards

Part 1: These General Temporary Use & Structure Standards apply to all zoning districts:

A. **Temporary Structure Standards:** All temporary structures shall conform to the following requirements:
   1. Applicable Development Standards: Temporary structures must meet all development standards for a permanent accessory structure unless otherwise specified in this Chapter.
   2. Temporary Structure Time Limits: Any temporary structure used for a permitted primary use may be permitted for up to 2 years, unless otherwise specified by this Ordinance.

B. **Temporary Use and Structure Standards:** Temporary uses and structures are permitted in any zoning district provided that the use is a permitted use in that zoning district. All temporary uses and structures shall conform to the following requirements:
   1. Permit Requirements: All temporary uses and structures shall require an Improvement Location Permit unless otherwise specified in this Chapter. No temporary use or structure, or the related signs, lighting, parking, etc. shall be constructed or placed upon a site prior to all necessary permits being obtained.
   2. Time Limits: Temporary uses and/or structures that seek extensions of the initial time limits established in this Chapter shall be subject to the approval of the Board of Zoning Appeals.
      a. An unlimited number of 1 year extensions may be granted by the Board of Zoning Appeals. The Board may impose reasonable conditions as part of its approval.
      c. No extensions of the time limits described in this Chapter shall be considered for any temporary use or structure that violates any requirements of this Ordinance.
   3. Removal: All temporary uses and/or structures must be removed and the site reverted to its original condition within the duration of the permit.



Example: *The seasonal sale of Christmas Trees, Fireworks, etc. is permitted in zoning districts where similar retail sales are permitted uses.*

7.4 Temp. Use & Structure Standards (cont.)

Residential Temporary Use & Structure Standards

Part 2: These Residential Temporary Use & Structure Standards apply to the Single-Family Residential zoning districts:

The following temporary uses and structures are permitted as described below, no permit shall be required unless otherwise specified.

A. **Garage/Yard Sales:** Garage/yard sales are permitted to occur 2 times per calendar year, for no more than 3 consecutive days for each occurrence. Garage/yard sales shall be distinguished from flea markets in that garage/yards sales are clearly incidental to residential uses, while flea markets are commercial businesses and primary uses. In no instance shall this provision be interpreted as permitting the operation of a flea market.

B. **Children's Roadside Stands:** Children's roadside stands shall be permitted, but shall not be located in any public right-of-way.

C. **Construction Trailers:** Construction trailers are permitted as temporary structures during times of construction activity. Construction trailers shall not be located in any required setback or buffer yard.

D. **Construction Dumpsters:** Dumpsters for construction-related debris shall be permitted as temporary structures during times of construction activity. Dumpsters shall not be located in any required setback or buffer yard.

E. **Temporary Home Sales Facilities:** Temporary model homes and temporary sales trailers shall be permitted in each development until either (1) building permits have been obtained for greater than 90% of the lots included in the preliminary plat for the development or (2) 5 years from the date of approval of the final plat for the most recent section of the development, whichever is less. An Improvement Location Permit shall be required.
   1. Location: Temporary home sales facilities shall be located on a lot in the development in which the homes are for sale. No other structures shall be permitted on any lot occupied by a model home or temporary sales trailer.
   2. Design Requirements: The placement of temporary home sales facilities shall be consistent with the following requirements.
      a. *Uses:* The use of the facility shall be limited to open house purposes for prospective buyers. Temporary home sales facilities may not be directly used for the purpose of selling homes in other developments or in other communities.
      b. *Signs:* Signs shall be limited to one ground sign not to exceed 6 feet in height and 24 square feet in area. Such signs shall be placed a minimum of 10 feet from the right-of-way, 10 feet from adjacent property lines, and in a manner consistent with the intersection Sight Visibility Standards (Chapter 7.13) of this Ordinance.

c. *Lighting:* All exterior lighting shall be limited to typical household exterior lighting. The use of all other types of lighting, including floodlighting and search lights shall be prohibited.

d. *Parking:* Temporary home sales facilities shall conform with the following parking requirements:

   i. Model homes shall provide a minimum of 2 off-street parking spaces for the use of salespersons and potential buyers. The parking spaces shall conform to the size requirements of this Ordinance. Off-street parking for the facility shall be located in, and not extend beyond, the driveway. The driveway area shall be consistent in size and paving with those of the homes to be constructed in the development.

   ii. Temporary sales trailers shall provide 2 off-street parking spaces. The spaces shall be surfaced with stone meeting the requirements of the City Engineer.

e. *Landscaping:* Temporary home sales facilities shall conform with the following landscaping requirements:

   i. Model homes shall provide landscaping consistent with that which will be provided for homes to be constructed in the development.

   ii. Temporary sales trailers shall provide a landscape area extending from the trailer for 5 feet in each direction. The landscaping shall include a variety of shrubs and other materials consistent with the landscaping design of the development. The trailer site shall be graded to ensure proper drainage and treated with a combination of grass seed and sod appropriate to prevent erosion and provide a lawn consistent with that of the homes to be built in the development.

3. Model Home Conversion: Prior to the sale of a model home for use as a residence, all signage shall be removed and the garage area restored.

4. Sales Trailer Conversion: Any builder using a temporary home sales trailer and either constructing an approved model home, or removing the trailer, shall restore the trailer site to pre-installation conditions, removing the trailer and any associated signage and lighting. If the trailer is to be replaced by a model home, the trailer and all associated site features shall be removed prior to the issuance of a permanent certificate of occupancy for the model home.

Intent:

The purpose of these industrial standards is to minimize the conflicts between industrial and other land uses and to protect persons and property from the possible by-products of industrial operations.

7.5 Industrial Standards

General Industrial Standards

INDUSTRIAL I

These General Industrial Standards apply to the Industrial zoning districts:

A. **General Standards:** All uses placed into operation after the effective date of this Ordinance shall comply with the following general standards in the interests of protecting public health, safety, and general welfare and lessening potential damage to property. No use in existence on the effective date of this Ordinance shall be altered or modified in a manner that conflicts with these standards.

1. Smoke and Particulate Matter: No use on a property shall release fly ash, dust, smoke, or any other type of particulate matter that violates the air quality standards established by the Indiana Department of Environmental Management.
2. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting the operation of radios, televisions or any other equipment on any other lot in the vicinity. All applicable regulations of the Federal Aviation Administration shall apply to all operations that may adversely affect the navigation or control of aircraft.
3. Fire and Explosive Hazards: The storage, utilization, and/or manufacture of all flammable and/or explosive materials shall conform to the applicable requirements of the Indiana Department of Fire and Building Services and the prescribed standards of the National Fire Protection Association. Firefighting equipment and prevention measures shall be subject to the approval of the Franklin Fire Department and shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
4. Noise: No use on a property shall create a production or operational noise, or combination of noises, that violate the Noise Ordinance (Ord. #00-33) of the City of Franklin, or any subsequent amendments.

5. Odor: No use on a property shall emit any objectionable odor, or combination of odors, that is detectable without the aid of instruments at the boundary line of any residential or commercial zoning district.
6. Vibration: No use on a property shall cause any objectionable vibrations or concussions that are detectable without the aid of instruments at the property lines of the lot on which the use is located.
7. Glare and Heat: No use on a property shall produce any glare or heat that is detectable without the aid of instruments at the property lines of the lot on which the use is located. All outdoor lighting shall be exempt from these Industrial Standards, but shall comply with the Outdoor Lighting Standards of Chapter 7.18.
8. Noxious or Toxic Materials: No use on a property shall accumulate or discharge outside of any building materials generally known to be toxic or noxious. Such uses shall also comply with all applicable regulations of the Johnson County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.
9. Waste Materials: No use on a property shall accumulate on the lot, or discharge beyond the lot lines any waste matter in violation of the applicable standards and regulations of the Johnson County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.
10. Water Pollutants: No use on a property shall discharge any material, whether liquid or solid, into public waters without any required approvals of the Johnson County Board of Health, Indiana State Board of Health, Indiana Department of Environmental Management, Indiana Department of Natural Resources, and/or the Indiana Stream Pollution Control Board.

B. **Exemptions:** The industrial standards provided by this Chapter shall be subject to the following exemptions:
   1. Farming Operations: Any applicable "Right to Farm" laws may supercede these standards as they pertain to farming and agricultural uses.
   2. Exemptions: The following uses, activities, and circumstances shall be exempt from the standards established by this Chapter:
      a. *Construction & Maintenance:* Site preparation or the construction, maintenance, repair, alteration, or improvement of structures, equipment or other improvements on or within the lot lines of the subject property;
      b. *Motor Vehicles:* The operation of motor vehicles for the transportation of personnel, material, or products; and

7.5 Industrial Standards (cont.)

General Industrial Standards

c. *Public Safety Alerts:* Public safety sirens and related apparatus used solely for public purposes and/or necessary for the protection of life, limb, or property.

C. **Applicability:** All uses shall conform with any and all applicable requirements of the state and Federal governments (including the standards of the Occupational Safety and Health Administration - OSHA). No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance defined by and subject to the City of Franklin Municipal Code. In cases where the requirements of this Ordinance are in conflict with other applicable requirements, the most restrictive shall apply.

D. **Interpretation:** The industrial standards established by this Chapter provide general guidelines for use by the City of Franklin in discussing expectations with new and expanding industrial operations. They also provided references to applicable state and Federal regulations. Where applicable the determination of conformance of industrial operations with the requirements of this Chapter shall be determined by the Plan Commission when consistent with the petition review processes established by this Ordinance, and otherwise by the Planning Director.

Intent:

The purpose of these residential standards is to (1) provide minimum requirements for residential facilities and (2) establish the unique standards for new residential developments with the character of traditional residential areas. This Chapter establishes requirements for residential facilities for the developmentally disabled and mentally ill that both minimize conflicts with other uses and permits the establishment of such facilities consistent with IC 12-28-4-7.

7.6 Residential Standards

Residential Facility Standards

SINGLE-FAMILY RESIDENTIAL R
MULTI-FAMILY RESIDENTIAL RM
MIXED-USE MX
INSTITUTIONAL IN

Part 1: These Residential Facility Standards apply to the Single-Family Residential, Multi-Family Residential, Mixed-Use, and Institutional zoning districts:

A. **Residential Facilities for the Mentally Ill:** Residential facilities for the mentally ill shall be permitted consistent with Article 3 of this Ordinance. All such facilities shall be required to comply with all licensing and operational standards of the State of Indiana.
   1. Exclusion Prohibited: In no instances shall a residential facility for the mentally ill be prohibited from locating, expanding, or operating in a residential area solely because the facility is a business or because the individuals residing in the facility are not related.
   2. Separation: In no case may a residential facility for the mentally ill be located within 3,000 feet of any other residential facility for the mentally ill, as measured between the property lines of the lots or parcels on which the uses are (or are proposed to be) located.

B. **Residential Facilities for the Developmentally Disabled:** Residential facilities for the developmentally disabled type I shall be permitted consistent with Article 3 of this Ordinance. Residential facilities for the developmentally disabled type I are defined as those that are not designed for, nor accommodate more than 8 developmentally disabled individuals. Type II facilities accommodate more than 8 developmentally disabled individuals (consistent with IC 12-28-4-7).

7.6 Residential Standards (cont.)

Traditional Residential Standards

Part 2: These Traditional Residential Standards apply to the Residential, Traditional Neighborhood and Residential, Traditional zoning districts:

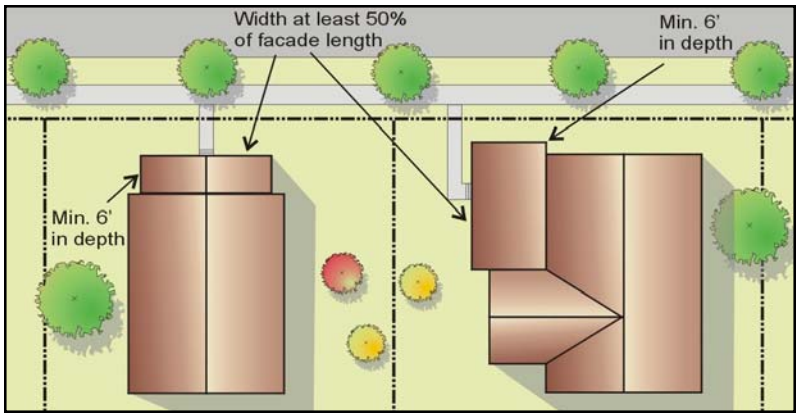
A. **Entrances:** The main entrance (front door) of all residential structures shall face a public street on which the lot has frontage.

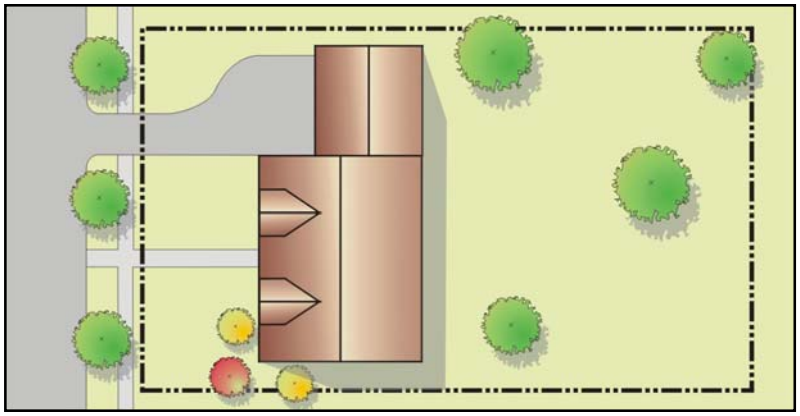
B. **Garage Setbacks:** All attached and detached garages with vehicle entrances (garage doors) that face a public street on which the lot has frontage shall be located a minimum of 10 feet behind the setback provided by the living area of the residence. In no instance shall any open porch, bay window, eve, fireplace, exterior stair, or other similar feature be considered part of the living area of the residence.

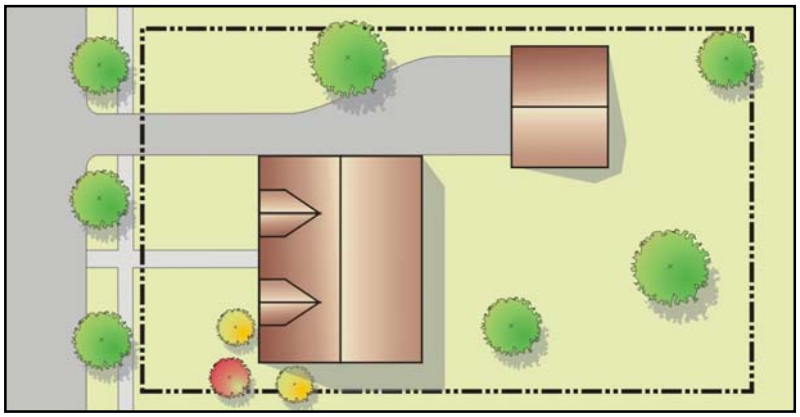
C. **Entry Porches:** The design and construction of all dwelling units shall include an entry porch used to access the main entrance.

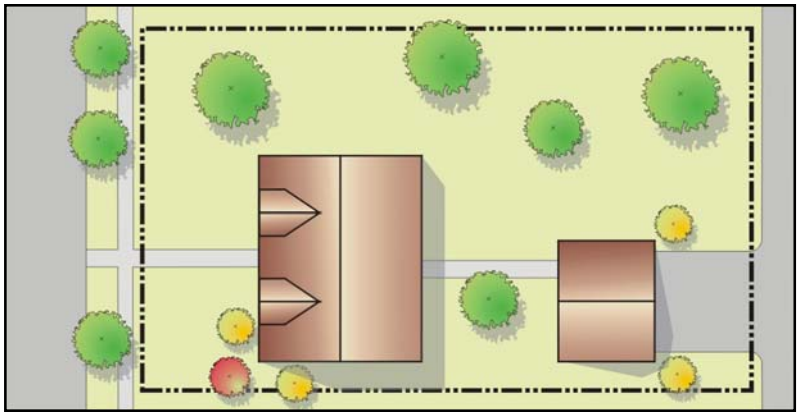
1. Location: The porch shall be located either along the front facade or side facade, whichever is consistent with the main entrance location.
2. Dimensions: The length of the porch shall, at a minimum, equal 50% of the length of the facade on which it is located. The measurement of the facade length shall exclude any portion occupied by a garage. Each porch shall be a minimum of 6 feet in depth.
3. Enclosure: In no instance shall any required porch be enclosed by walls or screens. Each porch shall be covered by a roof that is integrated into the design of the structure.

Entry Porch Example









Sample Traditional Residential Lot Layouts

Lot Layout Note: *Each lot should generally be designed consistent with the characteristics of the lots in Franklin's existing historic neighborhoods. Garages may be attached or detached but should either (1) be located to the side or rear of the living area of the structure and (2) be accessed either by an alley or a driveway from the street that extends along the side of the living area.*

Intent:

The purpose of these home occupation standards is to establish minimum requirements for home-based businesses in order to protect the residential character of Franklin's neighborhoods, preserve property values, and prevent the hazards to persons and property that can result from residential-commercial land use conflicts.

7.7 Home Occupation Standards

General Home Occupation Standards

AGRICULTURAL (A)
SINGLE-FAMILY RESIDENTIAL (R)
MULTI-FAMILY RESIDENTIAL (RM)
MIXED-USE (MX)

These General Home Occupation Standards apply to the Agricultural, Single-Family Residential, Multi-Family Residential, and Mixed-Use zoning districts:

A home occupation shall be permitted as an accessory use to any dwelling unit. In order to be considered a permitted home occupation, the use shall comply with the following requirements:

A. **Activities:** The face-to-face wholesale/retail sale of stocked inventories is not permitted, except for incidental sales that do not exceed 25% of total home occupation sales. Mail-order/telephone/internet sales, as well as distribution of sold merchandise is permitted. Manufacturing activities are not permitted.

B. **Effects of Operation:** There shall be no equipment or process used in the home occupation that creates noise, vibration, glare, smoke, fumes, odors, or electrical interference that is detectable, without the aid of instruments, off the premises (as determined by the Planning Director). There shall be no electrical or mechanical equipment utilized in the home occupation that will create any visual or audible interference with radio or television reception.

C. **Owner/Operator:** At least 1 person residing within the dwelling must be the primary operator of the home occupation.

D. **Employees:** The home occupation may not involve the on-site employment or regular on-site gathering of any more than 1 person, other than those residing at the location of the home occupation.

E. **Outdoor Storage/Display:** There shall be no exterior storage of products, equipment, employee vehicles, or materials that are related to the home occupation.

F. **Business Area:** The home occupation may be located within the dwelling and/or an accessory building, but shall not exceed a total area of 500 square feet. The home occupation must utilize no more than 25% of the total floor area of the dwelling.

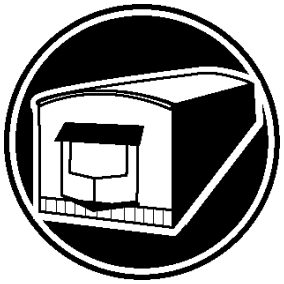
G. **Structural Alterations:** The home occupation must not require any structural or aesthetic alterations to the dwelling that change its residential character as described below:

1. Dwelling Appearance: The dwelling shall not be altered in its appearance, and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by the use of colors, materials, construction, or lighting.
2. Entrances: The home occupation shall not require any additional entrances to the structure.
3. Utility Service: The home occupation shall not require increasing or enhancing the size, capacity, or flow of the water, gas, waste treatment, or electrical systems beyond what is standard for a residence.
4. Interior Alterations: There shall be no alterations to the interior of the dwelling to accommodate the home occupation that would render the structure undesirable for residential use.

H. **Parking & Business Vehicles:** The home occupation shall not involve on-site customers, employees, meetings, or other events that necessitate the installation of any off-street parking spaces in addition to those required by this Ordinance for the dwelling unit. The on-site storage of business vehicles shall meet the requirements of Section 7.10(E)(4).

I. **Deliveries:** The home occupation must not require the regular use of commercial vehicles for pickup and deliveries, other than those from the U.S. Postal Service or other small package carriers.

J. **Signs:** No signs of any type shall be used, other than those permitted in the zoning district by the Article 8, Signs.



Intent:

The purpose of these mobile / manufactured home standards is to identify the minimum requirements for the installation and use of mobile and manufactured homes consistent with the requirements of IC 36-7-4-1106 and the intent of this Ordinance.

7.8 Mobile/Manufactured Home Standards

AGRICULTURAL (A)
SINGLE-FAMILY RESIDENTIAL (R)
MULTI-FAMILY RESIDENTIAL (RM)

General Mobile/Manufactured Home Standards

Part 1: These General Mobile/Manufactured Home Standards apply to the Agricultural, Single-Family Residential and Multi-Family Residential zoning districts:

A. **Schedule of Mobile/Manufactured Home Use:** Mobile and manufactured homes shall be permitted as described by the following table, consistent with Article 3 of this Ordinance:

Permitted Mobile/Manufactured Homes

Zoning District (P - Permitted) Non-Permitted in Zon	Mobile Home	Manufactured Home		
		Type III	Type II	Type I
A - Agricultural			P	P
RR - Residential, Rural			P	P
RSN - Residential, Suburban Neighborhood			P	P
RS-1, RS-2, RS-3 - Residential, Suburban			P	P
RTN - Residential, Traditional Neighborhood			P	P
RT-1, RT-2, RT-3 - Residential, Traditional			P	P
RMH - Residential, Manufactured Home	P	P	P	P

B. **Placement Requirements:** The establishment, location, and use of all mobile and manufactured homes shall meet the installation instructions of the manufacturer; all requirements for single family dwellings in the zoning district in which they are located including, but not limited to, setbacks, lot sizes and dimensions, parking requirements; minimum living area (per IC 26-7-4-1106(b)); and the following standards:

1. Type I and Type II Manufactured Homes: Type I and Type II manufactured homes shall:
   a. *Living Area:* Have, in a double section or larger multi-section unit, living area no less than the minimum required for the district in which it is to be located,
   b. *Foundation:* Be placed on a permanent underfloor foundation and an exterior perimeter retaining wall that are consistent with those for, or planned for, other homes in the area, the manufacturer's installation instructions, and all applicable provisions of the Franklin Building Code.
   c. *Anchoring:* Be anchored to the ground in accordance with the manufactured home's installation standards and the Franklin Building Code;
   d. *Travel Equipment:* Have wheels, axles, and hitch mechanisms removed;
   e. *Utilities:* Meet utility connection standards in accordance with the manufactured home's installation standards and the Franklin Building Code,
   f. *Siding Material:* Have siding material of a type like, similar to, or otherwise compatible with that found on other dwellings in, or planned for, the area.
   g. *Roofing Material:* Have roofing material and pitch of a type like, similar to, or otherwise compatible with that found on other dwellings in, or planned for, the area.
2. Type III Manufactured Homes & Mobile Homes: Type III manufactured homes and mobile homes shall:
   a. *Living Area:* Have more than 720 square feet of living area in a single, double or multi-section unit (including those with pullout or tag-along units).
   b. *Foundation:* be placed on a permanent underfloor foundation with exterior foundation siding consistent with the manufacturer's installation instructions, and all applicable provisions of the Franklin Building Code,
   c. *Anchoring:* Be anchored to the ground in accordance with the manufacturer's installation standards and the Franklin Building Code,
   d. *Travel Equipment:* Have wheels, axles, and hitch mechanisms removed; and
   e. *Utilities:* Meet utility connection standards in accordance with the manufactured home's installation standards and the Franklin Building Code.

7.8 Mobile/Manuf. Home Standards (cont.)

General Mobile/Manufactured Home Standards

Part 2: These Mobile/Manufactured Home Park Standards apply to the Residential, Manufactured Home Park zoning district:

All mobile/manufactured home parks shall comply with the following standards:

A. **Storage Space:** Each home shall be provided with an enclosed, waterproof storage space either as an accessory structure on each home site, behind the skirting, or at a central storage facility.

B. **Emergency Shelter:** Each development, or manufactured home park, shall be equipped with a structure of adequate construction to provide shelter for residents from tornados and other severe weather events. The shelter shall be of sufficient size to accommodate a population equal to 2.5 persons per home site present in the development.

C. **Entrances and Interior Roads:** All interior mobile home development streets shall either be dedicated to the public or be private interior drives. All interior streets, whether dedicated to the public or private drives shall meet the design and construction standards for public streets, including intersections, sidewalks, street trees, etc.) provided by the Franklin Subdivision Control Ordinance. If private streets are used, street easements shall be substituted for the interior street right-of-way.

D. **Compliance Verification:** Prior to the release of an Improvement Location Permit for construction of the park, the following shall be provided to the Planning Director:
   1. Access: A letter from the City Engineer, verifying the approval of the design of access points to public streets.
   2. Sanitary Sewer Service: A letter from the Public Works Superintendent, verifying that adequate sanitary sewer service shall be available to the homes.
   3. Board of Health: A letter from the Indiana State Board of Health, verifying that all applicable requirements have been met.

Intent:

The purpose of these environmental standards is to (1) encourage the protection of unique environmental features and (2) protect persons and property from the dangers presented by both the natural and built environments. Some of the following standards refer to complimentary state or Federal regulations, that are not enforced by the City, in order to increase awareness of these regulations.

7.9 Environmental Standards

General Environmental Standards

These General Environmental Standards apply to all zoning districts:

A. **Land Suitability:** No land should be used, or structure erected where the land is unsuitable for such use or structure due to slopes, adverse soil or rock formations, erosion susceptibility, or any other feature determined by the Planning Director, City Engineer, or Plan Commission as likely to be harmful to the health, safety, and general welfare of the community.

B. **Preservation of Natural Features:** Existing natural features that would add value to the development of the city, such as mature trees, streams, lakes, wetlands, stream-side forests (riparian areas), floodplains, and similar irreplaceable assets should be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.

   1. Wetlands: Wetland areas shall be managed consistent with all applicable standards of the U.S. Army Corps of Engineers, the Indiana Department of Environmental Management, and other appropriate agencies.
   2. Stream-side Forests (Riparian Areas): All structures shall be set back a minimum of 25 feet from the top-of-bank, as determined by the City Engineer, of all streams. Within this required setback, all native vegetation shall be preserved and all construction activity, other than that related to stream-side forest restoration or erosion control, shall be prohibited. Stream-side forests should be managed consistent with standards adopted by the National Resource Conservation service as expressed in the Conservation Practice Standard for riparian Forest Buffer (Code 391) and all subsequent amendments and revisions.

7.9 Environmental Standards (cont.)

General Environmental Standards

3. Floodplains: Floodplains shall be managed consistent with the Flood Hazard Area Overlay Zone established by Chapter 5.2.
4. Trees: When the preservation of existing trees is specified by the requirements of this Ordinance and/or by conditions placed on the approval of an application the following standards shall be met:
   a. *Construction Activity:* No construction activity of any kind, including the driving of construction vehicles and storage of construction materials, shall occur within the drip-line of any tree to be preserved.
   b. *Tree Maintenance:* All trees to be preserved shall be included in a tree preservation easement recorded with the Johnson County Recorder. The easement shall include language that, subject to the approval of the Planning Director, requires the continued maintenance of the trees and prohibits the remove of the trees as long as they remain healthy. Trees that are removed due to poor health, disease, or act of nature shall be replaced by the property owner prior to the conclusion of the next planting season (spring or fall, whichever is sooner). Replacement trees shall have a minimum trunk diameter of 2 inches, measured at 6 inches above the root ball.

C. **Conservation of Historic Features:** Existing historic features (such as those listed as outstanding, notable, or contributing in the Indiana Dept. of Natural Resources *Indiana Historic Sites and Structures Inventory - Johnson County Interim Report, listed in the National Register of Historic Places, or listed in the Indiana Register of Historic Sites and Structures*), and similar irreplaceable assets should be preserved through harmonious and careful design.

D. **Ground Cover:** Any part or portion of a non-farm parcel that is not used for structures, loading or parking spaces, sidewalks, etc. shall be landscaped or left in a natural state that complies with the applicable weed and nuisance ordinances of the City of Franklin. If landscaped, it shall be planted with an all season ground cover and with trees and shrubs in accordance with the requirements of this Ordinance and in keeping with the natural surroundings.

E. **Cut/Fill Grade:** No cut or fill grade should exceed a slope of 3/1 or 33-1/3%. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3/1 (rise/run) in slope. Cut and fill grade exceeding 3/1 (rise:run) in slope may be permitted using retaining walls and/or terraces subject to the approval of the City Engineer. Cut and fill practices that remove natural topography and/or alter natural drainage shall be minimized.

F. **Erosion Prevention:** All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within 30 days after the removal or destruction of the natural cover, shall meet all Indiana Department of Environmental Management Standards for erosion control, and shall meet any additional requirements of the City Engineer. Generally all erosion control measures should make use of best management practices that ensure the long-term operation and maintenance of the control features.

G. **Surface Water:** It shall be the responsibility of the owner of any property developed for any use other than for agriculture to provide for adequate surface water drainage.

1. Use of Surface Drainage: Existing natural surface drainage should be utilized where practical.
2. Adequate Drainage System: Whenever the evidence available indicates that the natural surface drainage is inadequate, the owner shall provide the parcel with an adequate surface water drainage system that is integrated into the drainage patterns of surrounding properties.
3. Drainage Easements: Swales that provide drainage to a property or properties other than that upon which they are located are required to be placed in an easement meeting the specifications of the City Engineer to prohibit future filling or constructing.
4. On-site Detention: On-site detention for a 100-year storm event shall be required unless a written statement by the City Engineer indicates that it is not necessary to prevent harm to adjoining properties.
5. City Engineer Approval: All drainage plans are subject to review and approval by the City Engineer, and shall meet all applicable standards of the City Engineer.

H. **Drainage Swales:** Drainage swales along dedicated streets and within the right-of-way, or within dedicated drainage easements are not to be altered, except for maintenance as originally constructed and approved by the City Engineer. Driveways may be constructed over these swales subject to the approval of the City Engineer, Johnson County Highway Department, and/or Indiana Department of Transportation (INDOT approval is required for driveways accessing state highways; Johnson County approval is required for driveways accessing county roads).

7.9 Environmental Standards (cont.)

General Environmental Standards

I. **Regulated Drains:** All development in regulated drain areas shall be subject to the review and approval of the Johnson County Drainage Board per the requirements of IC 36-9-27-13. No permanent structures, other than fences, shall be erected within 75 feet of the center line of any regulated tile ditch, or within 75 feet of the existing top of bank of any regulated open ditch or tile unless approved by the City Engineer and the Johnson County Drainage Board.

J. **Alterations to Bodies of Water:** No alteration of the shoreline or bed of a river, wetland, or public lake shall be made until appropriate written approval is obtained from the Indiana Department of Environmental Management, Indiana Department of Natural Resources and/or the U.S. Army Corp. of Engineers. Alterations include, among other things, filling of a pond, river or wetland.

K. **Retention, Detention, and Pond Edges:** All retention, detention, and pond edges must be maintained with a buffer of natural plantings within 25 feet of the point of peak elevation and shall be consistent with the following:
   1. the top of bank shall provide 2 feet of free-board protection above the 100-year flood elevation for the area in which any pond is located;
   2. safety shelves shall be included in the design and construction of all ponds; and
   3. all applicable standards of the City Engineer shall be met.

L. **Waste/Debris:** All properties shall at all times be maintained and used only in clean, neat and well-groomed conditions, free from all natural and man-made debris, junk, rubbish, trash, weeds, and similar items.
   1. Waste Stored Outdoors: No waste materials such as, but not limited to, garbage, rubbish, household appliances, inoperable vehicles, furniture designed for interior use, gasoline, oil, flammables, soils, tars, chemicals, greases, dead plant material, noxious weeds, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm water bodies or ground water, provide a habitat for disease carrying animals and insects, or represent a public safety hazard shall be deposited, located, stored, or discharged outside on any lot.
   2. Waste Stored in Structures: Waste shall not be allowed to accumulate within structures in a manner that is inconsistent with applicable regulations for the storage of such materials.

Intent:

The purpose of these parking standards is to reduce street congestion, ensure proper vehicular and pedestrian circulation, and therefore improve public safety by identifying the appropriate number and location of off-street parking spaces for each zoning district.

7.10 Parking Standards

General Parking Standards

Part 1: These General Parking Standards apply to all zoning districts.

A. **General Requirements:** All parking spaces shall meet the following general requirements:

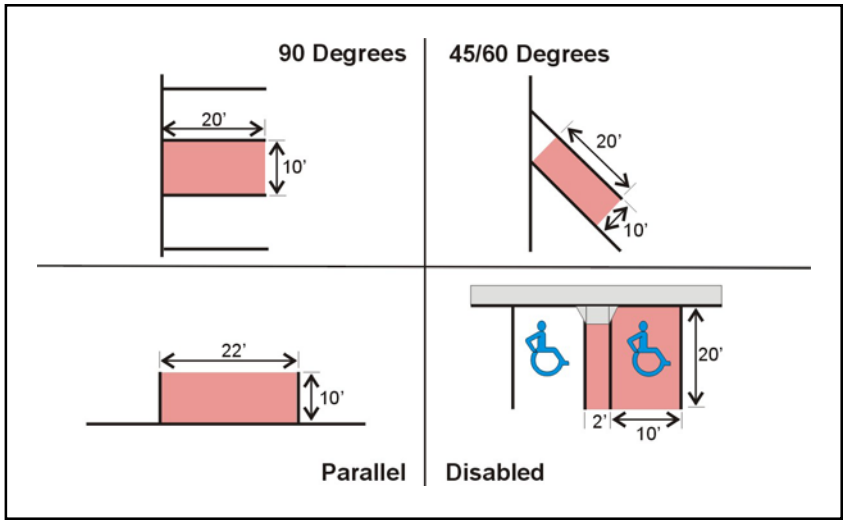
1. Location: No off-street parking spaces may be fully or partially located in a public right-of-way, septic field, required landscape area, or buffer yard.
2. Access: All required parking spaces must be designed to provide direct access for vehicles. In no case may areas which do not have direct access be considered a parking space meeting the requirements of this Ordinance (example: a residential driveway shall not be considered a parking space meeting the requirements of this Chapter if a parked vehicle in the driveway prevents direct access to a required parking space in a garage or carport).
3. Parking Space Dimensions: Parking space size shall conform with the Parking Space Requirements table. In no instance shall the overhang of a vehicle be considered as part of the required parking space area.
4. Interior Drive Dimensions: Interior drive dimensions shall conform with Chapter 7.12, Entrance/Drive Standards.

Parking Space Requirements

Angle of Parking	Minimum Parking Space Size	
	Width	Length
Parallel	10 feet	22 feet
90 Degree, 60 Degree, & 45 Degree	10 feet	20 feet
Disabled	12 feet	20 feet

7.10 Parking Standards (cont.)

General Parking Standards



B. **Requirements for Non-conforming Uses and Uses Permitted by Special Exception or Variance:** Any use which is non-conforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use is permitted by this Ordinance. In no case shall the number of parking spaces required for non-conforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this Chapter.

C. **Requirements for Uses not Specifically Listed:** The number of parking spaces required for uses that are not listed specifically shall be determined by the Planning Director based on the consistency of the use with those that are specified.

D. **Park Use Requirements:** Off-street parking spaces for park and recreation uses located in any zoning district shall be provided consistent with the requirements for business uses provided by Part 3 of this Chapter.

E. **Vehicle Storage Requirements:** The storage of all motor vehicles shall be consistent with the following requirements:
   1. Vehicle Storage: No vehicle, including recreational and commercial vehicles, shall be parked, stored, or allowed to remain on a lot or parcel of land that does not contain a primary structure.

2. Stored Vehicles to be Salvaged / Repaired: The outdoor storage of such vehicles associated with permitted auto repair or salvage facilities shall be consistent with the following requirements:
   a. All such vehicles, including antique vehicles, shall be stored within the rear or side yard. In no case shall such vehicles be stored in any front yard, buffer yard, required landscape area, or required setback area.
   b. All storage areas for such vehicles shall be completely enclosed with a 6 foot tall, 100% opaque wood, stone, or masonry fence. Gates allowing access to the storage areas are permitted, shall be closed when not in use, and shall consist of 6 foot tall, 100% opaque wooden doors.
3. Recreational Vehicle Storage: The storage or parking of recreational vehicles (including travel-trailers, boats, snowmobile or motorcycle trailers, etc.) in residential zoning districts and associated with residential uses is subject to the following requirements:
   a. A recreational vehicle may be stored on a residential property provided it is fully enclosed by a structure or located in the rear or side yard. A recreational vehicle may be parked in the front yard on a residential lot, outside of an enclosed structure, for a period not to exceed a total of 48 hours in any 1 week period.
   b. No more than 2 recreational vehicles may be parked outdoors on a residential parcel at any one time.
   c. In no case shall any recreational vehicle parked on a residential parcel be used for overnight sleeping or living.
4. Commercial Vehicle Storage: The storage or parking of commercial vehicles in residential zoning districts and primarily residential Planned Unit Developments is subject to the following requirements:
   a. The parking of a commercial vehicle shall be limited to 1 standard sized vehicle, except that any commercial vehicle may be stored within an enclosed structure. In no instance shall any portion of a semi-tractor/trailer be stored on a residentially zoned or used property.
   b. This regulation shall not be interpreted to apply to commercial vehicles used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed during the time of parking such vehicles, or to commercial vehicles in the process of temporarily loading or unloading deliverable goods.

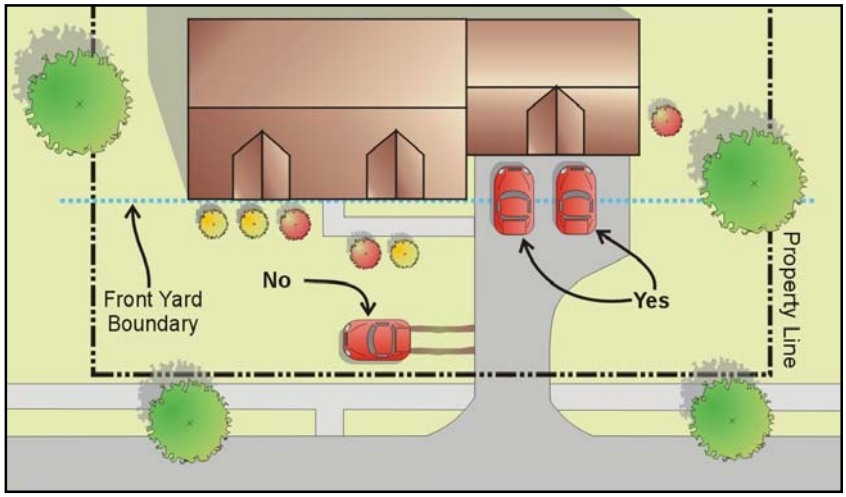
Stored Vehicles Note: *In no instance should the provisions for stored vehicles be interpreted as enforcement of traffic code provisions for inoperable vehicles. These provisions are intended to ensure that auto repair and salvage facilities are operated consistent with the general welfare of the community.*

7.10 Parking Standards (cont.)

Residential Parking Standards

Part 2: These Residential Parking Standards apply to the Agricultural, Single-Family Residential, Multi-Family Residential, and Institutional zoning districts:

A. **General Standards:** In no instance shall any unpaved off-street parking spaces be permitted. In no instance shall any vehicles be stored or parked in any front yard. Temporary parking of vehicles in driveways accessed from the street and passing through the front yard are exempt from this requirement.



B. **Residential, Rural & Agricultural Dwellings:** Parking spaces for dwellings in the Residential, Rural (RR) and Agricultural (A) zoning districts shall be provided on the same lot as the dwelling unit for which they are required and shall meet the following standards:
   1. Spaces Requirements: A minimum of 2 off-street parking spaces, either paved or of crushed stone, are required for each dwelling unit.
   2. Access/Location Requirements: Parking areas must be designed to prevent vehicles from having to back into or maneuver in any Arterial or Collector street.

C. **Suburban, Suburban Neighborhood, & Traditional Dwellings:** Parking spaces for dwellings in the Residential, Suburban Neighborhood (RSN); Residential, Suburban (RS); and Residential, Traditional (RT) zoning districts shall be provided on the same lot as the dwelling unit for which they are required and shall meet the following standards:
   1. Space Requirements: A minimum of 2 off-street, paved parking spaces are required for each dwelling unit.

2. Access/Location Requirements: Parking areas must be designed to prevent vehicles from having to back into or maneuver in any Major Collector or Arterial street.

D. **Traditional Neighborhood Dwellings:** Parking spaces for dwellings in the Residential, Traditional Neighborhood (RTN) zoning district shall be provided on the same lot as the dwelling unit for which they are required and shall meet the following standards:
   1. Space Requirements: Off-street, paved parking spaces are required for each dwelling unit consistent with the average number of off-street spaces provided per dwelling unit on other "RTN" zoned lots within 500 feet of the subject lot. A maximum of 2 off-street parking spaces per dwelling unit shall be required.
   2. Access/Location Requirements: Parking areas must be designed to prevent vehicles from having to back into or maneuver in any Arterial street.

E. **Sorority/Fraternity/Student Co-op Facilities:** Parking spaces for sorority and fraternity houses and student co-ops located in any zoning district shall be provided and shall meet the following standards:
   1. Space Requirements: Off-street, paved parking spaces shall be provided at a ratio of 1 parking space for every 2 residents for which the maximum capacity of the facility is designed, at a minimum.
   2. Access/Location Requirements: Off-street parking spaces may be provided either on-site or off-site within 1,000 feet of the lot occupied by the facility. Parking areas must be designed to prevent vehicles from having to back into or maneuver in any Arterial street.

F. **Manufactured Home Park Dwellings:** Parking spaces for dwellings in the Residential, Manufactured Home Park (RMH) zoning district shall be provided on the same site as the dwelling unit for which they are required and shall meet the following standards:
   1. Space Requirements: A minimum of 2 off-street parking spaces are required for each dwelling unit. In addition, parking spaces for management offices, sales facilities, self-service laundries, and other accessory uses shall be equal to 1/2 of the requirements for those uses established by Chapter 7.10 (Part 3).
   2. Access/Location Standards**:** Parking areas must be designed to prevent vehicles from having to back into or maneuver in public streets (excluding all alleys and any streets that are internal to the development).

7.10 Parking Standards (cont.)

Residential Parking Standards

G. **Multi-Family Dwellings:** Parking spaces for dwellings in the Residential, Multi-Family (RM) zoning district shall be provided on the same lot as the dwelling unit for which they are required and shall meet the following standards:

1. Space Requirements: A minimum of 2.5 off-street parking spaces are required for each dwelling unit (rounded to the nearest complete space). In addition, parking spaces for management offices, sales facilities, self-service laundries, and other accessory uses shall be equal to 1/2 of the requirements for those uses established by Chapter 7.10 (Part 3).
   a. *Parking of the Disabled:* The required spaces shall include parking for the disabled meeting the requirements of Section 7.10(Part 3)(A)(6). The minimum number of disabled spaces provided shall either be as specified in the Disabled Space Standards table or equal 1 space for every handicap-accessible dwelling unit, whichever is greater.
   b. *Driving Surfaces:* All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt or concrete. All parking areas shall be clearly painted to show each parking space.
   c. *Drainage:* Parking areas must be constructed to allow proper drainage, which shall be subject to the review and approval of the City Engineer.
   d. *Curbs:* All parking areas shall generally be completely curbed. Curbing shall not be required if, in the opinion of the City Engineer, the drainage system for the property shall be best served if curbs were not present.
   e. *Lighting:* Lighting for parking areas shall conform with the applicable requirements of Chapter 18, Outdoor Lighting Standards.
   f. *Landscaping:* Landscaping for parking areas shall conform with the applicable requirements of Chapter 16, Landscaping Standards.
2. Access/Location Standards**:** Parking areas must be designed to prevent vehicles from having to back into or maneuver in public streets (excluding all alleys and any streets that are internal to the development).
3. Bicycle Parking: One bicycle parking space shall be provided for every 10 dwelling units, with a minimum of 2 bicycle spaces. Each bicycle space shall provide adequate facilities for securing the parked bicycle.

Part 3: These Non-Residential Parking Standards apply to the Mixed-Use, Institutional, and Industrial zoning districts:

A. **Space Requirements:** All parking spaces and interior drives shall meet the following requirements.

1. Driving Surfaces: All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt or concrete to the nearest paved street. All parking areas shall be clearly painted to show each parking space.
3. Drainage: Parking areas must allow proper drainage, and shall be subject to the review and approval of the City Engineer.
4. Curbs: All parking areas for non-industrial uses shall generally be completely curbed. Curbing shall not be required if, in the opinion of the City Engineer, the drainage system for the property shall be best served if curbs were not present.
5. Minimum Number of Spaces: The minimum number of parking spaces required per property shall be determined by ***adding*** up the spaces required for each applicable use in the Non-Residential Required Parking Space table beginning on p7-36. Properties located in the MXD, Mixed-Use Downtown Center zoning district shall be exempt from this requirement.
6. Parking for the Disabled: Parking spaces reserved for disabled persons shall be provided in all parking areas consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.
   a. The number of reserved spaces shall be based on the total number of spaces provided and shall be consistent with the Disabled Space Standards table.

Disabled Space Standards

Total Spaces Provided	Minimum Number of Disabled Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of the total number of spaces
1001 and over	20, plus 1 for each 100 spaces over 1000

See Also:

Chapter 16, Landscaping Standards

Chapter 18, Outdoor Lighting Standards

Chapter 19, Large Scale Retail Facility Standards

Non-Residential Off-Street Parking Space Requirements

Total off-street spaces required for each lot shall be calculated by *adding* the applicable requirements.

The following number of parking spaces is required…	..for every…	Spaces Required
1 space	employee working on the largest shift (for multi-shift operations ample parking spaces to accommodate shift changes shall be provided)	
1 space	business vehicle stored on-site	
2 spaces	dwelling-unit on-site	
..in addition to…	**..for every…**	
Commercial Use		
1 space	500 square feet in all auto / boat / RV / or farm implement sales facility show rooms	
1 space	vehicle or mobile home on display at an auto / boat / RV / farm implement / or manufactured home dealership (of an appropriate size, and to be used for the storage of each vehicle)	
1 space	400 square feet of gross floor area in all hardware, home improvement, furniture, and large appliance stores	
1 space	200 square feet in any car wash, repair, or modification facility	
1 space	300 square feet of gross floor area retail space in all convenience stores, gas stations, greenhouses, grocery stores, department stores, and other retail facilities	
1 space	sleeping unit in any hotel, motel, or bed and breakfast	
1 space	200 square feet in a personal service business, beauty or barber shop, or dry-cleaners	
1 space	5000 square feet at a self-storage facility	
Office Use		
1 space	300 square feet of gross floor area in any medical or dental office or clinic	
1 space	250 square feet in any administrative or professional business office, bank, library, museum, or art gallery	

Continued on next page

Non-Residential Off-Street Parking Space Req. (cont.)

Total off-street spaces required for each lot shall be calculated by *adding* the applicable requirements.

The following number of parking spaces is required…	..for every…	Spaces Required
Public / Institutional Use		
1 space	6 children, permitted by capacity, in any day care facility	
2 spaces	classroom in an elementary or middle school, or high school with a gym or auditorium (see also the gymnasium requirement for additional spaces)	
1 space	4 students for which a high school without an auditorium or gym is designed	
1 space	20 students for which a high school with an auditorium or gym is designed (see also the gymnasium requirement for additional spaces)	
1 space	4 students for which a community college, business, vocational, trade, or other commuter-based school is designed	
1 space	2 on-campus residents of a resident-student based college or university	
1 space	4 patient beds at a hospital or nursing home	
1 space	for every 5 hangar or tie-down spaces at an airport or heliport	
1 space	300 square feet of area in enclosed structures at a fairground	
1 space	10 inmates for which a penal or correctional institution is designed	
Recreation / Assembly Use		
1 space	3 seats in a restaurant, auditorium, gymnasium, stadium, grand stand, funeral home, church (or other place of worship), or movie theater	
1 space	200 square feet of gross floor area in any fitness center, dance academy, health spa, private lodge or club, or entertainment center	
20 spaces	9 holes at any golf course	
1 space	100 square feet of recreational area at a swimming pool, skating rink, or public lake	
20 spaces	field or court at a sports or recreation facility	
5 spaces	lane at a bowling alley	
1 space	1/2 acre of area included in a nature area	

7.10 Parking Standards (cont.)

Non-Residential Parking Standards

b. All required parking spaces for the disabled shall be those that are the closest to the main entrance of the primary structure.
c. Parking spaces for the disabled shall count toward the total number of spaces required by this Ordinance.

B. **Access/Location Requirements:** All parking spaces shall be accessed and located consistent with the following standards:
1. Access to Public Streets: Parking areas must be designed to prevent vehicles from having to back into, or maneuver in public streets (access to alleys shall be exempt from this requirement).
2. Maneuvering Space: All parking spaces shall be provided with adequate maneuvering space into which vehicles can back for the purpose of exiting the parking space.
3. Parking Location: For all non-industrial parking lots exceeding 50 parking spaces, the placement of more than 40% of the required parking spaces in the front yard shall be prohibited. The remaining parking spaces shall be provided in rear and side yards. Properties on which the parking lot is the primary use shall be exempt from this requirement.

C. **Off-Site and Shared Parking Requirements:** Parking spaces may either be located on the lot with the use(s) for which they are required, or on another lot that is within 500 feet of the lot occupied by the use(s) for which they are required.
1. Off-Site Parking: Two or more uses may provide off-site parking collectively on one lot, however the total number of spaces shall not be less than the sum of the spaces required for each use (example: a group of business, industries, and/or apartments located on upper-floors over businesses may provide a common parking area).
2. Shared Parking: Two or more uses for which the normal hours of operation do not substantially overlap may share parking either on or off-site (example: a church may share its parking lot with a business, or with apartments located on upper-floors of adjacent businesses).
3. Approval Requirements: All off-site and shared parking space arrangements are subject to the approval of the Planning Director. Approvals shall be based on the determination that the use of off-site and/or shared parking will not provide hardships for pedestrians, will not result in potentiality hazardous traffic conditions, and will provide an adequate number of parking spaces for the uses involved. The parking needs of possible future uses of the property shall also be considered by the Planning Director.

4. Required Documentation: A permanent documentation of any off-site and/or shared parking agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed and approved by the Planning Director and the City Attorney. A copy of the agreement shall be retained for the files of the Plan Commission.

D. **Bicycle Parking:** All non-residential uses shall provide one bicycle parking space for every 30 vehicle parking spaces required by this Ordinance, with a minimum of 2 bicycle spaces. Each bicycle space shall provide adequate facilities for securing the parked bicycle.

Intent:

The purpose of these loading requirements is to provide minimum standards for the loading and unloading of materials at commercial, industrial, and institutional facilities. These requirements are intended to prevent loading and unloading from occurring on a public street or in other locations that would present a danger to persons or property.

7.11 Loading Standards

General Loading Standards

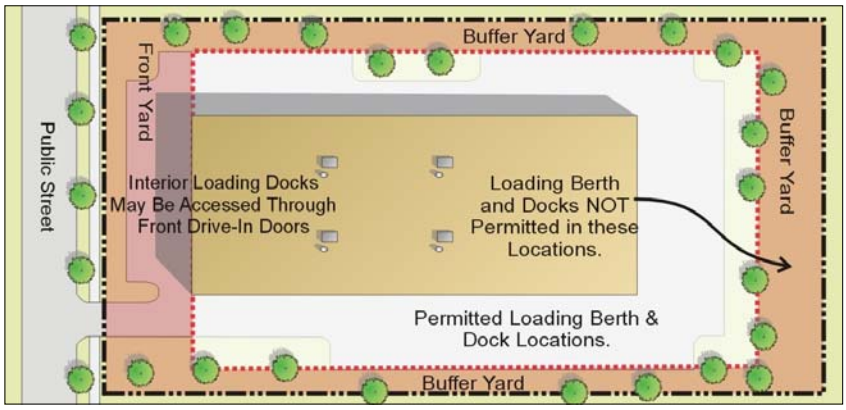
MIXED-USE MX
INSTITUTIONAL IN
INDUSTRIAL I

These General Loading Standards apply to Mixed-Use, Institutional, and Industrial zoning districts:

A. **Loading Berths Required:** Adequate off-street loading berths and areas shall be provided for any building or structure which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles. Off-street loading berths may be provided either within or outside of structures on the property.

B. **Location:** All required off-street loading berths shall be located on the same lot as the use to be served. They shall be designed so that no portion of a loading/unloading vehicle projects into a street, alley, or other public right-of-way. Shared truck courts between adjacent properties shall be permitted.
   1. All exterior loading berths for commercial and institutional uses shall be oriented to face the side or rear yards of the lot on which they are located.
   2. No loading space may be located in any front yard or any required buffer yard.

Loading Dock Graphic



C. **Design and Construction:** All off-street loading berths shall be meet the following design and construction requirements:
   1. Size Requirements: All interior and exterior off-street loading berths for over-the-road tractor-trailers shall be a minimum of 13 feet in width and 140 feet in length including the apron. For local pick-up and delivery trucks, off-street loading berths shall be at least 12 feet in width and 60 feet in length including the apron.
   2. Vertical Clearance: All loading spaces shall be provided with a vertical clearance of not less than 15 feet.
   3. Driving Aisle Requirements: All loading berths shall be accessed by a driving aisle that is a minimum of 24 feet in width for 2-way traffic or 13 feet in width for 1-way traffic at all points between the accessed public street and the loading berth.
   4. Surfacing Requirements: All off-street loading berths shall be paved with concrete or other appropriate material meeting the durability requirements of the City Engineer.

D. **Access:** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner that will not interfere with traffic movements. There shall be no maneuvering within any street right-of-way. In no case shall a loading berth be located in such a manner as to require loading/ unloading vehicles to back into a public right-of-way or overhang adjacent property.

E. **Space Allowed:** Space provided for use as any off-street loading berth shall not be used to satisfy any off-street parking space requirements of Chapter 7.10.

Intent:

The purpose of these entrance and drive standards is to provide for a safe and efficient vehicular and pedestrian transportation system by establishing minimum standards for site entrances, driveways, and interior drives.

7.12 Entrance/Drive Standards

AGRICULTURAL (A)
SINGLE-FAMILY RESIDENTIAL (R)
MULTI-FAMILY RESIDENTIAL (RM)
MIXED-USE (MX)
INSTITUTIONAL (IN)
INDUSTRIAL (I)

See Also:

Chapter 16, Landscaping Standards

General Entrance/Drive Standards

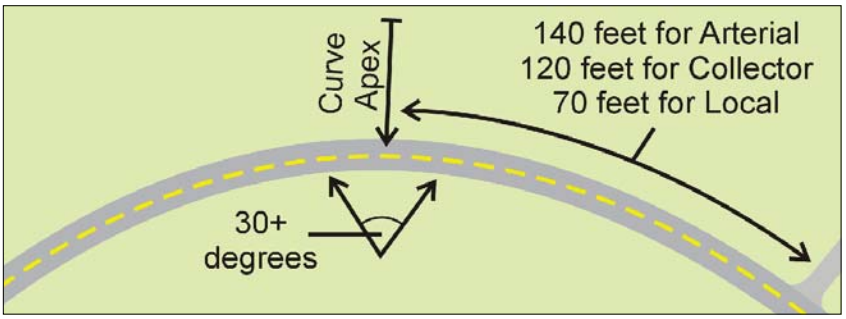
These General Entrance/Drive Standards apply to all zoning districts:

A. **General Requirements:** All entrances and interior drives shall meet the following general requirements:
   1. Driving Surfaces: All entrances and interior drives shall be paved. All farm and farm dwellings in any zoning district and all dwellings in the A, Agricultural and RR, Residential: Rural zoning districts shall be exempt from this requirement and may use crushed stone driving surfaces.
   2. Drainage: Entrances and interior drives must be constructed to allow proper drainage, which shall be subject to the review and approval of the City Engineer.
   3. Vehicle Storage and Parking: No vehicles shall be parked or stored in any entrance or interior drive other than in designated parking spaces meeting the requirements of Chapter 7.10. In no instance shall this be interpreted as prohibiting the parking of vehicles in residential driveways.

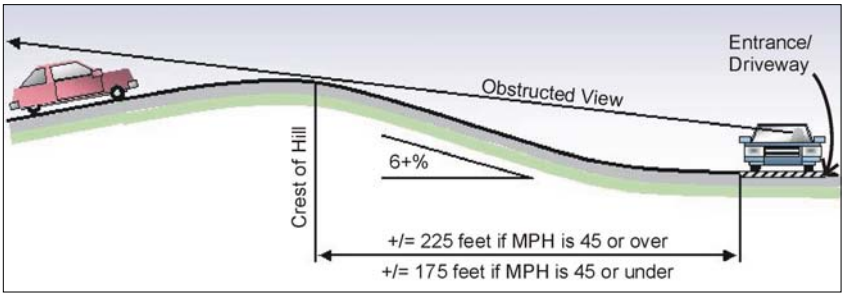
B. **Location Requirements:** All entrances and interior drives shall conform with the following location standards:
   1. Rights-of-way: No driveway or interior drive shall be fully or partially located in a public right-of-way. With the exception of the entrance, all driveways and interior drives shall be separated from the right-of-way of all streets by a landscape area being a minimum of 10 feet in width and meeting the requirements of Chapter 7.16 Landscaping Standards.
   2. Septic Fields & Buffer Yards: No driveway or interior drive shall be fully or partially located in a septic field or required buffer yard.

3. Curves: The location of an entrance on or near curves shall be investigated individually by the City Engineer and evaluated based on available sight distance and the design speed of the roadway or the posted speed limit (whichever is greater). The City Engineer may establish specific requirements in addition to the following general standards. No entrance should generally be permitted within:
   a. 140 feet of the apex of a curve (30 degrees or greater) where the street is an Arterial,
   b. 120 feet of the apex of a curve (30 degrees or greater) where the street is a Collector, or
   c. 70 feet of the apex of a curve (30 degrees or greater) where the street is a Local.
4. Grade Changes: The location of an entrance on or near grade changes shall be investigated individually by the City Engineer and evaluated based on available sight distance and the design speed of the roadway or the posted speed limit (whichever is greater). The City Engineer may establish specific requirements in addition to the following general standards. Entrances and driveways should be permitted within 30 feet of the crest of a hill unless the City Engineer determines the visibility to be impaired. However, no entrance or driveway should generally be permitted:
   a. Within a minimum of 225 feet from the crest of a hill where the slope on either side of the crest is 6% or greater, and the speed limit is 45 MPH or greater;

Curve Graphic



Grade Change Graphic



7.12 Entrance/Drive Standards

General Entrance/Drive Standards

b. Within a minimum of 175 feet from the crest of a hill where the slope on either side of the crest is 6% or greater, and the speed limit is 45 MPH or less; or

c. Where the visibility to or from the desired location is determined to be otherwise impaired in the judgement of the City Engineer.

5. Separation Requirements: No entrance from a public street to a property used for purposes other than agriculture, single-family residential, or two-family residential shall be permitted within the distances specified in the Entrance Separation Requirements table. These distances may be increased to address traffic safety at the discretion of the City Engineer.

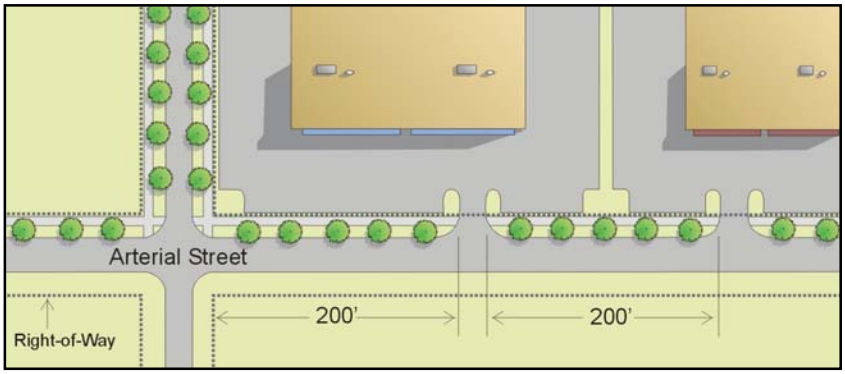
   a. *Measurement Standard:* The distances shall be determined by measuring from the right-of-way line of any road and the curb or edge of pavement (if no curbs are present) of any entrances.

   b. *Aligned Entrances:* This shall not be interpreted as prohibiting an entrance that will directly align with a street or another entrance on the opposite side of the street.

Entrance Separation Requirements

Type of Street to be Accessed	Minimum Distance from a Street Intersection	Minimum Distance from another Access Point
Arterial Street	200 feet	200 feet
Collector Street	175 feet	150 feet
Local Street	150 feet	100 feet

Entrance Separation Graphic



C. **Design Requirements:** All driveways and interior drives shall conform to the following design requirements:

1. Entrance Widths: No entrance shall exceed the following pavement widths at the point which they intersect the public right-of-way. The distances for these standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance or drive at the public right-of-way which it accesses, and shall not include any acceleration or deceleration lanes or turning radii:
   a. 14 feet per lane (exclusive of any medians) if from a non-residential or multi-family residential use onto any type of street, and
   b. 22 feet total if from a single-family or two-family use onto any type of street.
2. Interior Drive Widths: The minimum pavement widths for driveways and interior drives shall meet the following requirements, exclusive of any parking spaces:
   a. For single and two-family residential uses the minimum driveway width shall be 11 feet.
   b. For all multi-family and non-residential uses the following interior drive minimums shall be required:
      i. 13 if 1 way traffic and no parking or 45 degree parking,
      ii. 18 feet if 1 way traffic and 60 degree parking,
      iii. 22 feet if 1-way traffic and 90 degree parking,
      iv. 24 feet if 2 way traffic or accessing a loading berth.
3. Travel Direction: The direction of travel for vehicles using entrances shall be as follows:
   a. All entrances providing access to a public right-of-way from all lots used for purposes other than single or two-family residences shall be designed so that vehicles are traveling in a forward direction when entering and leaving.
   b. In no case may any entrance for any use be designed to require a vehicle to back onto any Arterial street.
4. Shared Entrances and Drives: Shared entrances and drives are encouraged for all uses in all zoning districts, specifically for any multi-family residential or non-residential uses accessing a Major Collector or Arterial street.
   a. *Access Easements:* All shared entrances and drives shall be included in appropriate access easements.

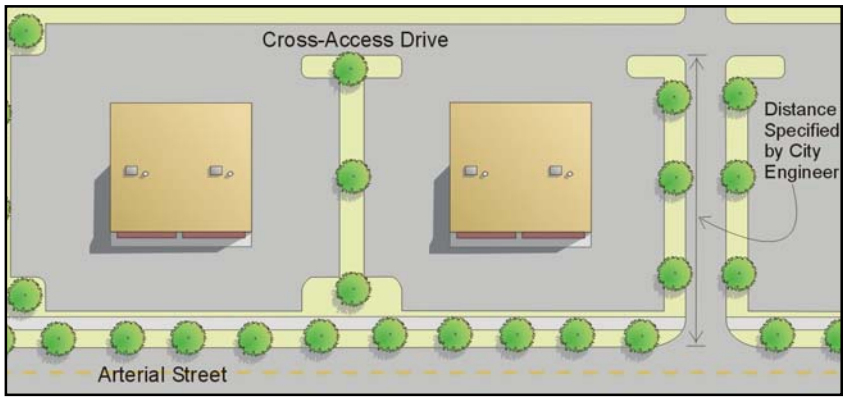
7.12 Entrance/Drive Standards

General Entrance/Drive Standards

b. *Required Documentation:* A permanent documentation of any shared entrance and drive agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed and approved by the Planning Director and the City Attorney. A copy of the agreement shall be retained for the files of the Plan Commission

5. Curbs: All entrances and interior drives for property used for purposes other than agriculture, single-family residential, or two-family residential shall generally be completely curbed. Curbing shall not be required if, in the opinion of the City Engineer, the drainage system for the property shall be best served if curbs were not present.
6. Commercial Area Internal Linkages: All uses located in a Mixed-Use (MX) zoning district shall provide interior drives that allow access between existing and proposed commercial uses on adjacent properties.
   a. *Cross-Access Required:* The drives must be designed as a single two-way drive or a pair of one-way drives that provide access each direction between the parking lots and interior drives of all adjoining commercial uses.
   b. *Separation:* Interior drives providing cross-access between adjacent parcels that serve to create a frontage drive parallel to the public street from which access to the properties is provided shall be separated from the right-of-way of any such street by a minimum distance specified by the City Engineer (based on the vehicle stacking requirements of the entrance(s) to the property from the public street).

Cross-Access Graphic



Intent:

The purpose of these sight visibility standards is to contribute to a safe vehicular and pedestrian transportation system by ensuring clear visibilities at street intersections and the vehicle entrances to properties.

7.13 Sight Visibility Standards

General Sight Visibility Standards

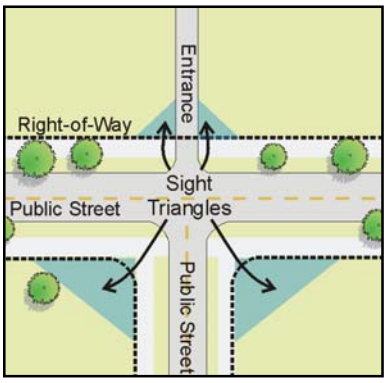
These General Sight Visibility Standards apply to all zoning districts:

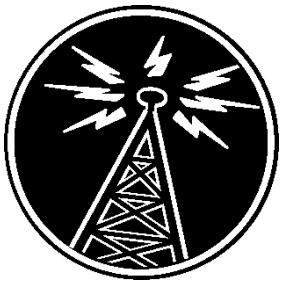
A. **Sight Visibility Triangle Required:** All properties shall maintain an area (the "sight visibility triangle") at every intersection of an adjoining street with other streets and entrance drives. The sight visibility triangle shall be free of structures, vegetation, signs (other than street signs), and other opaque or partially opaque objects between a height of 2 1/2 and 12 feet measured from the nearest top-of-curb (or edge of pavement where curbs are not present).

B. **Sight Visibility Triangle Dimensions:** The Sight Visibility Triangle shall be established by connecting points located along the intersecting rights-of-way (or edge of pavement in the case of entrances) at the distances from the point of intersection required by the Sight Visibility Requirements table.

Sight Visibility Requirements

Intersecting Street Type	Distance from Intersection
Arterial	35 ft.
Collector	30 ft.
Local	25 ft.
Private Entrance	10 ft.





Intent:

The purpose of these telecommunication facility standards is to provide for adequate, reliable public and private telecommunications service while maximizing the use of transmission towers and tower sites. These requirements also seek to minimize the adverse, undesirable visual impact of towers through minimizing needed towers and tower sites, careful design and siting, and screening.

7.14 Telecommunication Facility Standards

General Telecommunication Facility Standards

AGRICULTURAL (A)
MIXED-USE (MX)
INSTITUTIONAL (IN)
INDUSTRIAL (I)

These General Telecommunication Facility Standards apply to the Agricultural, Mixed-Use, Institutional, and Industrial zoning districts:

A. **Required Approvals:** The placement of telecommunications facilities shall meet the following approval requirements:
   1. Installation of New Antenna: The installation of new antenna(s) on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the Planning Director subject to conformance with all applicable requirements of this Ordinance. New antenna that will add any height to an existing tower, or extend over 10 feet above the highest point of any alternative structure shall be subject to the provisions of this Chapter for the installation of new towers as described by Section 7.14(Part 1)(A)(3) below.
   2. Installation of New Accessory Structures: The installation of new accessory structure(s), such as equipment buildings, to support the installation of antenna on existing towers or alternative structures may be approved by the Planning Director subject to conformance with the applicable requirements of this Ordinance.
   3. Installation of New Tower: The installation of any new tower(s) shall be reviewed either by the Planning Director in the case of a permitted use or by the Board of Zoning Appeals as a special exception use consistent with the provisions of this Chapter and Article 3, Zoning Districts.

B. **Removal:** Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at their expense. Regardless of the tower ownership, the property owner shall be responsible for removal.

C. **Required Documentation:** In addition to the requirements provided elsewhere in this Ordinance for the receipt of a special exception approval and an Improvement Location Permit, applications for new towers shall include the following:

1. Engineer's Report: A report from a professional engineer licensed in the State of Indiana that:
   a. describes the tower height and design including a cross-section, latitude, longitude, and elevation;
   b. documents the height above grade for all potential mounting positions for co-located antenna and the minimum separation distance between antenna;
   c. describes the tower's capacity, including the type and number of antenna it can accommodate;
   d. documents what steps the tower owner will take to avoid interference with established public safety telecommunication facilities; and
   e. includes an engineer's stamp and registration number.
2. Letter of Intent: A letter of intent committing the tower owner, property owner, and their successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
3. Proof of Compliance: Proof of compliance with all applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and Indiana Department of Transportation (INDOT) regulations, provided by those agencies.
4. Removal Affidavit: A letter committing the property owner and their successors to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of 1 year).
5. Determination of New Tower Need: Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Indiana that the antennas planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a 2 mile radius of the proposed tower location due to one or more of the following reasons:
   a. *Inadequate Structural Capacity:* The antennas would exceed the structural capacity of the existing or approved tower or other structure, and the existing or approved tower, building or other structure cannot be reinforced, modified, or replaced to accommodate the antennas at a reasonable cost.
   b. *Interference:* The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site and the interference cannot be prevented at a reasonable cost.

c. *Inadequate Height:* The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably.

d. *Unforeseen Circumstances:* Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunications equipment upon an existing or approved tower or structure.

e. *Commonly Reasonable Lease Agreement:* The proposed tower owner is unable to enter a commonly reasonable lease term with the existing tower owner or land owner.

f. *Land Availability:* Additional land area is not available (when necessary).

D. **Design Requirements:** All telecommunications facilities shall meet the following design requirements:

1. Contextual Design: Towers and antennas should generally be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by Federal or state authorities such as the Federal Aviation Administration.
   a. Wireless telecommunication towers should generally be of a monopole design and, when located within or adjacent to an environmentally or aesthetically sensitive area, or a residential district, be designed to architecturally camouflage the wireless telecommunication tower as much as reasonably practical to blend into the surroundings.
   b. The use of residentially compatible materials such as wood, brick, or stone is required for associated accessory structures, which shall be designed to architecturally match the exterior of any adjacent residential or commercial structures within the neighborhood or area.
2. Lighting: Only when lighting is for safety or security reasons or required by the FAA or other Federal or state authority will it be permitted. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded downlighting).
3. Co-location: All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.
   a. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
   b. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.

4. Tower Height: All towers and antenna shall conform with all FAA tall structure requirements. Tower height shall be expressed as, and measured from, ground level in all instances.
   a. In the Mixed-Use (MX) zoning districts and Institutional zoning districts the maximum height of the tower shall be 150 feet. The maximum height of any accessory structure shall be 15 feet
   b. In the Industrial (I) and Agriculture zoning districts the maximum height of the tower shall be 200 feet. The maximum height of any accessory structure shall be 15 feet
5. Interference with Public Safety Facilities: No new telecommunications facility shall result in any interference with public safety telecommunications.
6. Signs: Signs for all telecommunications facilities shall be limited to 2 square feet per user.

E. **Site Requirements:** All telecommunications facilities shall meet the following site requirements:
   1. Residential Areas: No tower shall be placed closer than 500 feet to any property included in a residential zoning district.
   2. On-Site Staff: All telecommunications facilities shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.
   3. Vehicular Access: Vehicular access to the tower and equipment building shall, whenever feasible, be provided along existing driveways. Vehicle access drives shall be gravel in the Residential, Rural (RR) and Agriculture (A) zoning districts, and paved in all other zoning districts. Any portion of the entrance located in a public right-of-way shall meet the applicable public street design, construction, and pavement requirements.
   4. Site Area: The lot where the tower is located (or lease area) shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities. At a minimum, the width and depth of the tower site shall be a distance equal to 1/2 the tower height.
   5. Setback: The minimum front, side, and rear yard setback for all towers shall be 50 feet from all property lines. No part of a wireless telecommunications facility, including the security fence, any required guide wires or bracing, and required landscape screening shall be permitted in any required front yard setback. Landscape screening in addition to the requirements of this Chapter may be provided in the setback area.

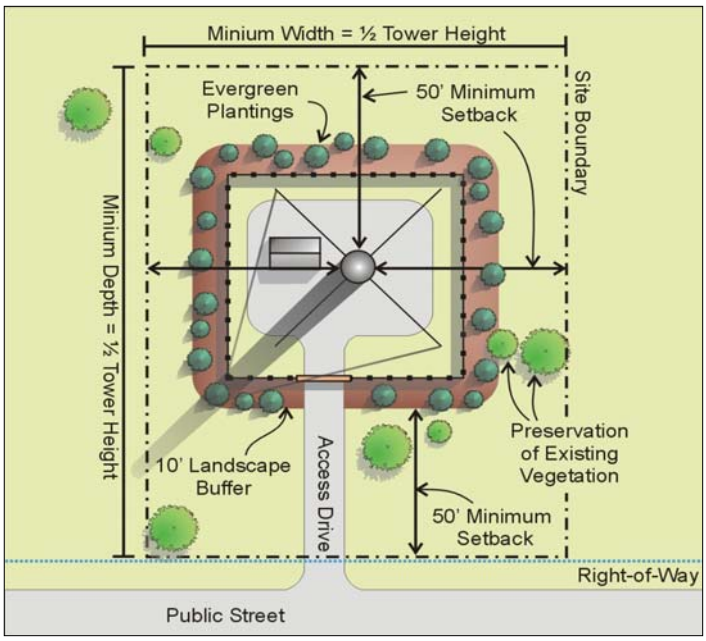
7.14 Telecomm. Facility Standards (cont.)

General Telecommunication Facility Standards

6. Encroachment: No part of any wireless telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, street, highway, sidewalk, or property line.
7. Fencing: An 8 foot high security fence shall completely surround the tower and accessory equipment building site.
   a. An area 10 feet in width shall remain outside of the fence for the purpose of providing the landscape screening described in Section 6.14(D)(8).
   b. In the Mixed-Use (MX) and Institutional zoning districts the required security fence enclosing the facility shall be 100% opaque and of wood, brick, or stone construction. Opaque, 8 foot tall wooden gates shall be provided to access the facility.
8. Landscape Screening: Evergreen buffer plantings shall be located around the outermost perimeter of the security fence of all wireless telecommunications facilities, including any wires and anchors.
   a. If evergreen hedges are used they shall be a minimum of 2 feet tall at the time of planting (measured from ground level) and shall be planted a maximum of 3 feet on center.
   b. If evergreen trees are used they shall be a minimum of 5 feet tall at the time of planting (measured from the top of the rootball), and shall be planted a maximum of 10 feet on center.
   c. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

Site Design Requirements Example

Note: *All telecommunications facilities shall be considered accessory uses for the purposes of this Ordinance.*



F. **Construction Requirements:** All antennas, towers and accessory structures shall comply with the following construction requirements:
   1. General State/Federal Requirements: All facilities shall meet the applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission.
   2. Wind Loading/Building Code Requirements: All facilities shall meet the structural standards and wind loading requirements of the applicable building code.
   3. Electrical Requirements: All facilities shall meet the accepted electrical engineering methods and practices and comply with the provisions of the National Electrical Code.
   4. OSHA Requirements: All facilities shall meet the requirements of Occupational Safety and Health Administration.
   5. Engineer's Certification: An engineer's certification shall be submitted to document and verify the design specifications including but not limited to, the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces; ice, wind, earth movements, etc.
   6. FAA Requirements: All facilities shall conform with all lighting and marking requirements of the Federal Aviation Administration.

G. **Existing Facilities:** The following shall apply to existing antennas and towers:
   1. Replacement of Existing Towers: Existing legal non-conforming towers may continue in use for their current purpose but may not be replaced unless either the replacement tower is an exact match to the height, setback, and other features of the removed tower, or the replacement tower complies in all respects to the requirements in this Ordinance. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location and physical dimensions upon obtaining an Improvement Location Permit.
   2. Expansion of Existing Facilities: Any expansion resulting from a specific co-location shall be exempt from the provisions of Chapter 7.1(B) of this Article that requires conformance with this Ordinance is the case of substantial expansions.
   3. Installation of Additional Antennas: Any request submitted to the Franklin Plan Commission to install an antenna to be located on an existing approved or "grandfathered" tower will only require an Improvement Location Permit and a copy of the contract between the applicant company and the owner of the tower. If the antenna will add height to an existing tower or exceed the height of any alternative structure by more than 10 feet it shall be considered a new tower for the purposes of this Chapter.

Intent:

The purpose of these fence, hedge, and wall standards is to provide minimum requirements in order to provide adequate light, air circulation, and privacy; and to protect the public welfare by preventing visual obstructions along public ways.

7.15 Fence, Hedge, & Wall Standards

AGRICULTURAL (A)
SINGLE-FAMILY RESIDENTIAL (R)
MULTI-FAMILY RESIDENTIAL (RM)
MIXED-USE (MX)
INSTITUTIONAL (IN)
INDUSTRIAL (I)

General Fence, Hedge, and Wall Standards

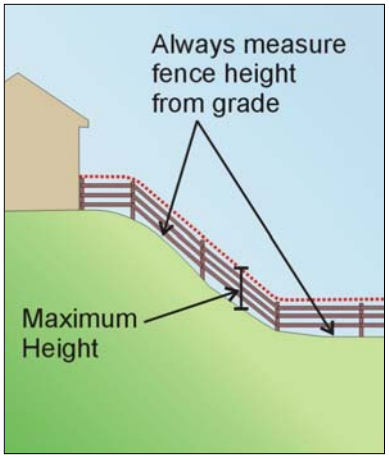
Part 1: These general Fence, Hedge, & Wall Standards apply to all zoning districts:

A. **General Requirements:** Fences, hedges, and walls shall be permitted in all zoning districts without a permit subject to conformance with the following requirements:
   1. Structural Face: All fences and walls shall present the non-structural face outward.
   2. Drainage: No fence, hedge, or wall shall disrupt the flow of water in any drainage easement, or otherwise result in impediments for storm-water run-off. Any fence, hedge, or wall located in an easement may be removed by the easement holder when accessing the easement.
   2. Setbacks: All fences, hedges, and walls may be permitted up to any property line. No fence, hedge, or wall may be placed in any right-of-way or required sight visibility triangle (see Chapter 7.13 Sight Visibility Standards).
   3. Buffer Yards: No fence or wall may be placed in any required buffer yard that does not specifically provide for the inclusion of fences.

B. **Height Exceptions:** Fences specifically required by this Ordinance for screening, telecommunications facilities, or other purposes may exceed the maximum heights established by this Chapter consistent with the appropriate specific requirements of this Ordinance.

C. **Height Measurement:** The height of a fence shall be determined by measuring from the grade to the highest point of the fence, excluding fence posts. Fence posts may exceed the maximum height of the fence by up to 1 foot.

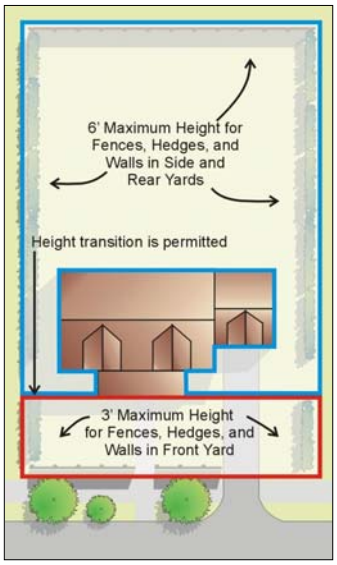
Fence Height Measurement Example

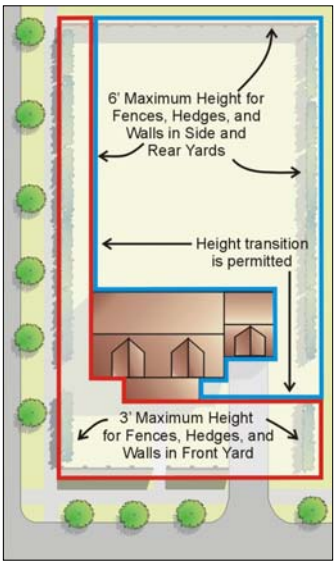


Part 2: These Residential Fence, Hedge, & Wall Standards apply to the Agricultural, Single-Family Residential, and Multi-Family Residential zoning districts:

A. **Height Requirements:** Fences, hedges, and walls shall not exceed 6 feet in height in any side or rear yard or 3 feet in height in any front yard. For the purposes of this requirement, the front yard shall be defined as the area located between an adjacent street and the wall of the primary structure that faces it.

B. **Prohibited Fences:** All electrified, barbed wire, razor wire, and stockade fences are prohibited on all non-farm property. In no instance shall this be interpreted as prohibiting the use of invisible fences.





Part 3: These Non-residential Fence, Hedge, & Wall Standards apply to the Mixed-Use, Institutional, and Industrial zoning districts as follows:

A. **Height Requirements:** Fences, hedges, and walls shall not exceed 8 feet in height and shall be prohibited in any required front yard setback.

B. **Prohibited Fences:** All electrified, barbed wire, razor wire, and stockade fences are prohibited on all non-farm property. Industrial uses and penal and correctional facilities shall also be exempt from this standard.

Front Yard Fence Height Example

Intent:

The purpose of these landscaping standards is to reflect the essential role that landscape materials play in the development of every property. These minimum requirements for plantings are intended to benefit the public welfare through improved aesthetics and the reduction of storm water run-off, glare, and heat buildup.

7.16 Landscaping Standards

General Landscaping Standards

MULTI-FAMILY RESIDENTIAL (RM)
MIXED-USE (MX)
INSTITUTIONAL (IN)
INDUSTRIAL (I)

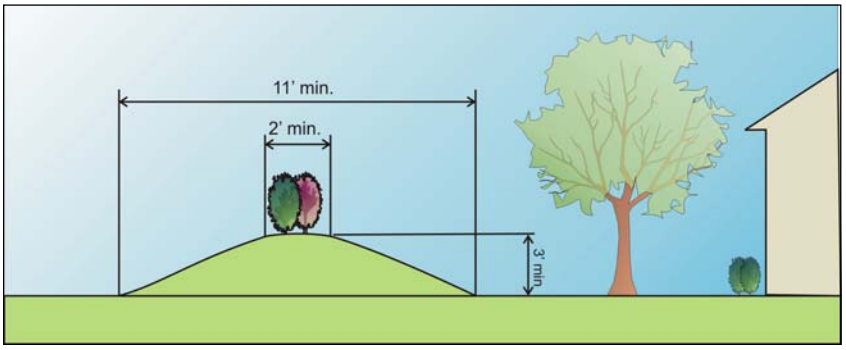
These general Landscaping Standards apply to the Multi-Family Residential, Mixed-Use, Institutional, and Industrial zoning districts as follows:

A. **Planting Standards:** Under no circumstances shall any artificial plant be installed and/or counted as part of the required plantings. All plant materials shall be living and shall meet the following requirements:
   1. Applicable Requirements: In no instance shall any landscaping required by this Chapter, or by any other Chapter of this Ordinance be used to meet the requirements of a different Ordinance Chapter. In all cases the landscaping required by any Chapter of this Ordinance shall be considered as being in addition to any other requirements.
   2. General Requirements: All plant materials required by this Chapter shall be free of disease, insects and/or damage.
   3. Measurement Standards: All new trees required to be planted by this Ordinance shall be measured as follows:
      a. All broad leaf / deciduous trees shall be 2-1/2 inches in diameter at the time of planting, measured at 6 inches above the rootball.
      b. All evergreen conifers shall be 5 feet in height at the time of planting, measured from the top of the rootball.
      c. All shrubs shall be 18 inches in height at the time of planting, measured from ground level.
   4. Earth Mounds: Earth mounds and berms shall be physical barriers that block or screen the view similar to a hedge, fence or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement. Where mounds are to be mowed, the maximum permitted slope is 3:1 (run:rise).

5. Qualifying Plant Material: Plant material meeting the landscaping requirements of this Ordinance shall be as follows: Unlisted plant materials shall not be prohibited, unless specified, but shall not count as meeting the requirements of this Ordinance.
   a. *Broad Leaf / Deciduous Trees:* Broad leaf, deciduous trees shall qualify as meeting the requirements of this Ordinance if listed in the Qualifying Broad Leaf, Deciduous Tree table beginning on page 7-61.
   b. *Evergreen Conifers:* Evergreen trees species commonly planted in Central Indiana shall be permitted.
   c. *Shrubs:* Shrub species commonly planted in Central Indiana shall be permitted.
   d. *Grass:* Grass shall be planted in species normally grown as permanent lawns in Central Indiana. In swales or other areas subject to erosion solid sod, erosion reducing net, or suitable mulch shall be used.
6. Non-Qualifying Plant Material: In no instance shall any tree listed on the Non-Qualifying Trees table on page 7-63 be used to meet any landscaping requirements of this Ordinance.
7. Existing Vegetation: Any existing vegetation that is retained, and that meets the species and location requirements of this Chapter, may be counted towards fulfilling the minimum landscaping requirements, subject to the approval of the Planning Director. No construction activity of any kind shall take place within the area defined by the drip-line of any vegetation that is to be retained and counted as fulfilling these requirements.

B. **Design Standards:** All proposed landscape materials should complement the form of the existing trees and plantings. Light, water, soil conditions, and on-going maintenance requirements should be considered in selecting plant materials.
   1. Vehicle Overhang: Parked vehicles may hang over the landscaped area up to 2-1/2 feet. In no instance shall this overhang be counted as part of the required parking space area.
   2. Groundcover: All areas not landscaped with hedges, walls, or trees shall be provided with grass or other ground cover.

Note: *Please refer to the Qualifying Broad Leaf / Deciduous Tree table on page 7-61, 62; and the Non-Qualifying Tree Table on page 7-63.*



Earth Mound Example

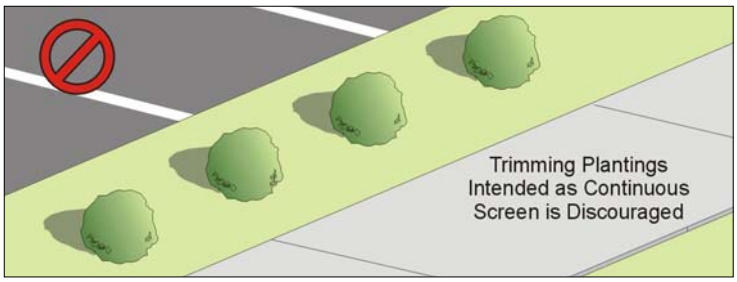
7.16 Landscaping Standards (cont.)

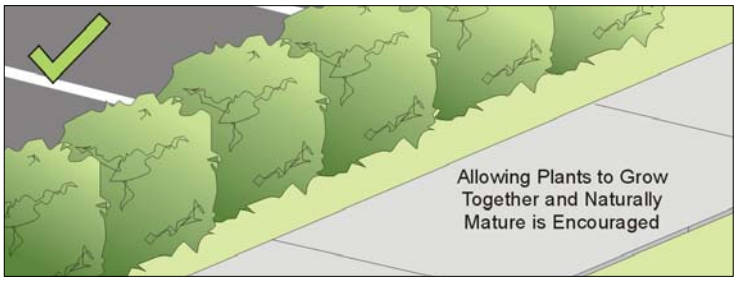
General Landscaping Standards

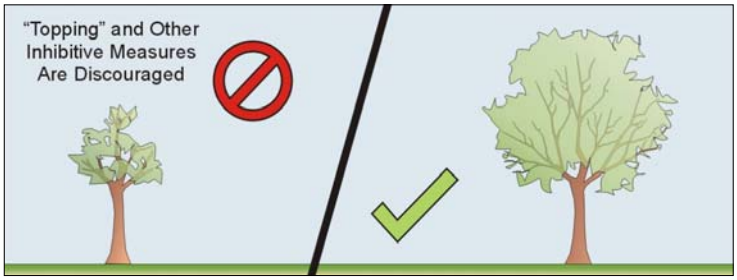
C. **Maintenance Requirements:** Trees, vegetation, irrigation systems, fences, walls and other landscape elements are considered elements of a project in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous proper maintenance of all landscaping materials, and shall keep them free from refuse and debris and in good repair at all times.

1. Replacing Landscaping Materials: All unhealthy or dead plant material shall be replaced by the end of the next planting season. Other required landscape material that becomes defective shall be replaced or repaired within 3 months of the occurrence of the defect.
2. Trimming Plant Material: Landscape materials are intended to grow, spread and mature over time. Landscaping materials used to fulfill requirements of this Chapter may not be pruned or otherwise treated so as to reduce overall height or level of opacity. Pruning, limbing-up, topping, and other inhibiting measures including removal may only be practiced to insure the public safety or to preserve the relative health of the material involved.

Plant Material Maintenance Example







D. **Property Interior Requirements:** Landscaping shall be required on each lot based on the use of that lot as defined in the Site Interior Planting Requirements table.
   1. Mixed-Use Properties: Where a lot is occupied by a combination of the land uses listed below, only plantings consistent with the requirements for the land use that would result in the most landscaping is required.
   2. Tree Locations: All required trees may be located in clusters or dispersed throughout the yard.
   3. Yard Calculation: For the purposes of this Section, the yard shall mean the percentage of the site required as open area dependent upon the property's zoning classification. Other landscape areas required by this Chapter and required Buffer Yards shall not be included in the calculation of yard area.

Site Interior Planting Requirements

For this land use type…	..1 broad leaf / deciduous tree and/or evergreen conifer shall be required for every…
Multiple Family Residential	1,000 square feet of yard area
Commercial	1,500 square feet of yard area
Institutional	2,500 square feet of yard area
Industrial	5,000 square feet of yard area

E. **Parking Lot Perimeter Requirements:** All parking lots, including parking spaces, interior drives, and loading/unloading areas, shall be separated from all Thoroughfare Plan recommended street rights-of-way by a landscaping area that is a minimum of 10 feet in width. Within all Multiple Family and Commercial Developments, the landscape area shall be planted with either of the following options or a combination of both:
   1. Trees & Shrubs: A minimum of 1 tree shall be provided for every 80 linear feet of landscaped area. The trees may be a combination of broad leaf / deciduous and evergreen conifers. In addition, a minimum of 1 shrub shall be provided for every one tree required; and/or...
   2. Landscape Berm: A landscaped berm that is a minimum of 3 feet in height shall be provided along the length of the landscaped area. A minimum of 1 shrub shall be provided for every 10 linear feet of berm.

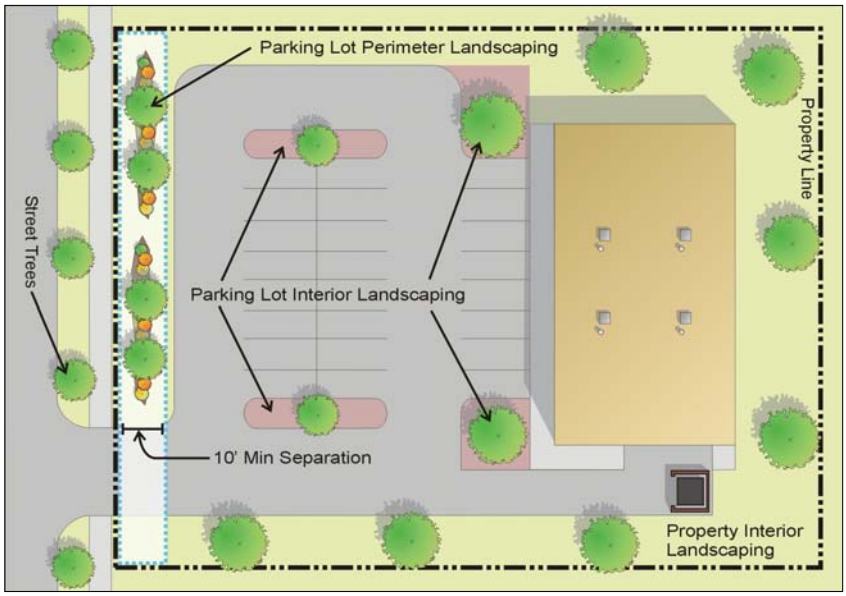
7.16 Landscaping Standards (cont.)

General Landscaping Standards

F. **Parking Lot Interior Requirements:** To help reduce excessive heat build-up and emissions from large areas of hard surfacing, landscape areas must be provided within parking lots.

1. Landscaped Areas Required: Landscape islands with a surface area equal to 5% of the area of the paved surface (including all parking spaces, interior drives, loading docks, drop-off/pick-up lanes, and access drives beyond the right-of-way) shall be provided in all parking lots.
2. Landscaped Area Standards: The required landscape areas shall meet the following requirements:
   a. All required landscaped areas shall consist of curbed islands or peninsulas that are surrounded on at least two sides by pavement. Landscaping on the perimeter of the parking lot shall not be counted toward meeting this requirement.
   b. All landscape islands must be a minimum of 300 square feet in area.
   c. A minimum of 1 broad leaf / deciduous tree shall be provided for every 300 square feet of landscaped area required.

Required Landscaping Example



Qualifying Broad Leaf / Deciduous Trees (page 1 of 2)

Common Name	Scientific Name	Native to North America?	Recommended Use(s)
Crabapple…..			
Snowdrift Crabapple	*Malus "Snowdrift"*	*Yes*	*Site Interior*
Zumi Crabapple	*Malus "Zumi"*	*Yes*	*Site Interior*
Golden Raintree	**Koelreuteria Paniculata**	**No**	**Site Interior**
Smoketree	**Cotinus Obovatus**	**Yes**	**Site Interior**
Rubber Tree	**Eucommia Ulmoides**	**No**	**General**
Hawthorne…..			
Lavelle Hawthorne	*Crataegus x Lavellei*	*No*	*Site Interior*
Washington Thorn	*Crataegus Phaenopyrum*	*Yes*	*Site Interior*
Cucumber Tree	**Magnolia Acuminata**	**Yes**	**General**
Maple…..			
Armstrong Red Maple	*Acer Rubrum "Autumn Flame"*	*Yes*	*General*
Hedge Maple	*Acer Campestre*	*No*	*Site Interior*
Paperbark Maple	*Acer Griseum*	*No*	*General*
Red Sunset Maple	*Acer Rubrum "Red Sunset"*	*Yes*	*General*
Striped Maple	*Acer Penslvanicum*	*Yes*	*General*
Sugar Maple	*Acer Sacchrum*	*Yes*	*General*
Tilford Red Maple	*Acer Rubrum "Tilford"*	*Yes*	*General*
Trident Maple	*Acer Buergerianum*	*No*	*General*
Pear…..			
Chanticleer Pear	*Pyrus Calleryana "Chanticleer"*	*No*	*Site Interior*
Fauruer Pear	*Pyrus Calleryana "Faurieri"*	*No*	*Site Interior*
Redbud…..			
Eastern Redbud	*Cercis Canadensis*	*Yes*	*Site Interior*
White Redbud	*Cercis Canadensis "Alba"*	*Yes*	*Site Interior*
Amur Cork Tree	**Phellodendran Amurense**	**No**	**Site Interior**
Hop Hornbeam	**Ostrya Virginiana**	**No**	**General**
Hornbean…..			
American Hornbeam	*Carpinus Caroliniana*	*No*	*General*
Upright European Hornbeam	*Carpinus Betulas "Fastigiata"*	*No*	*General*
Mountain Ash…..			
Densehead Mt. Ash	*Sorbus "Alnifolia"*	*No*	*General*
Whitebeam Mt. Ash	*Sorbus "Aria"*	*No*	*General*
European Mt. Ash	*Sorbus "Aucuparia"*	*No*	*General*
American Mt. Ash	*Sorbus "Americana"*	*Yes*	*General*
Sassafras Tree	**Sassafras Albidum**	**Yes**	**General**
Black Walnut	**Juglaus Nigra**	**Yes**	**Site Interior**
Shagbark Hickory	**Carya Ovata**	**Yes**	**General**
London Planetree	**Plantanus x Acerifolia**	**No**	**General**
Sycamore	**Plataus Occidentalis**	**Yes**	**General**
Sweet Gum…..			
Festival Sweet Gum	*Liquidambar Styraciflua "Festival"*	*Yes*	*General*
Moriane Sweet Gum	*Liquidambar Styraciflua "Moriane"*	*Yes*	*General*
Ginko (Male)…..			
Fairmount Ginko	*Ginko Biloba "Fairmount"*	*No*	*General*
Autumn Gold Gingo	*Ginko Biloba "Autumn Gold"*	*No*	*General*
Sentry Ginko	*Ginko Biloba "Sentry"*	*No*	*General*
Upright Ginko	*Ginko Biloba "Upright"*	*No*	*General*

Qualifying Broad Leaf / Deciduous Trees (page 2 of 2)

Common Name	Scientific Name	Native to North America?	Recommended Use(s)
Honeylocust…..			
Majestic Honeylocust	*Gleditzia Triacanthos Inermis "Majestic"*	*Yes*	*General*
Moriane Honeylocust	*Gleditzia Triacanthos Inermis "Moriane"*	*Yes*	*General*
Shademaster Honeylocust	*Gleditzia Triacanthos Inermis "Shademaster"*	*Yes*	*General*
Skyline Honeylocust	*Gleditzia Triacanthos Inermis "Skyline"*	*Yes*	*General*
Sunburst Honeylocust	*Gleditzia Triacanthos Inermis "Sunburst"*	*Yes*	*General*
Linden…..			
Greenspire Linden	*Tilia Cordata "Greenspire"*	*No*	*General*
Chancellor Linden	*Tilia Cordata "Chancellor"*	*No*	*General*
Swedish Upright Linden	*Tilia Cordata "Swedish Upright"*	*No*	*General*
Silver Linden	*Tilia Cordata "Tomentosa"*	*No*	*General*
Basswood	*Tilia Americana*	*Yes*	*General*
Oak…..			
Burr Oak	*Quercus Macrocarpa*	*Yes*	*General*
English Oak	*Quercus Robar*	*No*	*General*
Laurel Oak	*Quercus Hemisphaerica*	*Yes*	*General*
Pin Oak	*Quercus Palustris*	*Yes*	*General*
Post Oak	*Quercus Stellata*	*Yes*	*General*
Red Oak	*Quercus Borealis*	*Yes*	*General*
Scarlet Oak	*Quercus Coccinea*	*Yes*	*General*
Shingle Oak	*Quercus Inbricaria*	*Yes*	*General*
White Oak	*Quercus Alba*	*Yes*	*General*
Birch…..			
Paper Birch	*Betula Papyrifera*	*Yes*	*General*
River Birch	*Betula Nigra*	*Yes*	*Wet Area / Stream Sides*
Tulip Tree	**Liriodendron Tulipifera**	**Yes**	**General**
Elm…..			
Accolade Elm	*Ulmus Japonica x Wilsoniana "Morton"*	*No*	*General*
Frontier Elm	*Ulmus Carpinifolia x Parvifolia "Frontier"*	*No*	*General*
Homestead Elm	*Ulmus "Homestead" (complex hybrid)*	*No*	*General*
Common Alder	**Alnus Glutinosa**	**No**	**General**

Non-Qualifying Trees

Common Name	Scientific Name	Negative Feature(s)
American Elm*	*Ulmus americana**	Insects, Disease
Ash (Hesse European)	*Fraxinus Excelsior "Hessei"*	Disease
Ash (Marshall's Seedless)	*Fraxinus Excelsior "Marshall's Seedless"*	Disease
Ash (White)	*Fraxinus Americana*	Disease
Ash (Green)	*Fraxinus Americana*	Disease
Boxelder	*Acer negundo*	Aggressive, Shallow roots, Weak wood
Bradford Pear	*Pyrus calleryana* 'Bradford'	Weak branching, Low branches
Brazilian Pepper Tree	*Schinus terebinthifolius*	Invasive
Camphor Tree	*Cinnamomum camphora*	Invasive
Chinaberry Tree	*Melia azedarach*	Invasive
Cottonwood	*Populus deltoides*	Weak wood, Shallow roots, Seeds
European White Birch	*Betula pendula*	Insect prone, Invasive
Ginkgo (Female)	*Ginkgo biloba* - Female	Fruits
Lombardy Poplar	*Populus nigra* 'Italica'	Insects, Disease, Short-lived
Mimosa	*Albizia julibrissin*	Invasive
Mulberry	*Morus* species	Fruits, Shallow roots, Invasive
Norway Maple	*Acer platanoides*	Invasive
Princess Tree	*Paulownia tomentosa*	Invasive
Russian Olive	*Elaeagnus angustifolia*	Poor form, Disease prone, Invasive
Senegal Date Palm	*Phoenix reclinata*	Invasive
Siberian Elm	*Ulmus pumila*	Weak wood, Seeds
Silver Maple	*Acer saccharinum*	Aggressive, Shallow roots, Weak wood
Tallow Tree	*Triadica sebifera*	Invasive
Tree of Heaven	*Ailanthus altissima*	Seeds, Suckers, Weak wood, Invasive
White Lead Tree	*Leucaena leucocephala*	Invasive
White Poplar	*Populus alba*	Suckers, Shallow roots, Weak wood, Invasive
Willow	*Salix* species	Weak wood, Shallow roots

* Note that suitable disease resistant cultivars and hybrids exist as substitutes for this species

Intent:

The purpose of these buffering and screening standards is to lessen the potential conflicts between the possible uses in one zoning district and those use in adjacent districts through the use of setbacks and landscaping. The potential degree of conflict between the zoning districts determines the extent of the buffer required.

7.17 Buffering & Screening Standards

General Buffering & Screening Standards

AGRICULTURAL (A)
SINGLE-FAMILY RESIDENTIAL (R)
MULTI-FAMILY RESIDENTIAL (RM)
MIXED-USE (MX)
INSTITUTIONAL (IN)
INDUSTRIAL (I)

Note: *All Buffer Yard plant materials shall comply with Sections 7.16(A)(5) and (6). Please refer to the Qualifying Broad Leaf / Deciduous Tree table on page 7-61, 62; and the Non-Qualifying Tree Table on page 7-63.*

Part 1: These General Buffering Standards apply to all zoning districts.

A. **Buffer Yard Requirements:** The Buffer Yard Requirements table describes the type of buffer yard that shall be installed. The required buffer yards shall meet the following minimum standards:

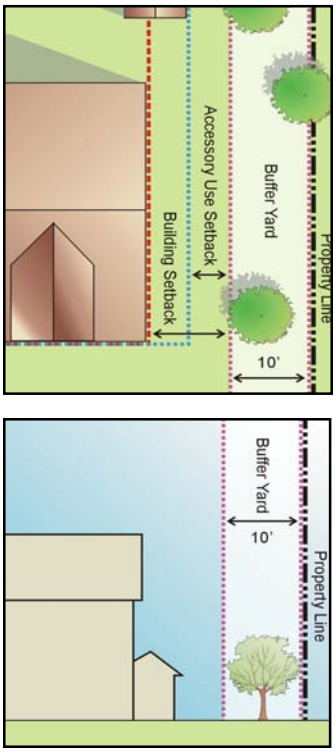
1. Buffer Yard Type 1: Buffer yard type 1 shall include a minimum setback of 10 feet in addition to the yard setback otherwise required by this Ordinance. In addition, 1 broad-leaf deciduous canopy tree must be planted in the buffer yard for every 30 feet of boundary between the subject and adjoining properties.
2. Buffer Yard Type 2: Buffer yard type 2 shall include a minimum setback of 20 feet in addition to the yard setback otherwise required by this Ordinance. In addition, one broad-leaf deciduous canopy tree or 2 evergreen conifers shall be planted in the buffer yard for every 25 feet of boundary between the properties.
3. Buffer Yard Type 3: Buffer yard type 3 shall include a minimum setback of 25 feet in addition to the yard setback otherwise required by this Ordinance. In addition, a row of broad-leaf deciduous canopy trees shall be planted parallel to the property line within the buffer yard with 1 tree placed every 20 feet along the boundary between the subject and adjoining properties. Also, a 6 foot tall opaque wooden fence or brick / stone wall, a 5 foot tall undulating mound planted with shrubs, or a row of evergreen conifers shall be provided.
   a. If an undulating mound is used the slope shall be a maximum of 3:1 (rise:run), one shrub for every 10 feet of continuous boundary shall be planted on the mound. All required shrubs shall be 18 inches tall, measured from grade, at planting.
   b. If a row of evergreen trees is used, one tree shall be placed every 10 feet along the property boundary. All evergreen trees shall be 5 feet in height, measured from the top of the rootball, at the time of planting.

Buffer Yard Requirements

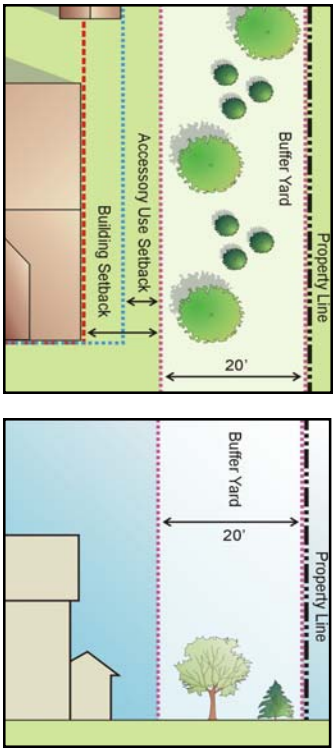
The Buffer Yard type indicated on the table below shall be provided on the subject property when...

..the zoning for the subject property is...	..and adjoining property is zoned:															
	A	RR	RSN	RS-1,2,3	RTN	RT-1,2,3	RM	RMH	MXD	MXN	MXC	MXR	IN	IBD	IL	IG
A			1	1	1	1	1	1			1	1	1			
RR				1	1	1	2	2		2	2	2	2	3	3	3
RSN	1			1		1	2	2		2	2	2	2	3	3	3
RS-1, 2, 3	1	1	1		1	1	2	2		2	2	2	2	3	3	3
RTN	1	1	1	1			1	2		1	2	2	1	3	3	3
RT-1, 2, 3	1	1	1	1	1		1	2		1	2	2	1	3	3	3
RM	1	2	2	2	1	1		2			1	1		3	3	3
RMH	1	2	2	2	2	2	2			2	2	2	2	3	3	3
MXD														2	2	2
MXN		2	2	2	1	1		2						2	2	2
MXC	1	2	2	2	2	2	1	2						2	2	2
MXR	1	2	2	2	2	2	1	2						2	2	2
IN	1	2	2	2	1	1		2						2	2	2
IBD		3	3	3	3	3	3	3	2	2	2	2	2			
IL		3	3	3	3	3	3	3	2	2	2	2	2			
IG		3	3	3	3	3	3	3	2	2	2	2	2			

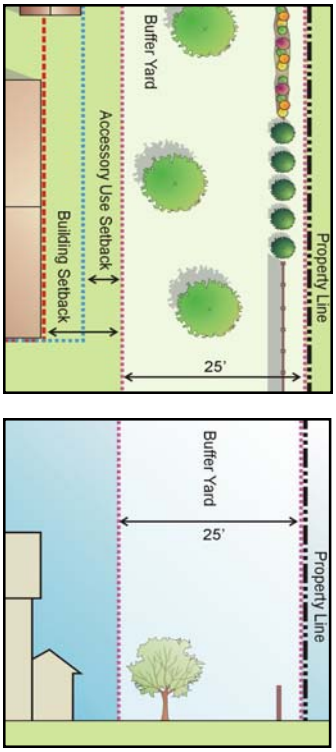
Buffer Yard Type 1



Buffer Yard Type 2



Buffer Yard Type 3



7.17 Buffering & Screening Standards (cont.)

General Buffering & Screening Standards

B. **Buffer Yard Standards:** The buffer yard standards only apply along the property lines where the two conflicting zoning districts meet as specified in the Buffer Yard Requirements table. The required buffer yards shall be installed despite the presence of streets, alleys, streams and other features separating property lines in conflicting zoning districts.

1. Responsibility: The developer or owner of the property being developed or otherwise changed in use is responsible for installing the buffer yard at the time of that development or change. The adjacent property owner shall not have to participate in installing the buffer yard.
2. Buffer Yard Location: All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance.
3. Planting Location: Required buffer yard trees may be placed either at regular intervals or in irregular patterns representing a natural landscape. However, no 2 buffer yard trees (excluding evergreen trees) shall be placed within 10 feet of one another. No buffer yard or required landscape materials shall be placed within any easement, right-of-way, or septic field.
4. Tree Size: All broad leaf / deciduous trees must have at least a 2-1/2 inch caliper measured at 6 inches above the top of the rootball, and all evergreen conifers must be a minimum of 5 feet in height measured from the top of the rootball when planted.
5. Ground Cover: All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground covering vegetation. Landscaping stone or other non-vegetative surfaces may not be substituted for ground covering vegetation.
6. Application: No landscaping required by this Chapter may be used to satisfy the minimum requirements of any other provisions of this Ordinance.
7. Maintenance: All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse.
   a. All plant material which is unhealthy or dead, in the opinion of the Planning Director, shall be replaced by the end of the next spring or fall planting season.
   b. Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth inhibiting measures may only be used to ensure the public safety.

Part 2: These Materials & Equipment Buffering Standards apply to the Multi-Family Residential, Mixed-Use, Institutional, and Industrial zoning districts as follows:

A. **Ground Level Requirements:** All outdoor storage areas for completed products manufactured on-site, production materials, and equipment; dumpsters and waste containers; and mechanical equipment located on the ground shall be screened consistent with the following requirements. In no instance shall this be interpreted as applying to merchandise for sale that is temporarily or seasonally placed outdoors.

1. Fencing: A minimum 6 foot tall, 100% opaque fence of wood, brick, or stone construction shall completely screen the area from the view of public streets and adjacent properties. Opaque, 6 foot tall wooden gates shall be provided to access the facility. The gates shall generally remain closed, except when immediate access to the area is required.
2. Landscape Screening: Evergreen planting shall be provided around the exterior perimeter of the required fencing.
   a. If evergreen shrubs are used they shall be a minimum of 3 feet tall at the time of planting, and planted at a maximum of 5 feet on center.
   b. If evergreen trees are used they shall be conifers, a minimum of 5 feet tall at the time of planting, and shall be planted a maximum of 20 feet on center.

B. **Roof-top Requirements:** All roof-top equipment, such as HVAC units, shall be screened from the view of all public streets by parapets, dormers, or other screens. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure.

Intent:

The purpose of these exterior lighting standards is to provide minimum outdoor lighting standards that protect the public safety and the general welfare of the community by reducing unsafe and unpleasant lighting conditions, such as light trespass and light pollution, while also promoting the safe and efficient movement of vehicles and pedestrians and the security of local properties.

7.18 Exterior Lighting Standards

General Exterior Lighting Standards

These General Exterior Lighting Standards apply to all zoning districts:

A. **General Requirements:** All exterior lighting shall conform with the following general requirements:
   1. Mounting Height Measurement: For the purposes of this Chapter, the mounting height of all light fixtures shall be defined as the vertical distance between the grade level of the surface being illuminated and the bottom of the lighting fixture (luminaire).
   3. Use of Timers/Dimmers: Wherever practicable, exterior lighting shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
   4. Electrical Service: The electrical service to all outdoor lighting fixtures shall be underground, unless the fixtures are mounted directly on buildings or utility poles.
   5. Holiday Lighting: Holiday lighting shall be exempt from the provisions of this Chapter.
   6. Prohibited Lighting: The permanent or temporary use of spot lights, floodlights, and searchlights shall be prohibited unless otherwise specified in this Chapter.

B. **Parking Lot Lighting Requirements:** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, comfort, and safety in parking areas while avoiding glare and direct illumination of adjacent properties or streets. All parking lot lighting requirements shall also apply to interior drives and other areas on the property used by vehicles.
   1. Lighting Fixtures: All lighting fixtures providing illumination for parking lots shall be 90 degree cut-off fixtures directed downward at the parking lot surface.

2. Maximum Mounting Height: The maximum mounting height for all parking lot illuminating light fixtures shall be as follows: 20 feet in all agricultural, single-family residential, and multi-family residential zoning districts; 25 feet in all mixed-use and institutional zoning districts; and 30 feet in all industrial zoning districts.

C. **Illuminated Canopy Requirements:** Lighting levels under canopies for gas stations, convenience stores, drive-up banking centers, and similar locations shall be adequate to facilitate the activities taking place on the property, and shall not be used for the purpose of illuminating signs. Such lighting shall conform with the following requirements:

1. Lighting Fixtures: Lighting fixtures on canopies shall conform to either of the following requirements:
   a. all light fixtures mounted on the canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy, or
   b. the lighting of the canopy shall use indirect lighting through which light is beamed upward and then reflected down from the underside of the canopy by light fixtures that are shielded so that illumination is focused exclusively on the underside of the canopy.
2. Fixture Location: Lights shall not be mounted on the top or sides of any canopy and the sides of the canopy shall not be illuminated. In no instances shall this be interpreted as prohibiting the placement of signs on the canopy which are illuminated consistent with the standards for sign illumination in this Chapter.

D. **Lighting of Exterior Display/Sales Areas:** Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Such lighting shall conform with the following requirements:

1. Lighting Fixtures: All lighting fixtures used to illuminate exterior display/sales areas shall be 90 degree cut-off fixtures (luminaires) focused directly downward onto the display/sales area. Such light fixtures shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.
2. Fixture Height: In no case shall fixtures be mounted at a height greater than 25 feet above grade.
3. Fixture Location: All lighting fixtures and mounting poles shall be located within the areas being illuminated.

7.18 Exterior Lighting Standards (cont.)

General Exterior Lighting Standards

E. **Lighting of Outdoor Athletic/Performance Facilities:** Lighting for all outdoor athletic and performance facilities and events shall provide adequate light for the event or facility while minimizing light pollution and the illumination of adjacent streets and properties.

1. Play/Performance Area Lighting: Lighting fixtures for the playing fields and/or performance areas shall be specifically mounted and aimed so that their beams fall directly within the play/performance area and its immediate surroundings and does not spill onto adjacent streets or properties.
2. Dual Lighting System: The use of spotlights and/or floodlights to illuminate the play/performance area shall be permitted. However, each facility shall be designed and constructed with a dual lighting system which permits the main lighting for the event (spotlighting, floodlighting, etc.) to be turned off, with an alternate low level lighting system used for clean-up, night maintenance and other activities.
3. Exemptions: Outdoor athletic fields and courts established as accessory uses to single and two-family residences shall be exempt from these requirements.

F. **Security Lighting:** Security lighting shall be coordinated with other lighting on the property to the extent possible and shall otherwise conform with the following requirements:

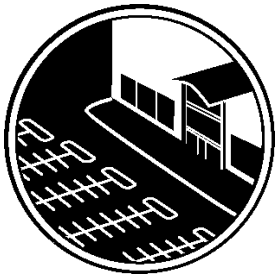
1. Non-residential Lighting Fixtures: All security lighting in non-residential areas shall be shielded and specifically aimed so that illumination is directed only to the intended area. The light source for any security lighting shall include shields that prevent their light source or lens from being visible from adjacent properties and/or streets. The use of general floodlighting fixtures shall be prohibited. Security lighting fixtures may be mounted on poles located no further than 10 feet from the perimeter of the area intended to be illuminated.
2. Residential Lighting Fixtures: Security lighting fixtures in residential areas shall make use of indirect and reflected lighting techniques to provide soft lighting under canopies, entry porches, or soffits.

G. **Lighting of Building Facades:** Building facades may be illuminated, subject to the following requirements:

1. Lighting Fixtures: Lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.

2. Lighting Direction: Lighting fixtures shall be designed to wash the facade of the building with light (rather than providing a spot or floodlight affect) and may be directed upward or downward onto the facade. Exterior facade lighting shall be contained on the building facade and shall focus on entries and architectural features.

H. **Illuminated Signs:** Lighting fixtures illuminating signs shall be located, aimed, and shielded so that light is directed onto only the sign face, with minimal light spillage. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties. In no instance shall this section be interpreted as prohibiting the use of neon signs.



Intent:

The purpose of these large scale retail standards is to establish additional requirements for these types of facilities in order to ensure that the unique hazards they present for pedestrian and vehicular circulation, as well as land use conflicts, are addressed and the general welfare of the community as a whole is protected.

7.19 Large Scale Retail Standards

General Large Scale Retail Standards

MIXED-USE MX

INDUSTRIAL I

These General Large Scale Retail Standards apply to the Mixed-Use and Industrial zoning districts:

A. **Applicability:** All Large Scale Retail facilities of one or more users that occupy 25,000 square feet of gross floor area (building footprint) shall meet or exceed the requirements of this Chapter, in addition to all other applicable development standards established by this Ordinance. Also, all development associated with the construction and location of a Large Scale Retail use and developed as a unified retail center, must comply with the provisions of this Chapter and present features that are substantially similar to the Large Scale Retail structure. These Large Scale Retail standards shall apply to the following:
   1. new retail structures built on or after the effective date of this Ordinance;
   2. expansions of pre-existing Large Scale Retail facilities; and
   3. expansions to other retail structures that result in a structure greater than 25,000 square feet in gross floor area.

B. **Architectural Standards:** The following architectural standards shall apply to Large Scale Retail facilities:
   1. Facade Walls: A "facade wall" is any exterior wall visible from a street or non-industrial property. All facade walls shall meet the following requirements:
      a. *Display Windows:* All facade walls shall have display windows, faux windows, or decorative windows for no less than 60% of the facade wall's horizontal length along all pedestrian walkways.
      b. *Entrances:* All facade walls that abut a street, public or private, shall feature as least one customer entrance.

c. *Detail Features:* Building facade walls shall include a repeating pattern that incorporates no less than 3 of the elements listed below. At least 1 of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 100 feet, either horizontally or vertically.
   i. Color Change
   ii. Texture Change
   iii. Material Module Change
   iv. Architectural Change: In the form of structural bays created through a change in plane no less than 24 inches wide such as an offset, reveal, or projecting rib.
   v. "Story" Change: A clear delineation between each "story" of the structure provided by a consistent cornice line of varying appearance.

d. *Exterior Materials:* The use of smooth-faced concrete block, untextured smooth-faced tilt-up panels, and standing seam metal panels shall be prohibited. The Planning Director shall approve or deny the use of all composite and alternative materials that replicate the appearance and durability of those listed below. All facade wall exterior building materials shall be high quality, and shall be limited to any combination of the following:
   i. brick or face tile;
   ii. wood;
   iii. native stone;
   iv. glass (reflective glass shall be limited to a maximum of 50% of the area of any facade wall on which glass is used);
   v. tinted and / or textured concrete masonry units (such as split face block and burnished block);
   vi. tilt-up concrete panels that are adorned or textured as to conform to 7.19(B)(1)(d)(iv);
   vii. architectural pre-cast concrete; and
   viii. architectural metal.

e. *Exterior Colors:* Exterior facade wall colors shall be low reflectance, subtle, neutral, or earth tones. The use of high intensity, primary, metallic, black or fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors. Such building trim and accent areas shall not exceed 10% of any single exterior wall area excluding all windows, doors, and glass construction materials.

f. *Roofs:* All roofs or parapets must vary three-dimensionally to add visual interest to the building and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar detailing.

7.19 Large Scale Retail Standards (cont.)

General Large Scale Retail Standards

2. Front Facade Walls: The facade wall that fronts on a public street shall be considered the "front facade wall". If the structure fronts onto more than 2 public streets, the 2 facade walls that face the streets with the highest Thoroughfare Plan classification, shall be treated as front facades. All front facade walls shall incorporate the 3 following elements in addition to those required by 7.20(B)(1).
   a. *Recesses / Projections:* Wall recesses / projections that are at least 20-feet long, but no more than 70-feet long and that have a relief of at least 8 inches.
   b. *Entry Features:* Entryway features are only required at the primary entrance to the structure and shall include at least 3 of the following design elements:
      i. Raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5/12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design;
      ii. Integral planters or wing walls that incorporate landscaped areas and / or places for sitting;
      iii. Enhanced exterior lighting such as wall sconces, building mounted accent lights, or decorative pedestal lights;
      iv. Prominent three-dimensional entryway feature, such as a clock tower or other similar architectural design element, projecting from the plane of the main exterior walls by a minimum of 8 feet and raised above the adjoining parapet wall/roof by a minimum of 3-feet; and
      v. Pilasters projecting from the plane of the wall by a minimum of 8 inches and/or architectural or decorative columns to create visual breaks and interest in the facade walls.
   c. *Canopies:* Arcades, covered walkways, architectural awnings, canopies, or porticoes.

C. **Parking Lot Design, Vehicle Access, and Pedestrian Safety:** The following provisions are intended to maximize the safety of the site for vehicles and pedestrians and shall apply to all Large Scale Retail Facilities:
   1. Pedestrian Facilities: A continuous, delineated pedestrian pathway network no less than 6 feet wide, that continues from the perimeter public sidewalk to the principal customer entrance of all principal buildings on the site shall be provided.
      a. Sidewalks, no less than 8 feet wide, must be provided along the full length of the building along any facade that features a customer entrance.

b. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete. The design characteristics of the internal pedestrian walkways must continue when the walkway crosses driving surfaces.

c. All internal walkways must feature landscaping, benches, and other such materials / facilities for no less than 50% of their length. Internal walkway features can be composed of any combination of the following: benches, tree plantings decorative lighting (no more than 10-feet in height), decorative bollards, kiosks, shrubs, or hedges.

2. Public Spaces: Each establishment must contribute to the enhancement of the community and its public spaces by providing at least 2 of the following amenities.

a. A landscaped patio / outdoor seating area that is a minimum of 2,000 square feet in area.

b. A water feature (excluding any required detention/retention ponds).

c. A clock tower (either as a free-standing structure or in conjunction with the primary entrance features).

d. Bus / public transportation shelters and turn off lanes.

e. Public Art

D. **Outdoor Storage, Service and Loading Areas:** Areas for outdoor storage, truck parking, trash collection/compaction, loading and unloading, or other such uses shall not be visible from abutting streets (public or private), or adjacent non-industrial properties.

1. Delivery and Auto Service Areas: Service areas including, but not limited to, loading docks, truck courts, and automobile service bays shall be oriented away from the view of any public street or adjacent residential zoning district or use unless screened by an 8 foot masonry wall extending the entire length of the service area.

a The service areas shall have additional screening along the exterior side of the masonry wall in the form of landscaping buffer, designed by a landscape professional, to be 100% opaque and 4 feet in height at the time of planting.

b. No property owner shall be permitted to inhibit the growth of any required landscaping outlined in this Chapter.

7.19 Large Scale Retail Standards (cont.)

General Large Scale Retail Standards

2. Permanent Outdoor Display, Sales and Storage: Merchandise may be stored or displayed for sale to customers only in areas immediately adjacent to the primary structure on each property. The storage of outdoor merchandise for sale elsewhere on the property shall be prohibited. This area shall be (a) enclosed by a minimum 8 foot tall wall, or (b) composed of a 3 foot tall base wall topped by wrought iron or tubular steel fencing. No merchandise other than trees shall be visible above the wall or fencing. Each wall shall comply with the building materials requirements of Section 7.19(B)(1)(d) and (e) and shall be consistent in appearance and material as the primary structure on the property.
4. Shopping Cart Storage: Shopping carts may be stored outside each entrance to the building provided that there are no more than 2 cart storage areas (on each side of the entryway) and that no single cart storage area exceeds 20-feet in length. The cart storage areas shall be screened with building materials substantially similar to the building facade.

Intent:

The purpose of these adult use standards is to establish specific requirements for adult uses that both ensure the viability of speech activities protected by the U.S. Constitution and prevent the land use conflicts that result from the secondary effects of the presence of such uses.

7.20 Adult Use Standards

General Adult Use Standards

INDUSTRIAL I

These General Adult Use Standards apply to the Industrial zoning district(s):

The City of Franklin is aware of, and is relying on information gathered by other communities such as Indianapolis, Indiana; New York, New York; Tucson, Arizona, Seattle, Washington; Austin, Texas; Oklahoma City, Oklahoma; Houston, Texas; Minneapolis, Minnesota; and Phoenix, Arizona that demonstrates that adult uses are distinguishable from other business uses due to their negative impacts on the general welfare of neighboring portions of the community. Those negative impacts include increased crime, blight, and deprivation of property values. It has been recognized that local governments have a special concern in regulating adult uses to ensure that the adverse effects will minimized and not contribute to land use conflicts and the blighting of adjacent areas. It has been determined by the United States Supreme Court that local communities may demonstrate this concern by, after careful review of factual information, regulating the time, place, and manner in which adult uses occur. The intent of this Chapter is to preserve the character and integrity of residential neighborhoods, to deter the spread of blight, and to protect minors from the objectionable characteristics of adult uses. Further, it is the intent of this Chapter to minimize the level to which any particular commercial area is exposed to the secondary effects of adult businesses by discouraging the development of districts of such uses.

A. **Permitted Use:** Adult uses shall be permitted only in the IG - Industrial, General zoning district.

B. **Separation Requirements:** Adult uses shall be located a minimum of 1,000 feet from any church, school, park, day care facility, residentially zoned area, public or cultural facility (such as city hall, libraries, etc.), or any other adult use. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest property lines of the lot on which each use is located.

ARTICLE 8 SIGN STANDARDS

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Intent

The intent of this Article is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding features; maintain and enhance the aesthetic environment of the City; eliminate potential hazards to motorists and pedestrians resulting from signs; and promote the health, safety, and welfare of the residents of Franklin.

Zoning Districts
A Agricultural
R Single Family Residential
RM Multi-Family Residential
MX Mixed Use
IN Institutional
I Industrial

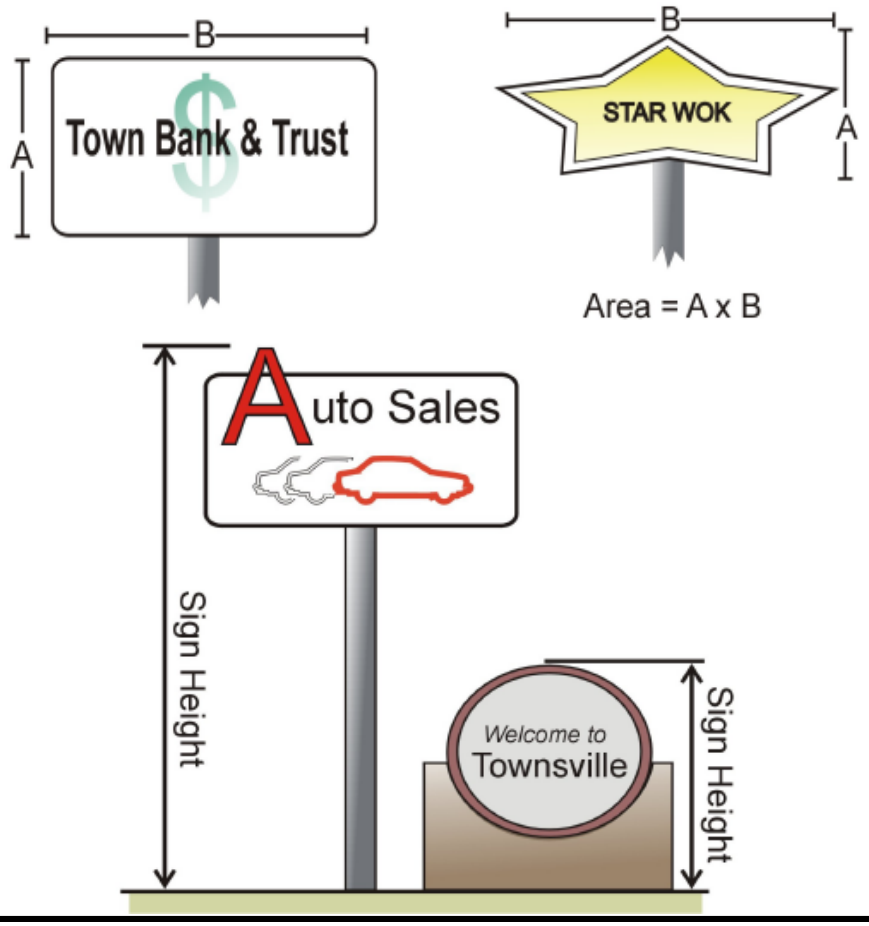
General Requirements

These General Sign Standards apply to all zoning districts:

A. **General Requirements:** Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the City of Franklin Plan Commission, or cause the same to be done without first obtaining a sign permit. The following general sign standards apply to all signs within the jurisdiction of the City of Franklin Plan Commission.

1. Measurement: The area of all signs shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension excluding any poles or supports. The height of all signs shall be measured from natural ground level to the top of the sign, and include any poles or other supports unless otherwise specified in this Article. In no case shall sign height be measured from the top of any berm or other artificial grade.

Sign Area Measurement Examples:



General Requirements

2. Double-Faced Signs: For all signs permitted by this Article, a double-faced sign may be erected. Only the face area of 1 of the 2 sides shall be considered the face area of the entire sign. However, the two faces shall be identical in face area, shall be placed back-to-back, and the maximum distance between the 2 faces shall not exceed 2 feet at any point.
3. Inspection: Signs for which a permit is required may be inspected periodically by the Planning Director for compliance with this Article.
4. Removal of Sign: The Planning Director may order the removal of any sign erected or maintained in violation of this Article, at the cost of the property owner, consistent with the provisions of Article 12, Enforcement and Penalties.
5. Maintenance: All signs and their components shall be kept in good repair and in safe, neat, clean, attractive, and structurally sound condition.
6. Abandoned Sign Structures: A sign structure, including all poles, frames, supports, and other structural, electrical, mechanical, and other elements, may be removed by the owner of the premises upon which it is located if it is unused for a period of 6 months or greater. Sign structures on lots in which the primary structure associated with the sign no longer exists, the sign structure, including all poles, frames, supports, and other structural, electrical, mechanical, and other elements, shall be removed by the owner of the premises.
7. Illuminated Signs: All illuminated signs must meet the Exterior Lighting Standards of Chapter 7.18 of this Ordinance.
8. Enforcement: The enforcement of violations of the provisions of this Article shall be as provided by Article 12, Enforcement and Penalties.

Exempt Signs

B. **Exempt Signs:** The following signs are exempt from all provisions of this Ordinance if in compliance with the conditions specified for each. No permit shall be required.

1. Integral Identification Features: Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

2. Public Signs: Public signs erected by or on the order of public officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs; memorial plaques; signs of historical interest; and signs directing people to public and quasi-public facilities.

3. Utility Marker Signs: Utility signs necessary to mark cables and lines for public and private utilities unless such signs are determined to be a hazard by the Planning Director.

4. Emergency Signs: Emergency signs, such as those used by the fire or police department or those displaying employee information.

5. Pennants: Pennants, streamers and any combination of such signs, provided that they are not located in a right-of-way and their use is temporary and does not exceed 30 days in any 3 month period.

Exempt Signs

6. Holiday Decorations: Holiday decorations, provided they are not located in a public right-of-way, are displayed no more than 30 days before the holiday, and are removed within 30 days of the holiday.

7. Construction Signs: Signs posted on construction sites, provided that they are not located in the right-of-way, do not exceed more than 2 per property, do not exceed 6 square feet per sign in single-family residential zoning districts and 32 square feet per sign in all other zoning districts, and are removed upon completion of construction activity. Signs shall include developer information for emergency purposes.

8. Directional Signs: On-premise vehicle directional signs provided they are no more than 4 feet in height or 6 square feet in area. They shall be setback a minimum of 2 feet from all public rights-of-way.

9. Inflatable Objects: Inflatable objects, provided that they are not located in a public right-of-way, do not exceed more than 1 per property or business use at any time, no single inflatable object exceeds 10 feet in height, and no property or business use makes use of any inflatable sign or signs more than 7 consecutive days 2 times per calendar year.

Prohibited Signs

C. **Prohibited Signs:** The following types of signs are expressly prohibited in all zoning districts.

1. Animated Signs: Signs that blink, flash or utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.

2. Emissions: Signs that emit audible sound, odor or visible matter.

3. Imitation of Official Signs: Signs that purport to be, are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.

4. Imitation of Emergency Vehicles: Signs that may be construed as a light of an emergency or road equipment vehicle.

5. Visual Impairment: Signs that hide any traffic or roadway sign, signal or device from view, or that interfere with the Sight Visibility Area as defined in Chapter 7.13 of this Ordinance.

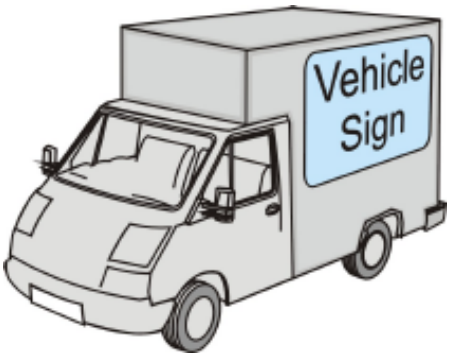
6. Encroachment: Signs that are located in any right-of-way including those posted on utility poles or street signs. Projecting signs specified as permitted in this Article and approved by the Franklin Board of Public Works and Safety shall be permitted.

7. Obstruction: Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.

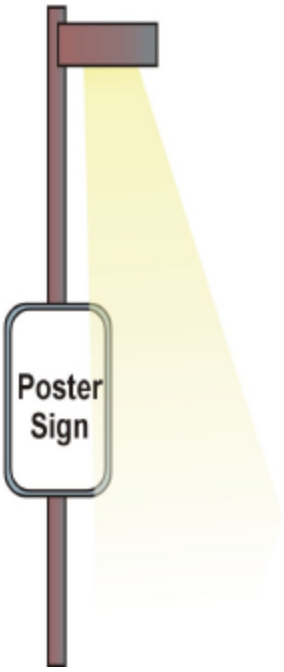
8. Roof-Mounted Signs: Signs that are mounted to the roof of a structure or are mounted to the wall of a structure and extend higher than that wall.

Prohibited Signs

9. Vehicle Signs: Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for



10. Poster Signs: Posters, placards and other similar signs attached to light poles, gas station canopy supports, trees, and elsewhere outdoors that are not included as permitted temporary or permanent signs as described by this Article.



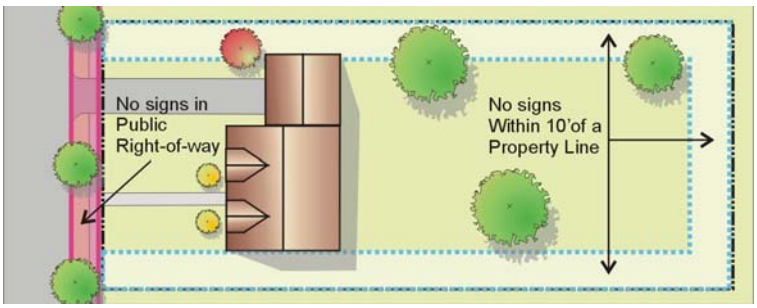
11. Public Area Signs: No sign shall be placed in or on any right-of-way, curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located in the public right-of-way, except as otherwise expressly authorized by this code.

Residential Sign Standards

These Sign Standards apply to the Agricultural, Single-Family Residential, and Multi-Family Residential zoning districts:

A. **General Signs:** Every property shall be permitted signs that meet the following standards. No permit shall be required.
   1. Dimensions: No sign shall be greater 6 square feet in face area or 4 feet in height. In no case may mounding or other alterations of the natural ground level be used as a point of reference for measuring the height of outdoor signs.
   2. Setback: No sign shall be located in a public right-of-way or closer than 10 feet to any other property line.

General Sign Note: *The general sign provisions are intended to accommodate political signs, contractor signs, "yard cards" and other similar types of signs.*



B. **Identification Signs:** In addition to those specified in Section 8.2(A) above, one permanent sign not exceeding a combined area of 2 square feet is permitted on the primary structure. No illumination is permitted. No permit is required.

C. **Subdivision / Facility Entry Signs:** Two entry signs are permitted at each entrance to a subdivision, apartment complex, or other residential development. A permit shall be required.
   1. Face Area: No sign shall exceed 32 square feet in area.
   2. Height: No sign shall exceed 6 feet in height, measured from ground level. In no case may mounding or other alterations of the natural ground level be used as a point of reference for measuring sign height.
   3. Setback: Each sign shall be set back a minimum of 2 feet from the right-of-way of any public street. Entry signs placed in the right-of-way of a public street, such as in the median of a boulevard street, shall be prohibited.
   4. Features: Each entry sign area should incorporate design features such as decorative brick or stone and landscaping.

D. **Model Home Signs:** In addition to those described above, model homes shall be permitted signs meeting the requirements of Section 7.4(E)(2)(b).

E. **Temporary Signs:** Temporary signs larger than 6 square feet but no larger than 32 square feet shall be permitted for a period of 7 days, 4 times per year. Messages shall be permanently affixed and no permit shall be required.

8.3 Non-Residential Sign Standards

MX IN I

Non-Residential Temporary Signs

Part 1: These Sign Standards apply to all temporary signs in all non-residential zoning districts.

A. **All non-residential zoning districts except those within the Downtown Overlay district:** The following applies to all temporary signage in all non-residential zones, other than the DT-OL district.

1. Banners: Shall be permitted provided they meet the following guidelines:
   a. Maximum size of 32 sq. ft.
   b. Only one banner permitted per business use.
   c. Messages shall be permanently affixed with no changeable copy.
   d. All parts of any freestanding banner shall be a minimum of 5 feet from the right-of-way.
   e. Signs shall not be illuminated in any way.

Freestanding Banner

Freestanding banner within 10' of right-of-way

Wall Mounted Banner

Yard Card Banner

2. A-Frame Signs: Shall be permitted provided they meet the following guidelines:
   a. Maximum size of 8 sq. ft.
   b. Must be located within 5 feet of main entrance.
   c. No permit shall be required.
   d. One (1) sign permitted per business use.

A-Frame Sign

Non-Residential Temporary Signs

3. Other Portable Signs: Freestanding signs that are temporary in nature, may be easily moved and not specifically mentioned above:
   a. *Yard Signs (under 6 sq. ft.):*
      1. Permitted for 90 days per year.
      2. Up to two (2) signs may be permitted per business use at any one time.
      3. No permit shall be required.
      4. Messages shall be permanently affixed with no changeable copy.
      5. Shall be located a minimum of five (5) feet from any property line.

Yard Sign

   b. *Changeable Copy Signs:* Shall include any portable type signs with changeable copy.
      1. Maximum size of 12 sq. ft.
      2. Permitted for a period of 7 days, 4 times per calendar year, with a minimum of 14 days between permits.
      3. A permit shall be required for each 7 day period.
      4. Signs may be illuminated consistent with the Exterior Lighting Standards of Section 7.18 of this Ordinance. In no instance shall any temporary sign use flashing, blinking or any other effect prohibited by this Ordinance.
      5. Shall be located a minimum of five (5) feet from any property line.
      6. No sign manufactured, designed and otherwise intended for use as a temporary sign shall be used as a permanent sign.

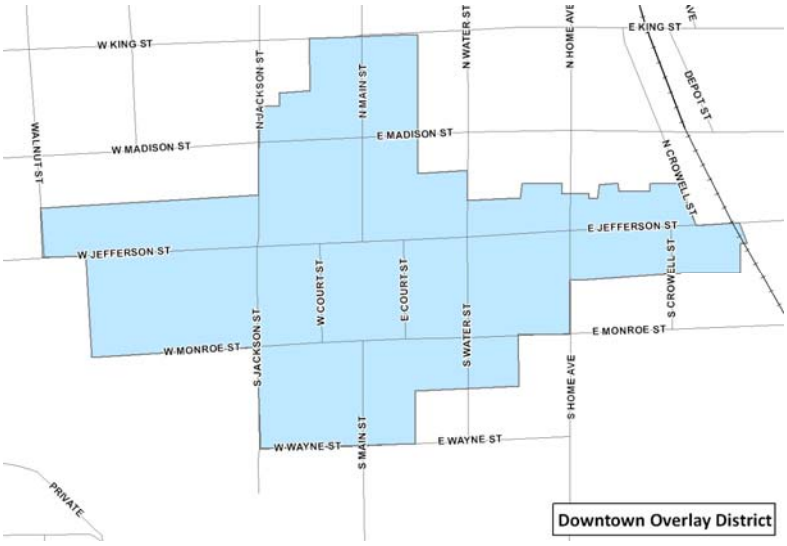
Changeable Copy—Portable Sign

4. Window Signs: Window signage shall be permitted provided they meet the following guidelines:
   a. Maximum coverage of 25% of total glass area.
   b. No permit shall be required.

MX—Downtown Overlay

Non-Residential Temporary Signs

B. **Downtown Overlay District: All non-residential zoning districts that lie within the DT-OL:**



The following applies to all temporary signage in all non-residential zones within the Downtown Overlay District.

1. Banners: Shall be permitted provided they meet the following guidelines:
   a. Maximum size of 32 sq. ft.
   b. Only one banner permitted per business use.
   c. All parts of any freestanding banner shall be a minimum of 5 feet from the right-of-way.
   d. Messages shall be permanently affixed with no changeable copy.
   e. Signs shall not be illuminated in any way.
2. A-Frame Signs: Shall be permitted provided they meet the following guidelines:
   a. Maximum size of 8 sq. ft.
   b. Maximum width of sign is 2 feet.
   c. Must be located within 10 feet on main entrance.
   d. No permit shall be required.
   e. One (1) sign permitted per business use.
3. Other Portable Signs: All other portable type signs are prohibited.
4. Window Signs: Window signage shall be permitted provided they meet the following guidelines:
   a. Maximum coverage of 25% of total glass area.
   b. No permit shall be required.

Non-Residential Permanent Signs

Part 2: These Sign Standards apply to all permanent signs to all mixed-use and industrial zoning districts. Sign permits shall be required for each of the following signs unless otherwise notified.

A. Sign Area: The total square footage of sign face area allowed for each business use shall be determined by the length of the front facade of the building that is occupied by that use as specified in the Permitted Signs table.

a. *Corner Properties:* Corner Properties may use only the largest frontage for the purpose of sign area calculation, however, signs may be placed on any building side.

b. *Over-riding Limitation:* In no instance shall any legally established parcel or single business use be limited to less than 50 square feet of signage, regardless of the presence of a building or the amount of building frontage.

B. **Freestanding Signs:** Permanent signs that are not attached to any building or other structure.

1. Only one freestanding sign per parcel, with the following exceptions:
   a. Parcels over 5 acres in size and contain multiple street frontages are allowed one additional freestanding sign that does not count against the maximum total number of signs allowed.
2. All parts of all freestanding signs must be located a minimum of 10 feet from the public right-of-way.
3. Signs may be pole or monument type.

Monument Sign

Pole Sign

Wall Sign

C. **Wall Signs:** Any sign attached to or painted on the façade of the primary structure and does not project more than 12 inches.

D. **Awning Signs:** Any awning containing words and/or logos incorporated into the awning shall be considered an awning sign. Only the advertising area shall be measured for size requirements.

Awning Sign

Non-Residential Permanent Signs

Projecting Sign

E. **Projecting Signs:** Signs which are attached to the façade of the main building and project more than 12 inches.

1. Any projecting sign must be a minimum of 8.5 feet above grade level.
2. Only one projecting sign shall be permitted per business use.

Projecting Sign Note: *Signs that project into the right-of-way of a public street shall require the approval of the Franklin Board of Public Works & Safety.*

Changeable Copy

F. **Changeable Copy Signs:** Signs either incorporated into a pole or monument sign or permanently attached as a wall sign.

G. **Electronic Message Board Signs:** Shall be permitted if the following conditions are met:

1. Each frame must be static for a minimum of 8 seconds;
2. No flashing, scrolling or other animation is permitted;
3. Only one color is permitted per frame.

Electronic Message Board

Off-Premise and "Billboard" Sign Note: *These sign standards establish a maximum allotment of signage that may be installed on each property for each zoning district. In no instance shall these regulations be interpreted as limiting the content of any type of sign. Billboards and other off-premise signs are permitted, but shall be counted against the allotment of signage provided to each property. In no instance shall a billboard or other off-premise sign be interpreted as being permitted in addition to the signage permitted per property.*

H. **Signs for Upper Floor Uses:** Signage for upper floor uses shall be permitted in addition to the signage for ground floor uses, subject to the following standards. A permit shall be required.

1. <u>Single Upper-Floor Uses</u>; If the upper-floors of any structure are occupied by a single use that is separate and distinct from any use located on the ground floor, that use shall be permitted wall signs not exceeding a total of 1.5 square feet for every one linear foot of building frontage, with a maximum of 100 square feet allowed
2. <u>Multiple Upper-Floor Uses</u>; If the upper-floors of any structure are occupied by multiple uses, separate and distinct from any use located on the ground floor, a multi tenant joint wall sign shall be provided. The size shall average 10 square feet for upper-floor business use, with a maximum of 100 square feet allowed.

I. **Signs for Residential Uses:** Residential uses located within a Mixed Use or Industrial zoning district shall be permitted signs consistent with the provisions of Chapter 8.2.

Non-Residential Permanent Signs

J. **Multi-Tenant Joint Signs:** Structures and/or centers containing multiple businesses shall establish one freestanding sign for the structure for the joint use of all tenants for which the facility is designed, including outlots. The use of individual freestanding signs for each tenant, including those on outlots, is prohibited. Shall not count toward total square footage of signage allowed.

Multi-Tenant Joint Sign

Institutional Sign Standards

Part 3: These Institutional Permanent Sign Standards apply to the Institutional zoning district:

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

A. **Maps and Directories:** All maps, directories, and other pedestrian directional signs may be placed without a permit. Each sign shall be set back a minimum of 2 feet from all public rights-of-way, and shall not exceed 8 feet in height or 32 square feet in area.

B. **Identification Signs:** Signs identifying the facility may be located at its entrances.
   1. Location: There shall be no limit to the number of locations at which identification signs may be placed, however, generally no more than one sign shall be placed at any one location. A maximum of two signs may be placed at any one location if they are used to create an entrance.
   2. Setback: No such sign shall be located closer than 10 feet to a public right-of-way.
   3. Height and Area: No such sign shall exceed 6 feet in height or 32 square feet in area.

C. **Structure Identification Signs:** Signs identifying individual structures at the facility may be placed as a wall sign and/or a free-standing sign.
   1. Wall Sign: Wall signs shall be located on the facade of the structure.
   2. Free-standing Sign: Free-standing signs shall be placed a minimum of 10 feet from all public rights-of way, and shall not exceed 6 feet in height.
   3. Sign Area: No sign shall exceed 100 square feet in area.

Permitted Non-Residential Sign Chart

Sign Standard	Zoning District						
	MXD	MXN	MXC	MXR	IBD	IL	IG
Step 1 - Calculate Permitted Sign Area & Number of Signs Allowed							
Building Frontage/Sign Size Ratio	1.5 sf/1 linear foot of bldg. frontage	1.5 sf/1 linear foot of bldg. frontage	2 sf/1 linear foot of bldg. frontage	2 sf/1 linear foot of bldg. frontage	1.5 sf/1 linear foot of bldg. frontage	2 sf/1 linear foot of bldg. frontage	2 sf/1 linear foot of bldg. frontage
Maximum Total Signage Allowed (square feet)	200	200	500	600	350	500	500
Maximum Number of Signs	2	3	5	5	3	4	4
Step 2 - Identify Permitted Sign Types (P - Permitted, X - Not Permitted)							
Wall	P	P	P	P	P	P	P
Awning	P	P	P	P	P	P	P
Projecting	P	P	P	P	P	P	P
Changeable Copy*	P	P	P	P	P	P	P
Freestanding	P	P	P	P	P	P	P
Multi-Tenant	P	P	P	P	P	P	P
Step 3 - Review the General Sign Standards							
Maximum Sign Size (square feet) & Height							
Wall	100	100	200	200	200	200	200
Projecting	50	50	50	50	50	50	50
Freestanding	40	40	80	100	80	100	100
Freestanding - Maximum Height	10	10	25	25	25	25	25
Changeable Copy	32	32	32	32	32	32	32
Multi-Tenant Joint Sign - Height	10	10	25	25	25	25	25
Multi-Tenant Joint Sign - Area per Tenant	20	30	50	50	50	50	50
Window Signs	25%	25%	25%	25%	25%	25%	25%

*Includes electronic message board type signs

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Article 9

Site Development Plans

9

Article Nine: Site Development Plans ..... Page #

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Intent

The intent of this Article is to provide for the adequate, consistent review of new development to ensure consistency with the Comprehensive Plan; accommodate traffic and utility systems; and address the unique characteristics of certain areas of development. Site Development Plan review is provided for by the Indiana Code 36-7-4-1400 series. The site development plan review process is not intended to provide an alternative to rezoning, variance, special exception, platting, or other established procedures; but rather to allow for the administrative review of site conditions and plans for consistency with applicable requirements prior to the issuance of Improvement Location Permits.

Generally, Site Development Plan review shall involve individual lots and shall occur after rezoning and plat approvals. Site Development Plan review may occur before or after any necessary Board of Zoning Appeals applications based on the characteristics of each application.

9.1 Authority & Process Outline

A. **Site Development Plan Required:** Site Development Plan approval shall be required for all developments (1) for which an Improvement Location Permit is required by this Ordinance and (2) that are located in any of the following zoning districts:

Multi-Family Residential Zoning Districts
RM - Residential, Multi-Family
RMH - Residential, Manufactured Home

Mixed-Use Zoning Districts
MXD - Mixed-Use, Downtown Center
MXN - Mixed-Use, Neighborhood Center
MXC - Mixed-Use, Community Center
MXR - Mixed-Use, Regional Center

Institutional Zoning District
IN - Special Use, Institutional

Industrial Zoning Districts
IBD - Industrial, Business Development
IL - Industrial, Light
IG - Industrial, General

B. **Exemptions:** The following types of development shall be exempt from the requirements of this Article, but shall be required to obtain an Improvement Location Permit and/or any other permit or approval otherwise required by this Ordinance:

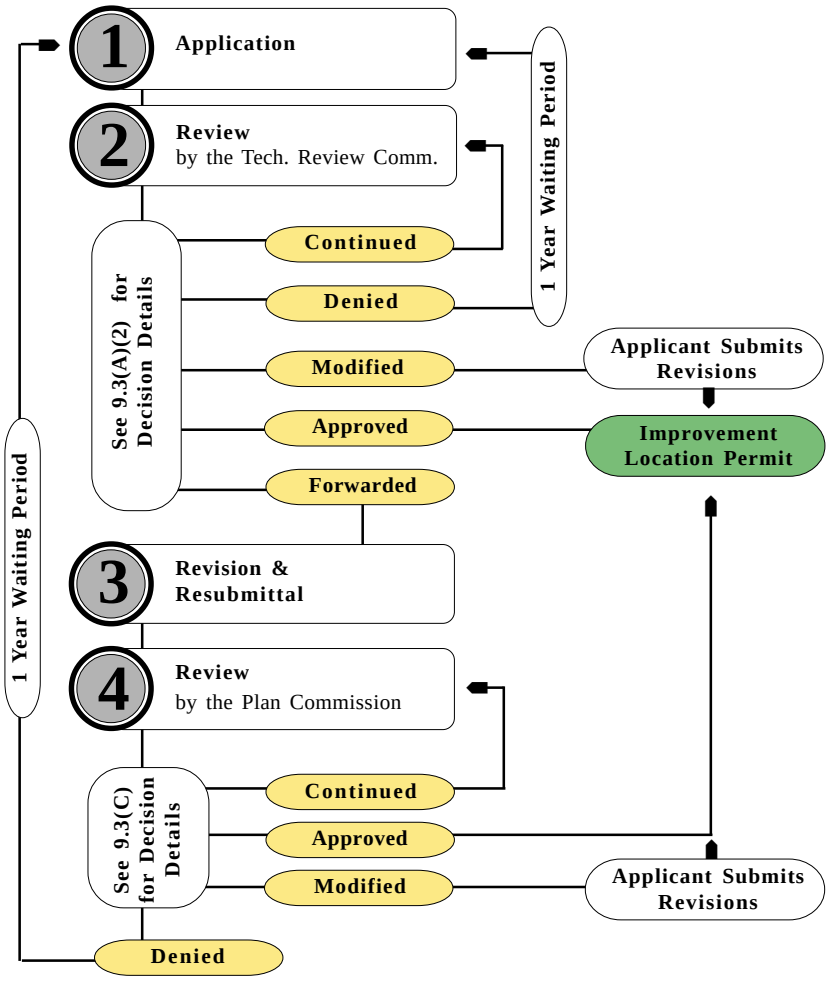
1. Sign Installation: The replacement or installation of any sign(s) not occurring as part of an improvement to any other aspect of the property;
2. Parking Lot Expansion: The expansion of an existing parking lot that does not result in (1) a greater than 25% or 2,000 square foot (whichever is greater) increase in the surface area of the parking previously available on the property, (2) the demolition of any structure, or (3) the need for modifications to street accesses;
3. Structural Expansion: The expansion of an existing structure or the construction of an accessory structure that does not result in a greater than 25% increase in the floor area of the structures that were previously existing on the property and does not require the provision of additional landscaping, parking, or other improvements regulated by this Ordinance; or
4. Residential Use / Structure: The placement of an individual manufactured or mobile home or the construction or expansion of a single family residential use and/or structure.

C. **Review and Approval Authority:** The Technical Review Committee, in its role as staff for the Plan Commission, shall have the authority to review and approve Site Development Plans required by this Article.

1. Development Standards: All development subject to Site Development Plan review shall be required to comply with all development standards established for that zoning district by this Ordinance. In addition, the following development requirements shall be satisfied prior to any Site Development Plan approval:

   a. *Right-of-Way Dedication:* The applicant shall dedicate right-of-way along all public streets on which the subject property has frontage. The right-of-way dedication shall be in the amount necessary to provide the right-of-way width identified by the Subdivision Control Ordinance for the classifications of the adjoining streets shown by the City of Franklin Thoroughfare Plan.

Site Development Plan Process Diagram



9.1 Authority & Process Outline (cont.)

b. *Street Trees:* The applicant shall provide street trees for the subject property consistent with the Street Tree Standards of the City of Franklin Subdivision Control Ordinance.

c. *Sidewalks:* The applicant shall provide sidewalks for the subject property consistent with the Sidewalk Standards of the City of Franklin Subdivision Control Ordinance.

2. Waiver of Requirements: The Technical Review Committee shall not have the authority to waive any requirement of this Ordinance in the review of a Site Development Plan. The Plan Commission may waive the requirements of 9.1(C)(1)(a)-(c) above if these standards are otherwise satisfied. All variances from the terms of this Ordinance shall be subject to the approval of the Board of Zoning Appeals.

3. Revision Process: The procedure for the review of proposed amendments or revisions to previously approved Site Development Plans shall follow the process for the initial approval of Site Development Plans outlined in this Article.

9.2 Application Materials

A. **General Requirements:** All applications may be obtained from the Planning Director. Fees shall be paid to the Planning Director at the time the application is submitted.
   1. Application Forms: All applications shall be made on forms provided by the Planning Director. All applicants shall submit original applications that are completed in their entirety either in ink or typed.
   2. Copies Required: All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the City and the applicable Rules and Procedures of the Plan Commission.
   3. Review Schedule: All applications shall be assigned reference and/or docket numbers by the Planning Director. Applications shall be scheduled by the Planning Director for the appropriate meetings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted Calendar of Filing and Meeting Dates for the Plan Commission.

B. **Application:** The applicant shall submit an application for Site Development Plan review, an affidavit and consent of property owner (if the property owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information to the Planning Director.
   1. Application Material Format: All drawings shall be provided in hard copy format in a manner specified by the Planning Director.
   2. Supporting Information: Supporting information shall include, but not be limited to, that described by 9.2(C) (the Planning Director, City Engineer, Technical Review Committee, and/or Plan Commission may request additional supporting information, which shall be provided by the applicant).

C. **Required Materials:** The following materials shall be submitted with all Site Development Plan applications, unless otherwise waived by the Planning Director.
   1. Summary Statement: A summary statement of the characteristics and operation of the development, including the population densities, presence of any adult uses, and number of potential employees. The statement shall specify any written commitments being made regarding the Site Development Plan.
   2. Industrial Performance Affidavit: A affidavit of compliance with the Industrial Performance Standards (Chapter 7.5) of this Ordinance, if applicable.
   3. Site Description: A general description of the site and its ownership including:
      a. the name, street address, e-mail address, and telephone number of the applicant;
      b. the name, street address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Site Development Plan design;

See Also:

Plan Commission Rules & Procedures

Indiana Historic Sites and Structures Inventory - Johnson County Interim Report

National Register of Historic Places

Indiana Register of Historic Sites & Structures

STEP 1

9.2 Application Materials (cont.)

c. the name, street address, e-mail address, and telephone number of the primary contact individual for the application (it shall be indicated if the primary contact person is the applicant or a contracted design professional);
d. the legal description of the subject property and common address of the site; and
e. the proposed name of the development (if applicable).

4. Vicinity Map: A vicinity map showing and clearly identifying the subject property and identifying the current zoning and use of all property within 500 feet of the subject property.
   a. The vicinity map shall also show all property that is contiguous to the subject property that is owned and/or otherwise controlled by the owner or developer of the subject property.
   b. A conceptual drawing describing the future development of all contiguous holdings described above shall be provided by the applicant upon the request of the Planning Director, City Engineer, Technical Review Committee, and/or Plan Commission. At a minimum the conceptual drawings shall include a description of the general street access points, general land uses, and general drainage conditions and plans.
5. Property Survey: A property survey, drawn to an appropriate scale, bearing the seal of a land surveyor registered in the State of Indiana, and showing the following existing features for the subject property and all land within 100 feet of the property lines of the subject property:
   a. the boundary lines and dimensions of the subject property;
   b. all structures (specifically indicating any structures recognized as outstanding, notable, or contributing in the *Indiana Historic Sites and Structures Inventory - Johnson County Interim Report*; and those listed in the *National Register of Historic Places;* and/or the *Indiana Register of Historic Sites & Structures*);
   c. topography interpolated from USGS sources and/or otherwise meeting the requirements of the City Engineer (topographic information shall tie into horizontal and vertical control points);
   d. significant wooded areas and other isolated trees and wetlands;
   e. 100-year floodplain and 100-year floodway boundaries (including elevations);
   f. public and private streets (including street names), sidewalks and other pedestrian paths, rights-of-way, and easements;
   g. required building setbacks and any build-to lines and buffer yards;
   h. all known drainage areas, tiles, pipes and structures;
   i. utility services (including fire hydrants) and easements;
   j. street accesses; and
   k. any other paved or otherwise improved areas.

6. Site Plan: A site plan, drawn to an appropriate scale, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana, clearly showing all proposed aspects of the property and all features relevant to the Site Development Plan, including:
   a. all setbacks and buffer yards;
   b. topography (including elevation contour lines at 2 foot intervals, or otherwise meeting the requirements of the City Engineer);
   c. preserved wooded areas and isolated trees and wetlands;
   d. structures (including buildings, fences, and walls);
   e. all structure heights, dimensions, and floor areas;
   f. areas of outdoor storage;
   g. permanent dumpsters and trash areas;
   h. locations, dimensions, and design features (including all curb radii, tapers, and parking space dimensions) of road accesses, interior drives, parking lots, loading docks or areas, intersection sight visibility triangles, and interior sidewalks;
   i. open spaces and specific landscaped areas;
   j. locations and capacities of public and private utilities;
   k. the location, width, and purpose of all easements;
   l. the use of each structure and the amount of parking allocated for the use(s);
   m. any public improvements including sidewalks, street trees, and right-of-way dedications; and
   n. locations for temporary uses, such as seasonal sales areas.
7 Landscaping Plan: A landscaping plan, drawn to an appropriate scale, showing the following:
   a. proposed landscaping, buffer yards, and street trees;
   b. topography (including elevation contour lines at 2 foot intervals, or otherwise meeting the requirements of the City Engineer);
   c. 100-year floodplain and 100-year floodway boundaries (including elevations);
   d. existing and proposed public and internal sidewalks and other pedestrian ways, and
   e. the size and spacing of the plantings at the time of installation and the species proposed to be used to meet the requirements of this Ordinance; and
   f. all existing trees and vegetation to be preserved, and the driplines for such trees (in which no construction activity shall occur).
8. Sign Plan: A sign plan showing the location, height, method of illumination (if any) and dimensions of all permanent signs and indications of appropriate locations, heights, and sizes of any temporary signs.

9.2 Application Materials (cont.)

9. Drainage Plan: A site drainage plan, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana, including all calculations required by the City Engineer. The drainage plan shall include the location of the following:
   a. all natural streams, regulated drains, and watercourses,
   b. 100-year floodways and 100-year floodplains (including elevations),
   c. all marshes, wetlands, and wooded areas, and
   d. all drainage area features as described in the drainage calculations.
10. Lighting Plan: A site lighting plan, drawn to an appropriate scale, showing the type and location of all exterior lighting fixtures.
11. Construction Plan: A site construction plan, drawn to an appropriate scale, showing:
   a. proposed erosion and sediment control measures;
   b. the location of any proposed construction trailer and worker parking;
   c. the location, height, and dimensions of any temporary construction-related signs;
   d. any temporary site accesses to be used during construction;
   e. all traffic control signs and devices (subject to the approval of the City Engineer and consistent with the Manual of Uniform Traffic Control Devices);
   f. any temporary utility connections; and
   g. the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.

9.3 Review Process

A. **Technical Review Committee Review:** The Technical Review Committee shall review the Site Development Plan, including all supporting information on the date established by the adopted Calender of Meeting and Filing Dates.

1. Representation: The applicant and/or a representative of the applicant must be present at the meeting to present the Site Development Plan and address any questions the Committee may have.
2. Considerations: In reviewing the Site Development Plan, the Committee shall consider whether or not the proposed Site Development Plan is consistent with the requirements and intent of this Ordinance and any other applicable adopted requirements of the City of Franklin.
3. Possible Action: The Committee may approve, approve with modifications, deny, continue, or forward to the Plan Commission the Site Development Plan.
   a. *Approve:* The Committee shall approve the Site Development Plan if it complies with all applicable requirements of this Ordinance.
   b. *Approve with Modifications:* The Committee shall approve the Site Development Plan with modifications if it is generally consistent with the considerations for approval outlined in 9.3(A)(2), but requires minor modifications to be completely in compliance with the requirements and intent of this Ordinance. The applicant shall revise the Site Development Plan proposal consistent with the Committee comments and supply revisions for review by the Planning Director prior to the release of any Improvement Location Permit.
   c. *Deny:* The Committee shall deny the Site Development Plan if it is found to be inconsistent with the considerations outlined in 9.3(A)(2). If the Site Development Plan is denied there shall be a 1- year waiting period before the same Site Development Plan can be resubmitted as a new application.
   d. *Continue:* The Committee may continue the Site Development Plan if requested by the applicant, if a determination has been made by the Planning Director that sufficient information has not been provided, or if the applicant or an appropriate representative of the applicant fails to appear at the Committee meeting. Site Development Plan applications that are continued shall be automatically docketed for the next Committee meeting.

STEP 2

See Also:

Chapter 11.2, Notice of Public Hearing

Plan Commission Rules & Procedures

9.3 Review Process (cont.)

e. *Forward to Plan Commission:* The Committee shall forward Site Development Plans that are generally consistent with the considerations outlined in 9.3(A)(2) to the Plan Commission for review if the proposal:
   i. involves a request for a waiver of any standard specified by Section 9.1(C)(1)(a)-(c),
   ii. includes proposed written commitments, or
   iii. requires the imposition of conditions in order to be completely consistent with the considerations for approval.

STEP 3

B. **Plan Commission Preparation:** If Plan Commission review is required, the Site Development Plan shall be placed on the agenda for the next meeting of the Plan Commission consistent with the adopted Calendar of Meeting and Filing Dates. The applicant shall revise the Site Development Plan proposal consistent with any Committee comments prior to review by the Plan Commission and shall provide such revision for review.

STEP 4

C. **Plan Commission Review (if necessary):** The Plan Commission shall review the Site Development Plan and any supporting information.
   1. Representation: The applicant and/or a representative of the applicant must be present at the public hearing to present the Site Development Plan and address questions from the Commission.
   2. Presentations: The Commission shall consider a report from the Planning Director describing the findings of the Technical Review Committee and any testimony from the applicant in making its decision.
   3. Possible Action: The Plan Commission shall approve, approve with modifications, deny, or continue the Site Development Plan application.
      a. *Approve:* The Plan Commission shall approve the Site Development Plan if it is consistent with all applicable requirements of this Ordinance.
      b. *Approve with Modifications:* The Plan Commission shall approve the Site Development Plan with modifications if it is generally consistent with all applicable requirements of this Ordinance. The Plan Commission may impose conditions on the approval of a Site Development Plan if the conditions are necessary to satisfy the requirements and intent of this Ordinance. Any accepted conditions shall become written commitments of the applicant.
      c. *Deny:* The Plan Commission shall deny the Site Development Plan if it is not consistent with the applicable requirements of this Ordinance. Site Development Plan applications that have been denied shall not be re-filed for a period of 1 year from the date of the denial, unless a different design, that addresses the reasons for denial, is submitted.

d. *Continue:* The application may be continued based on a request by the Planning Director, the applicant, a remonstrator, or an interested party; an indecisive vote; a determination by the Commission that additional information is required prior to action being taken on the request; or if the applicant or an appropriate representative of the applicant fails to appear at the public hearing.
   i. Additional legal notice shall not be required unless specified by the Plan Commission.
   ii. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Commission.

4. Assurance of Completion of Improvements: The Plan Commission may approve a Site Development Plan with the condition that a surety be provided that guarantees the timely completion of any proposed public improvements included in the development. The surety shall be in a form acceptable to the Plan Commission, the Planning Director, the City Engineer, and the City Attorney, and consistent with surety provisions of the City of Franklin Subdivision Control Ordinance.

D. **Findings of Fact:** The Planning Director shall prepare and sign written findings of fact documenting the action taken by the Technical Review Committee and the Plan Commission (if Plan Commission review is necessary). The Planning Director shall make copies of the written findings of fact available to the applicant within 5 business days of the date of the decision.

E. **Permits:** Prior to any construction activity, the applicant shall be required to obtain the appropriate Improvement Location Permit and any other required permits specified by this Ordinance.

9.4 Written Commitments

See Also:

Indiana Code 36-7-4-613, Written Commitments

Article 12, Enforcement & Penalties

The applicant in any Site Development Plan application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-613.

A. **Origin of Commitments:** Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Technical Review Committee, or in response to any modifications requested by the Plan Commission.

B. **Consideration of Commitments:** Any commitments shall be considered by the Technical Review Committee and/or the Plan Commission at the time of their review of the application.

C. **Filing of Commitments:** Following final action being taken on the Site Development Plan application, the written commitments shall be documented by the Planning Director. A copy of the commitments shall be maintained by the Planning Director for the records of the Plan Commission.

D. **Enforcement of Commitments:** The written commitments shall be considered part of this Zoning Ordinance binding on the subject property.
   1. Successors in Interest: The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or any portion of the subject property.
   2. Enforcement: The written commitments shall be enforceable by the Plan Commission as if they are a part of this Ordinance, consistent with the provisions of Article 12, Enforcement & Penalties.
   3. Modification: The written commitments may be modified by the Plan Commission only through the Site Development Plan process described by this Article.

9.5 Appeals

Any applicant or interested party may appeal a determination made by the Technical Review Committee to the Plan Commission through the procedure described below.

A. **Application:** The person making the appeal shall submit to the Planning Director a letter giving notice of the appeal and required supportive information within 30 days of the decision that is subject to the appeal. Supportive information shall include, but not be limited to, the following:
   1. Findings of Fact: Copies of any written decisions or findings of fact that are the subject of the appeal.
   2. Description: A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to the City of Franklin and the application upon which the appeal is based.

B. **Plan Commission Meeting:** The Plan Commission will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the appeal and supportive information.
   1. Representation: Either the entity initiating the appeal or their representative must be present at the public hearing to present the appeal and address any questions from the Commission.
   2. Presentations: The Commission shall consider a report from the Planning Director, testimony from the entity making the appeal, and testimony from any interested parties at the public hearing.
   3. Proceedings: The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the requirements of the Rules and Procedures of the Commission.
   4. Possible Actions: Upon hearing the appeal, the Plan Commission may approve, approve with modifications, deny, or continue the Site Development Plan application consistent with the approval procedure for applications referred to the Commission by the Technical Review Committee as described in Section 9.3(D)(3).

See Also:

Chapter 11.2, Notice of Public Hearing

Plan Commission Rules & Procedures

Article 10
Nonconformities

10

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Intent

Upon adoption of this Ordinance some structures, lots, and uses, that were previously established and maintained consistent with all applicable requirements, may no longer conform to the regulations of the zoning district in which they are located. For this reason, this Article has been written to provide the rules, policies and regulations that apply to these structures, lots, and uses; referred to as Legal Nonconforming. This Article may be referred to as the "Grandfather" clause - if a use, structure, etc. was established legally under a previously applicable ordinance it shall be "grandfathered" (legal non-conforming).

These regulations are intended to inform property owners about the options for using and modifying nonconforming properties and to support the eventual elimination of the nonconformities.

10.1 Nonconforming Status

A. **Illegal Nonconforming Described:** A structure, lot, or use that is nonconforming and that was constructed or is being used without an approved Improvement Location Permit or approval from the Board of Zoning Appeals or Plan Commission is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable City ordinances and shall be altered to conform with all applicable standards and regulations of this Ordinance.

B. **Legal Nonconforming ("Grandfathered") Described:** Legal Nonconforming differs from Illegal Nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance or a change to the Zoning Ordinance (including the Official Zoning Map). The structure, lot or use has not changed, but due to the Zoning Ordinance enactment or change, the property no longer conforms to the standards of the zoning district in which it is located. When this situation occurs, the property is deemed Legal Nonconforming or "Grandfathered". Legal conforming lots, structures, uses, etc., may continue in the manner and to the extent that they existed or were used at the time the change in the Zoning Ordinance was enacted. A certificate or other written acknowledgment of legal nonconformity shall be issued by the Planning Director upon request and the presentation of what he/she determines to be adequate evidence.

C. **Exemptions:** Structures, uses, and other property features that are nonconforming due to prior variance, special exception, or other approvals shall not be subject to the provisions of this Article, but shall conform to the terms of their approval.

D. **Repairs & Maintenance:** The following applies to legal nonconforming structures, uses of structures, or uses of structures and land in combination:
   1. Ordinary Repairs: Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, plumbing, etc.; under the condition that the nonconforming features (setbacks, lot coverage, land use, etc.) are not increased.
   2. Structures Declared Unsafe: Nothing in this Article shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure that has been declared unsafe by the appropriate City official.

E. **Nonconforming Lots of Record:** All lots legally established and recorded with the Johnson County Recorder prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet an applicable provision of this Ordinance (such as minimum area, width, or depth) shall be deemed Legal Nonconforming Lots of Record. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district of this Ordinance are met.

10.2 Nonconforming Structures

A. **Legal Nonconforming Structures:** Any structure (such as a primary structure, accessory structure, fence, etc.) lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards (setbacks, height, etc.) shall be deemed a Legal Nonconforming Structure.

B. **Continuation of Nonconforming Structures:** The continuation and modification of nonconforming structures shall be consistent with the following requirements.

1. Increases in Nonconformity: No legal nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity without the approval of a variance by the Board of Zoning Appeals. Any structure may be altered to decrease its nonconformity.
2. Intentional Alterations: Any legal nonconforming structure that is intentionally altered, moved for any distance, or replaced shall conform to the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed.
3. Accidental Alterations: Legal nonconforming structures that are required to be altered or removed due to government action or damage from fire, flood, other natural disaster, or criminal act may be restored to their legal nonconforming condition. Such structures, if rebuilt or restored, shall be identical or smaller in volume, height, setback, scale, and all other aspects to that which was altered or removed.

C. **Exception:** A legal non-conforming single-family residence located in any Mixed-Use, Industrial, or Institutional zoning district may be expanded by up to 50% of the pre-expansion living area 1 time in any 5 calendar year period. The expansion must be for the purpose of continuing the residential use of the property. Required setbacks for the expansion shall be either those established by the zoning on the property, or those provided by the pre-expansion structure, whichever is less restrictive.

10.3 Nonconforming Site Features

A. **Legal Nonconforming Site Features:** Any site feature or improvement (such as landscaping, dumpster enclosures, parking space dimensions, etc.) lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards shall be deemed a Legal Nonconforming Site Feature.

B. **Continuation of Nonconforming Site Features:** The continuation and modification of nonconforming site features shall be consistent with the following requirements.

1. Increases in Nonconformity: No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the amount of nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.
2. Site Modifications: If building expansions or other changes to the property occur that require corresponding site feature improvements, the affected features shall only be required to be modified to the extent necessary to accommodate the property changes. For example, parking lot landscaping would only be required for new portions of a parking lot that was required to be expanded due to a change in the use of the property - the amount of landscaping in the pre-existing parking areas will be unaffected. The required installation of new site features shall not require the entire site to be brought into compliance with this Ordinance.

10.4 Nonconforming Uses

A. **Legal Nonconforming Uses:** Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use.

B. **Continuation of Nonconforming Uses:** A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

1. Modification of Structures: No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered except as to change the use of the structure to a use permitted in the district in which it is located or as otherwise specified in this Section 10.4(B)(5) below.
2. New Structures: No new structure shall be constructed in connection with an existing legal nonconforming use of land.
3. Expansion Within Structures: Any legal nonconforming use may be extended throughout any parts of an existing structure that were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the structure.
4. Expansion on the Property: No legal nonconforming use of land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this Ordinance.
5. Expansion of Non-Conforming Residential Use: A legal nonconforming single-family residence located in any Mixed-Use, Industrial, or Institutional zoning district may be expanded by up to 50% of the pre-expansion living area 1 time in any 5 calendar year period. The expansion must be for the purpose of continuing the residential use of the property. Required setbacks for the expansion shall be either those established by the zoning on the property, or those provided by the pre-expansion structure, whichever is less restrictive.
6. Change of Use (to Another Nonconforming Use): If no structural alterations are made, it is possible to change any nonconforming use to another nonconforming use.
   a. *Similar Uses:* Nonconforming uses may be changed to another similar nonconforming use. For the purpose of this Section similar uses shall be considered those within the same land use categories (such as office uses, retail uses (small scale), etc.) as provided by Article 3 of this Ordinance.

See Also:

Article 3, Zoning Districts

10.4 Nonconforming Uses (cont.)

b. *Dissimilar Uses:* Nonconforming uses may only be changed to other dissimilar nonconforming uses with the approval of the Board of Zoning Appeals (as a use variance). For the purpose of this Section dissimilar uses shall be considered those that are not within the same land use categories (such as office uses, retail uses (small scale), etc.) as provided by Article 3 of this Ordinance.

i. The Board may approve the change of use if it finds that the proposed use is equally or more appropriate to the district in which it is located than the existing use.

ii. The Board shall consider the development standards applicable to the proposed use established by this Ordinance and may make reasonable conditions as part of any approval.

7. Change of Use (to a Permitted Use): When a legal nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which it is located, and the legal nonconforming use may not be resumed.

8. Discontinuation of Use: If a legal nonconforming use is **intentionally discontinued** for 1 year or longer, any subsequent use of such land, structure, or land and structure in combination shall conform to the provisions of this Ordinance.

a. *Exemptions:* Uses that are required to be discontinued due to government action that impedes access to the premises or damage from fire, flood, other natural disaster, or criminal act shall be exempt from this provision and may be restored.

b. *Exemption Conditions:* Such exempt uses, if restored, shall be identical in scale, volume, lot coverage, and all other aspects to that which was discontinued.

9. Nonconforming Structures and Land in Combination: Where legal nonconforming use status applies to a structure and land in combination, an intentional removal or alteration of the structure, or its use, that establishes conformity shall also eliminate the legal nonconforming status of the land. Legal nonconforming uses located in structures specifically constructed or modified to suit only such use are exempt from this provision and may be resumed if the structure has not been intentionally altered to serve other uses, used to house a permitted use, or used to house another nonconforming use with the approval of the Board of Zoning Appeals as specified in Section 10.4(B)(5).

Example of Nonconforming Structures and Land in Combination: *Legally established apartment units located in a single family dwelling zoning district at the effective date of this Ordinance may continue to be used as apartments after a period of vacancy if the structure has not been modified to physically remove the apartments.*

10.5 Nonconforming Signs

A. **Legal Nonconforming Signs:** Any sign, lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards shall be deemed a Legal Nonconforming Sign.

B. **Sign Defined:** For the purposes of this Article, a sign shall include the sign face and any supports, poles, frames, or other associated lighting, electrical, mechanical, and structural features.

C. **Continuation of Nonconforming Signs:** The continuation and modification of nonconforming signs shall be consistent with the following requirements:

1. Increases in Nonconformity: No legal nonconforming sign shall be enlarged or altered in terms of face area, height, or any other aspect that increases its nonconformity.
2. Intentional Alterations: Any legal nonconforming sign that is intentionally altered, moved for any distance, or replaced shall conform to the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed.
3. Accidental Alterations: Legal nonconforming signs that are required to be altered or removed due to government action or damage resulting from fire, flood, other natural disaster, or a criminal act may be restored to their legal nonconforming condition. Such signs, if rebuilt or restored, shall conform with the requirements of this Ordinance, or shall be identical in scale and all other aspects to that which was altered or removed.
4. Sign Faces and Messages: The sign faces and/or message on a legal nonconforming sign may be altered, replaced, repainted, and repaired provided that the nonconformity of the sign is not increased. Nothing in this Article shall be interpreted as requiring a sign to be brought into conformance with this Ordinance if it is changed only to the extent that the face area is changed, but not increased in size or altered in shape.
5. Temporary Signs: Any signs in existence at the time this Ordinance becomes effective that were previously permitted as temporary signs may only remain in use consistent with the requirements of this Ordinance. Any temporary signs that are no longer permitted shall be removed within 60 days of the effective date of this Ordinance. Any nonconforming temporary signs shall be considered to be in violation of this Ordinance and shall be subject to the provisions of Article 12, Enforcement and Penalties.

Article 11

Processes & Permits

11

Article Eleven: Processes & Permits ..... Page #

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See Also:

Article 6,
Planned Unit Development

Article 9,
Site Development Plans

Plan Commission
Rules & Procedures

Board of Zoning Appeals
Rules & Procedures

11.1 Application & Permit Types

A. **Applications Required:** The City of Franklin requires that an application be submitted for each of the following requests:
   1. Development Standards or Use Variance,
   2. Special Exception,
   3. Administrative Appeal,
   4. Zoning Map Amendment ("Re-zoning"),
   5. Annexation,
   6. Planned Unit Development (subject to the requirements of Article 6), and
   7. Site Development Plan (subject to the requirements of Article 9).

B. **Permits Required:** The City of Franklin requires that an application be submitted for the following types of permits:
   1. Improvement Location Permit (*Note: a building permit may also be required consistent with the provisions of the Franklin Building Code*) and
   2. Sign Permit.

C. **Application Materials:** All applications may be obtained from the Planning Director. Fees shall be paid to the City of Franklin at the time all petition applications are submitted and at the time all permits are issued.
   1. Application Forms: All applications shall be made on forms provided by the Planning Director. All applicants shall submit original applications that are completed in their entirety in ink or typed.
   2. Copies of Materials: All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Planning Director and the applicable Rules and Procedures of the Plan Commission and Board of Zoning Appeals.
   3. Scheduling: All applications shall be assigned reference and/or docket numbers by the Planning Director.
      a. Petition Applications: Petition applications shall be scheduled by the Planning Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted Calendars of Filing and Meeting Dates for the Board of Zoning Appeals and/or Plan Commission.
      b. Order of Action Taken: Action shall be taken on all applications in the order received.

11.2 Notice of Public Hearing

For all public hearings, the notice shall be provided to the public consistent with the requirements of this Chapter and the Rules & Procedures of the Board of Zoning Appeals and Plan Commission. Required public notice shall include the following:

A. **Legal Notice:** The applicant shall prepare and pay for a legal notice consistent with the requirements of IC 5-3-1 for publication in the local newspaper. The legal notice shall appear in the newspaper no less than 1 time at least 10 days prior to the public hearing, not including the date of the hearing. Legal notices shall include each of the following:
   1. Property Location: The general location of the subject property, including its common address and a legal description of the included land,
   2. Available Plans: That the project plans are available for examination at the office of the Franklin Plan Commission,
   3. Hearing Information: That a public hearing will be held, giving the date, place, and hour of the hearing, and
   4. Written Comments: That written comments on the application will be accepted prior to the public hearing and may be submitted to the Planning Director.

B. **Notice to Interested Parties:** The applicant shall prepare and distribute written notice of the application to all interested parties. In no instances shall streets, alleys, streams, or other features be considered boundaries for precluding notification.
   1. Notice Information: The notice shall contain the same information as the legal notice that is published in the newspaper as outlined in Section 11.2(A).
   2. Responsibility: The distribution and cost of the notice shall be the responsibility of the applicant.
   3. Notification Requirements: The notification of interested parties shall be as specified by the Plan Commission and/or Board of Zoning Appeals Rules and Procedures (whichever is applicable).
   4. Notification Certification: A copy of the materials provided to each property owner, the completed mailing and/or delivery forms, and a completed Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Planning Director by the applicant a minimum of 2 business days prior to the date of the public hearing.

See Also:

Indiana Code 5-3-1, Legal Notice

Plan Commission Rules & Procedures

Board of Zoning Appeals Rules & Procedures

11.3 Variance Applications

See Also:

Chapter 11.2, Notice of Public Hearing

Board of Zoning Appeals Rules & Procedures

In no case shall any variance to the terms of this Ordinance be authorized without the approval of the BZA. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA. The following procedure shall apply to all variance applications:

A. **Application:** The applicant shall submit a variance application, affidavit and consent of property owner (if the owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to, the following:
   1. Site Plan: A site plan shall be signed and dated, and clearly show the entire layout of the property and all features relevant to the variance request.
   2. Statement of Intent: A statement of intent to the Board of Zoning Appeals describing the details of the variance being requested and stating how the request is consistent with the required findings of fact. The statement should include any written commitments being made by the applicant.

B. **Notification:** Notification for the scheduled public hearing regarding the variance request shall be completed consistent with Chapter 11.2 and the Rules and Procedures of the Board of Zoning Appeals.

C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the variance application and required supporting information.
   1. Representation: The applicant and any representative of the applicant must be present at the public hearing to present the petition and address the required findings of fact.
   2. Testimony: The Board shall consider a report from the Planning Director and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
   3. Procedures: The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules and Procedures of the Board.
   4. Possible Action: The BZA may approve, approve with conditions, deny, or continue the application.
      a. *Approval:* The application shall be approved if findings of fact are made consistent with the decision criteria listed in Section 11.3(D).
      b. *Approval with Modifications:* The application shall be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made if certain conditions are applied to the application. The Board may make reasonable conditions related to the required finding of facts part of its approval and/or accept written commitments from the applicant.

c. *Denial:* The application shall be denied if findings of fact consistent with the decision criteria listed in Section 11.3(D) are not made. Applications that are denied shall not be eligible for consideration again by the Board for a period of 1 year from the date of denial.

d. *Continued:* The application may be continued by the Board based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request.

i. Additional legal notice shall not be required unless specified by the Board of Zoning Appeals.

ii. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

D. **Decision Criteria:** In taking action on all variance requests, the Board shall use the following decision criteria, consistent with the requirements of the Indiana Code.

1. Development Standards Variance: The Board may grant a variance from the development standards of this Ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5), that:

a. *General Welfare:* the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

b. *Adjacent Property:* the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

c. *Practical Difficulty:* the strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

2. Use Variance: The Board may grant a variance from the use requirements and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.4), that:

1. *General Welfare:* the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

2. *Adjacent Property:* the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

11.3 Variance Applications (cont.)

3. *Practical Difficulty:* the strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property (this situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on economic gain);
4. *Unnecessary Hardship:* the strict application of the terms of this Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought; and,
5. *Comprehensive Plan:* the granting of the variance does not interfere substantially with the Comprehensive Plan.

E. **Conditions:** The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the decision criteria for approval will be served.

F. **Commitments:** The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and have such commitments recorded in the Johnson County Recorder's Office. A copy of the recorded commitments shall be provided to the Planning Director for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.

G. **Limitations:** The following limitations shall apply to the execution of a variance approval:
1. Development Standards Variance: A development standards variance granted by the Board and executed in a timely manner as described in this Article shall run with the parcel until such time as: (1) the property conforms with Ordinance as written or (2) the variance is terminated.
2. Use Variance: Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit use variances to a specific time period and a specific use. Use variances shall be invalid if (1) the property conforms with the Ordinance as written or (2) the variance is terminated.

11.4 Special Exception Applications

In no case shall special exception uses be authorized without the approval of the BZA. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA. The following procedure applies to special exception applications:

See Also:
Chapter 11.2, Notice of Public Hearing

Board of Zoning Appeals Rules & Procedures

A. **Application:** The applicant shall submit a special exception application, affidavit and consent of property owner (if the owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to, the following:
   1. Site Plan: A site plan shall be signed and dated, and clearly show the entire layout of the property and all features relevant to the special exception request.
   2. Statement of Intent: A statement of intent to the Board of Zoning Appeals describing the details of the special exception request including, but not limited to:
      a. The ways in which the special exception shall comply with the applicable development standards of this Ordinance,
      b. The ways in which the special exception shall be consistent with the required findings of fact described by Section 11.4(D), and
      c. Any written commitments being made by the applicant.

B. **Notification:** Notification for the scheduled public hearing regarding the special exception request shall be completed consistent with Chapter 11.2 and the Rules and Procedures of the Board of Zoning Appeals.

C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the special exception application and required supporting information.
   1. Representation: The applicant and any representative of the applicant must be present at the public hearing to present the application and address the required findings of fact.
   2. Testimony: The Board shall consider a report from the Planning Director and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
   3. Procedures: The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules and Procedures of the Board.
   4. Possible Action: The BZA may approve, approve with conditions, deny, or continue the application.
      a. *Approval:* The application shall be approved if findings of fact are made consistent with the requirements of Section 11.4(D) and Indiana State Code.

11.4 Special Exception Applications (cont.)

b. *Approval with Modifications:* The application may be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made only if certain conditions are applied to the application. The Board may make reasonable conditions related to the required finding of facts part of its approval and/or accept written commitments from the applicant.

c. *Denial:* The application shall be denied if findings of fact consistent with the requirements of Section 11.4(D) and the Indiana State Code are not made. Applications that are denied shall not be eligible for consideration again by the Board for a period of 1 year from the date of denial.

d. *Continued:* The application may be continued by the Board based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request.

i. Additional legal notice shall not be required unless specified by the Board of Zoning Appeals.

ii. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

D. **Decision Criteria:** The Board may grant a special exception for a use listed as such in the appropriate zoning district in Article 3 of this Ordinance if, after a public hearing, it makes findings of facts in writing, that:

1. General Welfare: the proposal will not be injurious to the public health, safety, morals, and general welfare of the community;
2. Development Standards: the requirements and development standards for the requested use as prescribed by this Ordinance will be met;
3. Ordinance Intent: granting the special exception will not be contrary to the general purposes served by this Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity; and
4. Comprehensive Plan: the proposed use will be consistent with the character of the zoning district in which it is located and the Franklin Comprehensive Plan.

E. **Other Considerations:** When considering a special exception the Board of Zoning Appeals may examine the following items as they relate to the proposed use:
   1. topography and other natural site features;
   2. zoning of the site and surrounding properties;
   3. driveway locations, street access and vehicular and pedestrian traffic;
   4. parking (including amount, location, and design);
   5. landscaping, screening, buffering;
   6. open space and other site amenities;
   7. noise production and hours of any business operation;
   8. design, placement, architecture, and building material of the structure;
   9. placement, design, intensity, height, and shielding of lights;
   10. traffic generation; and
   11. general site layout as it relates to its surroundings.

F. **Conditions:** The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Section 11.4(D) will be served.

G. **Commitments:** The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and have such commitments recorded in the Johnson County Recorder's Office. A copy of the recorded commitments shall be provided to the Planning Director for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.

H. **Limitations:** Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special Exceptions shall also be invalid if (1) the property conforms with the Ordinance as written, or (2) the special exception approval is terminated (consistent with Section 2.5(L)).

I. **Special Exception Use Expansion:** A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special exception.

11.5 Administrative Appeal Applications

See Also:

Board of Zoning Appeals Rules & Procedures

The Board may grant an appeal of any decision, interpretation, or determination made by the Planning Director, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance. The following procedure shall apply to all appeals of administrative decisions;

A. **Application:** The applicant shall submit an administrative appeal application and required supporting information. Supporting information shall include, but not be limited to, the following:
   1. Original Submittals: Copies of all materials upon which the decision being appealed was based.
   2. Written Decisions: Copies of any written decisions that are the subject of the appeal.
   3. Appeal Basis: A letter describing the reasons for the appeal noting specific sections of this Ordinance or other standards applicable in the City of Franklin upon which the appeal is based.

B. **Board Review and Action:** The BZA will then, at a meeting scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the administrative appeal application and supporting information.
   1. Representation: The applicant and any representative of the applicant must be present at the meeting to present the appeal.
   2. Testimony: The Board shall consider a report from the Planning Director and testimony from the applicant at the meeting.
   3. Procedures: The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the Rules and Procedures of the Board.
   4. Possible Action: The BZA may grant, grant with modifications, deny, or continue the appeal.
      a. *Granted:* The appeal shall be granted if findings of fact are made consistent with the requirements of Section 11.5(C) of this Ordinance and Indiana State Code.
      b. *Granted with Modifications:* The appeal shall be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) that are subject to the appeal is consistent with neither the administrative decision nor the requested interpretation of the applicant.
      c. *Denied:* The appeal shall be denied if findings of fact are made supporting the administrative decision.
      d. *Continued:* The appeal shall be continued based on a request by the Planning Director or applicant; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the BZA.

C. **Decision Criteria:** The Board shall only grant an appeal of such an administrative decision based on a finding, in writing, that the decision of the administrative person or board was inconsistent with the provisions of this Ordinance.

11.6 Zoning Map Amend. Applications

See Also:

Chapter 11.2, Notice of Public Hearing

Article 12, Enforcement & Penalties

Indiana Code 36-7-4-608, Plan Commission Certification

Indiana Code 36-7-4-615, Written Commitments

The following procedure shall apply to all Zoning Map Amendment ("Re-zoning") applications:

A. **Application Initiation:** Proposals for Zoning Map Amendments may be initiated by either the Plan Commission, the Common Council, or through an application signed by property owners of at least 50% of the land involved.
   1. City Initiation: The Plan Commission shall prepare the application for zoning map amendment if either the Commission or the Common Council has initiated the application. The Planning Director shall serve as the representative of the applicant for such proposals.
   2. Property Owner Initiation: Any property owners requesting a zoning map amendment shall be the applicants and assume responsibility for preparing application materials.

B. **Application:** The applicant shall submit a re-zoning application, affidavit and consent of property owner (if the owner is someone other than the applicant, and the City is not the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to the following:
   1. Site Plan: A conceptual site plan showing all features relevant to the application.
   2. Vicinity Map: A vicinity map showing the use and zoning of all properties within 500 feet of the property subject to the re-zoning request.
   3. Letter of Intent: A letter of intent to the Plan Commission stating the reasons for the re-zoning, including a detailed description of any proposed development for which the re-zoning is sought. The letter should include any written commitments being made by the applicant.

C. **Technical Review:** The application materials shall be reviewed by the City of Franklin Technical Review Committee consistent with the provisions of Chapter 2.4 of this Ordinance.
   1. Representation: The applicant(s) or a representative of the applicant(s) shall be present during the review to answer any questions that Committee may have.
   2. Revisions: Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through the submittal of revised application materials prior to the Plan Commission hearing.

D. **Notification:** Notification for the scheduled Plan Commission public hearing regarding the rezoning request shall be completed consistent with the requirements of Chapter 11.2 and the Rules and Procedures of the Plan Commission.

E. **Plan Commission Public Hearing:** The Plan Commission will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates (but no later than 60 days following the receipt of the application per IC 36-7-4-608), review the re-zoning application and required supportive information.

1. Representation: The applicant and/or any representative of the applicant must be present at the public hearing to present the application and address any questions the Commission might have.
2. Testimony: The Commission shall consider a report from the Planning Director and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
3. Procedures: The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Commission.
4. Possible Action: The Commission shall either forward the application to the Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.
   a. *Favorable Recommendation:* The application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Section 11.6(I). The recommendation may include commitments requested by the Plan Commission.
   b. *Unfavorable Recommendation:* The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in Section 11.6(I).
   c. *No Recommendation:* The application may be forwarded with no recommendation if, by a majority vote of the Commission, it is determined that the application includes aspects that the Commission is not able to evaluate.
   d. *Continued:* The application may be continued by the Commission based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request.
      i. Additional legal notice shall not be required unless specified by the Plan Commission.
      ii. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Commission.

F. **Certification:** The Plan Commission shall certify its recommendation by resolution to the Common Council within 10 business days of its determination (per IC 36-7-4-608). The Plan Commission staff shall forward to the Council appropriate copies of the Plan Commission resolution, the original application and all supporting information, any staff reports regarding the application, and an ordinance for the Council's consideration.

11.6 Zoning Map Amend. Applications (cont.)

G. **Common Council First Reading:** The Common Council will review the rezoning application and the materials forwarded from the Plan Commission. The Common Council will then identify a date for Second Reading and action to be taken on the application.

H. **Common Council Second Reading:** The Common Council shall vote on the proposed re-zoning ordinance within 90 days of its certification by the Plan Commission (per IC 36-7-4-608).
   1. Notification: The Council shall provide notification of action on the ordinance consistent with Indiana State Code.
   2. Possible Action: The Common Council may either approve or deny the ordinance. If the Council fails to act within the 90 day time frame the ordinance shall become effective or be defeated consistent with the provisions of IC 36-7-4-608. The Council may also seek modifications or additions to any written commitments as described in 11.6(J) in this Chapter.

I. **Decision Criteria:** In reviewing the re-zoning application, the Plan Commission and Common Council shall pay reasonable regard to the following:
   1. Comprehensive Plan: The City of Franklin Comprehensive Plan and any other applicable, adopted planning studies or reports;
   2. Current Conditions: The current conditions and the character of current structures and uses in each district;
   3. Desired Use: The most desirable use for which the land in each district is adapted;
   4. Property Values: The conservation of property values throughout the City of Franklin's planning jurisdiction; and
   5. Responsible Growth: Responsible growth and development.

J. **Written Commitments:** The applicant in any re-zoning application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-615.
   1. Origin of Commitments: Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, or in response to any modifications requested by the Plan Commission or Common Council.
   2. Consideration of Commitments: All commitments shall be considered by the Plan Commission and the Common Council in the review of the application.
      a. Commitments shall be included as an element of the rezoning ordinance prepared by the Plan Commission following action taken at the public hearing.
      b. Any deletion, addition, or alteration of the written commitments proposed by the Common Council may be referred back to the Plan Commission for consideration and included in a revised or affirmed recommendation regarding the application.

4. Documenting of Commitments: Following final action being taken on the rezoning application, the rezoning ordinance, with any written commitments included, may be recorded in the office of the Johnson County Recorder. A copy of any recorded commitments shall be provided to the Planning Director for inclusion in the application file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application that does not comply with the written commitments.
5. Enforcement of Commitments: The written commitments shall be considered part of this Ordinance binding on the subject property.
   a. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
   b. The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of any other aspect of this Ordinance, as described in Article 12, Enforcement and Penalties.
   c. The written commitments may be modified only through the Zoning Map Amendment process described by this Chapter.

11.7 Annexation Applications

The following procedure shall apply to all Annexation applications that are considered "voluntary", meaning that they are signed by 100% of landowners who reside in the area to be annexed and therefore subject to the provisions of IC 36-4-3-5.1. All other annexations shall be processed by the City consistent with the requirements of IC 36-4-3 et. al.

A. **Plan Commission Application:** The applicant shall submit, to the Planning Director for the Plan Commission, an Annexation application, affidavit and consent of property owner (if the owner is someone other than the applicant), a copy of the deed for the property(ies) involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to the following:
   1. Legal Description: A legal description of the boundaries of the area to be annexed;
   2. Contiguity Calculations: Calculations indicating that the area to be annexed meets the 1/8 contiguity requirements of IC 36-4-3-1.5;
   3. Landowner Petition: A petition requesting annexation signed by 100% of the property owners that reside in the area to be annexed;
   4. Land Area: A statement of the approximate number of acres in the area to be annexed; and
   5. Zoning Requested: A statement of the zoning district(s) being requested for the property.

B. **Technical Review:** The application materials shall be reviewed by the City of Franklin Technical Review Committee consistent with the provisions of Chapter 2.4 of this Ordinance.
   1. Representation: The applicant(s) or a representative of the applicant(s) shall be present during the review to answer any questions that Committee may have.
   2. Revisions: Any revisions to the application materials requested by the Committee shall either be addressed during the review meeting or through the submittal of revised application materials prior to the Plan Commission hearing.

C. **Notification:** Notification for the scheduled Plan Commission public hearing regarding the annexation request shall be completed consistent with the requirements of Chapter 11.2 and the Rules and Procedures of the Plan Commission.

D. **Plan Commission Public Hearing:** The Plan Commission will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates review the annexation application and required supportive information.
   1. Representation: The applicant and/or any representative of the applicant must be present at the public hearing to present the

application and address any questions the Commission might have.

2. Testimony: The Commission shall consider a report from the Planning Director and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
3. Procedures: The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Commission.
4. Possible Action: The Commission shall either provide the applicant(s) with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.
   a. *Favorable or Unfavorable Recommendation:* The Planning Director shall provide the applicant(s) a letter documenting the Plan Commission's recommendation within 5 business days of the date of the decision. The applicant(s) may then file the annexation request with the Common Council.
   b. *No Recommendation:* The application may be provided with no recommendation if, by a majority vote of the Commission, it is determined that the application includes aspects that the Commission is not able to evaluate. The Planning Director shall provide the applicant(s) a letter documenting the decision of the Plan Commission within 5 business days of the date of that decision. The applicant(s) may then file the annexation request with the Common Council.
   c. *Continued:* The application may be continued by the Commission based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request.
      i. Additional legal notice shall not be required unless specified by the Plan Commission.
      ii. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Commission.

E. **Common Council Application:** The applicants shall file the application materials listed in Section 11.7(A) with the Common Council. The materials shall be updated to include any revisions identified by the Technical Review Committee and/or the Plan Commission. The materials shall also include a copy of the letter received from the Planning Director that documents the Plan Commission's actions regarding the application.

F. **Common Council First Reading:** The Common Council will review the annexation application, a fiscal plan for the area to be annexed (prepared by the City), and the materials from the Plan Commission. The Common Council will then identify a date for a public hearing regarding the application (the public hearing must occur within 30 days of the date application materials are filed with the Common Council consistent with IC 36-4-3-5.1).

11.7 Annexation Applications (cont.)

G. **Common Council Second Reading:** The Common Council shall hold a public hearing regarding the proposed annexation. The Common Council will then identify a date for action to be taken on the application (the Common Council may not adopt an ordinance annexing the area sooner than 14 days from the date of the public hearing, and must take action within 60 days of the public hearing consistent with IC 36-4-3-5.1).

H. **Common Council Third Reading:** The Common Council will again review the annexation application and shall either approve, deny, or continue the fiscal plan and annexation ordinance. In no instance shall an annexation ordinance be adopted without the Council first adopting the fiscal plan. The ordinance may take affect no sooner than 30 days following the date of adoption (subject to the exceptions provided by IC 36-4-3-7(a) for years preceding a Federal decennial census and IC 36-4-3-7(d) for areas included in the territory of a volunteer fire protection district established after June 14, 1987).

I. **Filing and Recording:** The Clerk-Treasurer shall file and record the annexation ordinance consistent with IC 36-4-3-22.

11.8 Improvement Location Permits

The following procedure applies to Improvement Location Permit (ILP) applications:

A. **General Requirements:** No structure or major infrastructure shall be erected, moved, or added to, without an Improvement Location Permit issued by the Planning Director. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance, and other applicable regulations of the City of Franklin. When applicable, consistent with Article 9, Site Development Plan review and approval shall be completed prior to the receipt of an Improvement Location Permit.

B. **Permit Required:** The City of Franklin requires that an Improvement Location Permit be obtained for any of the following actions. A single Improvement Location Permit may be issued for a combination of these actions, if they occur together:
   1. construction, removal, or placement of any structure, for any use that exceeds 120 square feet in area and/or has a permanent foundation (including structures other than buildings such as towers and antennas),
   2. any temporary use of land or temporary structure,
   3. signs,
   4. swimming pools (in-ground pools shall be required to obtain a permit, above ground pools shall not be required to obtain a permit, but shall comply with this Ordinance),
   5. additions to all structures,
   6. demolition,
   7. surface and sub-surface drainage work and/or grading (including land alteration) excluding agricultural uses,
   8. driveway access to a public street,
   9. removal of required trees and plants within buffer yards and landscaping areas required by this Ordinance,
   10. adding or subtracting dwelling units or leased space in multi-family or commercial structures,
   11. placement or replacement of manufactured or mobile homes,
   12. parking lot construction or alteration,
   13. pond or lake construction or alteration,
   14. mineral extraction,
   15. telecommunication towers, buildings, and antenna, and
   16. any exterior construction that adds to or alters the height of an existing structure.

See Also:

Article 9,
Site Development Plans

Article 12,
Enforcement & Penalties

11.8 Improvement Location Permits (cont.)

C. **Exemptions:** No ILP shall be required for the following types of improvements. However, any such improvement shall comply with any applicable requirements of this Ordinance, the Subdivision Control Ordinance, and any other adopted standards of the City of Franklin.
   1. fences, walls, and hedges placed outside of the public right-of-way,
   2. residential driveways and sidewalks that are located entirely on private property.
   3. cosmetic (non-structural) changes to any structure including the replacement of windows in existing openings, re-roofing, the installation of siding material, and repainting.

D. **Application Requirements:** All applications for Improvement Location Permits shall be accompanied by the following:
   1. Site Location Map: A site location map showing the subject property and adjacent streets.
   2. Site Plan (if applicable): A detailed site plan, drawn to scale with the dimensions indicated showing the following:
      a. the entire property and the features of the property including all rights-of-way, easements, property lines, required buffer yards, and setbacks;
      b. all existing and proposed structures or other site improvements with the dimensions of such improvements;
      c. the distances from all proposed improvements to the property lines;
      d. the location of any existing or proposed septic field;
      e. the location of any existing or proposed driveway and/or parking areas;
      f. any natural, physical or hazardous conditions existing on the lot;
      g. the location of any required landscaping, labeled according to size and species,
      h. the location, type, and dimensions of any storm water structures, conduits, or detention/retention ponds that cross or adjoin the subject property,
      i. finished floor elevations (if required by the Planning Director), and
      j. general grades on-site sufficient to determine positive drainage.
   3. Waste Disposal Verification (if applicable): Either a septic permit from the Johnson County Health Department or a sewer access (tap-on) permit from the City of Franklin.
   4. Use Description: A detailed description of the existing or proposed uses of the property.
   5. Dwelling Units/Tenant Spaces (if applicable): An indication of the number of dwelling units, or tenant spaces, the building is designed to accommodate.

6. Building Permit (if applicable): A Building Permit consistent with the requirements of the Franklin Building Code and the procedures of the Building Official. The ILP may also serve as the building permit consistent with the policies of the Planning Director.

E. **Copies:** A copy of all submitted plans and application materials shall be retained by the Planning Director for the permanent records of the Plan Commission.

F. **Expiration of Permits:** If the work described in any Improvement Location Permit has not begun within 90 days, and not been completed within 1 year of the date of its issuance, the permit shall expire. The City shall not be required to issue written notice to the persons affected.
   1. The Planning Director may grant extensions for up to 1 year each for work completion. Requests for extensions must be received within 1 month of the expiration.
   2. No extension shall be granted unless any appropriate fees, as defined by the adopted fee schedule, are paid to the City and the project continues to conform with all applicable requirements of the City of Franklin.

G. **Construction According to Permits and Permit Application:** Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed a violation of this Ordinance and subject to the provisions of Article 12, Enforcement and Penalties.

11.9 Sign Permits

The following procedure applies to Improvement Location Permits for Signs (Sign Permits):

A. **Sign Permit Review for Permanent Signs:** The following procedure applies to Permanent Sign Permit Review.
   1. Application: Application for a permit shall be filed with the Planning Director and shall be accompanied by any information the Planning Director determines is necessary to assure compliance with this Ordinance, including but not limited to:
      a. Clear and legible drawings with descriptions showing the location of the sign which is the subject of the permit.
      b. An indication of all existing and anticipated signs on the same property and for the same business use.
      c. A dimensioned drawing showing the size of the sign face area and the height of the sign.
   2. Effect of Sign Permit Issuance: A sign permit issued under the provisions of this Section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
   3. Expiration: A sign permit shall become null and void if work has not been started within 30 days of the date the permit is issued or completed within 6 months of the date the permit is issued.

B. **Sign Permit Review for Temporary Signs:** The following procedure applies to Sign Permit Review for Temporary Signs.
   1. Application: Application for a permit shall be filed with the Planning Director and shall be accompanied by any information the Planning Director determines is necessary to assure compliance with this Ordinance, including but not limited to:
      a. the type of temporary sign to be used.
      b. the period of time the temporary sign is to be used.
      c. the location at which the temporary sign is to be used, and the location on the property where the sign is to be placed.
   2. Effect of Sign Permit Issuance: A sign permit issued under the provisions of this Section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
   3. Nullification: A temporary sign permit shall become null and void if the sign has not been placed within 30 days of the date the permit is issued.

11.10 Certificates of Occupancy

The following procedure applies to Certificates of Occupancy:

A. **Certificate Requirements:** It shall be unlawful and in violation of this Ordinance for any builder or property owner to allow any improvement that requires an Improvement Location Permit to become occupied or utilized prior to:
   1. legally obtaining an Improvement Location Permit,
   2. successfully completing all required inspections, including the final inspection; and
   3. obtaining a Certificate of Occupancy from the Planning Director.

B. **Inspection:** Upon the completion of the work approved through an Improvement Location Permit, the permit holder shall contact the Planning Director and schedule a final inspection to verify the installation of improvements consistent with the requirements of this Ordinance. The City Engineer, Building Official, any other municipal official, and any other person requested by the Planning Director may also take part in the inspection.

C. **Certificate Issuance:** The Planning Director shall issue the Certificate of Occupancy if the improvements comply with all applicable requirements of the City of Franklin, including this Ordinance, the Subdivision Control Ordinance, the Building Code, and other applicable requirements. The Planning Director may also issue a limited or temporary Certificate of Occupancy at his/her discretion.

Intent

The intent of the Certificate of Occupancy procedure is to coordinate building, planning, and engineering related issues and approvals into a single process and to better ensure the public safety and general welfare.

Article 12
Enforcement & Penalties

12

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12.1 General Provisions

See Also:

Indiana Code 36-7-4-1000, Enforcement

A. **Authority:** The Plan Commission, Board of Zoning Appeals, Building Official, Mayor, Common Council, Board of Public Works and Safety, City Engineer, and/or Planning Director (including their staff and/or designees) are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state laws.

B. **Violations:** Complaints made pertaining to compliance with provisions of this Ordinance shall be investigated by the Planning Director. The Planning Director may include other officials, such as the City Engineer, Building Official, County Health Department officials, Police Chief, or any of their designees in the investigation. Action may or may not be taken depending on the findings of the investigation. The degree of action will be to the discretion of the Planning Director, and should reflect both what is warranted by the violation as well as a consistent approach to the enforcement of this Ordinance.

C. **Inspections:** Investigations of property may be done by the Planning Director from a right-of-way, from adjacent property (with permission of that property owner), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

D. **Court Ordered Entry:** In the event that the Planning Director is denied entry to the subject property, he/she may apply to a court of jurisdiction to invoke legal, applicable, or special remedy for the enforcement of this Ordinance or any other applicable ordinances adopted under Indiana Code.
   1. Information Required: The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.
   2. Entry Permitted: Pursuant to applicable regulations and the orders of the court of jurisdiction the owner, tenant, or occupant shall permit entry by the Planning Director.

E. **Responsibility:** The property owner shall be held responsible for all violations on his/her or their property.

12.1 General Provisions (cont.)

F. **Types of Violations:** The following items shall be deemed zoning violations, enforceable by the Planning Director (penalties may be imposed based on the provisions set forth in this Article):

1. Illegal Structures: The placement, erection, and/or maintenance of a primary structure, sign, accessory structure(s) or any other element determined by the Planning Director to not conform to the provisions or explicit intent of this Ordinance.
2. Illegal Use: Conducting a use or uses that do not comply with the provisions or explicit intent of this Ordinance.
3. Failure to Obtain a Permit: Failure to obtain an Improvement Location Permit or other permits and approvals required by this Ordinance.
4. Violation of Stop-Work-Order: Proceeding with work under a Stop-Work-Order or in violation of a Memorandum of Agreement (as described in Section 12.2(B)).
5. Failure to Comply with Development Standards: Any failure to comply with the development standards and/or any regulations of this Ordinance.
6. Failure to Comply with Commitments: Any failure to comply with commitments or conditions made in connection with a re-zoning, special exception, or variance; or other similar and documented commitment.
7. Immediate Threats to Public Safety: Any obstruction, distraction, or other threat to public health, safety, or general welfare that results from the use of property in violation of the terms of this Ordinance.

12.2 Construction Process Violations

A. **Stop-Work Orders:** The Planning Director may place a Stop-Work-Order on any land/property improvement process.
   1. Procedure: Stop-Work Orders shall be issued by written letter that shall state the violation and that work or other illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place and be delivered/mailed to the property owner.
   2. Reasons: Reasons for a Stop-Work Order include, but are not limited to:
      a. not complying with development standards and/or any regulations of this Ordinance or the Franklin Subdivision Control Ordinance,
      b. not obtaining an Improvement Location Permit or any other required permit or approval prior to the construction or installation of any improvement for which an approval or permit is required by this Ordinance,
      c. not completing structures or other improvements consistent with any approved Improvement Location Permit, variance, special exception, or other approval,
      d. not meeting the conditions or commitments of a special exception, variance, re-zoning, or other approval,
      e. not meeting the conditions of a Site Development Plan, Planned Unit Development Detailed Plan, or written commitment, and
      f. illegal use or expansion of use of structures, or structures and land in combination.

B. **Memorandum of Agreement:** The Planning Director must meet with the person(s) served the Stop-Work Order notice within 7 days of any such meeting being requested. A Memorandum of Agreement shall be drafted stating the conditions by which construction or action may be resumed. This Memorandum of Agreement must be signed by the Planning Director and the property owner that is responsible for the violation.

C. **Appeals:** Any Stop-Work Order issued as a result of the enforcement of this Ordinance, as specified in this Chapter, may be appealed to the Board of Zoning Appeals. This appeal shall follow the provisions established for Administrative Appeals by Chapter 11.5.

D. **Resumption of Construction Activity:** The Stop-Work Order shall be lifted and construction activity may resume upon either (1) the resolution of the violation(s) or (2) the execution of tasks required by the Memorandum of Agreement.

12.3 Immediate Public Risk Violations

Any violation of this Ordinance that presents an immediate risk to the health, safety, or welfare of the public or to property within the community may be corrected by the Planning Director, or a person, firm, or organization selected by the Planning Director without prior notice to the property owner or other person responsible for the violation.

A. **Immediate Public Risk Violation Defined:** Immediate Public Risk violations shall include:
   1. Obstructions: Signs, structures, landscaping or other materials placed in a public right-of-way, easement, or sight visibility triangle in violation of this Ordinance;
   2. Distractions: Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public; and
   3. Other Threats: Any other immediate threat to public welfare as determined by a municipal entity, such as the Board of Public Works and Safety or Board of Zoning Appeals based on the advice and recommendation of the Planning Director.

B. **Seizure of Materials:** Any sign, structure, landscaping or other material that constitutes an immediate public risk violation may be seized by the Planning Director in a manner that results in the most minimal damage to the material and the property on which it is located.

C. **Notice of Violation:** The Planning Director shall provide notice to the owner of the property upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this Ordinance, by placing a notice in a conspicuous place on the property and by providing a letter to that property owner.
   1. Notice Time Requirements: All notice letters shall be sent to the property owner via certificate of mailing within 24 hours of the seizure. All notice that is posted on the property shall be posted at the time the material is seized.
   2. Notice Contents: The letter and posted notice shall include the following:
      a. a description of the materials seized,
      b. a citation of the sections of the Ordinance that were violated and the characteristics of the violation that posed an immediate threat to public welfare,
      c. the address and phone number of the Planning Director and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item(s); and
      d. instructions describing how, where, and when the seized items may be claimed.

12.3 Immediate Public Risk Violations (cont.)

D. **Storage and Retrieval of Seized Materials:** The Planning Director shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 30 days from the date notice was provided to the property owner. The property owner may claim the seized property at any time following its seizure upon the payment of the fine specified on the Fee Schedule and the establishment of a Memorandum of Agreement between the property owner and Planning Director regarding the future use of the item in a manner consistent with this Ordinance.

E. **Liability:** Neither the Planning Director, the City of Franklin, nor any other official or entity involved in the seizure shall be liable for any damage to the seized materials or the property from which they were taken.

12.4 Violation Procedures

A. **General Procedures:** There shall generally be a three-step procedure for the enforcement of violations as outlined below. Modifications of this procedure may occur at the discretion of the Planning Director and may include additional notices, extensions of time limits, or expedited or delayed steps to address immediate threats to public safety,

1. Notice of Violation: The Planning Director shall issue a Notice of Violation to the person(s) committing, in whole or in part, a violation. The Notice of Violation is a warning to the violator(s) that a violation has been determined and that it must be corrected within a specified time frame from the date of the mailing or posting.
2. Notice of Fines for Violation: The Planning Director shall issue a Notice of Fines for Violation to the person(s) committing, in whole or in part, a violation. The Notice of Fines for Violations is a citation that states the fines for the violation. The Notice of Fines for Violation shall be mailed via Certified Mail, Return Receipt Requested by the Planning Director. The person(s) in violation will have a specified number of days from the date of the mailing to pay all applicable fines, and must correct the violation within the time period specified by the Planning Director or face additional fines.
3. Legal Action: If the person(s) in violation refuses to pay the fines and/or correct the violation within the time frame specified by the Notice of Fines for Violation, the Planning Director may refer the violation to the Plan Commission attorney in order to pursue court action through a court of jurisdiction. Additional fines and liens against the property may also be pursued until the matter is resolved.

B. **Monetary Fines:** Monetary fines may be imposed at the discretion of the Planning Director with the Notice of Fines for Violations.

1. Multiple Violations: Each violation shall constitute a separate offense.
2. Fine Amount: Each separate offense shall be subject to a maximum fine specified by the adopted Fee Schedule issued on a per day basis from the date of compliance requested by the Planning Director in the Notice of Violation.
   a. In addition to any fine imposed, any person who initiates any activity that requires an Improvement Location Permit without first obtaining a permit may be required to pay up to 2 times (2x) the normal amount of the permit as a fine, consistent with the adopted Fee Schedule.
   b. The amount of any fine shall be as specified in the adopted City of Franklin Fee Schedule.

12.4 Violation Procedures (cont.)

3. Payment: The payment of any violation shall be by cash or cashiers check and shall be delivered to the Planning Director who shall forward the funds to the Clerk-Treasurer for deposit in the appropriate fund.
   a. The Planning Director shall issue a receipt to the person making the payment.
   b. The Planning Director may, at his/her discretion, waive the assessed fine for the otherwise timely correction of the violation.

C. **Appeals:** Any person receiving a Notice of Violation and/or Fines for Violation may appeal the violation and/or fine to the Board of Zoning Appeals or to a court of jurisdiction. A written statement from the person in violation, either filing an Administrative Appeal consistent with Chapter 11.5 of this Ordinance or giving notice of the filing of an action with a court, shall be submitted to the Planning Director via Certified Mail at least 3 days prior to the date any fine and/or compliance is due.
   1. Fines: No additional fines shall accrue from the date of the appeal until the BZA or court of jurisdiction has made a ruling as to the violation and/or fine.
   2. Additional Notices: No additional notices will be issued by the Planning Director if the person(s) in violation has (have) submitted an appeal or notice of court review.

D. **Legal Remedies:** The Planning Director via the Plan Commission attorney may bring an action in the Circuit or Superior Court of Johnson County to invoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments.
   1. Enforcement: This enforcement includes but is not limited to the following:
      a. The Zoning Ordinance, Subdivision Control Ordinance, Sign Code and any other requirements adopted separately by the Common Council or adopted by their reference in the Zoning or Subdivision Control Ordinance,
      b. All agreements with the Plan Commission or its designees that have been established as written commitments,
      c. All commitments made in accordance with IC 36-7-4 et al, and
      d. All conditions imposed in accordance with IC 36-7-4 et al.
   2. Restraint: The Planning Director may bring action in the Circuit or Superior Court of Johnson County to restrain a person violating IC 36-7-4 et al. or any ordinance adopted under IC 36-7-4 et al.

3. Removal of Structures: The Planning Director may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing the property owner to remove a structure erected in violation of this Ordinance.
4. Responsibility for Costs: The property owner shall bear all costs related to the enforcement of this Ordinance with regard to violation(s) on his/her property including the costs of any required remedy, any fines, and the costs of enforcement (including reasonable attorneys fees, hours worked, photocopying charges, mileage, and other costs incurred directly or indirectly by the City).
   a. *Documentation:* Only those costs of enforcement that are clearly documented by the Planning Director, and that clearly have a relationship to the enforcement action shall be paid by the respondent.
   b. *Determination:* In all instances the dollar amount to be paid by the respondent shall be determined by the court of jurisdiction or through compromise agreement reached by the parties involved.
5. Other Parties Eligible to Seek Enforcement: An action to enforce a written commitment made in accordance with IC 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by:
   a. *Rules and Procedures Provisions:* Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the Rules and Procedures of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
   b. *Specified Parties:* Any other specially affected person who was designated in the written commitment.

Article 13
Definitions

13

Article Thirteen: Definitions..... Page #

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13.1 Defined Words

Words used in a special sense in this Ordinance are defined in this Article. All other words, terms, and/or phrases not specifically defined by this Ordinance shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

A

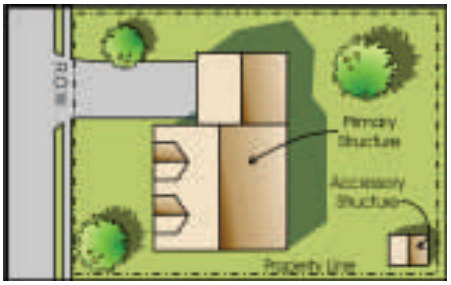
Abandonment: To intentionally stop the use or development of a property for a continuous period of time.

Abutting: Having a common border, including being separated from such a common border by a right-of-way, street, alley, easement, body of water, or other feature. In some cases, where specified by this Ordinance, abutting also includes lots or other features within a specific vicinity.

Access Point: A driveway or other means of physical connection for the movement of vehicles or persons between a property and an adjacent property or street.

Accessory Structure: A structure that is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary structure; does not alter or change the character of the property; and is located on the same lot as the primary structure.

Accessory Use: A use which is secondary to a primary use in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary use; does not alter or change the character of the property; and is located on the same lot as the primary use.



Acre: A land area equal to 43,560 square feet.

Acreage, Gross: The total area within a parcel of land.

Addition: Any construction that increases the size of a structure in terms of site coverage, floor area, volume, and/or height.

Address: The number or other designation assigned to a housing unit, business establishment, other structure, or lot for the purposes of mail delivery, emergency services, and general identification.

Adjacent: see *Abutting*

Adjoining: see *Abutting*

Administrative/Professional Office: An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities.

Administrator: The individual or group responsible for the implementation and enforcement of this Ordinance. The Planning Director shall be the administrator of this Ordinance.

13.2 Definitions (cont.)

Adult Use: An adult use is any establishment consisting of, including or having the characteristics of any or all of the following:

(1.) Adult Bookstore or Adult Video Store:
An establishment having more than 20% of its stock-in-trade, floor area, or display area used for the sale, rental, or trade of books, magazines, publications, tapes, films, or any other form of media that are distinguished or characterized by the emphasis on sexually oriented material depicting, describing, or relating to sexual activities or anatomical genital areas.

(2.) Adult Cabaret:
An establishment, either with or without a liquor license, offering sexually oriented dancing or other live entertainment, which may include persons who appear in a state of nudity or semi-nudity.

(3.) Adult Novelty Business:
An establishment which has a principal activity in the sale of devices which stimulate human genitals, devices which are designed for sexual stimulation, or which are characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

(4.) Adult Theater:
Theater, concert hall, auditorium, or similar commercial establishment, either indoors or outdoors,
which regularly features the presentation of motion pictures, films, theatrical productions, live performances, and other forms of visual production, by persons who appear in a state of nudity or
semi-nudity or which are characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

(5.) Sex Shop:
An establishment offering for sale or rent items from any two of the following categories: sexually oriented books, magazines, and videos; leather goods marketed or presented in a context to suggest their use for sexual activities; sexually oriented toys and novelties; or video viewing booths; or an establishment that advertises or holds itself out in any forum as a sexually oriented business.

Advertising Structure (Off Premise Sign): Any sign or structure functioning to direct attention to an establishment or business that is not located on the same legal parcel as the advertising sign or structure.

Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Franklin Plan Commission is the advisory plan commission referred to by this Ordinance.

Agricultural Products Sales, Distribution, and Storage: A primary use engaged in the sale or rental of farm tools and equipment, grain, tack, animal care products, and farm supplies. This excludes the sale of large farm implements, such as tractor and combines, but does include food sales and farm machinery repair services that are incidental to the primary use.

Agricultural Products Terminal: A commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.

Agriculture: Farming, including dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, the commercial feeding of garbage or offal to swine or other animals, or the raising of animals for medical tests or other experiments.

Agriculture Structure: A structure located on a farm and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the farm. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public.

Agricultural Zoning District: The AG, Agriculture zoning district.

Airport: Any area of land designed and used for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

Alteration: Any change, addition, or modification in construction or use of an existing structure or property.

Amateur Radio Tower: A freestanding or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license from the Federal Communications Commission.

Amend or Amendment: Any repeal, modification, or addition to a regulation; or any new regulation.

Animal and Animal Products Processing: The processing or treatment of animals and animal material as a raw resource for refinement as food and non-edible products.

Animal: Any live vertebrate creature, domestic or wild, excluding human beings.

Animal Boarding: The use of any structure and/or land for the lodging, breeding, or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit, excluding animals used for agricultural purposes.

Animal, Domestic: Any animal that has been adopted by human beings to live and breed in a tame condition.

Animal, Farm: Any animal that customarily is raised for profit on farms and has the potential of causing a nuisance outside of rural areas or if not properly maintained.

Animal Shelter: A facility used to care for and house lost, stray, homeless, abandoned, or unwanted animals; including those found running at-large or otherwise subject to impoundment consistent with applicable laws. Animal shelter includes facilities for adoption, medical treatment, and cremation.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes external to or attached to the exterior of any building.

Apartment: A dwelling unit in a structure, arranged, intended, designed, or occupied on a rental basis for the housing of a single family, an individual, group of individuals, or other single housekeeping unit.

Applicant: The owner, owners, or legal representative of real estate who make application for action affecting the property.

Application: The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this Ordinance.

Appurtenance: A minor element of a larger structure, such as a bay window, stairs, light post, etc.

Arcade: A building or part of a building containing four or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial use.

Archery Range: A facility designed and/or used for target practice with bows and arrows.

Arterial Street: see *Street, Arterial*

Arterial Road: see *Street, Arterial*

Assembly Facility: A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions.

Assisted Living Facility: A facility providing services that assist residents with daily activities, such as dressing, grooming, bathing, etc.

Athletic Field: A wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.

Auction Facility: A building or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

Auto Oriented Uses, Large Scale: Uses such as sales and service of automobiles, motorcycles and/or recreational vehicles, and others listed under the heading of Auto-Oriented Uses, Large Scale by the Land Use Matrix included in this Ordinance. This does not include any uses, such as auto repair shops or gas stations, listed under the headings of auto-oriented uses medium or small scale.

Auto Oriented Uses, Medium Scale: Uses such as auto repair and body work, vehicle detailing/auto accessory sales and installation, oil change/lube shops, and others listed under the heading of Auto-Oriented Uses, Medium Scale by the Land Use Matrix included in this Ordinance. This does not include any uses listed under the headings of auto-oriented uses large or small scale.

Auto Oriented Uses, Small Scale: Uses such as gas stations, car washes, and others listed under the heading of Auto-Oriented Uses, Small Scale by the Land Use Matrix included in this Ordinance. This does not include any uses listed under the headings of auto-oriented uses large or medium scale.

Automobile Parts Sales: The use of any structure and/or property for the display and sale or new or used parts for motor vehicles. This does not including any salvage yard or the storage of inoperable vehicles.

Automobile Repair: The use of a structure or property for the repair of motor vehicles, including noncommercial trucks, motorcycles, recreational vehicles and boats; including, but not limited to, the sale installation and servicing of equipment and parts. Automobile repair includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Automobile Sales and Service: The storage and display for sale of more than 2 motor vehicles where repair work, body work, and parts sales is incidental to the operation of the new or used vehicle sales.

Awning: A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. Awnings include those that may be retracted or folded against the face of a supporting building.

B

Bakery (retail): An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may either be prepared on or off-site.

Bakery (commercial): A place for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.

Balcony: A platform that projects from the wall of a building and is surrounded by a railing or parapet.

Bank: A facility for the custody, loan, or exchange of products, typically money. Also included is the extension of credit and facilitating the transmission of funds.

Banquet Hall: see *Assembly Hall*

Bar: A facility or area used primarily for the serving of alcoholic beverages, and in which the serving of food is only incidental to the consumption of alcohol.

Barber Shop: Any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one or more employees.

Base Flood Elevation (BFE): means the elevation of the one-percent annual chance flood.

Basement: The portion of a building located below the first level, a majority of the height of which is located below the average finished grade of the building perimeter.

Batching Plant: A facility for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus, equipment, and uses incidental to such operations.

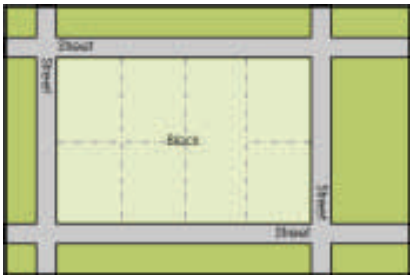
Beauty Salon: Any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.

Bed and Breakfast Facility: A private, owner occupied residence which provides temporary overnight sleeping accommodations and meals to the general public in 10 or fewer guest rooms for periods not to exceed 3 consecutive weeks.

Berm: A man-made mound of earth of definite height and width used for landscaping and obscuring purposes.

Billiard Room (Pool Hall): A business establishment containing more than two pool or billiard tables for the use by patrons.

Block: Property abutting 1 side of a street and lying between the 2 nearest intersecting streets (either crossing or terminating), railroad right-of-way, lake, river, stream, or other physical boundary.



Board of Zoning Appeals: A board established consistent with the Indiana Code 36-7-4-900 series. The Franklin Board of Zoning Appeals is the Board of Zoning Appeals referred to by this Ordinance.

Boarding House: A building or part of a building that contains accommodation facilities for lodging for definite periods of time, typically with meals served from a single kitchen. Boarding houses do not include bed and breakfasts, multi-family dwellings, hotels, or motels.

Boat Storage Facility: A structure or area designed for the storage of watercraft and marine equipment.

Bookstore: A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software and/or any other printed or electronically conveyed media.

13.2 Definitions (cont.)

Bond: see *Surety*

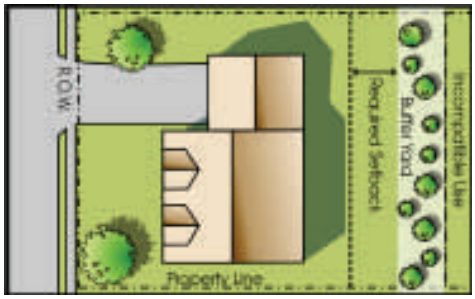
Bottle Gas Storage and Distribution: The storage and distribution of bottle gasses including propane, carbon dioxide, helium, and other commercially used gases.

Bowling Alley: An establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas. A bowling alley may include other incidental uses, such as other recreation activities, arestaurant, or a bar.

Buffer: A strip of land, a fence, and/or area of landscaping between 1 use and another designed and intended to separate those uses.

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, or related landscaping features required by this Ordinance as part of a buffer.

Buffer Yards: An area adjacent to front, side and/or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to screen incompatible uses from each other. Buffers yards are also used to help maintain existing trees or natural vegetation; to block or reduce noise, glare or other emissions; and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.



Building Supply Store: A large warehouse-style establishment that offers retail and wholesale site development, building, and hardware supplies, including various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the building supply retail sales.

Build-to Line: A line parallel to the front property line indicating the distance from the front property line at which primary structures must be built. A built-to line is neither a minimum or a maximum, but rather a specific requirement.

Buildable Area: see *Building Envelope*

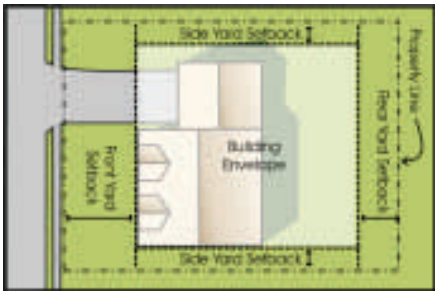
Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building.

Building Code: The locally adopted Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, all forms of permanent structures, and related matters within Franklin. Also referred to in this Ordinance as the Franklin Building Code.

Building, Attached: A building that is structurally connected to another building by a foundation, wall, or roof line.

Building, Detached: A building which is surrounded by open space and located on the same lot as another building.

Building Envelope: The three dimensional portion of a lot or site, exclusive of all required setbacks, buffer yards, maximum height standards, landscaping, or open space within which a structure may be built.



Building Height: see *Structure Height*

Building Official: The person responsible for the enforcement of the Franklin Building Code.

Building Permit: An official certification issued by the Building Official authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or other structure.

Bus/Mass Transit Terminal: A centralized and/or primary community facility for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

Business: A commercial endeavor to engage in the purchase, sale, lease, barter, or exchange of goods, wares, merchandise, and/or the provision of services.

Business District: A geographic area used for commerce and the operation of a business or businesses.

Business/Financial Services Office: Any office where the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

BZA: see *Board of Zoning Appeals*

C

Campground: Any site, lot, field, or tract of land designed with facilities for short term and/or seasonal occupancy by recreational vehicles and other camping equipment, but not including mobile homes.

Campus: An area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.

Car Wash: The use of a property for the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Carport: A permanent structure, which includes a roof and roof-supports but not enclosed by walls, which is used as an accessory to a dwelling unit for the purpose of providing shelter to one or more vehicles.

Cemetery: Land used or dedicated to the burial of the dead, including crematoriums and mausoleums.

Certificate of Occupancy: A certificate issued by the City certifying that a newly constructed or modified structure and/or property is completed in its entirely and is in complete compliance with all applicable regulations of Franklin, and therefore may be occupied.

13.2 Definitions (cont.)

Child Day Care Center: A business operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care, protection, and guidance for children during only part of a 24-hour day. This term includes nursery schools, preschools and other similar facilities including educational facilities and those offering care for a full 24-hour period.

Child Day Care Home: As defined by IC 12-7-2-28.6 and for the purposes of the Zoning Ordinance, an establishment providing non-overnight care, supervision, and protection of children in private residences which is incidental to the primary residential use. A Child Day Care Home includes at least 6 and no more than 16 children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or those which are at least age 7) who, at any time, receive child care from a provider: (1) while unattended by a parent, legal guardian or custodian; (2) for regular compensation; and (3) for more than 4 hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes class I child care homes and class II child care homes as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8

Child Care Institution: As defined by IC 12-7-2-29 and for the purposes of the Zoning Ordinance: (1) a residential facility that provides child care on a 24 hour basis for more than 10 children; or (2) a residential facility with a capacity of not more than 10 children that does not meet the residential structure requirements of a group home; or (3) operates under a license issued under IC 12-17.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under IC 4-22-2 by the Indiana Division of Family and Children.

Church: The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as a day-care center or school. Church includes synagogue, temple, mosque or any other like facility use d for worship and religious activities.

Circus or Carnival: A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

City: The City of Franklin, Indiana.

Clinic: An facility in which human patients are admitted for medical or dental study or treatment on an out-patient only basis, and in which the services of at least two physicians or dentists are provided.

Cluster Development: A development in which a number of dwelling units, or other structures, are placed in closer proximity than usual, or are attached, for the purpose of providing open space.

Cluster Subdivision: see *Cluster Development*

College: see *University*

Collector Street: see *Street, Collector*

Collector Road: see *Street, Collector*

Commission: see *Advisory Plan Commission*

Commercial District: see *Business District*

Common Area: Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complimentary structures and/or other improvements.

Common Council: The Common Council of the City of Franklin, Indiana.

Common Ownership: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations with at least 1 common stockholder, partner, or associate.

Communications Service Exchange: A telecommunications facility that houses one or more computer systems and related equipment dedicated to building, maintaining, and/or processing data. Such a facility would likely include a telephone service exchange, a data center, and a server farm.

Community Center: A meeting place where people living in the same community and their guests may carry on cultural, recreational, or social activities.

Compatible: Having harmony and consistency in design, function, and/or appearance.

Comprehensive Plan: A document, consistent with the requirements the Indiana Code, that is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community. The City of Franklin Comprehensive Plan is the comprehensive plan referred to by this Ordinance.

Concrete/Asphalt Production Facility: A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

Condition of Approval: Stipulations or provisions set forth as a prerequisite for approval of an application.

Condominium: Real estate lawfully subject to the I.C. 32-25 series, the Horizontal Property Law, by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Conference Center: A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation. A conference center is not designed to be utilized only by the general public for overnight purposes.

Confined Feeding: The raising of animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed and maintained for at least 45 days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area. Livestock markets and sale barns are excluded from this term. See also *Farm (Confined Feeding)*

Contiguous: see *Abutting*

Contractor's Warehouse/Storage Yard: An unenclosed portion of a lot or parcel upon which a construction contractor maintains a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor.

Cornice: Any prominent, continuous, horitzontally projecting feature surmounting a wall or other construction.

County: Johnson County, Indiana

Convenience Store: A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. A convenience store may also sell gasoline.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

Craft/Fabric Store: Any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.

Crop Processing and Storage: The processing of harvested crops, as well as the storage of both the raw and processed crops. Processing includes any or all of the following or similar activities as they relate to crop produce: cleaning, shelling, drying, cooking, and packaging.

Crop Production: The production and management of agricultural crops, including planting, cultivation, and harvesting.

Cul-De-Sac: see *Street, Cul-de-sac*

Curb Cut: The providing of vehicular ingress and/or egress between property and an abutting public street.

D

Dance/Martial Arts Studio: An establishment where patrons learn and/or practice dance or martial arts.

Data Processing Center: Facilities where electronic data is processed by employees, including data entry storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalogue sales; and mailing list processing.

Day Care Center: see *Child Day Care Center*

Day Care Home: see *Child Day Care Home*

Deck: A platform, either freestanding or attached to building that is supported by pillars or posts.

Deciduous Tree: See Tree, Deciduous

Dedication: The intentional setting apart of land or interests in land for use by the City of Franklin.

Defective Landscaping: Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

Deli (Delicatessen): An establishment where food is sold for consumption either on or off premises, excluding groceries and supermarkets.

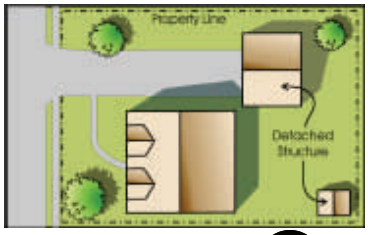
Density: The number of dwelling units per acre.

Density, Gross: The numerical value obtained by dividing the total number of dwelling units in a development or area by the gross size of the area (in acres), including all non-residential land uses, rights -of-way, streets, and other features included in the area.

Density, Net: The numerical value obtained by dividing the total number of dwelling units in a development or area of the actual tract of land (in acres) upon which the dwelling units are located, or proposed to be located, including common open space and excluding non-residential uses, rights-of-way, and streets.

Department Store: A business conducted under a single name that directly exhibits and sells a variety of unrelated merchandise and services to customers (includes discount stores).

Detached Structure: A building that has no structural connection with the primary structure.



Detention Area: An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

Developer: An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider", even though the personnel involved in successive stages of the project may differ.

Development: Any man-made change to improved or unimproved real estate including but not limited to: (1) construction, reconstruction, or placement of a structure or any addition to a structure; (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days; (3) installing utilities, erection of walls and fences, construction of roads, or similar projects; (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.; (5) mining, dredging, filling, grading, excavation, or drilling operations; (6) construction and/or reconstruction of bridges or culverts; (7) storage of materials; or (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

Development Standards: Regulations provided by this Ordinance that provide specific conditions for the development and use of buildings and property.

Display Window: Any first floor window of a primary façade of a commercial building.

Distribution Facility: A use where goods are received and/or stored for delivery to the final consumer at remote locations.

District: An area with common social, physical, economic, or land use characteristics.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

Dormitory: A structure specifically designed to provide sleeping and living quarters for long-term stay by students of a college, university, or other institution. A common kitchen and common gathering rooms may also be provided.

Drainage: The outflow of water or other fluids from a site through either natural or artificial means.

Drainage System: All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

Drip Line: An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

Drive, Private: see *Street, Private*

Drive-thru/Drive-up facility: A small scale establishment developed so that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure.

Drive-thru Service: An opening or openings in the wall of a building or structure designed and intended to be used to provide for sales and/or service to patrons, who remain in their vehicles, products that are used or consumed off-site.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

13.2 Definitions (cont.)

Driveway, Common: An access shared by adjacent property owners.

Driving Range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, which may or may not include a snack-bar and pro-shop, but does exclude golf courses and miniature golf courses.

Dry Cleaners (Commercial): A large scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Commercial cleaners serve businesses and clean uniforms, generally with the cleaners picking up and delivering the clothing to its business clients.

Dry Cleaners (Retail): An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off, and picking up their clothing.

Dumpster: A receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash, compacted materials, and recycling.

Duplex: see *Dwelling, Two-Family*

Dwelling: A building or structure or portion thereof, designed for the residential purposes of a family or other single housekeeping unit.

Dwelling, Accessory: A separate and complete secondary dwelling unit established in conjunction with and clearly subordinate to another dwelling that which serves as the primary use and/or structure on the property.

Dwelling, Farm: A single-family dwelling that is located on, and used in connection with farm operations.

Dwelling, Manufactured Home: Single family detached dwelling units that are factory built to the National Manufactured Construction and Safety Standards Act in a transportable section or sections. Manufactured homes are divided into three categories, type I, II, and II, as defined by this Ordinance.

Dwelling, Manufactured Home Type I: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty-three (23) feet in width for its entire length; has at least nine-hundred fifty (950) square feet of occupied space; is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One and Two-Family Dwelling Code, as amended; and its pitched roof and siding are of materials customarily used for site constructed dwellings.

Dwelling, Manufactured Home Type II: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three-hundred twenty (320) square feet of occupied space; is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended; and its pitched roof and siding are of materials customarily used for site constructed dwellings.

Dwelling, Manufactured Home Type III: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three-hundred twenty (320) square feet of occupied space; is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended; and its pitched roof and siding are not of materials customarily used for site constructed dwellings.

Dwelling, Mobile Home: A transportable dwelling unit that is a minimum of 8' in width and is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either: Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council: or, Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multi-Family: A structure designed for and occupied by 3 or more families or other single units of housekeeping, with the number of families and housekeeping units in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family: A structure designed for and occupancy by 1 family or other single unit of housekeeping and therefore including no more than 1 dwelling unit.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient, individual unit by 1 family or other similar social association of persons as a single housekeeping unit, and having permanently installed sleeping, cooking, and sanitary facilities.

Dwelling, Two-Family: A structure designed for occupancy by 2 families or other single units of housekeeping and therefore including no more than 2 dwelling units.

E

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Egress: An exit.

Employment Service: An establishment that seeks and identifies available jobs for patrons seeking employment.

Equipment Sales and Rental: Establishments primarily engaged in the sale or rental of tools, trucks, construction equipment, agricultural implements, and similar industrial equipment.

Erosion: The detachment, movement, and wearing away of soil and rock fragments by flowing surface or subsurface water or by wind.

Evergreen Tree: See Tree, Evergreen.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

Expansion of an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Explosive Manufacturing and Storage: The manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

F

FBFM (Flood Boundary and Floodway Map): An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

13.2 Definitions (cont.)

FEMA: Federal Emergency Management Agency.

FHBM (Flood Hazard Boundary Map): An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

FIRM (Flood Insurance Rate Map): An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FIS (Flood Insurance Study): The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

FPG (Flood Protection Grade): The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA). (See *Freeboard)*

Fabrication Facility: An establishment where employees and machinery are used to assemble product components created offsite.

Facade: The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

Facade, Primary: The façade which faces a public street and contains the main entrance to the building.

Façade, Secondary: Any façade which faces a public street but is not considered a primary façade.

Fairgrounds: An area of land used for agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

Family: One or more persons occupying a dwelling unit as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering. A family does not include any society, club, fraternity, sorority; or group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, or club; any group of individuals whose association with each other is seasonal or any individuals who are in a group living arrangement as a result of criminal activity.

Farm Animals: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Farm (confined feeding): Any livestock operation engaged in the confined feeding of at least 300 cattle, or 600 swine or sheep, or 30,000 fowl, such as chickens, ducks and other poultry. See also *Confined Feeding*.

Farm (dwelling): See *Dwelling, Farm*

Farm (general): An property or area exceeding 20 acres in size that is used for agriculture (such as the production and storage of vegetables, fruit trees, or grain, as well as the raising of farm animals, such as poultry or cattle, on a limited basis). A farm shall include all related structures and the storage of equipment and materials used on-site for the farm operation. A farm shall not include the commercial raising of animals, confined feeding, or the commercial feeding of garbage or offal to swine or other animals.

Farm Equipment Sales and Service: An establishment that services farm implements, as well as offers for sale new and used farm implements.

Farmer's Market: The seasonal selling at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are the same individuals who have raised the products for sale.

Fence: Any structure, solid or otherwise, which is a barrier and is used as a boundary or means of protection, confinement, or concealment.

Fence, Barbed-Wire: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals.

Fence, Stockade: A fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

Fertilizer Sales, Distribution, and Storage: An establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

Final Plat: see *Plat, Final*

Financial Institution: Any establishment wherein the primary use is concerned with such Federal or state-regulated business as banking, savings and loans, loan companies, and investment companies.

Finished Floor Area: see *Floor Area, Finished*

Fireworks Sales: The primary business is the retail sale of devices defined as fireworks by the State of Indiana.

Fitness Center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

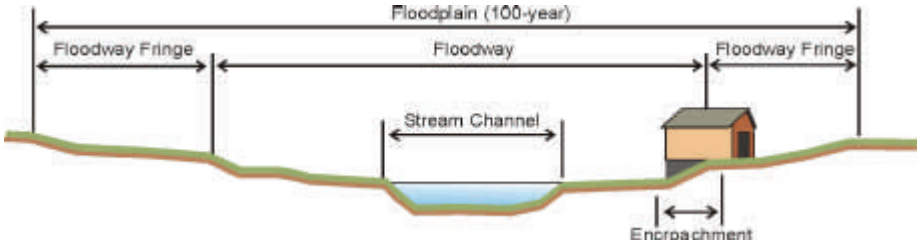
Flea Market: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Flea market shall not include informal garage or yard sales.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Hazard Area: Any area located within the floodplain, including the flood fringe and floodway.

Floodlight: Reflector type light fixture that produces unshielded and undirected illumination.

Floodplain: means the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.



Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulation flood of any river or flooding stream.

Floodway Fringe: Those portions of the floodplain lying outside the floodway. The floodway fringe is not necessary for carrying and discharging peak flood flow, but is subject to flooding.

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerline(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area. The Finished Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Floor Area, Ground: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit.

Flower Shop: An indoor or outdoor facility that primarily sells flowers, bulbs, and seeds for planting by patrons. Flower Centers can include greenhouse operations, and incidental sales of small gardening equipment and accessories.

Fluorescent: Strikingly bright, vivid, or glowing.

Food and Beverage Production: The large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages.

Foundation: The supporting member of a wall or structure.

Fraternity, Educational: A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

Fraternity, Social: A private club of individuals organized around a civic, social, or intellectual goal or pursuit. See also *Private Club*.

Freeboard: means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line: For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

Front Yard: see *Yard, Front*

Frontage: see *Lot Frontage*

Funeral Home: A facility used for the preparation of the deceased for display and burial and the conducting of rituals and religious programs associated with burial. See also *Mortuary*.

G

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Garage Sale: The sale or offering for sale to the general public items of personal property on any portion of a lot in a residential zoning district, either within or outside or a structure.

Garden Shop: A retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories.

Gas Station: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, without any repair service.

General Industrial Production: Industrial production involving manufacturing, fabrication, and related processes.

Gift Shop: An establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationary, and other small gift related items.

Glare: The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

Golf Course: A tract of land laid out with at least 9 holes improved with tees, greens, fairways, and hazards for playing a game of golf, including any associated clubhouse or shelters and excluding miniature golf courses, and other similar commercial enterprises.

Golf Course, Miniature: A theme-oriented recreational facility composed of a series of putting greens where patrons pay a fee to move in consecutive order from one green to the next.

Government Facility: A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facilities also include the storage and service of government vehicles, equipment, and supplies.

Government Office: An office occupied by a governmental agency that provides a governmental service to the public.

Grade: The finished surface of the ground adjacent to the exterior walls of a building.

Grade, Existing: The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

Grade, Finished: The final elevation of the ground surface after man-made alterations have been completed.

Grandfathered: A description of the a status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this Ordinance.

Granny Flat: see *Dwelling, Accessory*

Grazing and Pasture Land: A fenced area used for the feeding and upkeep of livestock.

Greenhouse: A building or structure constructed primarily of translucent materials which is devoted to the protection or cultivation of flowers and other tender plants.

Greenhouse, Commercial: A building used for the growing of plants, all or some of which are sold at retail or wholesale either on or off-site.

Grocery Store: see *Supermarket*

Ground Floor Area: See *Floor Area, Ground*

Gymnastics Center: An establishment where patrons learn and practice gymnastics, generally in a gymnasium.

H

Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the requirements of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of, or restriction on, economic gain shall not be considered hardships.

13.2 Definitions (cont.)

Hard Surface: See *Paved Surface*.

Hardware Store: A small or medium-scale facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the hardware retail sales.

Hazardous Material: Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Material Storage/Processing Facility: All structures, other appurtenances, and any improvement to the land used for treating, storing, processing, or disposing of hazardous materials.

Health Spa: A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

Hedge: A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

Height: The vertical distance to the highest point of any roof for structures which have roofs, and the vertical distance to the highest point of all other structures, measured from grade level.

Heliport: An area used for the landing and take-off of helicopters, including any structures, buildings, and equipment associated with that use.

Historic Building: Any building identified as contributing, notable, or outstanding by the Indiana Historic Sites and Structures Inventory-Johnson County Interim Report.

Historic Material: Any material on the exterior of a historic building or structure.

Historic Site: All structures and other features identified as contributing, notable, or outstanding by the *Indiana Historic Sites and Structures Inventory - Johnson County Interim Report,* or listed in the *National Register of Historic Places* or the *Indiana Register of Historic Sites & Structures*, as well as any subsequent amendments and/or additions to any of these publications.

Historic Structure: Any building or structure identified as contributing, notable, or outstanding by the Indiana Historic Sites and Structures Inventory-Johnson County Interim Report.

Holding Zone: A zoning district established exclusively to accommodate and maintain the features of existing development. The RSN, Residential: Suburban Neighborhood and RTN, Residential: Traditional Neighborhood are holding zones used by this Ordinance. In no instance shall a holding zone be applied to property for which there is not an approved, pre-existing preliminary plat.

Home Electronics/Appliance Store: An establishment that primarily sells home appliances, electronics, and related accessories.

Home Occupation: An occupation carried on in a dwelling unit by a resident thereof which is limited in extent, and incidental and secondary to the use of the dwelling unit for residential purposes, and therefore does not change its residential character.

Hospital: An institution where sick or injured persons are given medical care and, during the course of that treatment, are housed overnight, fed, and provided nursing and related services. Related services include diagnostic facilities, laboratories, hospices, outpatient facilities, treatment facilities, and training facilities. Hospital does include institutions operating for the treatment of insane persons and persons suffering addictions, but does not include nursing homes, retirement facilities, shelters, or boarding houses.

Hotel: A building in which lodging is provided and offered to the public for compensation, and in which egress and ingress from all rooms is made through an inside lobby or office.

Housekeeping Unit: A group of individuals functioning as a single household, making common use of a single kitchen and other family quarters. See also *Family*

I

Ice Cream Shop: Any establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises.

Impervious Surface: Any hard-surfaced, man-made area that prevents absorption of stormwater into the ground.

Improvement: Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property.

Improvement Location Permit: A permit allowing a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any structure; alter the condition of the land; change the use or occupancy of a property; or otherwise cause any change to occur that is subject to the requirements of this Ordinance and/or the City of Franklin Subdivision Control Ordinance.

Incidental: A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

Incidental Sales: *See Sales, Incidental.*

Incinerator: A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains).

Indecisive Vote: A vote which fails to receive a majority, either in favor or opposed.

Industrial District: The use of a property or area for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, including related storage facilities and warehouses.

Industrial Zoning Districts: Refers to the IBD, Industrial Business Development; IL, Light Industrial; and IG, General Industrial zoning districts.

Infrastructure: Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

Inoperable Vehicle Storage: The outdoor storage of motor driven vehicles and their parts, that cannot be operated in their current state.

Institutional Facility for the Developmentally Disabled: An institutional facility that provides care, supervision, and protection for persons with developmental disabilities consistent with the provisions of Indiana Code. See also *Residential Facility for the Developmentally Disabled*

Institutional Facility for the Mentally Ill: An institutional facility that provides care, supervision, and protection for mentally ill persons consistent with the provisions of Indiana Code. See also *Residential Facility for the Mentally Ill*

Investment Firm: Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.

J

Jewelry Store: Store that primarily sells new jewelry, with some sales of used merchandise.

Junk: Scrap or waste material of any kind.

Junk Yard: A place where junk, including inoperable vehicles, appliances, wood, paper, rags, garbage, tires, shattered glass, and any other worn-out, cast-off, or discarded items have been collected for re-sale, disposal, or storage.

Jurisdiction: Any area over which a unit of government exercises power and authority.

K

Kennel: Any property where 5 or more dogs, cats, or other domestic animals over the age of 4 months are kept, raised, cared for, trained, sold, bred, boarded, shown, treated, or groomed either for commercial or non-commercial purposes.

Kick Plate: A horizontal element or assembly at the base of a store front parallel to a public walkway. The kick plate provides a transition between the ground and storefront glazing area.

L

Land Use: The occupation or use of land for any human activity or purpose.

Landscaping: The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects.

Legal Nonconforming Lot: Any lot which has been legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the lot-specific development standards.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance, or its subsequent amendments, that is no longer a permitted use in the zoning district in which it is located.

Letter of Map Amendment (LOMA): An amendment to the currently effective FEMA map that establishes that a property, area, and/or structure is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR): An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F): means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Library: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Light Industrial Processing and Distribution: Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

Linear Park: A park or other green, open space that forms a corridor, or is a part of a corridor along a body of water, street, or pedestrian/bicycle trail.

Liquor Store: A store that offers retail and/or wholesale liquor, including wine and beer.

Livestock Auction/Sales Facility: A commercial establishment where livestock is collected and auctioned and/or sold. Livestock at the facility are there on a temporary basis, for immediate sale only, and not housed long term.

Livestock Raising and Breeding: The production and upkeep of livestock for the purposes of sale, including the feeding, sheltering, grazing, and shipping of livestock, including the storage of all necessary materials and equipment.

Loading Berth: A space within a building or on the premises providing for the loading and unloading of merchandise and materials.

Local Street: see *Street, Local*

Lodge or Private Club: A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.

Lot: A contiguous area of land separated from other areas of land by a separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership, or separate use.

Lot Area: The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

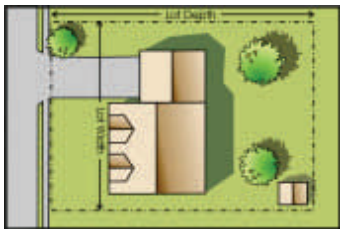
Lot, Buildable: Any lot upon which improvements are permitted to be constructed, or which is otherwise allowed to be occupied and used consistent with all applicable requirements of this Ordinance.

Lot, Corner: A lot located at the corner of two or more streets.

13.2 Definitions (cont.)

Lot Coverage: The percentage of the lot area covered by buildings, structures, parking areas, driveways, walkways, and other paved or impervious surface.

Lot Depth: The horizontal distance between the front and rear lot lines.



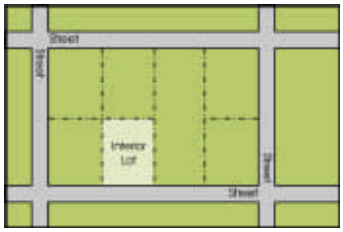
Lot, Developed: A lot upon which improvements have been made or is otherwise being used for human purposes.

Lot, Double Frontage: see *Lot, Through*

Lot Frontage: The horizontal distance between side lot lines where a property abuts a street.

Lot, Improved: see *Lot, Developed*

Lot, Interior: Any lot which is not a corner lot or through lot.



Lot Line: The property lines which define the lot.

Lot, Legal Nonconforming: see *Legal Nonconforming Lot*

Lot Owners Association: An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

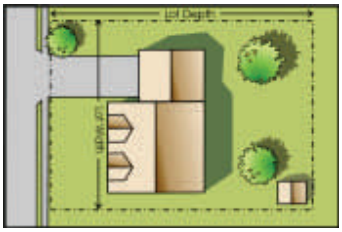
Lot of Record: A lot which is recorded in the office of the Johnson County Recorder as a part of a subdivision plat or a parcel described by metes and bounds.

Lot, Recorded: see *Lot of Record*

Lot, Through: A lot having frontage on 2 or more non-intersecting streets.

Lot, Undeveloped: A lot of record upon which no improvements exist.

Lot Width: The horizontal distance between side lot lines measured at the required minimum front setback line or built-line line affecting the property.



Lot, Zoning: A single tract of land that, at the time of application for an improvement location permit, is designated by the applicant for the purpose of complying with this Ordinance as the tract to be used, developed, or built upon. A zoning lot or lots may coincide with one or more lots of record.

Lowest floor means the lowest of the following:

(1) the top of the lowest level of the structure;

(2) the top of the basement floor;

(3) the top of the garage floor, if the garage is the lowest level of the structure;

(4) the top of the first floor of a structure elevated on pilings or pillars;

(5) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or

(6) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; and,

b). such enclosed space shall be usable solely for the parking of vehicles and building access.

Lumber Yard: An area used primarily for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Luminaire, Cut-off Type: A luminaire with elements such as shields, reflectors, or refractor angles that direct and cut-off light.

M

Maneuvering Space: An open space in a parking area which is immediately adjacent to a parking space and is used for and/or is necessary for turning, backing, or driving a motor vehicle into the parking space, but is not used for the parking of or storage of motor vehicles.

Manufactured Home: See *Dwelling, Manufactured Home.*

Manufactured Home Park: A parcel of land containing 2 or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufactured Home Sales: The sale and incidental storage of single-family detached housing that includes mobile homes and manufactured homes type I, II, and III.

Manufactured Home Type I: see *Dwelling, Manufactured Home Type I*

Manufactured Home Type II: see *Dwelling, Manufactured Home Type II*

Manufactured Home Type III: see *Dwelling, Manufactured Home Type III*

Manufacturing Facility: A facility for the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Marker (survey): A stake or any other object which is intended to mark a point on a lot or within a subdivision.

Meat Market (Butcher): A market that primarily offers retail and/or wholesale meats, but may also sell related incidental products.

Medical or Health Clinic: A building, other than a hospital, used by two or more licensed physicians for the purpose of receiving and treating patients.

Medical Office: A building, other than a hospital, used by one or more licensed physicians for the purpose of receiving and treating patients.

Metes and Bounds: A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

Microbrewery (Brew-Pub): A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment.

Mineral Extraction: The extraction of metallic and nonmetallic minerals or materials from the earth for use off-site, including incidental uses and facilities such as rock crushing, screening, and the necessary storage and use of explosives.

Mini-Storage Facility: A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of household goods.

Mixed-Use Development: An area, parcel of land, or structure developed for 2 or more different land uses.

Mobile Home: see *Dwelling, Mobile Home*

Mobile Home Park: see *Manufactured Home Park*

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Mortuary: A facility for the storage and preparation of human dead prior to burial, including the conducting of funeral services.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. See also *Hotel*.

Motor Home: see *Recreational Vehicle*

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Motor Vehicle, Inoperable: See *Vehicle, Inoperable*.

Multi-Family Dwelling: see *Dwelling, Multi-Family*

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be used by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

N

Natural Condition: The condition that arises from, or is found in nature unmodified by human intervention.

Natural Drainage: Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modifications or improvements made by unnatural causes and/or human intervention.

Nature Preserve/Center: An area in which plants, animals, and topographic features are protected in their current, natural condition.

News Dealer: An establishment that primarily sells newspapers, magazines, and other periodicals.

Night Club: A commercial establishment operated as a place of entertainment featuring live, recorded, or televised musical, comedy, or magic performances; dancing; and/or the serving of alcoholic beverages.

Nonconforming Lot: A lot that does not conform to the regulations of the zoning district in which it is located.

Nonconforming Structure: A building or other structure that does not conform to the regulations of the zoning district in which it is located.

Nonconforming Use: A use of land that does not conform to the regulations of the zoning district in which it is located.

Nudity or a State of Nudity: Means the appearance of a human bare buttock, anus, male genitals, female genitals, or full female breasts.

Nuisance: An interference with the enjoyment and use of property as defined by the Nuisance Ordinances of the City of Franklin Municipal Code.

Nursing Home: A private home for the 24-hour per day care of the aged, infirm, or any other person in need of nursing care which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics. Nursing home does include physical therapy equipment used in an on-going basis for the rehabilitation of patients.

O

Objectionable Odor: Odors that are nauseating, noxious, or generally recognized as unpleasant.

Occupancy: The use of any land or structure.

Office Supply Store: A large establishment that offers retail and wholesale office supplies including items such as paper, writing utensils, computer equipment, and office furniture.

Office Use: Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises.

Official Zoning Map: A map of the City of Franklin, Indiana and its vicinity, that legally denotes the boundaries of zoning districts as they apply to the properties within the Plan Commission's jurisdiction.

Oil Change Shop: A facility that provides lubrication, checking, changing, and the addition of those fluids and filters needed for automobile maintenance. Generally such services are provided while the customer waits.

Open Space: An area of land not covered by structures or accessory uses except for those related to recreation. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yards, patio areas, or land scheduled for future development.

Ornamental Tree: *See Tree, Ornamental*

Outdoor Storage: The keeping of items for sale, the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building.

Outdoor Storage, Seasonal: The outdoor storage of items for retail sale that are, by their nature, sold during a peak season, such as fruits and vegetables, Christmas trees, lawn accessories, and bedding plants.

Outlot: A lot platted as part of a larger development that is intended for the development of uses and structures which are complementary too but of a smaller scale than the primary use or structure in the development.

Overlay Zoning District: A zoning district that extends across one or more other zoning districts which is intended to provide additional or alternate regulations for a specific critical feature or resource.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

Owners Association: see *Lot Owners Association*

P

Packaging Facility: A facility that packages supplies and products that are manufactured off site.

Parapet: The portion of a wall which extends above the roof line.

Parapet Wall: The portion of an exterior wall that continues above the line of the roof surface.

Parcel: see *Lot*

Park: Any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

Parking Lot: An open off-street area to be used for the storage of motor vehicles for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas. Outdoor areas at facilities where motor vehicles, including uninstalled mobile and manufactured homes, are sold that are intended for the storage of such vehicles are also considered a parking lot.

Parking, Off-Street: A storage space for an automobile located outside of a street right-of-way.

Parking, On-Street: A storage space for an automobile that is located within the right-of-way of a street.

Parking, Shared: A parking space or lot used jointly by 2 or more uses or structures.

Parking Space: A space within a public or private parking area for the storage of 1 motor vehicle.

Pathway: A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is surfaced with crushed rock, concrete, or asphalt and separated from streets by distance or striping.

Paved Surface: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, Portland cement, concrete, brick, paving blocks or similar material. Crushed gravel, street grindings, stone, rock, or dirt, sand or grass are not a paved surface.

Penal (Correctional) Institution: Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Person: A person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts as a unit, including all members of any group.

Personal Services: An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, or tanning salon.

Pet Store: A retail sales facility primarily involved in the sale of domestic animals, such as cats, dogs, fish, birds, and reptiles as well as domestic pet accessories. A pet shop does not include the retail sale of exotic or farm animals.

Petroleum Processing and Storage: An establishment that processes and stores petroleum and its raw ingredients.

Pharmacy: A place where drugs and medicines are prepared and dispensed. Pharmacy also includes the incidental retail sale of medical accessories and convenience goods and services.

Photographic Studio: A facility engaged in onsite photography, processing, and development, including limited retail sale, lease and service of photography equipment and supplies.

13.2 Definitions (cont.)

Petitioner: see *Applicant*

Place of Worship: see *Church*

Plan: see *Comprehensive Plan*

Plan Commission: see *Advisory Plan Commission*

Planned Unit Development: A large-scale unified development meeting the requirements of this Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single person, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district of this Ordinance.

Planning Jurisdiction: The area over which a municipality has planning authority as drawn by each community in compliance with IC 36-7-4 et al.

Planting Season: The spring and fall time periods during which new plant material which is installed is most likely to survive the planting process. Generally these periods are from April 15 to June 15 in the spring and from October 15 to November 15 in the fall.

Plat: A map or chart that shows a division of land.

Plat, Final: The Final Plat, pursuant to I.C. 36-7-4-700 series, is the plat document in recordable form.

Plat, Preliminary: The preliminary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision is based.

Playground: A recreational area for use primarily by children.

Police, Fire, or Rescue Station: An outpost station that serves as an office of operation for police, fire, and/or rescue services. Such stations include personnel, equipment, vehicles, and training facilities.

Porch: A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

Post Office: A facility operated by the United States Postal Service that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Power Generation Facility: A facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his/her site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Preliminary Plat: see *Plat, Preliminary*

Primary Structure: The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling. For agricultural uses, the primary structure may be a barn or other agricultural structure.

Primary Use: see *Use, Primary*

Print Shop (Copy Center): A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

Printing Facility: Any facility that prints publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Private Club: A facility or property owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose and for which membership is required for participation.

Private Street: see *Street, Private*

Prohibited Trees: *see Trees, Prohibited.*

Property Owner: The person(s) identified as the property owner on the most recent list prepared and maintained by the Johnson County Auditor's Office. See also *Owner*.

Public Art: Any visual work of art that is accessible to public view and located on public or private property.

Public Hearing: A formal meeting, announced and advertised in advance consistent with the requirements of this Ordinance, which is open to the public, and at which members of the public have an opportunity to participate.

Public Improvement: Any improvement, facility, or service which provides transportation, drainage, public utilities, or similar essential services which are typically or specifically required to be provided by a unit of government.

Public Street: see *Street, Public*

Publishing Facility: Any facility that prints and/or assembles publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Q

Quarry: A lot or any part of a lot used for the extracting of stone, sand, gravel, or any other material to be processed for commercial purposes.

R

Racetrack: Any measured venue for the sport of racing where animals or machines are entered in competition against one another or against time. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to, oval track racing, drag racing, motocross, tractor pulling, go-cart racing, remote control airplane flying, and similar uses.

Radio Station: An establishment that broadcasts radio signal programming.

Rear Yard: see *Yard, Rear*

Record: The written documentation of the actions and expressions of a public body, such as the Plan Commission or Board of Zoning Appeals.

Record Shop (CD Shop): An establishment that primarily deals with new and used audio recordings in an array of media formats. Some shops also include the sales of new and used video recordings as well.

Recreational Use, Large Scale: Recreational uses that tend to serve a regional area and include establishments such as riding stables, seasonal hunting and fishing facilities, and outdoor shooting ranges.

Recreational Use, Medium Scale: Recreational uses that tend to serve a community-wide area and include establishments such as bowling alleys, theaters, assembly halls, miniature golf courses, indoor shooting ranges, swimming pools, and skating rinks.

Recreational Use, Small Scale: Recreational uses that tend to serve a local area and include establishments such as billiard rooms, arcades, nightclubs, brewpubs, and bars.

Recreational Vehicle: Any building, structure, or vehicle designed and/or used for seasonal living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place (either under its own power or towed by another vehicle). Recreational vehicles are built on a single chassis and measure 400 square feet or less, including the largest horizontal projections. Recreational vehicles include automobiles when used for living or sleeping purposes, pick-up truck coaches, motorized homes, boats, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

Recreational Vehicle Park: Any site, lot, field, or tract designed with facilities for the temporary use of recreational vehicles.

Recreational Vehicle Sales: The sale and incidental storage of recreational vehicles.

Refuse Dump: A facility designated to receive and hold municipal solid waste and other waste matters. Waste at a refuse dump is not compacted or covered as it is in a sanitary landfill.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: The flood having a 1 percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood."

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Repair Services: Establishments that provide repair services to individuals and households, rather than businesses, not including automotive and equipment repair. Typically such services include the repair of appliances, watches, jewelry, and musical instruments.

Replat: Any change in a final plat of an approved or recorded subdivision.

Research Laboratory: A structure or group of structures used primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

Residence: see *Dwelling*

Residential District: An area used primarily for dwellings.

Residential Zoning Districts, Single-Family: Refers to the RR - Residential, Rural; RSN - Residential, Suburban Neighborhood; RS - Residential, Suburban; RTN - Residential, Traditional Neighborhood; and RT - Residential, Traditional zoning districts.

Residential Zoning Districts, Multi-Family: Refers to the RM - Residential, Multi-Family and RMH - Residential, Manufactured Home Park zoning districts.

Residential Facility for the Developmentally Disabled Type I: A residential facility which provides residential services for not more than 8 developmentally disabled individuals, as defined by IC 12-28-4-8.

Residential Facility for the Developmentally Disabled Type II: A residential facility which provides residential services for more than 8 developmentally disabled individuals, as defined by IC 12-28-4-8.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals, as defined by IC 12-28-4-7.

Residential Treatment Center: Any facility licensed by the Indiana Department of Health, public or private, which regularly provides one or more people with 24-hour a day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason can not be furnished in the person's own home.

Restaurant: A structure in which the principal use is the preparation and sale of food and beverages.

Restaurant, Drive-in: A facility, including a building and adjoining parking area, the primary function of which is selling food to the public by order from and service to passengers in vehicles parked outside of the structure. Drive-in restaurants may also provide seating inside of the building.

Retail Uses: Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business.

Retail Uses, Large Scale: Retail uses that tend to serve a regional area and include establishments such as supermarkets, shopping malls, and department stores.

Retail Uses, Medium Scale: Retail uses that tend to serve a community-wide area and include establishments such as craft stores, sporting goods stores, pharmacies, antique shops, meat markets, and repair services.

Retail Uses, Small Scale: Retail uses that tend to serve a local area and include establishments such video stores, delicatessens, bakeries, gift shops, and ice cream shops.

Retirement Facility: A residential complex containing multi -family dwellings designed for and occupied by senior citizens. Such facilities may include a common gathering and dining facilities, but exclude nursing care.

Retreat Center: A facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.

Re-zoning: An amendment to the Official Zoning Map which has the affecting of removing property from one zoning district and placing it in a different zoning district.

Riding Stable: An establishment that shelters and offers upkeep to horses for use by patrons and private owners. Stables generally include grazing pastures and land designated for horseback riding.

Right-of-Way: Property occupied or intended to be occupied by a street, trail, utility transmission line, or other public utility or facility.

Right-of-Way Line: The limit of publicly owned land encompassing a public facility, such as a street or an alley.

Road: see *Street*

ROW: See *Right-of Way*

S

Sales, Incidental: Sales that are related and subordinate to the primary service or retail activities of a commercial use.

Sales, Temporary Seasonal: Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

Sanitary Landfill: The designated area where nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste is buried.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools. See also *Trade or Business School*.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.

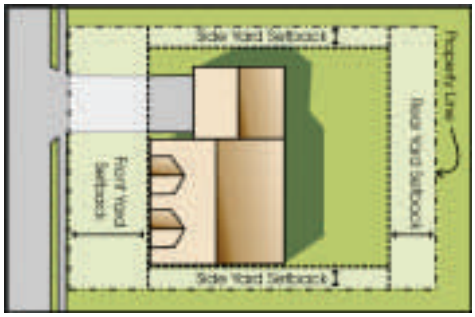
Seasonal Hunting/Fishing Facility: A designated outdoor area that allows for the hunting and fishing of certain species during their appropriate gaming seasons.

Seed Sales, Distribution, and Storage: An establishment that sells, stores, and distributes agricultural seed for farm planting. Such establishments primarily sell in bulk for commercial farm purposes.

Self Service Laundry: A business with vending machine type washing, drying, dry-cleaning, and ironing equipment for use by customers on site.

Semi-Nude: Means a state of dress in which clothing is specifically designed to cover no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Setback: The horizontal distance between a structure and a lot line or right-of-way line.



Sewage Treatment Plant: Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

Shoe Repair Shop: An establishment that primarily repairs shoes, with incidental sales of shoe related items.

Shooting Range: Any establishment at which firearms are discharged for the purpose of recreation and entertainment.

Shooting Range (Indoor): A shooting range at which all shooting areas and targets are completely enclosed in a structure.

Shooting Range (Outdoor): A shooting range at which any portion of the shooting areas or targets are located outside of a completely enclosed structure.

Shopping Mall: A shopping center where numerous stores front on a pedestrian way that may be enclosed or open.

Side Lot Line: A lot boundary line other than a front or rear lot line, typically those which are perpendicular to, and intersect with the front and rear lot lines.

Side Yard: see *Yard, Side*

Sign: Any name, identification, description, device, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign includes the face area which conveys a message, any equipment or sign device, and any related mechanical, electrical, and structural supports and features, such as poles and lighting. In no instance shall this Ordinance be interpreted as considering any flag as a sign.

Sign, Abandoned: A sign that identifies or advertises a business, product, service, owner, or other activity that is no longer located on or conducted on the property where the sign is displayed.

Sign, Animated: A sign with action, motion, or changing colors or lights, any of which is imitates movement. A flashing sign shall be considered to be an animated sign.

Sign, Area: The entire face of a sign including the message surface and any framing or trim, but excluding any poles or other supports. Sign area is measured as the maximum vertical dimension of the face area multiplied by the maximum horizontal dimension of the face area, each at its largest point.

Sign, Awning: A sign incorporated into, or attached to an awning.

Sign, Banner: A sign with a message applied to cloth, paper, fabric, or flexible plastic, with any such non-rigid material for background.

Sign, Billboard: see *Sign, Off-Premise*

Sign, Changeable Copy: A non-electronic sign where the message copy includes characters, letters or illuminations that can be physically altered without physically altering the primary surface of the sign. The height, face area, and other structural and lighting characteristics of changeable copy signs remain constant, providing a background for temporary messages.

Sign, Directional: Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as "enter", "exit", and "one-way".

Sign, Double-Faced: A sign designed and/or used to display a message on the outer surface of 2 identical and opposite parallel planes.

Sign, Entry Feature: A permanent on-premise sign identifying an entrance to a residential subdivision, apartment complex, or manufactured home park.

Sign, Electronic Message Board: A sign where the message copy includes characters, letters or illuminations that can be changed or rearranged electronically without touching or physically altering the primary surface of the sign. Message copy may be changed in the field or from a remote location.

13.2 Definitions (cont.)

Sign, Face: The area or display surface used for the message.

Sign, Free-Standing: A sign supported completely by a frame, pole, or foundation and which is independent from all other structures on the property.

Sign, Height: The highest point measured from grade level at the base of the sign to the highest point of the sign, including any structure, frame, light fixture, or other element of the sign.

Sign, Illuminated: A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed toward the sign.

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure.

Sign, Off-Premise: A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. This includes billboard and other outdoor advertising and directional signs located on private property.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu or sandwich board signs; and balloons used as signs.

Sign, Poster: Any sign made of cardboard, metal, plastic or other semi-rigid material which is attached to outdoor products, structures, or other features, or anchored into the ground with the use of stakes.

Sign, Projecting: A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

Sign, Real Estate: A temporary sign that relates to the sale, lease or rental of property or structures, or to construction activity on a site.

Sign, Searchlight: A searchlight used to attract attention to a property, use, or structure consistent with the definition of a sign.

Sign Setback: The distance between any property line or right-of-way and the nearest portion of any sign at or above grade level.

Sign, Sandwich Board: A free-standing sign located at grade level constructed in such a manner as to form an "A" by separating to opposite and parallel sign faces by supporting structural members.

Sign, Temporary: An on-premise sign not fixed to a permanent foundation and displayed for a fixed period of time, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Sign, Vehicle: A sign that is attached to or painted on a parked vehicle for the purpose of drawing attention to the product, business, or property which is indicated on the sign.

Sign, Wall: A sign attached to or painted on the exterior wall of a structure.

Sign, Window: A sign affixed to a window or placed immediately behind a window pane so as to attract the attention of persons outside of the structure.

Sign Permit: A permit issued by the Franklin Planning Director that must be obtained before temporary and permanent signs are erected.

Signage Band: A clear strip for containing signage located between the transom of the first floor and windows of the second floor on any primary façade.

Site Development Plan: The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted for approval prior to the release of Improvement Location Permits on the site consistent with the requirements of the IC 36-7-4-1400 series.

Skating Rink: An establishment that provides facilities for patron skating

Sorority, Educational: A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

Sorority, Social: A private club of individuals organized around a civic, social, or intellectual goal or pursuit. See also *Private Club*.

Special Exception Use: see *Use, Special Exception*

Special Exception: A use that would not be appropriate generally or without restrictions throughout the zoning district, but if controlled as to number, area, location, or relation to the neighborhood, would promote public health, safety, and general welfare.

Special Flood Hazard Area (SFHA): Those lands within the jurisdictions (including extraterritorial jurisdictions) of the City subject to inundation by the regulatory flood. The SFHAs of the Franklin are generally identified as such on the Flood Insurance Rate Map of Johnson County and Incorporated Areas dated August 2, 2007, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Sporting Goods Shop: An establishment that primarily sells sporting equipment, sporting apparel, and related items.

Spot Zoning: The zoning of a typically small area of land controlled by a single or limited number of property owners that results in the property involved being granted permitted uses and/or development standards that are inconsistent with those provided to, or planned for, similar surrounding properties.

Spotlight: A fixture designed to direct a narrow intense beam of light on a desired area.

State: The State of Indiana.

State of Nudity: see *Nudity*

Stationary Shop: An establishment that primarily sells stationary, paper, cards, writing utensils, and various related items.

Stockade Fence: A wooden fence made of half round posts with pointed tops.

Stop-Work Order: A written document issued by an enforcement official which requires the cessation of an activity.

Storage, Outdoor: see *Outdoor Storage*

Storefront: The façade of a building facing a public street, containing display windows and an entryway.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

Stream Bank: The usual boundaries, not the flood boundaries, of a stream channel.

Street: A public thoroughfare, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property.

Street, Arterial: A street which serves the major traffic movements within a community, such as between the central business district and the outlying commercial and residential areas, as well as a majority of the vehicular traffic entering and leaving the city to travel to and from adjacent communities. Franklin arterial streets are identified on the Thoroughfare Plan within the City of Franklin Comprehensive Plan.

Street, Collector: A street designed and used to carry moderate volumes of traffic from local streets to arterial streets. Franklin collector streets are identified on the Thoroughfare Plan within the City of Franklin Comprehensive Plan.

13.2 Definitions (cont.)

Street, Cul-de-sac: A street with a single common ingress and egress and with a turn-around at the end.

Street Frontage: The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

Street Intersecting: Any street that joins another street at an angle, whether or not it crosses the other street.

Street Intersection: The point of crossing or meeting of 2 or more streets.

Street, Local: A street designed to provide vehicular access between individual properties and the collector and arterial street system. Franklin local streets are identified on the Thoroughfare Plan within the City of Franklin Comprehensive Plan.

Street, Non-Residential: Any street where the primary land use of the lots which the street provides access to, as well as the lots on either side of the street is not residential.

Street, Private: Any street which is privately owned and maintained that is used to provide vehicular access to more than 1 property or dwelling unit.

Street, Public: A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

Street, Residential: Any street where the primary land use of the lots which the street provides access to, as well as the lots on either side of the street is residential.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground.

Structure Height: The vertical distance measured from ground level to the highest point of the roof.

Subdivider: Any person or other entity which initiates proceedings to create a subdivision. See also *Developer*.

Subdivision: The division of any lot, tract or parcel of land into 2 or more lots, parcels, sites or other divisions for the purpose, whether immediate or future, of sale, transfer, gift, or lease which results in 1 or more new building sites.

Sub-lots: Portions of a lot of record created in connection with the transfer of ownership of individual dwelling units in a two-family or multi-family dwelling.

Substantial Improvement: For the purpose of flood hazard area standards, substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not include improvements to structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

Supermarket: Large-scale retailers of food and grocery supplies, typically also including flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses.

Surety: An amount of money or other negotiable instrument provided by a developer to the City which guarantees that they will perform all actions required by the City regarding an approved site development plan, plat, or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided for the City to complete those requirements.

Swimming Pool: Any structure located either at, above, or below grade which is designed and/or used to hold water which exceeds 2 feet in depth at any point for the purpose of recreation and entertainment of adults and children.

T

Tailor Shop: An establishment that alters and repairs clothing for patrons.

Tanning Salon: Any business which provides a service using artificial lighting systems to produce a tan on a person's body, including the incidental sale of tanning products.

Tavern: see *Bar*

Telecommunications: The transmission of information between or among geographic points without change in the form or content of the information as sent or received.

Telecommunications Antenna: Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

Telecommunications Tower: A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as an antenna or to which an antenna is affixed or attached.

Temporary Seasonal Sales: *see Sales, Temporary Seasonal.*

Temporary Use: *see Use, Temporary*

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare Plan: The official plan, now and hereafter adopted, which sets forth the location, alignment, dimensions, and classification of existing and proposed streets and other thoroughfares.

Tool and Dye Shop: An establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products.

Topography: The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

Tower: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground.

Townhouse: A one-family dwelling with a private entrance that is attached horizontally to other dwelling units in a linear arrangement, with a front and a rear wall that are totally exposed for light, access, and ventilation.

Trade or Business School: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Includes vocational schools and career centers.

Trail: A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment.

Transom: The window located above the structural cross-piece over a door or window.

Tree, Deciduous: Trees and shrubs that shed their leaves annually.

Tree, Evergreen: Trees and shrubs that do not shed their leaves annually.

Tree, Ornamental: A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under 40 feet.

Tree, Prohibited: A tree, as listed in this Ordinance that does not meet site-landscaping or performance standard requirements.

Truck Freight Terminal: An area and building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

Truck Stop: A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

Truck Sales and Service: Any establishment that sales and services semis, grain trucks, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they are to be serviced.

U

Undeveloped Land: Land in its natural state.

University (or college): An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

Unnecessary Hardship: A hardship which is subject to relief by means of variance, such as those that result from exceptional topographic conditions, exceptional physical conditions of a parcel of land, or other characteristics of the property that are unique from those of adjoining property in the same zoning district. Hardships which are self-imposed, resulting from errors in judgment on the part of the property owner, or based on a perceived reduction in economic gain shall not be considered unnecessary hardships.

Use: The purpose of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use Category: A group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this Ordinance, such as retail uses, office uses, personal service uses, and general industrial production.

Use, Change of: The discontinuation of the specific primary use of a lot or structure and the replacement of that use with a different specific use.

Use, Existing: The use of a lot or structure present at the effective date of this Ordinance.

Use, Illegal: Any use that is neither legal nonconforming or permitted by right or special exception in the zoning district in which it is located as defined by this Ordinance.

Use, Nonconforming: A use which does not conform with the use regulations of the zoning district in which it is located.

Use, Permitted: Any use listed as a permitted use in this Ordinance or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

Use, Primary: The main use of land or structures, as distinguished from an accessory use. A primary use may be either a permitted use or a special exception use.

Use, Special Exception: A use that is designated by this Ordinance as being permitted in a specific zoning district if it is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Use, Temporary: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Use Variance: The approval of a use by the Board of Zoning Appeals which is not listed as a permitted or special exception use by this Ordinance and is not an accessory or temporary use associated with any primary use permitted by this Ordinance.

Utility Substation: A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

V

Vacation: The termination or termination of interest in a plat, an easement, or a right-of-way or other public dedication.

Variance, Development Standards: A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use: see *Use, Variance*

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles, and like devices.

Vehicle Detailing/Accessory Shop: An establishment that provides auto-detailing services and/or sells associated merchandise. Services offered are cosmetic in nature, and do not include mechanical upgrades or repairs.

Vehicle, Inoperable: A vehicle which, due to mechanical defect or failure, or incorrect or unapparent licensing, is not physically or legally able to be operated.

Veterinary Office (Animal Clinic): An establishment for the care, observation, or treatment of domestic animals.

Video Store: An establishment primarily engaged in the retail rental of DVD, videotapes, films, CD-ROMS, laser discs, video games, or other electronic media.

W

Warehouse: A facility for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waste Disposal Facility: Any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps, and inoperable vehicle storage.

Waste, Hazardous: see *Hazardous Waste*

Water Tower: A tower or standpipe that functions as a reservoir providing water to the community.

Wellfield (Public Pumphouse): An area of land that contains 1 or more existing or proposed wells for supplying water to a water utility.

Wetland: Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions as identified by the National Wetlands Institute and certified by an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification.

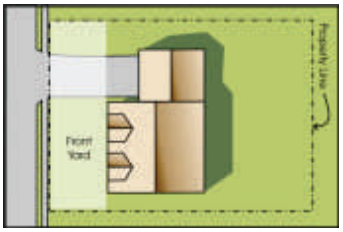
Wholesale Facility: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

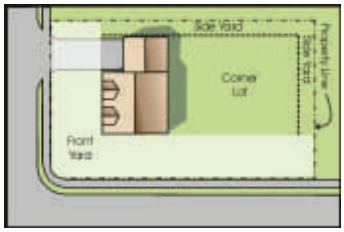
Winery: A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar or live entertainment.

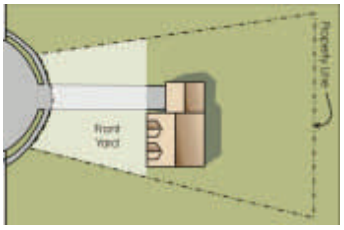
X, Y, & Z

Yard: A space on a lot that is open and unobstructed

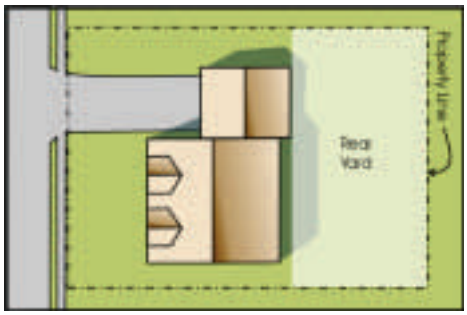
Yard, Front: The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

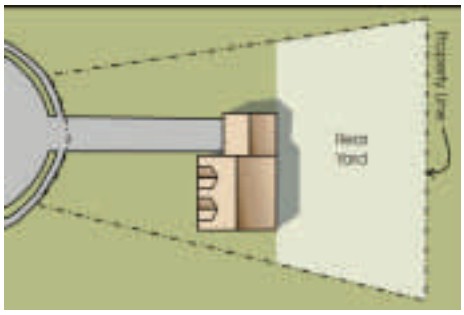






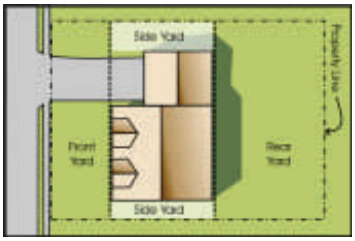
Yard, Rear: The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots shall have no rear yards, only front yards and side yards.

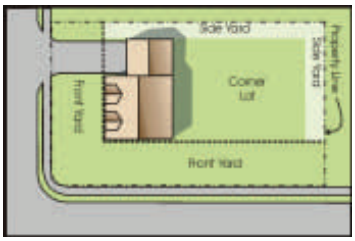


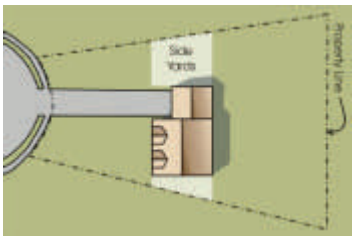


Yard Sale: see *Garage Sale*

Yard, Side: The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, measured as the shortest distance between that foundation and the side lot line.







Zoning District: A section of the City of Franklin for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces around buildings, are established by this Ordinance.

Zoning Map: *see Official Zoning Map*