

Additions are in CAPS, bold and underlined. Deletions are shown in double strikethrough. Please note the page numbers shown reference the existing zoning code.

SECTION 200.02 PAGE 8

E. POWERS AND DUTIES: THE PLANNING & ZONING COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES: (1) REVIEW, INTERPRET AND APPROVE ALL MAJOR AND MINOR SUBDIVISIONS, MAJOR SITE PLANS, ARCHITECTURAL DESIGNS, ZONING TEXT AMENDMENTS, ZONING MAP AMENDMENTS AND ALL CONDITIONALLY PERMITTED USES.

SECTION 200.03E(3) PAGE 9

~~(3) Conditional Uses. To interpret and administer the Conditional Zoning Certificates section of this Zoning Code.~~

SECTION 300.03A PAGE 17

A. Application Submitted to the Zoning Administrator. Any application for a Conditional Use Permit shall be made to the Zoning Administrator on a Conditional Use Application form prepared by the Zoning Administrator for that purpose. Upon a determination of completeness, the Zoning Administrator shall indicate the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** file number on the application and forward the application to the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION.**

SECTION 300.03C PAGE 17

C. Review and Decision by the Board of Zoning Appeals **PLANNING AND ZONING COMMISSION.** The ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Zoning Code pursuant to the procedure outlined in Section 200.04 (Public Hearings). Such review by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** shall be completed and made public within ninety-five (95) days of the date of submission.

(1) Basis of Determination. The ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** shall establish that the general standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Zoning Code will be observed.

(2) Issuance of Conditional Zoning Certificates. Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** issue a Conditional Zoning Certificate.

D. Revocation - Violation and Penalty. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Zoning Code.

E. Reapplication. No application for a Conditional Zoning Certificate which has been denied wholly or in part by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION.** At the expiration of one (1) year from the date of the original application each reapplication shall be accompanied by a fee as set by the New Franklin City Council.

F. Expiration of Approval. The Conditional Zoning Certificate shall become void at the expiration of one (1) year after date of issuance unless the use or construction on the structure or alteration thereof is substantially started.

G. Standards for Approval of a Conditional Use. The ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

SECTION 500.01B PAGE 37

- B. Conditional Uses. The Zoning Administrator shall issue Conditional Use Zoning Certificates for conditional land uses indicated with a "C" in the following table subject to the approval of the City of New Franklin ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** and general and specific requirements contained in this Zoning Code.

SECTION 600.04A PAGE 51

- A. In the C-R Commercial-Residential District the following types of home occupations and/or businesses are conditionally permitted uses, subject to ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** review and approval:

SECTION 600.04B(6) PAGE 52

- (6) A conditional zoning certificate for a use permitted under these regulations shall be issued for a three (3) year period only. After a three (3) year period has elapsed, a new conditional zoning certificate shall be required and may be issued provided that the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** and the Zoning Administrator determine that the said use has been and is being operated according to the specifications of the Zoning Code and the previous conditional zoning certificate. If necessary, the ~~Board~~ **PLANNING AND ZONING COMMISSION** may make additional requirements for the continued operation of the use a prerequisite for re-issuance of the conditional zoning certificate.

SECTION 800.01G(3) PAGE 61

- (3) *Arbors and Trellises*. Arbors or trellises shall be permitted in all zoning districts except for the R-L District, where they are ~~considered a conditional use~~ subject to Board of Zoning Appeals approval. Arbors or trellises, which are detached from the building, may encroach on a required side yard, side yard which abuts a street and forward of the principal structure provided that:

SECTION 800.01G(8)(a) PAGE 62

- (a) Security Or Industrial Fences. Security, electrified, and industrial fences can be conditionally permitted in business and industrial zoning districts as approved by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.

SECTION 800.03C(4) PAGE 67

- (4) *Operation of a Farm Market – Class B*. A farm market – Class B shall be permitted only upon the issuance of a Conditional Zoning Certificate by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**. Such use shall be subject to the following standards:

- (a) Be considered a separate use on an active farm site.
- (b) Be confined to an area within an existing barn or similar structure or, if new construction is proposed, the scale and design shall be compatible with the residential/agricultural area.
- (c) Shall have its primary means of access from a public street and adequate parking shall be provided as per Section 1200.01B Parking Space Matrix. Such uses shall be considered open-air markets for parking space determination.
- (d) Shall be limited to the sale of the following items: fruits, vegetables, plants, flowers, trees, shrubs and similar items, processed foods such as wines, jams, conserves, preserves, pickled foods, honey, maple syrup, baked goods, eggs and similar products grown or produced within the City, as well as a full range of dairy products, which may be produced on or off-site. The facility may provide seating for the public and tables where food and beverages may be consumed. The ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** may permit the sale of items not produced or grown within the City where it is necessary to supplement the variety of items for retail sale.
- (e) Such uses shall be separated from all other buildings or occupancies as per the Ohio Building Code.

- (f) The facility shall meet all state and local codes and health requirements and shall be classified as Occupancy Group Class M per the Ohio Building Code and have a certificate of occupancy issued by the Summit County Building Department.
 - (g) The ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** may limit the size and scope of the facility in relation to the size of the farm based on acreage and production.
 - (h) One non-illuminated freestanding sign with a maximum size of thirty-two (32) square feet and one wall sign with a maximum size of thirty-two (32) square feet shall be permitted.
- (5) Keeping of horses, fowl and other animals, except hogs and mink, whether harbored for agricultural or any other purposes, is permitted only when the building, yards, and all other confinements for said animals are located at least one hundred (100) feet distant from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of these animals. Horses shall be prohibited on a lot of less than two (2) acres in size. A maximum of two (2) horses, both of which are owned by the lot occupant, may be permitted on a lot of two (2) acres in size. For each non grain-fed horse over two, at least one and one-half (1 1/2) acres of pasture per horse is required. There is no maximum limit for grain-fed horses.
- (6) Keeping of hogs or mink, whether harbored for agricultural or any other purpose, is permitted only when the building, yard and all other confinements for said animals are located at least three hundred (300) feet distant from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of these animals, and at least one hundred (100) feet distant from all property lines, reservoirs, or public streets. The keeping of hogs or mink harbored for agricultural or any other purpose shall be permitted only upon the issuance of a Conditional Zoning Certificate by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.

SECTION 800.03D PAGE 70

D. Permitted and Conditional Uses

The following table indicates agricultural land uses and whether the uses are permitted uses requiring a zoning permit (P) or not requiring a zoning permit (NP), or conditional uses (C) requiring the issuance of a Conditional Zoning Certificate by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.

SECTION 800.04C(4) PAGE 72

- (1) Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- (2) A minimum of fifty (50) acres shall be required for a use proposed under these regulations.
- (3) All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes.
- (4) A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a three (3) year period only. After a three (3) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided that the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** and the Zoning Administrator determine that the said use has been and is being operated according to the specifications of the Zoning Code and the previous Conditional Zoning Certificate. If necessary, the ~~Board~~ **PLANNING AND ZONING COMMISSION** may make additional requirements for the continued operation of the use as a prerequisite for re-issuance of the Conditional Zoning Certificate.

SECTION 800.04D(3)(f) & (h) PAGE 73

- (1) All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- (2) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- (3) The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:

- (a) Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
 - (b) Minimum area required for a cemetery site to be forty (40) acres.
 - (c) A building shall be provided for storage of maintenance equipment and/or materials.
 - (d) Pavement width of driveways shall be at least twenty (20) feet - ten (10) feet per moving lane.
 - (e) Refer to Subdivision Regulations for drive requirements and Site Plan Review procedures.
 - (f) Pavement is to be installed as development progresses and as indicated on the final plans approved by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.
 - (g) Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
 - (h) Only signs designating entrances, exits, traffic direction and titles shall be permitted, and must be approved by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.
 - (i) Adequate screening with shrubs, trees, or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings; such shrubs, trees, and hedges shall not be less than two (2) feet in height and must be maintained in good condition.
 - (j) Provisions shall be made for landscaping throughout the cemetery.
 - (k) Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
 - (l) No gravesites shall be located within one hundred (100) feet of the right-of-way lines of any publicly dedicated thoroughfare.
 - (m) A gravesite shall not be within two hundred (200) feet of an existing residence unless the owner of such residence gives his written consent.
- (4) Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**, the City Engineer, and the County Health Department. Guarantees shall be in a form approved of by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.

SECTION 800.04N(1) PAGE 76

- (1) A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a three (3) year period only. After a three (3) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided that the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** and the Zoning Administrator determine that the said use has been and is being operated according to the specifications of the Zoning Code and the previous Conditional Zoning Certificate. If necessary, the ~~Board~~ **PLANNING AND ZONING COMMISSION** may make additional requirements for the continued operation of the use as a prerequisite for re-issuance of the Conditional Zoning Certificate.
- (2) All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- (3) There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- (4) Sanitation practices shall assure that odors will not be noticed off the lot.
- (5) Adequate sound proofing shall be provided to reduce the noise level and the proper management of animals shall be provided to control noise in outdoor exercise runs.

SECTION 800.04Q(2), (8), (9) & (10) PAGE 76

- (1) Activities on the site shall be limited to the storage of property only.
- (2) All storage shall be within an enclosed building except where the nature and location of outdoor storage is specifically approved by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**. Outdoor vehicle, trailer, or boat storage shall only be permitted in locations on the site specifically approved by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.
- (3) An on-site leasing office shall be provided.
- (4) A minimum of five (5) parking spaces shall be provided near the leasing office.
- (5) All drives, parking, loading and unloading areas shall be paved and shall be located only as approved in the site plan.
- (6) Sufficient space shall be provided in the paved lanes serving the storage units to accommodate on-site movement of vehicles and the parking and loading/unloading of trucks, vans, trailers, and automobiles of persons using the units.
- (7) No dwelling will be permitted on the same lot.

- (8) Fencing of the perimeter shall be provided as permitted by this Zoning Code and as determined by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** in a manner which promotes security and presents an appropriate appearance to abutting properties. The fence shall be landscaped as required in the approved site plan.
- (9) Door openings facing residential districts shall not be permitted unless approved by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.
- (10) Hours of operation shall only be as approved by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**, after consideration of the impact of the proposed use upon the character, safety, and tranquility of the neighborhood.

SECTION 800.04R(1) PAGE 76

- (1) Such use shall be a temporary conditional use and shall automatically lapse and be null and void after two (2) years from the date of ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** approval on appeal.
- (2) A paved parking area for visitors shall be provided.

SECTION 800.04U PAGE 77

Proposed multifamily dwelling projects shall conform to all requirements and/or conditions as the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** may deem necessary and shall meet the following criteria:

SECTION 800.04U(7) PAGE 78

- (7) Site Plan Review No zoning certificate shall be issued until final site plans have been submitted and approved by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.
 - (a) A performance bond or other financial guarantee acceptable to the City Council shall be placed to insure that the landscaping will be installed, that the hard surfacing of the access drives and parking and service areas will be installed, and that adequate storm water drainage will be installed, all in accordance with the City Council and ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION'S** approved plans.

SECTION 800.04V(1) PAGE 79

- (1) The Conditional Zoning Certificate shall be issued for a three (3) year period only. After a one (3) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided that the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** and the Zoning Inspector determine that the said use has been and is being operated according to the specifications of the Zoning Code and the previous Conditional Zoning Certificate. If necessary, the ~~Board~~ **PLANNING AND ZONING COMMISSION** may make additional requirements of the continued operation of the use as a prerequisite for reissuance of the Conditional Zoning Certificate.

SECTION 800.04X(1) PAGE 79

- (1) A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a three (3) year period only. After a three (3) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided that the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** and the Zoning Administrator determine that the said use has been and is being operated according to the specifications of the Zoning Code and the previous Conditional Zoning Certificate. If necessary, the ~~Board~~ **PLANNING AND ZONING COMMISSION** may make additional requirements for the continued operation of the use as a prerequisite for reissuance of the Conditional Zoning Certificate.

SECTION 800.05C(2) PAGE 81

- (2) The Zoning Administrator shall submit all professional service, repair service and trade business CLASS B home occupation conditional use applications to the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** for review and approval.

SECTION 800.07B(5), (8) & (12) PAGE 85

- (5) Security fencing, eight feet in height, shall surround the tower, the equipment shelter and any guy wires, either completely or individually, as determined by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.

- (6) A vegetative screen shall be planted that consists of one row of a mixture of evergreen and deciduous trees or privet hedge planted five feet on center maximum. A landscaping plan is required to be submitted that indicates how the wireless telecommunications facility will be screened from adjoining properties.
- (7) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- (8) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a mile of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within sixty days. The applicant shall present proof of mailing as well as responses to the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** as a means of demonstrating the need for a new tower. If a contacted wireless service provider fails to respond to a written request for co-location from the applicant within sixty day, the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** may accept the non-response as proof that co-location on an existing tower is not feasible.
- (9) No advertising is permitted anywhere on the facility, with the exception of identification signage.
- (10) "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- (11) Applicants will provide evidence of legal access to the tower site and maintain this access regardless of other developments that may take place on the site.
- (12) No tower shall be artificially lighted except to assure safety or as required by the FAA. Security lighting around the equipment shelter is prohibited, unless specifically requested by the applicant and need is proved to the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.

SECTION 800.07E PAGE 86

- E. Review and Approval of Plans. No person or entity shall construct a wireless telecommunications tower and facility, or place a wireless telecommunications antenna, on any legal tower, building or structure, without a site plan review, a public hearing, and approval by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**, as specified below:
- (1) The site plan for the construction of a wireless telecommunications tower and related facility shall be reviewed and approved according to the standards and procedures set forth in this Zoning Code.

SECTION 800.12A(2) PAGE 99

- (2) Outdoor wood-fired boilers ~~are conditionally~~ **MAY BE** permitted in C-D, R-1 and R-2 zoning districts only **AFTER REVIEW AND APPROVAL BY THE BOARD OF ZONING APPEALS.**

SECTION 1200.01D(10) PAGE 139

D. Conditional Use Parking Area Extension into Contiguous Residential Zoning Districts. In all zoning districts, the extension of parking into a contiguous residential zoning district shall be a conditional use subject to the following additional conditions and criteria:

- (1) The proposed extension is on land owned, rented or leased by the owners of the lot containing the use or structure.
- (2) The extension of a parking area may not extend more than one hundred and fifty (150) feet into a zone other than in which the structure or use is located.
- (3) The proposed extension shall be on land contiguous to the lot containing the use or structure.
- (4) Parking shall conform to all screening, setbacks and other requirements of this Zoning Code.
- (5) The proposed extension does not adversely affect adjacent or surrounding properties and will contribute to the orderly development and function of the area.
- (6) Entrances and exits shall be at least twenty (20) feet distance from any adjacent property located in any residential district.
- (7) Such parking lot shall be used solely for the parking of passenger vehicles and no commercial repair work or service of any kind shall be conducted on such parking lot.
- (8) No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
- (9) Such parking lot shall be screened pursuant to Section 1000.09 (Screening and Buffering of Residential Areas).
- (10) The ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography, physical conditions, and the use and character of adjacent properties. The ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** may also impose such additional requirements as it may deem necessary in view of the aforesaid consideration.

SECTION 1300.05C(12) & (12)(b) PAGE 153

(12) *Community Directional Signs.* Community directional signs for the purpose of providing directions to public, quasi-public, religious, educational, and major recreational facilities within the City may be permitted as a conditional use when reviewed and approved by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION** and subject to the following conditions:

- (a) Shall not be illuminated.
- (b) The area and height of the sign shall be a function of the number of facilities being addressed and may be limited by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.

SECTION 1300.08A(3) PAGE 156

(3) Community directional signs shall be subject to the review and approval of the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.

SECTION 1400.02 DEFINITIONS PAGE 167

Conditional Use - A use, subject to certain conditions, that may be granted on terms other than "as of right" (use granted on the basis of an application alone). Conditional uses are granted only by the ~~Board of Zoning Appeals~~ **PLANNING AND ZONING COMMISSION**.

SECTION 1400.02 DEFINITIONS PAGE 183

Zoning Administrator - The official responsible for granting zoning permits, exercising site inspections, effecting conditional permits **AS GRANTED BY THE NEW FRANKLIN PLANNING AND ZONING COMMISSION** and, variances as granted by the New Franklin Board of Zoning Appeals, and administering and enforcing these zoning regulations.