

ORDINANCE NO:
SPONSOR: MAYOR BOLLAS
INTRODUCED: JUNE 7, 2017

AN ORDINANCE TO AMEND NEW FRANKLIN ZONING CODE SECTIONS 500.01, 800.04, AND 1400.02 TO ADD A MARINE RELATED LAND USE CATEGORY AND DECLARING THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.

WHEREAS, New Franklin is part of the Portage Lakes community; and

WHEREAS, the Portage Lakes community is home to several marine related businesses; and

WHEREAS, New Franklin wishes to create a marine related land use category to both encourage and regulate marine related businesses within the city; and

WHEREAS, New Franklin Council deems it to be in the best interest of New Franklin to create a marine related land use category in the New Franklin Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

New Franklin Zoning Code Section 1400.02 is amended to include the following definitions for marine related uses and marine vehicles:

- a. **Marine Related Uses**
Marine related use shall refer to the sale, service, and storage of marine vehicles.
- b. **Marine Vehicles**
Marine vehicles include watercraft and boats of any size and function, including, but not limited to, power boats, pontoon boats, sailboats, paddle boats, kayaks, canoes, and jet skis or wave runners.

SECTION TWO:

New Franklin Zoning Code Section 500.01 is amended to include a marine related land use category in the Permitted and Conditional Land Use Matrix. The marine related use category shall be a conditional use in a B-1, B-2, I-1, or I-2 zoning district.

SECTION THREE:

New Franklin Zoning Code Section 800.04 is amended to include a Marine Related land use category in accordance with the attached Exhibit A.

SECTION FOUR:

The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FIVE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: _____

Kelly Kepler, Clerk

David Stock, President

APPROVED: _____, 2017

Al Bollas, Mayor

ENACTED EFFECTIVE: _____

ON ROLL CALL:	Cotts	_____	Jones	_____	Harget	_____
	Kalapodis	_____	Stock	_____	Gehm	_____
	Norris	_____				

Publications on _____ and _____

Kelly Kepler, Clerk

EXHIBIT A

DD. MARINE RELATED USES

- (1) The Conditional Zoning Certificate shall be issued for a three (3) year period only. After one (3) year period has lapsed, a renewed Conditional Zoning Certificate shall be required and may be reissued provided that the Planning and Zoning Commission and the Zoning Administrator determine that the use has been and is being operated according to the specifications of the Zoning Code and the previous Conditional Zoning Certificate. If necessary, the 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.
- (2) Structures for offices must be located on the site of the marine related business. Vacant lots for storage of marine vehicles are not permitted without a local, on site office.
- (3) There shall be no dismantled, wrecked, junk, or partially dismantled vehicles of any kind (marine or otherwise) permitted outside.
- (4) Outdoor storage of marine vehicles shall be in the rear of the property. Areas for outside storage of marine vehicles may be on paved or gravel surfaces.
- (5) Outdoor storage that abuts residential uses will require natural screening buffers in addition to privacy fencing and must adhere to landscaping and buffer yard standards as outlined in Article 10.
- (6) Any new or used marine vehicles being offered for sale by the marine related business may be placed on the side or the front of the business as long as the location of the marine vehicles for sale is part of the site plan approved by the Planning and Zoning Commission.
- (7) The storage and handling of inflammable liquids, liquefied petroleum gases and explosives shall comply with rules and regulations falling under the jurisdiction of the city fire chief, the laws of the state and other local ordinances.

- (8) Outdoor displays for the marine related business must comply with the regulations outlined in Article 8.
- (9) All lighting shall adhere to the lighting requirements outlined in Article 6.
- (10) All signage requirements shall adhere to Article 13.
- (11) Any marine related business that is opened for the sole purpose of operating a retail store for marine equipment is not subject to this Section and shall be treated as a retail business under the New Franklin Zoning Code.