

ARTICLE 1 GENERAL PROVISIONS
(Amended 10-18-2023)

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100.1 Code Information

(A) Title

This Code shall be known and may be cited to as the “City of New Franklin Zoning Code.” It will be referred to as the “Code.”

(B) Jurisdiction

This Code shall be effective throughout the corporate boundaries of the City of New Franklin, Summit County, Ohio.

(C) General Purpose

The provisions of this Code as most recently amended, shall be interpreted, and applied to promote the public health, safety, comfort, convenience, prosperity, and general welfare pursuant to ORC Chapter 713.06 which states:

The planning commission of any municipal corporation may frame and adopt a plan for dividing the municipal corporation or any portion thereof into zones or districts, representing the recommendations of the commission, in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare, for the limitations and regulation of the height, bulk, and location, including percentage of lot occupancy, set back building lines, and area and dimensions of yards, courts, and other open spaces, and the uses of buildings and other structures and of premises in such zones or districts.

(D) Comprehensive Plan

Comprehensive Plan will refer to the 2004 City of New Franklin Comprehensive Plan or any future revisions as “Comprehensive Plan”. The

City's comprehensive plan should be used to guide consistent interpretation of the Code, and to guide all discretionary approvals or relief authorized under this Code.

(E) Effective Date

The provisions in this Code were originally adopted from the Franklin Township Zoning Code by The Village of New Franklin in 2005 and then by the City of New Franklin in November 2006. Subsequent amendments are reflected in the legislative histories which are footnoted following the amended sections.

(F) Severability

Should any section, clause or provision of this Code be declared by the courts to be invalid, the same shall not affect the validity of the Code as a whole or any part thereof, other than the section, clause or provision so declared to be invalid.

100.2 Code Standards

(A) Applicability

- (1) All new zoning applications shall meet the Code requirements. All land uses shall comply with all applicable codes, standards and requirements as adopted by New Franklin City Council and as administered by the various city departments.
- (2) No person or persons may use, arrange to use, design to use, occupy, sell, or authorize or permit the use of any land or structures or part thereof except in conformance with this Code.
- (3) No person or persons may erect, construct, reconstruct, enlarge, convert, move, or structurally alter property, or construct public or private improvements, nor shall any building or land be used in a manner which does not comply with all of the provisions established by these regulations for the zoning districts in which the building or land is located.
- (4) No person shall subdivide, re-subdivide, or otherwise reduce the dimension or area of a lot or yard existing at the time of passage of this Code below the minimum requirements set forth herein.
- (5) No person shall record a major or minor subdivision in the office of the Summit County Fiscal Office Recorder's Division until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded; it shall be considered invalid; and the city may institute proceedings to have the plat stricken from the Summit County records.
- (6) No person shall implement the design of any subdivision improvements, including grades of streets, type of pavement, drainage, sidewalks, sanitary sewers, storm sewers, detention or retention ponds, water distribution facilities, street lighting facilities, or electric, fiber, cable, or

wireless communication and data transfer until such shall conform to the requirements and regulations of this Code and be approved in the manner prescribed herein.

- (7) No person shall continue performance of any work in or about a structure or premises after revocation of a conditional use permit.
- (8) This Code shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue. However, all administrative procedures and penalties shall follow those set forth by this Code.
- (9) This Code shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning, subdivision, or related regulations.

(B) Conflicts

- (1) It is not intended that this Code permits that which is forbidden or prohibited by specific State or Federal law related to the same subject matter, and vice versa. This limitation shall not preclude this Code from concurrent regulation of subject matter where the potential conflict is not precluded by State or Federal law.
- (2) It is not intended by this Code to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Code imposes a greater restriction than are imposed or required by any easements, covenants, agreements, other ordinances, rules, regulations or permits, the provisions of this Code shall govern.
- (3) In the event any of the requirements or regulatory provisions of these regulations are found to be inconsistent with one another, the more restrictive requirements shall be deemed in each case to be applicable.
- (4) All city ordinances in conflict with this Code or inconsistent with the provisions of it are hereby repealed to the extent necessary to give this Code full force and effect.

(C) Effects of Prior Regulations

This section shall be used to guide the transition from existing regulations of the New Franklin Zoning Code, officially in effect prior to the effective date of these regulations. Unless specifically stated otherwise in this Code, the following rules shall apply:

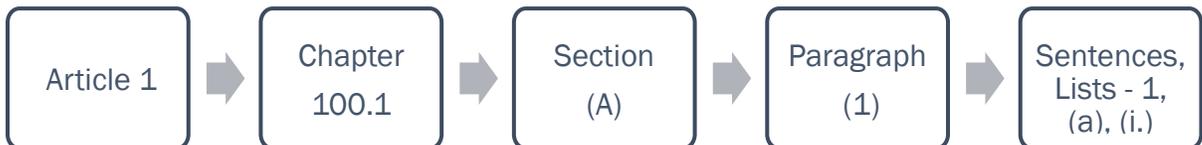
- (1) Permits. All permits issued under an administrative capacity prior to the effective date of these regulations shall be valid until they expire under the terms of the permit, or the provisions of the previously existing regulations. Applications submitted after the effective date of these

regulations shall be reviewed and evaluated subject to the provisions of these regulations.

- (2) Subdivisions. Complete preliminary plat applications submitted prior to the effective date of these regulations shall be processed under the previously existing regulations unless the applicant requests otherwise. Incomplete preliminary plat applications submitted before the effective date of these regulations, and any application for a preliminary plat submitted after the effective date of these regulations shall be reviewed and evaluated subject to the provisions of these regulations. Preliminary or final plat applications approved under the previously existing regulations, which are allowed to lapse or expire, shall be re-submitted according to these regulations.
- (3) Zoning. Existing uses may continue subject to these regulations. Existing parcels that may not comply with current zoning and subdivision standards may continue as provided in the existing zoning Code. Applications for proposed new uses shall occur according to these regulations. Conditional zoning certificates issued under previously existing regulations shall continue under the terms of the permit. Any change in the permit, or the lapse or revocation of the permit shall require a new application resubmitted according to these regulations.
- (4) Annexation. Any area annexed to the City of New Franklin after the effective date of these regulations shall immediately upon such annexation be automatically classified in the R-2 Residential Medium Density District until a zoning plan for the annexed area has been adopted by the City Council. The Planning and Zoning Commission will recommend to City Council appropriate zoning for the annexed area within six (6) months after the effective date of such annexation.

100.3 General Format

These regulations are arranged in an organization hierarchy of Article, Chapter and Sections. Each chapter and section include a chapter/section number and a chapter/section name. Chapters and Sections are numbered to orient the user to the context of the regulation, and paragraphs then follow a general outline format. The following example demonstrates how this format orients the user:



100.4 Interpretations

(A) General Interpretation

- (1) Sentence Structure. Unless the context clearly indicates otherwise, the following rules shall apply to these regulations:
 - (a) Code provisions are activated by “shall” when required, “should” when recommended and “may” when optional.
 - (b) In any case in which any portion of this or any other city code, ordinance, or other applicable county, state or federal law or regulation or any kind of private agreement, covenant, or easement applying with the city, establishes a requirement that is either more or less restrictive than a particular requirement established herein, the provision that is the more restrictive or that imposes the higher standard or requirement shall govern.
 - (c) All words shall have the customary dictionary meaning, unless specifically defined in these regulations.
 - (d) The present and future tenses shall be treated the same way.
 - (e) The singular and plural tenses shall be treated the same way.
 - (f) Lists of examples prefaced by “including the following,” “such as,” or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar and non-mentioned examples.
 - (g) A reference to an administrative official shall refer to that official or his or her designee.
 - (h) The term "building" "structure" or “premises” or any similar term, shall be interpreted to include any part of the building, structure, premises, or other similar term unless otherwise stated.
- (2) Graphics, Commentary and Tables.
 - (a) Graphics and commentary used in this ordinance are to aid interpretation of the text, unless otherwise specifically stated. In the event of a conflict or ambiguity between a graphic or commentary and the text, the text shall prevail.
 - (b) Notes to tables shall apply only to the particular provision footnoted, or to the entire table if it is not specifically footnoted to an item in the table and shall in no case be interpreted as generally applicable rules.

(B) Land Interpretations

All land uses shall be interpreted according to the categories and description of uses provided in this document and further:

- (1) No building shall be erected, and no existing building shall be moved, altered, added to, or enlarged nor shall any land or building be used,

designed, or arranged to be used for any purpose or in any manner than permitted in the zoning district in which said building or land is located.

- (2) Any use which is found by the Planning & Zoning Commission to be a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, light, noise, vibration, or other disturbance, is and shall be expressly prohibited. No such finding shall be made by the Commission except after a hearing upon reasonable notice, and any person may file a petition with the Commission for such a hearing.

(C) Zoning Map Boundary Interpretations

The precise location of any zoning district boundary line shown on the zoning map shall be interpreted as follows:

- (1) A boundary shown as approximately following a street, road, highway, alley, railroad, or other similar public way shall be construed as following the centerline of such feature.
- (2) A boundary line shown as approximately following a lot line, survey or other property line, or municipal boundary shall be construed as following such line or boundary.
- (3) A boundary shown as approximately following the centerline of a stream, river or other continuously flowing watercourse shall be construed as following the channel centerline of such watercourse. In the event of a natural change in the location of streams, rivers or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (4) In cases where there are multiple zoning map boundaries on a parcel, the more restrictive zoning district designation and requirements shall apply.
- (5) A boundary shown as separated from and approximately parallel to any of the features listed in this subsection shall be construed to be parallel to such features and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined using the scale shown on the zoning map.

(D) Time Interpretations

Unless specifically stated, wherever these regulations state a time-period, it shall be interpreted as follows:

- (1) The day of the act, event, or other means, which commences the time-period, shall not be counted.
- (2) When a prescribed time-period is less than 7 days, Saturdays, Sundays, and legal city holidays shall be excluded.
- (3) The last day of the time-period shall be included in the time-period, unless it is a Saturday, Sunday, or legal city holiday, in which case the next working day shall end the time-period.
- (4) Whenever the time period is expressed to require a formal submittal to the city, the time period shall end at 5:00 P.M. on the last day of the time period.
- (5) Any time period expressed in years shall include a full calendar year from the act, event, or other means, which commences the time period.

100.5 Code Maintenance and Fees

(A) Miscellaneous Code Corrections

The Zoning Administrator, working in conjunction with the Law Director, may make such changes as are necessary to correct obvious typographical, verbiage, or grammatical errors, which changes do not affect the substance of the Code. Before making any such corrections, the Zoning Administrator shall provide the Mayor and City Council with written notice of such corrections. If within 60 days after receipt of such notice, neither the Mayor nor City Council object to such proposed corrections, the Zoning Administrator shall cause such corrections to be made. In the event the Mayor or City Council object to any corrections proposed by the Zoning Administrator, then the corrections to which the Mayor and City Council object shall not be made without passage of legislation supporting such correction.

(B) Fees

The City Council may establish by ordinance fees for all applications provided in these regulations. The fees may be incorporated into a schedule of fees and may be amended from time to time by ordinance. Where a fee has been established for an application under these provisions, the application shall not be considered complete unless accompanied by the required fee.

100.6 Authorized Agent

An owner may authorize an agent to act on the owner's behalf in any application or request contained in this Code. Written proof of authority by the owner may be required by the city for any such application or request.

100.7 Engaging Qualified Consultants

In the event that any administrative board finds it is necessary to engage qualified consultants or to maintain a strict record of public hearing procedures, the applicant may be required to bear all direct and related costs. Examples include when planning, legal, or engineering special studies or expert testimony is required, or if the proposed use may cause the emission of dangerous or objectionable elements. All such reports shall be furnished to the Zoning Administrator as soon as it is practicable.

ARTICLE 2 REGULATORY BOARDS

(Amended 10-18-2023)

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200.1 Planning and Zoning Commission

(A) Planning & Zoning Commission Organization and Functions

- (1) Composition and Appointment. The Planning & Zoning Commission also known as the “Commission” shall consist of five (5) members pursuant to Section 7.05 of the City Charter. Each member shall serve until his successor is appointed and qualified. One additional alternate Commission member will be appointed. The alternate Commission member will only have voting rights in the event of the absence of a Commission member.
- (2) Organization. The Commission shall elect a Chairperson, a Vice Chairperson and Recording Secretary from its membership and shall prescribe rules for the conduct of its affairs.
- (3) Meetings. The Commission shall meet at the call of its Chairperson and at such other time as it may determine. All meetings of the Commission shall be open to the public.
- (4) Quorum and Voting. Three (3) members of the Commission shall constitute a quorum at all meetings. A concurring vote of 3 members shall be necessary to affect an order, decide, or act on any authorization.

(5) Powers and Responsibilities.

(a) Planning and Zoning Commission is the recommendation body to City Council for:

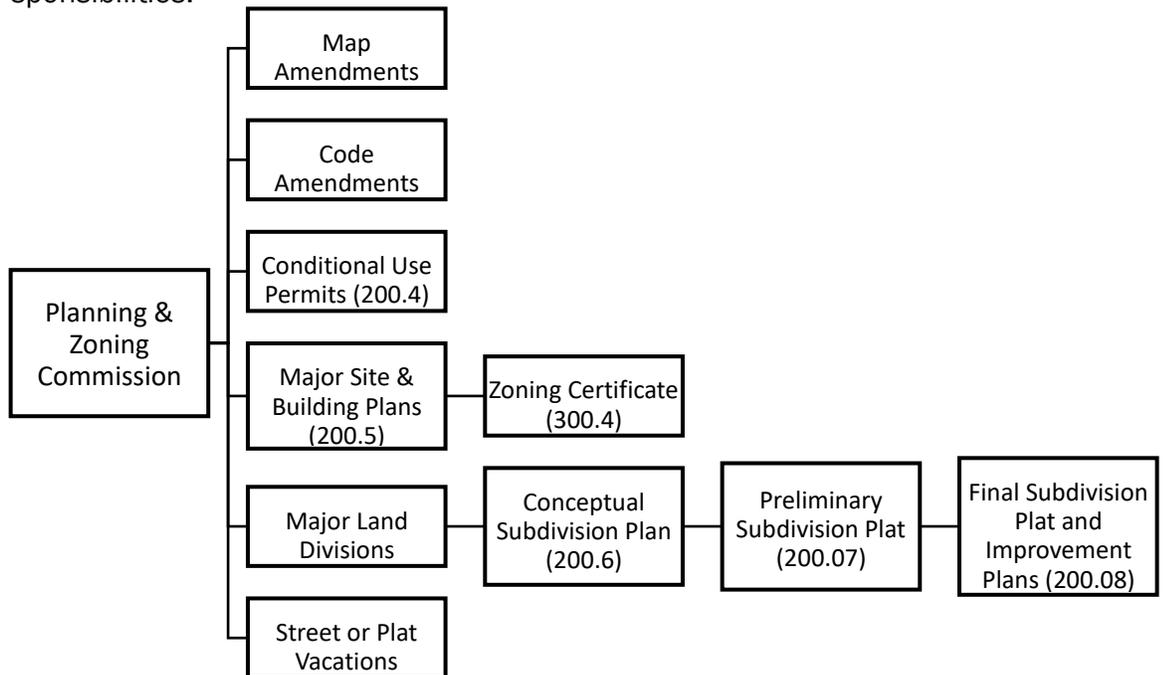
- (i) Zoning Map Amendments
- (ii) Zoning Code Amendments.
- (iii) Conditional Use Permits
- (iv) Final Subdivision Plats and Subdivision Improvement Plans
- (v) Dedication of public rights-of-way, streets, easements, new infrastructure, street vacations and flag-lots.

(b) Planning and Zoning Commission as the approving body for:

- (i) Major Site and Building Plans
- (ii) Conceptual Subdivision Plan
- (iii) Preliminary Subdivision Plats

(B) Planning and Zoning Commission Responsibility Diagram

The following chart summarizes the Planning and Zoning Commission's responsibilities:



200.2 Zoning Map Amendment

(A) Applicability

A zoning map amendment allows zoning changes to individual or multiple parcels within the city.

(B) Submission Process

- (1) Eligible Applicants. A map amendment may be initiated by:
 - (a) An applicant
 - (b) The Zoning Department
 - (c) The Planning and Zoning Commission
 - (d) The Mayor
 - (e) The City Council on its own initiative
- (2) Submittal Requirements.
 - (a) Completion of an authorized application form supplied by the Zoning Department, including any supplemental information required by that form.
 - (b) A detailed narrative statement on how and why issuance of the proposed map amendment conforms to the standards of the current zoning district and any conditional permit requirements.
 - (c) The applicable filing fee.
- (3) Official Filing. The Zoning Administrator shall notify the applicant within 30 days, subject to reasonable delays, of submittal to the Zoning Department of any of the following for the zoning map amendment to be officially filed:
 - (a) The application is complete for official filing and will be scheduled for the next scheduled Planning and Zoning Commission meeting.
 - (b) The application will be scheduled for the Planning and Zoning Commission meeting after the applicant meets with the Zoning Department to discuss application.
 - (c) The application is deficient, and modifications are needed to make it acceptable for official filing. A list of deficiencies and suggested modifications will be provided to the applicant. The applicant may request a meeting with the zoning staff to discuss deficiencies.
 - (d) The Zoning Administrator determines the application requires further studies or technical reports, such as environmental, traffic, flood plain, riparian setbacks, wetland delineation, soil suitability for onsite septic, before it is officially filed.

(C) Review Criteria

- (1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- (2) Is the proposed map amendment in accordance with the general development patterns and character of the area or district in which the land is located?
- (3) Is the proposed map amendment in the interest of public health, safety, and welfare?
- (4) Is the proposed map amendment consistent with the planning criteria of the proposed new zoning district and is consistent with the planning criteria of all adjacent existing zoning districts?
- (5) Do the submitted plans, associated with the map amendment, meet all standards of the proposed zoning district?
- (6) Does the application conform with subdivision regulations or any pending or approved plat applications?
- (7) Is there evidence that the property's existing zoning designation is unreasonable and deprives the owner of a lawful and reasonable use of the property? Financial gain shall not constitute an unreasonable zoning designation.

(D) Public Notice, Review and Action Summary

Table 2.1- Zoning Map Amendment Summary Table

Zoning Map Amendment Summary Table			
	Staff	Planning & Zoning Commission	City Council
Public Notice 200.2 (E) (1)	None	Published, Mailed Posted, Electronic	Published, Electronic
Public Review 200.2 (E) (2)	Internal	Public Hearing	Public Hearing
Action 200.2 (F)	Recommend/Not Recommend	Recommend/Not Recom- mend	Approval/Denial

(E) Public Notices and Hearings

- (1) Public Notices.
 - (a) Publication Notice. Notice of the public hearing shall be published in at least one publication of a newspaper of general circulation in the City at least fourteen (14) days prior to the date of a public hearing. In addition, the notice shall state that the public may examine or obtain copies of the relevant text, maps, plans, reports, and agenda relating to the hearing at the Zoning Department Office.
 - (b) Mailed Notice. Mailed notice shall be sent if the application involves ten (10) or less parcels of land as listed on the tax duplicate. Notice shall be mailed to adjacent property owners at fourteen (14) days prior to the Planning and Zoning Commission meeting. Notice shall

indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review in the Zoning Department Office during normal business hours. The failure of any party to receive the required mailed notice shall not invalidate the proceedings.

- (c) Posted Notice. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Zoning Department. The sign will be posted for at least fourteen (14) days prior to the scheduled Planning and Zoning Commission meeting. A sign will be posted on the street side of the property. Notice shall remain posted continuously until the start of the meeting. The Planning and Zoning Commission may table or deny an application for approval where the required posting has not been maintained.
- (d) Electronic Notice. An electronic notice shall be posted on the City of New Franklin official web page and city sponsored social media sites for fourteen (14) days prior to the public hearing.

(2) Public Hearings.

- (a) Planning and Zoning Commission
- (b) City Council

(F) Decision Process

- (1) Zoning Department Action. Recommendation to the Planning and Zoning Commission based on review criteria.
- (2) Planning and Zoning Commission Action. The following actions shall be taken within 60 days, but subject to reasonable delays, from the submission of the complete application:
 - (a) Recommend approval.
 - (b) Recommend denial.
 - (c) Continue consideration of the application to the next scheduled meeting based on a need for further study or consideration of specific issues. No application shall be continued by the Planning and Zoning Commission more than once, nor more than 60 days from the original public hearing date but subject to any reasonable delays. If the issue is continued after the original public hearing date no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.
- (3) City Council Action.
 - (a) Upon notification of final action and recommendation by the Planning and Zoning Commission, City Council shall set a time for a public hearing on the zoning map amendment. Notice of the public hearing shall be posted on the city website and published for two consecutive

weeks prior to the hearing in a newspaper of general circulation, or in such other fashion as the Ohio Legislature might dictate.

- (b) At the conclusion of the public hearing, or within ninety (90) days thereafter, the City Council shall either adopt or deny the recommendations of the Planning and Zoning Commission, or adopt some modification thereof, all by simple majority vote. At least two-thirds (2/3) affirmative vote of City Council shall be required for the passage of any ordinance or resolution that is contrary to the recommendation of the Planning and Zoning Commission.

200.3 Code Amendment

(A) Applicability

A Code Amendment is required to change any regulations in this Code.

(B) Submission Process

- (1) Eligible Applicants.
 - (a) The Zoning Department
 - (b) The Planning and Zoning Commission
 - (c) The Mayor
 - (d) The City Council on its own initiative
- (2) Submittal Requirements.
 - (a) Completion of an authorized application form supplied by the Zoning Department, including any supplemental information required by that form.
 - (b) A detailed narrative statement and draft of the proposed amendment.
- (3) Official Filing. There is no official filing of an application, however the Zoning Department shall schedule a date for introduction of the Code Amendment at the next available Planning Commission meeting.

(C) Review Criteria

- (1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- (2) Is the proposed amendment consistent with the purposes of this Code and the authority under the city charter?
- (3) Will the Code Amendment maintain the internal consistency of this Code? Will it not compromise the intent of any Article, Chapter, Section or Paragraph being amended, nor will it compromise the intent or design goals of any other section in these regulations.

(D) Public Notice, Review and Action Summary

Table 2. 2- Code Amendment Summary Table

Code Amendment Summary Table			
	Staff	Planning & Zoning Commission	City Council
Public Notice 200.3 (E) (1)	None	Published, Electronic	Published, Electronic
Public Review 200.3 (E) (2)	Internal	Public Hearing	Public Meeting
Actions 200.3 (F)	Recommend/Not Recommend	Recommend/Not Recommend	Approval/Denial

(E) Public Notices and Hearings

- (1) Public Notices.
 - (a) Publication Notice. Notice of the public hearing shall be published in at least one publication of a newspaper of general circulation in the city at least fourteen (14) days prior to the date of a public hearing. In addition, the notice shall state that the public may examine or obtain copies of the relevant text, maps, plans, reports, and agenda relating to the hearing at the Zoning Department Office.
 - (b) Electronic Notice. An electronic notice shall be posted on the City of New Franklin official web page and city sponsored social media sites for fourteen (14) days prior to the public hearing.
- (2) Public Hearings.
 - (a) Planning and Zoning Commission
 - (b) City Council

(F) Decision Process

- (1) Zoning Department Action. Recommendation to the Planning and Zoning Commission based on review criteria.
- (2) Planning and Zoning Commission Action. The following actions shall be taken within 60 days, but subject to reasonable delays, from the submission of the complete application:
 - (a) Recommend approval.
 - (b) Recommend denial.
 - (c) Recommend approval with additional stipulations.
 - (d) Continue consideration of the application to the next scheduled meeting based on a need for further study or consideration of specific issues. No application shall be continued by the Planning and Zoning Commission more than once, nor more than 60 days from the original public hearing date but subject to any reasonable delays. If the issue is continued after the original public hearing date no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.
- (3) City Council Action.
 - (a) Upon notification of final action and recommendation by the Planning and Zoning Commission, City Council shall set a time for a public hearing on the code amendment. The hearing shall be held within thirty days following notification, or as soon thereafter as is practicable. Notice of the public hearing shall be posted on the city website and published for two consecutive weeks prior to the hearing

in a newspaper of general circulation, or in such other fashion as the Ohio Legislature might dictate.

- (b) At the conclusion of the public hearing, or within ninety (90) days thereafter, the City Council shall either adopt or deny the recommendations of the Planning and Zoning Commission, or adopt some modification thereof, all by simple majority vote. At least two-thirds (2/3) affirmative vote of City Council shall be required for the passage of any ordinance or resolution that is contrary to a recommendation of the Planning and Zoning Commission.

200.4 Conditional Use Permit

(A) Applicability

Certain uses described in the Code are conditionally permitted uses. A Conditional Use Permit will allow conditionally permitted uses with safeguards deemed necessary for protecting general welfare, individual property rights, zoning regulation and code objectives.

(B) Submission Process

(1) Eligible Applicants.

The owner of the subject property, the owner's authorized agent or a developer with an executed purchase agreement may initiate an application for a conditional zoning permit.

(2) Submittal Requirements.

(a) Completion of an authorized application form supplied by the Zoning Department, including any supplemental information required by that form.

(b) A detailed narrative statement on how and why issuance of the proposed permit conforms to the standards of the current zoning district, the conditional zoning permit requirements.

(c) A Major or Minor Site and Building Plan as required in this code.

(d) The applicable filing fee.

(3) Official Filing. The Zoning Administrator shall notify the applicant within 30 days, subject to reasonable delays, of submittal to the Zoning Department of any of the following in order for the conditional use permit to be officially filed:

(a) The application is complete for official filing and will be scheduled for the next scheduled Planning and Zoning Commission meeting.

(b) The application will be scheduled for the Planning and Zoning Commission meeting after the applicant meets with the Zoning Department and other city departments to discuss application.

(c) The application is deficient, and modifications are needed to make it acceptable for official filing. A list of deficiencies and suggested modifications will be provided to the applicant. The applicant may request a meeting with the zoning staff and other departments to discuss deficiencies.

(d) The Zoning Administrator determines that the application requires further studies or technical reports, such as environmental, traffic, flood plain, riparian setbacks, wetland delineation, soil suitability for onsite septic, before it is officially filed.

(C) Review Criteria

- (1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- (2) Is the use designed, constructed, operated, and maintained to be harmonious and appropriate with the existing or planned character of the general vicinity and will not change the essential character of the area?
- (3) Is the use not hazardous or disturbing to existing or planned future neighboring uses and is not detrimental to the community?
- (4) Is the use consistent with conditional use permit criteria and regulations in this code?
- (5) Is the use consistent with the intent and planning criteria of the zoning district and will not adversely impact the intent and planning criteria of any adjacent zoning districts?
- (6) Is the site designed in compliance with major site and building plan requirements and all other applicable rules and regulations?
- (7) Is the site adequately served by essential public facilities and services such as vehicle and pedestrian access, emergency services and public safety, drainage and utilities, and any necessary supporting uses?

(D) Public Notice, Review and Action Summary

Table 2.3 Conditional Use Permit Summary Table

Conditional Use Permit Summary Table			
	Staff	Planning & Zoning Commission	City Council
Public Notice 200.4 (E) (1)	None	Published, Mailed Posted, Electronic	Published, Electronic
Public Review 200.4 (E) (2)	Internal	Public Hearing	Public Hearing
Actions 200.4 (F)	Recommend/Not Recommend	Recommend/Not Rec- ommend	Approval/Denial

(E) Public Notices and Hearings

- (1) Public Notices.
 - (a) Publication Notice. Notice of the public hearing shall be published in at least one publication of a newspaper of general circulation in the City at least fourteen (14) days prior to the date of a public hearing. In addition, the notice shall state that the public may examine or obtain copies of the relevant text, maps, plans, reports, and agenda relating to the hearing at the Zoning Department Office.
 - (b) Mailed Notice. Notice shall be mailed to adjacent property owners at least fourteen (14) days prior to the Planning and Zoning Commission meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review in the Zoning Department Office during normal business hours. The failure of any party to

receive the required mailed notice shall not invalidate the proceedings.

- (c) Posted Notice. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Zoning Department. The sign will be posted for at least fourteen (14) days prior to the scheduled Planning and Zoning Commission meeting. A sign will be posted on the street side of the property. Notice shall remain posted continuously until the start of the meeting. The Planning and Zoning Commission may deny an application for approval where the required posting has not been maintained.
 - (d) Electronic Notice. An electronic notice shall be posted on the City of New Franklin official web page and City sponsored social media sites for fourteen (14) days prior to the public hearing.
- (2) Public Hearings.
- (a) Planning and Zoning Commission
 - (b) City Council

(F) Decision Process

- (1) Zoning Department Action. Recommendation to the Planning and Zoning Commission based on review criteria.
- (2) Planning and Zoning Commission Action. The following actions shall be taken within 60 days, but subject to reasonable delays, from the submission of the complete application:
 - (a) Recommend approval.
 - (b) Recommend denial.
 - (c) Recommend approval, subject to specific conditions which must be satisfied.
 - (d) Continue consideration of the application to the next scheduled meeting based on a need for further study or consideration of specific issues. No application shall be continued by the Planning and Zoning Commission more than once, nor more than 60 days from the original public hearing date but subject to any reasonable delays. If the issue is continued after the original public hearing date no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.

- (3) City Council Action.
 - (a) Upon notification of final action and recommendation by the Planning and Zoning Commission, City Council shall set a time for a public hearing on the proposed conditional use permit. The hearing shall be held within thirty days following notification, or as soon thereafter as is practicable. Notice of the public hearing shall be posted on the city website and published for two consecutive weeks prior to the hearing in a newspaper of general circulation, or in such other fashion as the Ohio Legislature might dictate.
 - (b) At the conclusion of the public hearing, or within ninety (90) days thereafter, the City Council shall either adopt or deny the recommendations of the Planning and Zoning Commission, or adopt some modification thereof, all by simple majority vote. At least two-thirds (2/3) affirmative vote of City Council shall be required for the passage of any ordinance or resolution that is contrary to a recommendation of the Planning and Zoning Commission.

(G) Approval Conditions

- (1) Limitation on Re-application. No application for a conditional zoning permit which has been denied by City Council shall be resubmitted until the expiration of 365 days from the date of denial, unless the applicant can demonstrate to the Zoning Department one of the following:
 - (a) That a substantively different plan is being proposed; or
 - (b) That new facts or other pertinent information, not reasonably found by the applicant at the time of the first application, have been discovered.
- (2) Effect of Approval. An approved conditional use permit shall remain valid for one (1) year following the date of Planning and Zoning Commission approval. If the conditional use has not commenced within one (1) year, it shall be considered void. The Planning and Zoning Commission may grant an extension for the conditional use with proper verification.
- (3) Revocation. The breach of any condition, safeguard, or requirement of the permit shall automatically invalidate the permit and shall constitute a violation of these regulations.

200.5 Major Site and Building Plan

(A) Applicability

A major site and building plan is a development plan for an individual site, lot, or project area. The plan provides development details that conform to all applicable zoning site development and subdivision regulations. A site and building plan may be used to support other applications such as a conditional use permit or variance application. A major site and building plan shall be submitted for the following activity or use:

- (1) Any multi-family structures over 3 units.
- (2) Any new non-residential applications with a total building footprint of over 1,500 square feet.
- (3) Additions or expansions over 1,500 square feet (footprint) or 20 percent of existing structures.
- (4) Parking lot expansions over 2,000 square feet.

(B) Submission Process

- (1) Eligible Applicants. The owner of the subject property or the owner's authorized agent, or a developer with a signed purchase agreement may initiate an application for a major site and building plan.
- (2) Submittal Requirements. An application for a major site and building plan shall be submitted to the Zoning Department and shall include the following:
 - (a) A completed authorized application form supplied by the Zoning Department, including any supplemental information required by that form.
 - (b) A narrative statement explaining the project in detail.
 - (c) A completed site plan, building elevations, landscaping plan, and other requirements as required.
 - (d) The applicable filing fee.
- (3) Official Filing. The Zoning Administrator shall notify the applicant within 30 days, subject to reasonable delays, of submittal to the Zoning Department of any of the following in order for the site and building plan application to be officially filed:
 - (a) The application is complete for official filing and will be scheduled for the next scheduled Planning and Zoning Commission meeting.
 - (b) The application will be scheduled for the Planning and Zoning Commission meeting after the applicant meets with the Zoning Department and other city departments to discuss application.
 - (c) The application is deficient, and modifications are needed to make it acceptable for official filing. A list of deficiencies and suggested modifications will be provided to the applicant. The applicant may

request a meeting with the planning staff and other departments to discuss deficiencies.

- (d) The Zoning Administrator determines that the application requires further studies or technical reports, such as environmental, traffic,
- (e) flood plain, riparian setbacks, wetland delineation, soil suitability for onsite septic, before it is officially filed.

(C) Review Criteria

- (1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- (2) Does the lot or parcel comply with all land division regulations?
- (3) Is the proposed development consistent with the intent and planning criteria of the zoning district and will not adversely impact the intent and planning criteria of any adjacent zoning districts?
- (4) Is the site designed in compliance with all regulations, standards, and guidelines of the applicable zoning district all site and building design regulations?
- (5) Is the proposed layout efficiently designed, in terms of relationship to adjacent sites, pedestrian, vehicle access, building location and orientation, parking location, and open space?
- (6) Are there any feasible alternative layouts that could better meet the planning criteria and any guidelines of the zoning district, or design goals applicable to the site?
- (7) Is the site designed in compliance with any other applicable rules and regulations?
- (8) Is the site adequately served by essential public facilities and services such as vehicle and pedestrian access, emergency services and public safety, drainage, and utilities, and any necessary supporting civic uses?

(D) Public Notice, Review and Action Summary

Table 2.4 Site and Building Plan Summary Table

Major Site and Building Plan Summary Table			
	Staff	Planning & Zoning Commission	City Council
Public Notice 200.5 (E) (1)	None	Published, Mailed, Posted, Electronic	None
Public Review 200.5 (E) (2)	Internal	Public Hearing	None
Action 200.5 (G) (H)	Recommend/Not Recommend	Approval/Denial	None

(E) Public Notices and Hearings

- (1) Public Notices.

- (a) Publication Notice. Notice of the public hearing shall be published in at least one publication of a newspaper of general circulation in the City at least fourteen (14) days prior to the date of a public hearing. In addition, the notice shall state that the public may examine or obtain copies of the relevant text, maps, plans, reports, and agenda relating to the hearing at the Zoning Department Office.
 - (b) Mailed Notice. Notice shall be mailed to adjacent property owners at least fourteen (14) days prior to the Planning and Zoning Commission meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review in the Zoning Department Office during normal business hours. The failure of any party to receive the required mailed notice shall not invalidate the proceedings.
 - (c) Posted Notice. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Zoning Department. The sign will be posted for at least fourteen (14) days prior to the scheduled Planning and Zoning Commission meeting. A sign will be posted on the street side of the property. Notice shall remain posted continuously until the start of the meeting. The Planning and Zoning Commission may deny an application for approval where the required posting has not been maintained.
 - (d) Electronic Notice. An electronic notice shall be posted on the City of New Franklin official web page and City sponsored social media sites for fourteen (14) days prior to the public hearing.
- (2) Public Hearings.
- (a) Planning and Zoning Commission
 - (b) City Council

(F) Decision Process

- (1) Zoning Department Action. Recommendation to the Planning and Zoning Commission based on review criteria.
- (2) Planning and Zoning Commission Action. The following actions shall be taken within 60 days, but subject to reasonable delays, from the submission of the complete application:
 - (a) Recommend approval.
 - (b) Recommend denial.
 - (c) Recommend approval, subject to specific conditions which must be satisfied.
 - (d) Continue consideration of the application to the next scheduled meeting based on a need for further study or consideration of specific issues. No application shall be continued by the Planning and Zoning Commission more than once, nor more than 60 days from the original public hearing date but subject to any reasonable delays. If the issue

is continued after the original public hearing date no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.

- (3) City Council Action. None

(G) Approval Conditions

- (1) Limitation on Re-application. No application for a site and building plan and shall be resubmitted until the expiration of 365 days from the date of the denial, unless the applicant can demonstrate to the Zoning Department one of the following:
- (a) A substantively different plan is being proposed.
 - (b) New facts or other pertinent information, not reasonably found by the applicant at the time of the first application, have been discovered.
- (2) Effect of Approval. An approved major site and building plan shall remain valid for one (1) year following the date of Planning and Zoning Commission approval. If construction has not commenced within one (1) year, the plan shall be considered lapsed, and any future development shall require the approval of a new plan. Any departure from an approved plan shall be the cause for revocation of that approved site and building plan and shall be deemed a violation of these regulations. The Planning and Zoning Commission may grant an extension with proper verification.
- (3) Other Required Approvals. If a proposed site and building plan application also requires the granting of a variance or other special approval from the Board of Zoning Appeals, the Planning & Zoning Commission shall do one of the following:
- (a) Review the site plan in advance of the Board of Zoning Appeals proceedings and approve the site and building plan on the assumption and condition that the variance or other action will be approved by the Board of Zoning Appeals. Such an action shall not constitute a position by the Planning & Zoning Commission in support of the application for a variance or other action and shall not be received in evidence in any proceedings before the Board of Zoning Appeals.
 - (b) Table its review of the major site and building plan until such time as the Board of Zoning Appeals has acted on the variance or other action request.
 - (c) Review the major site and building plan in advance of the Board of Zoning Appeals proceedings and disapprove it.

200.6 Conceptual Subdivision Plan

(A) Applicability

The Planning and Zoning Commission will review a conceptual subdivision plan that is generally consistent with land division and zoning standards and provide feedback. A conceptual subdivision plan review meeting provides an opportunity to discuss the review process, the scope of appropriate submittal requirements and compliance with the land division regulations. Potential problems may be identified before a formal preliminary subdivision plat is submitted. Also, a conceptual subdivision plat review process provides a mechanism for effectively coordinating needed street connections.

(B) Submission Process

- (1) Eligible Applicants. The owner of the subject property, the owner's authorized agent or a developer with a signed purchase agreement.
- (2) Submittal Requirements. The applicant shall submit a scaled conceptual subdivision plan showing street layout, parcel layout, preliminary storm management, development phasing and structure types to the Zoning Department. The Zoning Department may also require additional related materials based on the proposed site.
- (3) Official Filing. The Zoning Administrator shall notify the applicant within 30 days of submittal to the Zoning Department that the conceptual development plan will be reviewed by the Planning and Zoning Commission.

(C) Review Criteria

- (1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- (2) Is the proposed land division in accordance with the general development patterns and character of the area or district in which it is located?
- (3) Is the proposed land division in the interest of public health, safety, and welfare?
- (4) Are all parcels including any proposed development in conformance with zoning requirements of the subject property or where an alternative zoning is proposed in association with the preliminary plat, would the standards of the proposed zoning conform?
- (5) Does the plan conform with all land division standards?

(D) Public Notice, Review and Action Summary

Table 2.5 - Conceptual Subdivision Plan Summary Table

Conceptual Subdivision Plan Summary Table			
	Staff	Planning & Zoning Commission	City Council
Public Notice 200.6 (E) (1)	None	Electronic	None
Public Review 200.6 (E) ((2)	Internal	Review & Discussion	None
Actions 200.6 (F)	None	None	None

(E) Public Notices and Hearings

- (1) Public Notice. An electronic notice shall be posted on the City of New Franklin official web page and City sponsored social media sites for fourteen (14) days prior to the Planning and Zoning Commission Meeting.
- (2) Public Hearing. There is no public hearing. The Planning and Zoning Commission will unofficially review the Conceptual Subdivision Plan as a meeting agenda item.

(F) Decision Process

- (1) Zoning Department Actions. The Zoning Department will not provide recommendations.
- (2) Planning and Zoning Commission Actions. The Planning and Zoning Commission will provide guidance and recommendation for preliminary subdivision plat submittal.
- (3) City Council Action. None

200.7 Preliminary Subdivision Plat

(A) Applicability

Any land division other than a Minor Subdivision Plat (Article 3, Chapter 300.3) shall require approval of a preliminary subdivision plat prior to submitting a final subdivision plat and infrastructure improvement plans.

(B) Submission Process

- (1) Eligible Applicants. Applicants for a preliminary subdivision plat shall be the owner of the subject property, the owner's authorized agent or a developer with an official purchase agreement.
- (2) Submittal Requirements. An application for a preliminary subdivision plat shall be submitted to the Zoning Department and shall at a minimum include the following:
 - (a) Completion of an authorized application form supplied by the Zoning Department, including any supplemental information required by that form.
 - (b) A narrative explaining the plat in detail and reasons for the proposed development.
 - (c) A preliminary plat map including all subdivision information required in this Code.
 - (d) Parcel lines with building footprints and setbacks.
 - (e) A preliminary infrastructure improvement plan.
 - (f) The applicable filing fee.
- (3) Official Filing. The Zoning Administrator shall notify the applicant within 30 days, subject to reasonable delays, of submittal to the Zoning Department of any of the following in order for the preliminary subdivision plat to be officially filed:
 - (a) The application is complete for official filing and will be scheduled for the next scheduled Planning and Zoning Commission meeting.
 - (b) The application will be scheduled for the Planning and Zoning Commission meeting after the applicant meets with the Zoning Department and other city departments to discuss application.
 - (c) The application is deficient, and modifications are needed to make it acceptable for official filing. A list of deficiencies and suggested modifications will be provided to the applicant. The applicant may request a meeting with the zoning staff and other departments to discuss deficiencies.
 - (d) The Zoning Administrator determines that the application requires further studies or technical reports, such as environmental, traffic,

flood plain, riparian setbacks, wetland delineation, soil suitability for onsite septic, before it is officially filed.

(C) Review Criteria

- (1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- (2) Are any phasing of a subdivision plat clearly indicated and demonstrates a logical and well-planned subdivision? This may include consideration of amenities and public facilities of the subdivision within each phase compared to the anticipated timing or the likelihood of future phases not being constructed.
- (3) Does the proposed land division comply with the general development patterns and character of the area in which it is located?
- (4) Is the proposed land division in the interest of public health, safety, and welfare?
- (5) Do all parcels, including any proposed development, conform with zoning requirements, or where an alternative zoning is proposed in association with the preliminary plat, conform with the standards of the proposed zoning?
- (6) Does the application conform with all land division regulations?
- (7) Are there any impacts that need mitigated, as identified in specific studies or technical reports that were prepared or requested to be prepared in association with the application?

(D) Public Notice, Review and Action Summary

Table 2 6 - Preliminary Subdivision Plat Summary Table

Preliminary Subdivision Plat Summary Table			
	Staff	Planning & Zoning Commission	City Council
Public Notice 200.7 (E) (1)	None	Published, Mailed, Posted, Electronic	None
Public Review 200.7 (E) (2)	Internal	Public Hearing	None
Actions 200.7 (F)	Recommend/Not Recommend	Approval/Denial	None

(E) Public Notices and Hearings

- (1) Public Notices.
 - (a) Publication Notice. Notice of the public hearing shall be published in at least one publication of a newspaper of general circulation in the city at least fourteen (14) days prior to the date of a public hearing. In addition, the notice shall state that the public may examine or obtain

copies of the relevant text, maps, plans, reports, and agenda relating to the hearing at the Zoning Department Office.

- (b) Mailed Notice. Notice shall be mailed to adjacent property owners at least fourteen (14) days prior to the Planning and Zoning Commission meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review in the Zoning Department Office during normal business hours. The failure of any party to receive the required mailed notice shall not invalidate the proceedings.
- (c) Posted Notice. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Zoning Department. The sign will be posted for at least fourteen (14) days prior to the scheduled Planning and Zoning Commission meeting. A sign will be posted on the street side of the property. Notice shall remain posted continuously until the start of the meeting. The Planning and Zoning Commission may deny an application for approval where the required posting has not been maintained.
- (d) Electronic Notice. An electronic notice shall be posted on the City of New Franklin official web page and city sponsored social media sites for fourteen (14) days prior to the public hearing.
- (e) Public Hearing. Planning and Zoning Commission

(F) Decision Process

- (1) Zoning Department Action. Recommendation to the Planning and Zoning Commission based on review criteria.
- (2) Planning and Zoning Commission Action. The following actions shall be taken within 60 days, but subject to reasonable delays, from the submission of the complete application:
 - (a) Recommend approval.
 - (b) Recommend denial.
 - (c) Recommend approval, subject to specific conditions which must be satisfied.
 - (d) Continue consideration of the application to the next scheduled meeting based on a need for further study or consideration of specific issues. No application shall be continued by the Planning and Zoning Commission more than once, nor more than 60 days from the original public hearing date but subject to any reasonable delays. If the issue is continued after the original public hearing date no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.
- (3) City Council Action. None

(G) Approval Conditions

- (1) Effect of Approval. Approval of the preliminary subdivision plat shall be effective for a period of two (2) years following the date of the Planning and Zoning Commission approval. Upon expiration of a preliminary plat approval, final plat approval shall not be given until a new preliminary plat has been submitted and approved, with the following exceptions:
 - (a) A preliminary subdivision plat with more than one phase may serve as the preliminary plat for all phases. The two (2) year period for validity of the remaining portion of the preliminary plat shall renew and commence as of the date of approval of the phase one (1) final plat.
 - (b) The Planning and Zoning Commission may grant an extension up to one additional year if it determines that re-review of a lapsed preliminary plat is not necessary.
- (2) Preliminary Infrastructure Improvement Plans. Preliminary infrastructure improvement plans shall be submitted with the preliminary subdivision plat. The preliminary infrastructure improvement plans shall include scaled engineering drawings for streets, utility lines, stormwater elements, open space, and stream corridors.

200.8 Final Subdivision Plat and Improvement Plans

(A) Applicability

Any application for the division of land that has received approval of a preliminary subdivision plat may file an application for a final subdivision plat. In addition, this chapter regulates street extensions or flag-lot creations.

(B) Submission Process

- (1) Eligible Applicants. Applicants for a final subdivision plat shall be the same applicant who received preliminary subdivision approval and the owner of the subject property, the owner's authorized agent or a developer with an official purchase agreement.
- (2) Submittal Requirements.
 - (a) Completion of an authorized application form supplied by the Zoning Department including any supplemental information required by that form.
 - (b) A narrative statement on how and why the proposed final subdivision plat conforms with the approved preliminary subdivision plat, including how any conditions of preliminary subdivision plat approval have been satisfied and indicating the reason and rationale for any deviations from the approved preliminary subdivision plat.
 - (c) Improvement plans and surveys as required.
 - (d) Parcel lines with building footprints and setbacks.
 - (e) The applicable filing fee.
 - (f) A final plat map including all information required on the authorized application form. The final plat map shall contain a certification and signature block as described in this Code (appendix).
- (3) Official Filing. The Zoning Administrator shall notify the applicant within 30 days, subject to reasonable delays, of submittal to the Zoning Department of any of the following in order for the final subdivision plan and improvement plans to be officially filed:
 - (a) The application is complete for official filing and will be scheduled for the next scheduled Planning and Zoning Commission meeting.
 - (b) The application will be scheduled for the Planning and Zoning Commission meeting after the applicant meets with the Zoning Department and other city departments to discuss application.
 - (c) The application is deficient, and modifications are needed to make it acceptable for official filing. A list of deficiencies and suggested modifications will be provided to the applicant. The applicant may request a meeting with the zoning staff and other departments to discuss deficiencies.
 - (d) The Zoning Administrator determines that the application requires further studies or technical reports, such as environmental, traffic,

flood plain, riparian setbacks, wetland delineation, soil suitability for onsite septic, before it is officially filed.

(C) Review Criteria

- (1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- (2) Is the proposed land division in the interest of public health, safety, and welfare?
- (3) Do all parcels, including any proposed development, conform with zoning requirements, or where an alternative zoning is proposed in association with the preliminary plat, conform with the standards of the proposed zoning?
- (4) Does the application conform with all land division regulations?
- (5) Does the final subdivision plat comply with the approved preliminary plat, including satisfaction of any conditions under which preliminary approval was granted?
- (6) Are any deviations proposed from the preliminary plat?
- (7) The minimum deviation to fulfill the development concept approved in the preliminary plat.
- (8) Necessary because of site conditions that could not have reasonably been discovered at the preliminary stage.
- (9) Conforming with all other criteria for approval.
- (10) Do the infrastructure improvement plans meet all Code requirements?

(D) Public Notice, Review and Action Summary

Table 2.7-Final Subdivision Plat Subdivision Table

Final Subdivision Plat Summary Table			
	Staff	Planning & Zoning Commission	City Council
Notice Type 200.8 (E) (1)	None	Published, Mailed, Posted, Electronic	Published Electronic
Review Type 200.8 (E) (2)	Internal	Public Hearing	Public Hearing
Action 200.8 (F)	Recommend/Not Recommend	Recommend/Not Recommend	Approval/Denial

(E) Public Notices and Hearings

- (1) Public Notices.
 - (a) Publication Notice. Notice of the public hearing shall be published in at least one publication of a newspaper of general circulation in the City at least fourteen (14) days prior to the date of a public hearing. In addition, the notice shall state that the public may examine or

obtain copies of the relevant text, maps, plans, reports, and agenda relating to the hearing at the Zoning Department Office.

- (b) Mailed Notice. Notice shall be mailed to adjacent property owners at least fourteen (14) days prior to the Planning and Zoning Commission meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review in the Zoning Department Office during normal business hours. The failure of any party to receive the required mailed notice shall not invalidate the proceedings.
- (c) Posted Notice. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Zoning Department. The sign will be posted for at least fourteen (14) days prior to the scheduled Planning and Zoning Commission meeting. A sign will be posted on the street side of the property. Notice shall remain posted continuously until the start of the meeting. The Planning and Zoning Commission may deny an application for approval where the required posting has not been maintained.
- (d) Electronic Notice. An electronic notice shall be posted on the City of New Franklin official web page and City sponsored social media sites for fourteen (14) days prior to the public hearing.

(2) Public Hearings.

- (a) Planning and Zoning Commission
- (b) City Council

(F) Decision Process

- (1) Zoning Department Action. Recommendation to the Planning and Zoning Commission based on review criteria.
- (2) Planning and Zoning Commission Action. The following actions shall be taken within 60 days, but subject to reasonable delays, from the submission of the complete application:
 - (a) Recommend approval.
 - (b) Recommend denial.
 - (c) Recommend approval, subject to specific conditions which must be satisfied.
 - (d) Continue consideration of the application to the next scheduled meeting based on a need for further study or consideration of specific issues. No application shall be continued by the Planning and Zoning Commission more than once, nor more than 60 days from the original public hearing date but subject to any reasonable delays. If the issue is continued after the original public hearing date no new published

notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.

(3) City Council Action.

- (a) Upon notification of final action and recommendation by the Planning and Zoning Commission, City Council shall set a time for a public hearing on the proposed final subdivision plat and improvement plans. The hearing shall be held within thirty days following notification, or as soon thereafter as is practicable. Notice of the public hearing shall be posted on the city website and published for two consecutive weeks prior to the hearing in a newspaper of general circulation, or in such other fashion as the Ohio Legislature might dictate.
- (b) At the conclusion of the public hearing, or within ninety (90) days thereafter, the City Council shall either adopt or deny the recommendations of the Planning and Zoning Commission, or adopt some modification thereof, all by simple majority vote. At least two-thirds (2/3) affirmative vote of City Council shall be required for the passage of any ordinance or resolution that is contrary to a recommendation of the Planning and Zoning Commission.

(G) Approval Conditions

- (1) Improvement Plan Stage Procedure. Improvement plans require the applicant to present engineering improvement plans to the Zoning Administrator and City Engineer and to the utility provider, where applicable. The applicant's engineer shall prepare improvement plans which shall conform to the approved preliminary subdivision plat and include all phases of the work to be performed to make the land suitable for development into the use proposed. These plans shall be complete and precise in all details. When sanitary sewers or water mains are to be constructed, the applicant shall consult with the utility provider.
- (2) Changes in Preliminary Subdivision Plat. During the preparation of improvement plans, technical reasons may necessitate the modification of the approved preliminary subdivision plat. Whenever modifications substantially change between the final subdivision plat and the approved preliminary subdivision plat, the change shall be submitted to the Zoning Department and City Engineer for consideration. Substantial changes include road or major easement reconfiguration, increase in the number of lots, or decrease in the area or change in the specified use of blocks. Within fifteen (15) working days after receipt of the notification of the change and with consultation with appropriate agencies, the Zoning Department will give written approval for the modifications or give written

notice that the proposed modifications must be reviewed by the Planning and Zoning Commission at its next scheduled public meeting.

(H) Effect of Approval

Approval of the final subdivision plat shall be effective for a period of two (2) years following the date of the City Council approval. Following approval, the applicant shall provide the following before commencing construction:

- (1) Construction Plans and Estimates for Public Improvements. Detailed construction improvement plans and estimates shall be prepared by a registered engineer in accordance with the final subdivision plat and improvement plans approval. The applicant will also sign a contract agreement to conform with the construction specifications and accepted engineering practices. These plans shall be presented to the City Engineer for review and judgment, supported by detailed study and recommendations from other city departments. The City Engineer shall sign plans and estimates that are acceptable.
- (2) Guarantee of Public Improvements.
 - (a) All improvements to be constructed or installed in accordance with the approved construction plans and specifications of the City shall be approved in writing by the City Engineer.
 - (b) All improvements approved by the City Engineer shall be guaranteed by a performance bond executed by a surety company, or other collateral acceptable to the Law Director in the amount of 100% of the approved engineer's estimate.
 - (c) The bond or other collateral shall be in effect for two years following the date of written approval of construction by the City Engineer.
 - (d) The City may complete any improvement not completed within the effective period with the collateral or bond. The owner of the property and the bonding company shall be held jointly responsible for all costs incurred by the City.
 - (e) The City Engineer may reduce the collateral to an amount of 10% of the City Engineer's estimate upon authorization.
 - (f) All improvements approved by the City Engineer shall be guaranteed by a performance bond executed by a surety company, or other collateral acceptable to the Law Director in the amount of 100% of the approved engineer's estimate.
 - (g) The bond or other collateral shall be in effect for two years following the date of written approval of construction by the City Engineer.
 - (h) The City may complete any improvement not completed within the effective period with the collateral or bond. The owner of the property

and the bonding company shall be held jointly responsible for all costs incurred by the City.

- (i) The City Engineer may reduce the collateral to an amount of 10% of the City Engineer's estimate upon authorization.

(3) Construction Costs.

(a) A utility construction account shall be established by the applicant with the city and any utility companies, in an amount necessary to pay all costs of inspection services and construction record keeping required to ensure that construction work complies with the approved plans, specifications and procedures of the city.

(b) The utility construction account shall be established prior to the performance of any work on any of the improvements within any proposed subdivision under the jurisdiction of the city, and where any utility is to be connected to a city dwelling.

(c) The city shall keep a complete record of all inspection costs and this record shall be available to the applicant upon request. All unexpended funds remaining in the account shall be refunded to the developer upon completion of the subdivision.

(4) Required Signatures. Upon completion of the guarantee for public improvements, the approved final subdivision plat shall be circulated for signatures of the Zoning Administration, City Engineer, Planning and Zoning Commission Chairperson, and President of City Council.

(5) Recording. Upon final execution of the contract agreement by the applicant and the city, the final plat shall be signed by the City Engineer and recorded by the city. When recorded, the final plat shall be returned to the city for permanent storage.

(6) Extension. The Planning and Zoning Commission may grant an extension up to one additional year if it determines that re-review of a lapsed final subdivision plat and improvement plans are not necessary.

(I) Combined Preliminary and Final Plat

The Zoning Administration may schedule concurrent and combined filing of Preliminary and Final Plats under the following conditions:

- (1) The application involves a division of land resulting in fewer than ten (10) lots.
- (2) In a phased development, only minor modifications have been made in an expired preliminary subdivision plat.
- (3) A preliminary subdivision plat has expired, and no modifications are proposed.

(J) Limitations on Re-application

Approval by the Planning Commission shall be forwarded to the City Council for authorization. Approval of the preliminary plat shall be effective for a period of two years following the date of the City Council approval. Upon expiration of

a preliminary plat approval, final plat approval shall not be given until a new preliminary plat has been submitted and approved, with the following exceptions:

- (1) In the case of a phased development, where phases are shown and approved on the preliminary plat, submission, and approval of a subsequent final plat for a complete phase or phases of the preliminary plat may be considered a renewal of the approved preliminary plat. The two (2) year period for validity of the remaining portion of the preliminary plat shall renew and commence as of the date of approval of the final plat.
- (2) The Planning Commission may grant an extension up to one additional year if it determines that re-review of a lapsed preliminary plat is not necessary.

(K) Flag-lots

Flag-lots shall be discouraged and must be approved by the Planning and Zoning Commission under Major Subdivision Plat requirements.

200.9 Vacation

(A) Applicability

Any application for a vacation of any public street, alley, avenue, lane, road, boulevard, driveway, or other public way, or any portion thereof.

(B) Submission Process

- (1) Eligible Applicants. Applicants for a vacation are the proprietors of the land of the plat or the City of New Franklin with two thirds of the proprietors of land described in a plat.
- (2) Submittal Requirements.
 - (a) Completion of an authorized application form supplied by the Zoning Division including any supplemental information required by that form.
 - (b) A narrative statement on how and why the proposed vacation conforms to existing street patterns and local transportation needs.
 - (c) A certified vacation plat by a licensed surveyor or engineer shall form a part of the petition. The vacation plat shall include measurements, descriptions, coloring, hatched lines, or other methods of identification to distinguish the extent, limit, width, and area of the public way or parts thereof sought to be vacated from those not vacated.
 - (d) A signed petition form provided by the city with two thirds of the proprietors of land described in a plat.
 - (e) The applicable filing fee.
- (3) Official Filing. The Zoning Administrator shall notify the applicant within 30 days, subject to reasonable delays, of submittal to the Zoning Department of any of the following in order for the vacation to be officially filed:
 - (a) The application and petition are complete for official filing and will be scheduled for the next Planning and Zoning Commission meeting.
 - (b) The application will be scheduled for the Planning and Zoning Commission meeting after the applicant meets with the Zoning Department and other city departments to discuss application.
 - (c) The application is deficient, and modifications are needed to make it acceptable for official filing. A list of deficiencies and suggested modifications will be provided to the applicant. The applicant may request a meeting with the planning staff and other departments to discuss deficiencies.
 - (d) The Zoning Administrator determines that the application requires further studies or technical reports, such as environmental, traffic,

flood plain, riparian setbacks, wetland delineation, soil suitability for onsite septic, before it is officially filed, or the petition is incomplete.

(C) Review Criteria

- (1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- (2) Is the proposed vacation in the interest of public health, safety, and welfare?
- (3) Will the proposed vacation create circulation problems to adjacent land and plats?
- (4) Will the proposed vacation cause harm to the delivery of utility service to the area?

(D) Public Notice, Review and Action Summary

Table 2.8 - Vacations Summary Table

Vacation Summary Table			
	Staff	Planning & Zoning Commission	City Council
Public Notices 200.9 (E) (1)	None	Published, Mailed, Posted, Electronic	Published, Electronic
Public Review 200.9 (E) (2)	Internal	Public Hearing	Public Hearing
Actions 200.9 (F)	Recommend/Not Recommend	Recommend/Not Recommend	Approval/Denial

(E) Public Notices and Hearings

- (1) Public Notices.
 - (a) Publication Notice. Notice of the public hearing shall be published in at least one publication of a newspaper of general circulation in the city at least fourteen (14) days prior to the date of a public hearing. In addition, the notice shall state that the public may examine or obtain copies of the relevant text, maps, plans, reports, and agenda relating to the hearing at the Zoning Department Office.
 - (b) Mailed Notice. Notice shall be mailed to adjacent property owners at least fourteen (14) days prior to the Planning and Zoning Commission meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review in the Zoning Department Office during normal business hours. The failure of any party to receive the required mailed notice shall not invalidate the proceedings.
 - (c) Posted Notice. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Zoning Department. The sign will be posted for at least fourteen (14) days prior to the scheduled Planning and Zoning Commission meeting. A sign will be posted on the street side of the property. Notice shall

remain posted continuously until the start of the meeting. The Planning and Zoning Commission may deny an application for approval where the required posting has not been maintained.

- (d) Electronic Notice. An electronic notice shall be posted on the City of New Franklin official web page and City sponsored social media sites for fourteen (14) days prior to the public hearing.

(2) Public Hearings.

- (a) Planning and Zoning Commission
- (b) City Council

(F) Decision Process

- (1) Zoning Department Action. Recommendation to the Planning and Zoning Commission based on review criteria.

- (2) Planning and Zoning Commission Action. The following actions shall be taken within 60 days, but subject to reasonable delays, from the submission of the complete application:

- (a) Recommend approval.
- (b) Recommend denial.
- (c) Recommend approval, subject to specific conditions which must be satisfied.
- (d) Continue consideration of the application to the next scheduled meeting based on a need for further study or consideration of specific issues. No application shall be continued by the Planning and Zoning Commission more than once, nor more than 60 days from the original public hearing date but subject to any reasonable delays. If the issue is continued after the original public hearing date no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.

- (3) City Council Action.

- (a) Upon notification of final action and recommendation by the Planning and Zoning Commission, City Council shall set a time for a public hearing on the proposed vacation. The hearing shall be held within thirty days following notification, or as soon thereafter as is practicable. Notice of the public hearing shall be posted on the city website and published for two consecutive weeks prior to the hearing in a newspaper of general circulation, or in such other fashion as the Ohio Legislature might dictate.
- (b) At the conclusion of the public hearing, or within ninety (90) days thereafter, the City Council shall either adopt or deny the recommendations of the Planning and Zoning Commission, or adopt some modification thereof, all by simple majority vote. At least two-thirds (2/3) affirmative vote of City Council shall be required for the

passage of any ordinance or resolution that is contrary to a recommendation of the Planning and Zoning Commission.

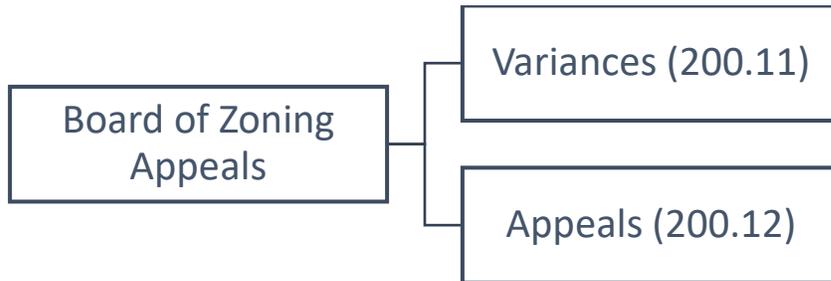
200.10 Board of Zoning Appeals

(A) Organization and Functions

The Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law, by City Charter and by this Zoning Code.

- (1) Composition and Terms of Appointment. The Board of Zoning Appeals also known as the “Board” shall consist of five (5) members pursuant to Section 7.06 of the City Charter. Each member shall serve until his successor is appointed and qualified. Up to two additional alternate Board members will be appointed. The alternate Board members will only have voting rights in the event of the absence of Board members.
- (2) Organization. The Board shall elect a Chairperson from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.
- (3) Meetings. The Board shall meet at the call of its Chairperson and at such other time as it may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the Zoning & Planning Department and shall be a public record.
- (4) Quorum and Voting. Three (3) members of the Board shall constitute a quorum at all meetings. A concurring vote of 3 members shall be necessary to affect an order, act, decide, or act on any authorization.
- (5) Powers and Responsibilities. The Board of Zoning Appeals shall have the powers and duties for variances and administrative appeals.

(B) Board of Zoning Appeals Responsibility Diagram



200.11 Variances

(A) Applicability

The Board of Zoning Appeals may grant a variance from these regulations when the criteria established in this section demonstrate that applicable code regulations are not appropriate, and no other procedure for relief is available to an applicant.

(B) Submission Process

- (1) Eligible Applicants. The owner of the subject property or the owner's authorized agent may make applications for variances.
- (2) Submittal Requirements.
 - (a) Completion of an authorized application form supplied by the Zoning Department, including any supplemental information required by that form.
 - (b) A statement of facts regarding the nature of the variance, including a detailed statement how each and every criterion required for granting the variance is satisfied.
 - (c) The applicable filing fee.
- (3) Official Filing. The Zoning Administrator shall notify the applicant within 30 days, subject to reasonable delays, of submittal to the Zoning Department of any of the following in order for the variance to be officially filed:
 - (a) The application is complete for official filing and will be scheduled for the next scheduled Board of Zoning Appeals meeting.
 - (b) The application will be scheduled for the Board of Zoning Appeals meeting after the applicant meets with the Zoning Department and other city departments to discuss application.
 - (c) The application is deficient, and modifications are needed to make it acceptable for official filing. A list of deficiencies and suggested modifications will be provided to the applicant. The applicant may request a meeting with the planning staff and other departments to discuss deficiencies.
 - (d) The Zoning Administrator determines that the application requires further studies or technical reports, such as environmental, traffic,

flood plain, riparian setbacks, wetland delineation, soil suitability for onsite septic, before it is officially filed.

(C) Review Criteria

- (1) Use variance. Use variances may be granted only in the case of an unnecessary hardship. Verification is on the applicant to confirm each of the following:
 - (a) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
 - (b) Is the variance substantial?
 - (c) Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer substantial detriment?
 - (d) Will government services be adversely affected?
 - (e) Did the property owner purchase the property with knowledge of the zoning restriction?
 - (f) Can the problem be resolved by some manner other than granting a variance?
 - (g) Will a variance preserve the spirit and intent of the zoning requirement and whether substantial justice would be done by granting the variance?
 - (h) Is the plight of the owner due to unique circumstances of the property and not to general conditions in the neighborhood? Unique circumstances shall be evaluated according to the following:
 - (i) The unique circumstance results from sources beyond the control of the individual owner, are not shared by others in similar circumstances, and are not self-inflicted or financial.
 - (ii) The unique circumstances relate only to the property, and not the individual applicant. Examples include legal restrictions, contour of the land, shape of a lot, or other physical restrictions that are not shared on adjacent parcels.
 - (iii) The authorized use sought by variance will not alter the essential character of the locality or preclude achieving goals for the locality specified in the Comprehensive Plan. Any other use that would alter or disrupt a neighborhood or district shall not be permitted through a use variance.
 - (i) Can the land in question yield a reasonable return if used only for a purpose allowed in the zoning district or as a legal non-conforming use within that zoning district? Reasonable return shall be evaluated according to the following:
 - (i) The mere fact that the individual owner may suffer financial hardship or the fact that another use or the proposed use may

allow the sale of the property for a better price or allow a larger profit does not in itself justify granting the variance.

- (ii) The applicant shall show evidence of the reasonable return in terms of dollars and cents.
 - (iii) A showing of present loss is not adequate in establishing a lack of reasonable return. The applicant must demonstrate that the return from the property would not be reasonable for each and every permitted use under these regulations.
 - (iv) Will the property yield a reasonable return, or can there be a beneficial use of the property without a variance?
 - (j) Will a variance set a precedence for future similar variances?
- (2) Area Variance. Area variances may be granted where a change in use is not involved. An area variance may be granted only on the basis of practical difficulty. Verification is on the applicant who must show each of the following:
- (a) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals.
 - (b) Is the development of the property in accordance with the standards of the current or planned zoning could not occur due to unique physical conditions on the property?
 - (c) Will granting the variance be consistent with the purposes of this Code and any specific intent sections of the zoning regulations?
 - (d) Can the difficulty be alleviated by some method, feasible for the applicant to pursue, other than by a variance?
 - (e) Is the plight of the owner due to unique circumstances of the property and not to general conditions in the neighborhood? Unique circumstances shall be evaluated according to the following:
 - (i) The unique circumstance results from sources beyond the control of the individual owner, are not shared by others in similar circumstances, and are not self-inflicted or financial.
 - (ii) The unique circumstances relate only to the property, and not the individual applicant. Examples include legal restrictions, contour of the land, shape of a lot, or other physical restrictions that are not shared on adjacent parcels.
 - (f) Will the development sought to be authorized by variance not alter the essential character of the locality and is the minimum variation to relieve the practical difficulty?
 - (g) Is the variation not substantial in relation to the requirement and will not have any adverse effect on services or adjacent property?
 - (h) Whether in view of the manner in which the difficulty arose, and considering all of the above factors, will the interests of justice be served by allowing a variance?

- (i) Will the property yield a reasonable return, or can there be a beneficial use of the property without a variance?
- (j) Is the variance substantial?
- (k) Did the property owner purchase the property with knowledge of the zoning restriction?
- (l) Can the problem be resolved by some manner other than granting a variance?
- (m) Will a variance preserve the spirit and intent of the zoning requirement and whether substantial justice would be done by granting the variance?
- (n) Will a variance set a precedence for future similar variances?

(D) Public Notice, Review and Action Summary

Table 2.9 - Variance Summary Table

Variance Summary Table			
	Staff	Board of Zoning Appeals	City Council
Public Notice 200.11 (E) (1)	None	Published, Mailed, Posted, Electronic	None
Public Review 200.11 (E) (2)	Internal	Public Hearing	None
Action 200.11 (F)	Recommend/Not Recommend	Approval/Denial	None

(E) Public Notice and Hearing

- (1) Public Notices.
 - (a) Publication Notice. Notice of the public hearing shall be published in at least one publication of a newspaper of general circulation in the City at least fourteen (14) days prior to the date of a public hearing. In addition, the notice shall state that the public may examine or obtain copies of the relevant text, maps, plans, reports, and agenda relating to the hearing at the Zoning Department Office.
 - (b) Mailed Notice. Notice shall be mailed to adjacent property owners at least fourteen (14) days prior to the Board of Zoning Appeals meeting. Notice shall indicate the subject, date, time, location of the public meeting including the general location of the property, and that copies of all plans are on file for review in the Zoning Department Office during normal business hours. The failure of any party to receive the required mailed notice shall not invalidate the proceedings.
 - (c) Posted Notice. A sign, indicating the subject, date, time, and location of the meeting will be posted on the application site by the Zoning Department. The sign will be posted for at least fourteen (14) days

prior to the scheduled Board of Zoning Appeals meeting. A sign will be posted on the street side of the property. Notice shall remain posted continuously until the start of the meeting. The Board of Zoning Appeals may deny an application for approval where the required posting has not been maintained.

(d) Electronic Notice. An electronic notice shall be posted on the City of New Franklin official web page and City sponsored social media sites for fourteen (14) days prior to the public hearing.

(2) Public Hearing. Board of Zoning Appeals

(F) Decision Process

(1) Zoning Department Action. Recommendation to the Planning and Zoning Commission based on review criteria.

(2) Board of Zoning Appeals Action. The following actions shall be taken within 60 days, but subject to reasonable delays, from the submission of the complete application:

(a) Recommend approval.

(b) Recommend denial.

(c) Recommend approval, subject to specific conditions which must be satisfied.

(d) Continue consideration of the application to the next scheduled meeting based on a need for further study or consideration of specific issues. No application shall be continued by the Board of Zoning Appeals more than once, nor more than 60 days from the original public hearing date but subject to any reasonable delays. If the issue is continued after the original public hearing date no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.

(3) City Council Action. None

(G) Approval Conditions

(1) Duration of Approval. Any variance granted by the Board of Zoning Appeals shall require that the variance be acted upon, whether through a zoning certificate or building permit, within 180 days from the date of final approval. Any variance not acted on in this time shall lapse and no longer

be valid. The Board may, upon written request, and for good cause, extend this period for an additional 185-day period.

- (2) Limitation on Re-application. Any Variance application denied by the Board may not be resubmitted for a period of 365 days unless the applicant can demonstrate to the Zoning Department any of the following:
 - (a) That a substantially different plan is proposed; or
 - (b) The applicant prior to the previous application has discovered new facts or other pertinent information that were not previously presented and were not reasonably capable of discovery.

200.12 Administrative Appeals

(A) Applicability

An Eligible Applicant is any aggrieved person or firm having an interest in property, either as an owner, co-owner, tenant or lessee, or purchaser under contract or option, or their authorized representative may file an administrative appeal with the Board of Zoning Appeals from any decision or action of the Zoning Administrator taken pursuant to these regulations.

(B) Submission Process

- (1) Submittal Requirements.
 - (a) Completion of an authorized application form supplied by the Zoning Department including any supplemental information required by that form.
 - (b) A statement of facts regarding the nature of the appeal, including the nature of the decision, why it was in error under these regulations, how the applicant has been aggrieved, and a specific list or description of any supporting information or evidence to be presented.
 - (c) The applicable filing fee.
- (2) Official Filing. Upon filing of an application for Administrative Appeal with the Zoning Department, the Zoning Administration shall schedule the application for a hearing before the Board of Zoning Appeals at its next available regular meeting.

(C) Review Criteria

In evaluating an administrative appeal, the Board of Zoning Appeals shall affirm the decision unless it appears from clear and convincing evidence that the decision is in error.

(D) Public Notice, Review and Action Summary

Table 2.10 - Administrative Appeal Summary Table

Administrative Appeal Summary Table			
	Staff	Board of Zoning Appeals	City Council
Public Notice 200.12 (E) (1)	None	Published, Mailed, Posted, Electronic	None
Public Review 200.12 (E) (2)	Internal	Public Hearing	None
Action 200.12 (F)	Recommend/Not Recommend	Approval/Denial	None

(E) Public Notices and Hearings

- (1) Public Notices.
 - (a) Publication Notice. Notice of the public hearing shall be published in at least one publication of a newspaper of general circulation in the City at least fourteen (14) days prior to the date of a public hearing. In addition, the notice shall state that the public may examine or obtain copies of the relevant text, maps, plans, reports, and agenda relating to the hearing at the Zoning Department Office.
 - (b) Electronic Notice. An electronic notice shall be posted on the City of New Franklin official web page and City sponsored social media sites for fourteen (14) prior to the public hearing.
- (2) Public Hearing. Board of Zoning Appeals

(F) Decision Process

- (1) Zoning Department Action. The Zoning Department provides the Board of Zoning Appeals with all pertinent information.
- (2) Board of Zoning Appeals Actions. Upon hearing all evidence on the administrative appeal, the Board may:
 - (a) Deny the relief sought under the appeal.
 - (b) Grant the relief sought under the appeal.
 - (c) Continue the hearing based on a need for further study or consideration of specific issues. If the issue is continued at the original hearing to a specific date, time, location, no new published notice is necessary for the continued hearing. No application may be continued more than 60 days from the original hearing before the Board or more than once without the applicant's consent.
1. City Council Action. None

(G) Limitation on Appeal

Appeal shall be made to the Board of Zoning Appeals within 30 days of the decision that is the subject of the appeal.

ARTICLE 3 ZONING DEPARTMENT

Amended 10-18-2023

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300.1 Zoning Department

The Zoning Department shall administer all provisions of these regulations and is responsible to accept applications on behalf of the Planning and Zoning Commission and Board of Zoning Appeals according to these regulations, and to keep records of all proceedings under these regulations.

The Zoning Department shall render decisions on items regarding these regulations and upon request, forward zoning requests to the Law Director for formal opinions on requests.

These regulations often refer to the Zoning Administrator as a decision maker, however the term Zoning Administrator may represent other zoning or planning department employees authorized by the mayor and city council to administer this code.

(A) Zoning Administrator

- (1) Appointment. For the purposes of enforcing the provisions of this code, the mayor shall appoint the Zoning Administrator and/or such assistants as shall be deemed necessary. The City Council shall have the power to establish rates of compensation, and any other such conditions as specified by the City Council.
- (2) Duties of the Zoning Administrator.
 - (a) The Zoning Administrator is responsible for administering zoning and land division activities as described in this code.
 - (b) The Zoning Administrator shall have the power to grant zoning certificates and make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this code.
 - (c) The Zoning Administrator shall review all plans and/or applications for any zoning certificates in detail prior to approval or denial of such applications and/or plans.
 - (d) The Zoning Administrator shall approve proposed projects and determine zoning compliance for completed projects when compliant with this code or deny the same in the event of noncompliance.
 - (e) The Zoning Administrator shall not refuse to issue a zoning certificate when the applicant complies with conditions imposed by this code despite

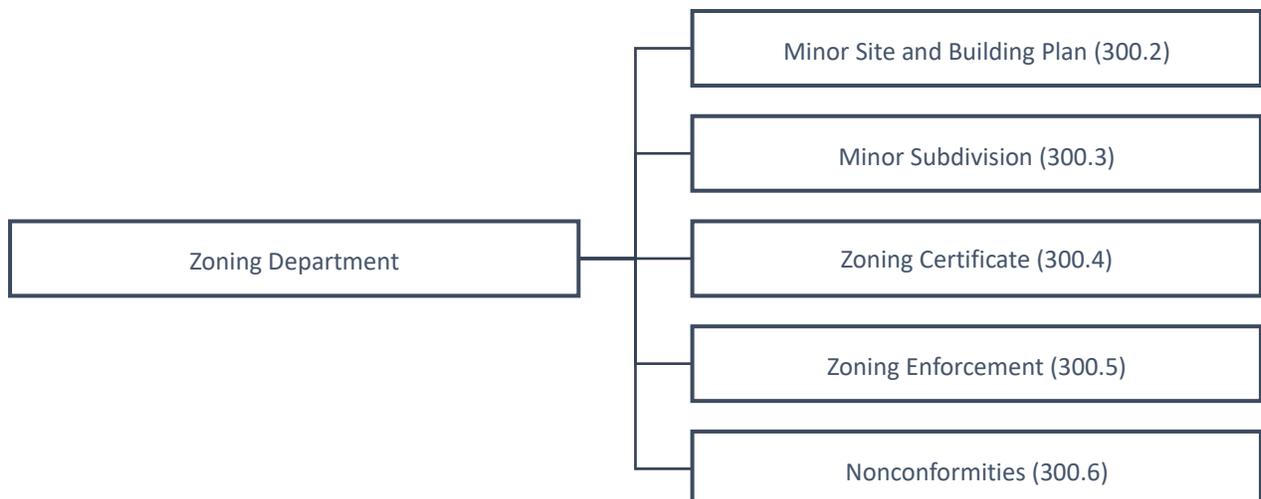
violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

- (f) The Zoning Administrator shall be responsible for the inspection of all improvements to ensure conformity with the approved plans and specifications as contained in the applicant's application and zoning certificate approval.
- (g) The Zoning Administrator shall be responsible for the collection of designated fees for certificates, applications, permits and processes described by this code and shall ensure the preparation and conveyance of said applications with reports as necessary to the appropriate Boards and/or Commission, and City Council.
- (h) The Zoning Administrator shall prepare and maintain all records necessary and appropriate for the administration and enforcement of the code, including records of the issuance/denial of all certificates of zoning compliance and zoning plan approvals and receipt of complaints of violation of this code and enforcement actions taken.
- (i) The Zoning Administrator shall make determinations of violations of this code and take all necessary steps to remedy any condition found in violation by ordering in writing the correction and/or the discontinuance (*stop-work order*) of illegal uses or illegal work in progress.
- (j) Upon receipt of a recommendation from the Planning and Zoning Commission or Board of Zoning Appeals Board, the Zoning Administrator shall undertake abatement of violations, seek civil remedies, and/or seek criminal penalties as authorized by this code.

(B) Other Zoning Department or Future Department Staff

The Mayor and City Council may create future zoning or planning staff to carry out this code. In doing so, the Mayor and City Council may assign certain zoning administrator or department tasks and responsibilities to future departments or positions.

(C) Zoning Department Responsibilities



300.2 Minor Site and Building Plan

(A) Applicability

A minor site and building plan must demonstrate that development activity on a specific site or lot conforms to all applicable zoning, design, and site regulations. It may be used to support other applications such as a variance application, a conditional zoning certificate application, or any other application that does not require a major site and building plan.

A minor site and building plan shall be submitted for the following activities, provided the use and design proposed does not require any other applications or special approvals under the current zoning district for the property:

- (1) Any multi-family structures up to 3 units.
- (2) All new single-family residential buildings.
- (3) All accessory structures, including solar panels, cellular towers, and wind turbines.
- (4) Any new non-residential construction with total building footprint under 1,500 square feet.
- (5) Additions or expansions of non-residential buildings involving 20 percent or less of existing structures and no more than 1,500 square feet (footprint).
- (6) Parking lot expansions less than 2,000 square feet.
- (7) Agricultural structures

(B) Submission Process

- (1) Eligible Applicants. Any person having a financial, contractual, or proprietary interest in the property may file for a minor site and building plan.
- (2) Submittal Requirements.
 - (a) Completed authorized application form supplied by the Zoning Department, including any supplemental information required by that form.
 - (b) A narrative statement explaining the project in detail.
 - (c) Completed scaled drawings that include site plan, landscaping plan, building elevations and other details as required.
 - (d) The applicable filing fee.
- (3) Official Filing. The Zoning Administrator shall notify the applicant within 30 days of submission to the Zoning Department whether the application is complete. If the application is complete, the date of notification shall be the official filing date.

(C) Review Criteria

- (1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- (2) Does the lot follow all land division regulations?
- (3) Is the proposed development consistent with the intent and planning criteria of the zoning district and will not adversely impact the intent and planning criteria of any adjacent zoning districts?
- (4) Is the site designed in compliance with all regulations, standards, and guidelines of the applicable zoning district?
- (5) Is the site designed in compliance with all design regulations?
- (6) Is the proposed layout efficiently designed, in terms of relationship to adjacent sites, pedestrians/vehicle access, building location and orientation, parking location, and open space?
- (7) Are there any feasible alternative layouts that could better meet the planning criteria and any guidelines of the zoning district, or design goals applicable to the site?
- (8) Is the site designed in compliance with any other applicable rules and regulations?
- (9) Is the site adequately served by essential public facilities and services such as vehicle and pedestrian access, emergency services and public safety, drainage, and utilities, and any necessary supporting civic uses?

(D) Public Notice, Review and Action Summary

Table 3.1 Minor Site and Building Plan Summary Table

Minor Site and Building Plan Summary Table			
	Staff	Planning & Zoning Commission	City Council
Notice Type 300.02 (E) (1)	None	None	None
Review Type 300.02 (E) (2)	Internal	None	None
Action 300.02 (G)	Approval/Denial	None	None

(E) Public Notices and Hearings

- (1) Public Notices. None
- (2) Public Hearings. None

(F) Decision Process

- (1) Zoning Department Action.
 - (a) Administrative Decision. The Zoning Administrator shall approve or deny the minor site and building plan. A decision shall be in writing and mailed or emailed to the applicant within 30 days of the official filing date. If the decision is to deny the minor site and building plan, it shall clearly state the reasons and identify any corrective measures, which may result in a favorable decision. At any time during the review, the Zoning Administrator may determine that the application does not qualify as a minor site and

building plan and shall process the application as a major site plan in accordance with the standards and procedures of these regulations.

- (b) Combination Minor Site and Building Plan and Zoning Certificate. The Zoning Administrator may combine the minor site and building application with the zoning certificate application based on the simplicity of the construction project.
- (2) Planning and Zoning Commission Action. None
- (3) City Council Action. None

(G) Effect of Approval

- (1) Effect of Approval. An approved minor site and building plan shall remain valid for two (2) years following the date of approval. If construction has not commenced within one (1) year the plan shall be considered lapsed, and any future development shall require the approval of a new plan. Any departure from an approved plan shall be the cause for revocation of a zoning certificate and shall be deemed a violation of these regulations.
- (2) Appeal. Upon denial of a minor site and building plan. In this case, the appeal shall be treated as an application for a major site and building plan, according to the standards and procedures of these regulations.

300.3 Minor Subdivision Plat

(A) Applicability

A minor subdivision plats shall include three specific types. The name and purpose of each type are:

- (1) Lot line Adjustment. The movement of one lot line that affects the size and shape of no more than four lots and results in no additional lots.
- (2) Minor Subdivisions. A parcel or lot is not more than five (5) lots, any one of which may be less than five (5) acres after the original tract has been completely subdivided. A minor subdivision shall comply with applicable regulations within this code and no lot depth shall exceed four and one-half (4 1/2) times the lot width or be less than one and one-half (1 1/2) times the lot width at the minimum building setback line.
- (3) Survey Subdivision. The identification of surveyed lots for individual ownership where lot lines are not known until buildings are constructed, as in the case of buildings and lots with party walls. The survey subdivision is based upon actual construction of buildings, site design and other newly constructed facilities. The survey subdivision requires the prior approval of a final plat or final development plan and shall be in conformance with and result in no additional units, lots, or tracts as indicated on the approved development plan or final plat.

(B) Submission Process

- (1) Eligible Applicants. The owner of the subject property or the owner's authorized agent, or a developer with a signed purchase option may initiate an application for a Minor Subdivision Plat.
- (2) Submittal Requirements. An application for a minor plat shall be submitted to the Zoning Department and shall include the following:
 - (a) Completion of an authorized application form supplied by the Zoning Department, including any supplemental information required by that form.
 - (b) A legal description and a signed and notarized deed of a conveyance of the parcel.
 - (c) A certified survey map meeting the requirements of the authorized application form.
 - (d) Other plans and surveys, as required. (i.e. -- improvement, landscape, stream corridor, riparian corridor, storm water management)
 - (e) The applicable filing fee.
- (3) Official Filing. The Zoning Administrator shall notify the applicant within 30 days of submission to the Zoning Department whether the application is complete. If the application is complete, the date of notification shall be the official filing date.

(C) Review Criteria

- (1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- (2) Is the proposed land division consistent with the general development patterns of the area, so that it will not unduly and adversely affect current and future development opportunities on adjacent land?
- (3) Do all parcels, including any proposed development, comply with requirements of the zoning ordinance and zoning for the subject property?
- (4) Does the application conform with the subdivision regulations?
- (5) Does the application conform with any approved development plans and previously approved final plat?
- (6) Does the application satisfy all eligibility standards for a minor plat?
- (7) Does the application meet all established standards for property boundary surveys?
- (8) Is the proposed division of land along an existing public street and does not involve the opening, widening or extension of any street or road or extension of any public utility and easement?
- (9) Do all created lots and any remaining subdivided parcel meet the minimum requirements of the Code?

(D) Public Notice, Review and Action Summary

Table 3.2 - Minor Subdivision Plat Summary Table

Minor Subdivision Plat Summary Table			
	Staff	Planning & Zoning Commission	City Council
Notice Type 300.3 (E)	None	None	None
Review Type 300.3 (D)	Internal	None	None
Action 300.3 (G)	Approval/Denial	None	None

(E) Public Notices and Hearings

- (1) Public Notices. None
- (2) Public Hearings. None

(F) Decision Process

- (1) Zoning Department Action.
 - (a) Within a reasonable time period, the Zoning Administrator shall either approve or deny the application.
 - (b) The Zoning Administrator shall notify the applicant in writing if the application is not approved, stating the reason for disapproval.
 - (c) If the Zoning Administrator does not approve the application, the applicant may appeal the decision by submitting a written request for appeal to the

Planning and Zoning Commission within 30 days of the Zoning Administrator's notification.

(d) If the application is approved, the Director shall stamp the certified survey map and legal documents "APPROVED" and affix his/her signature and the date.

(2) Planning and Zoning Commission Action. None

(3) City Council Action. None

300.4 Zoning Certificates

(A) Applicability

A zoning certificate is the final approval step before any official construction activity as defined by this code. A certificate is needed for:

- (1) Major and Minor Site and Building Plans.
- (2) Conditional Use Permits.
- (3) Constructing any accessory structure including in-ground swimming pools, not requiring a minor or major site, or building plan or conditional use permit.
- (4) Any residential, commercial, industrial, or civic construction not requiring a minor or major site or building plan.
- (5) Constructing or altering any fence.
- (6) Constructing or altering any sign.

(B) Submission Process

- (1) Eligible Applicants. Any person having a financial, contractual, or proprietary interest in the property may file for a zoning certificate.
- (2) Submittal Requirements. All Zoning Certificate applications shall include an application form prepared by the Zoning Department and a plot plan, or if required, a site plan or architectural drawings, drawn to scale showing the exact lot or building dimensions.
- (3) Official Filing. Within five (5) business days after the receipt of an application and the specified fee, the Zoning Administrator shall determine if an application is complete based on application requirements. The Zoning Administrator shall confer with the applicant to ensure understanding of the Zoning Administrator's interpretation of the applicable requirements of this Code, that the applicant has submitted all of the information intended to be submitted, and that the application represents precisely and completely what the applicant proposes to do. If a finding is made that the application is complete, the Zoning Administrator shall certify the determination of completeness on the application and the application shall then be processed. If the application is incomplete, the Zoning Administrator shall, within ten (10) working-day period, send the applicant a notice the application is incomplete together with a brief written statement of the specific ways in which the application is deficient, including appropriate references to the applicable sections of this Code.

(D) Review Criteria

- (1) Does the lot follow all land division regulations?
- (2) Is the proposed development consistent with the intent and planning criteria of the zoning district and will not adversely impact the intent and planning criteria of any adjacent zoning districts?
- (3) Is the site designed in compliance with all regulations, standards, and guidelines of the applicable zoning district?
- (4) Is the site designed in compliance with all design regulations?
- (5) Is the site designed in compliance with any other applicable rules and regulations?

(E) Public Notice, Review and Action Summary

Table 3.3 – Zoning Certificate Summary Table

Minor Subdivision Plat Summary Table			
	Staff	Planning & Zoning Commission	City Council
Notice Type 300.4 (E)	None	None	None
Review Type 300.4 (D)	Internal	None	None
Action 300.4 (G)	Approval/Denial	None	None

(F) Public Notices and Hearings

- (1) Public Notices. None
- (2) Public Hearings. None

(G) Decision Process

- (1) Zoning Department Action.
 - (a) Issuance of Zoning Certificate. Within thirty (30) days after the receipt of application or upon required authorization from an administrative board or other legal authority, the Zoning Administrator shall issue a Zoning Certificate if the application complies with the requirements of this Code.
 - (b) Expiration of Zoning Certificate. The Zoning Certificate shall become void at the expiration of one (1) year after the date of issuance unless construction is started. A new zoning certificate application is required to commence construction and new fees are required.
 - (c) Commencement of Work. Prior to the commencement of any work, the zoning certificate, and all other applicable permits, shall be obtained on behalf of the property owner. Failure to obtain a zoning certificate, and all other applicable permits, prior to the commencement of any work, will result in a penalty of twice the regular permit fee, in addition to other penalties as forth in this Code.
- (2) Planning and Zoning Commission Action. None
- (3) City Council Action. None

300.5 Zoning Enforcement

(A) Enforcement Administration

The Zoning Administrator shall administer all enforcement provisions of these regulations. The Zoning Department may refer enforcement and penalty decisions on particular items regarding these regulations to the Law Director.

All departments, officials and employees of the City of New Franklin charged with the duty or authorized to issue permits, utility connections, licenses or certificates shall conform to the provisions of these regulations. No permit, utility connection, license, or certificate for any use, building or purpose shall be issued if it conflicts with the provisions of these regulations, and any such issuance shall be null and void.

(B) Violation Types

It shall be unlawful for building, structure, site element or use of land to be constructed, altered, maintained, or otherwise initiated in violation of these regulations, or in violation of any amendment, order or decision authorized under these regulations. In addition to any other remedy provided herein, the City may institute proper actions or proceedings to prevent unlawful activities.

- (1) Non-Compliance Violation Ticket. Most code violations can be corrected easily and at moderate expense, therefore non-compliance tickets will address code violations. Notwithstanding any other provision of this code, any person, firm, or corporation found violating any provision of this code may be issued a non-compliance ticket prior to the institution of prosecution for the alleged violation. A person issued a non-compliance ticket shall correct, repair, or rectify the condition resulting in the issuance of the non-compliance ticket within fourteen (14) calendar days of issuance. An owner, occupant, lessee, operator, or other responsible party may take any of the following actions:
 - (a) Discontinue the violation within the time period agreed to by the city.
 - (b) Provide evidence that a violation does not exist.
 - (c) Apply for a variance for the violation following all requirements in Chapter 200.11 of this Code.
 - (d) Appeal violation following all requirements in Chapter 200.12 of this Code.
- (2) Zoning Violation Letter.
 - (a) A non-remedied ticket for a non-compliance violation will result in the issuance of a zoning violation letter. Such violation shall be stated in

a formal letter with specific violation dates, violations, and potential penalties.

- (b) If the violation is not remedied within 14 calendar days thereafter, a zoning violation action will be filed with the Barberton Municipal Court or another court of competent jurisdiction.

(C) Penalty

Any person, firm or corporation who violates any provision of this code, including any condition upon an approval granted under this code, shall be guilty of a minor misdemeanor. If the offender has been convicted of an offense under this code within two years before the violation, the offender shall be guilty of a misdemeanor of the fourth degree. Each and every day during which a violation continues shall be deemed a separate offense.

(D) Other remedies

The provisions of this Chapter shall not preclude any other remedy provided by law for a violation available to the City or any property owner specifically damaged.

300.6 Nonconformities (1-17-24)

(A) Purpose

Pursuant to ORC 713.15, the purpose of this section is to provide for the continuation of legal, nonconforming land uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Code or amendments thereto, and to provide for their discontinuance upon certain conditions. It is the legislative intent of the City of New Franklin to discourage the survival of nonconforming uses, to prevent their unreasonable enlargement or expansion, and to minimize their establishment elsewhere in the same district.

(B) Continuance

The lawful use of any structure or land existing at the effective date of this Code or amendments thereto may be continued, although such use does not conform to the provisions of this Code.

- (1) Change of Tenancy, Ownership, or Management. Nothing in this Code shall prohibit the completion of construction and use of a nonconforming structure where there is a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures or of structures and land in combination.
- (2) Preexisting Applications.
 - (a) Any zoning application filed with City and determined to be fully complete prior to the effective date of this code or any revisions to this Code shall be regulated, even if submitted as a phased project, by the terms and conditions of the recorded plats, development text, standards, or regulations that were in place at the time the application was determined to be fully complete. If such application is no longer required by the terms of this Code, the application will be dismissed.
 - (b) If a proposed development or use requires additional approvals pursuant to the terms of this Code, or any revisions to this code and that were not required under the previous Code, the application will be amended and revised to bring the entire proposed development into complete compliance with the revised Code.

(C) Completion of Nonconforming Use

Nothing in this Code shall prohibit the completion of construction and use of a nonconforming structure provided that each of the following events shall have occurred:

- (1) A lawful Zoning Certificate was issued by the City and is still valid.
- (2) Actual construction was approved and lawfully begun prior to the effective date of this Code, or any amendment to it.
- (3) Construction is carried on diligently for a continuous period and without interruption exceeding 30 days.
- (4) The entire building is completed within two (2) years after the issuance of the Zoning Certificate.

(D) Legal Nonconforming Lot

If a parcel or subdivision was approved as a buildable lot by the Zoning Administrator, the Planning & Zoning Commission, or the Board of Zoning Appeals prior to the effective date of this Code or any revisions to it, a building and customary accessory buildings may be erected on any such single lot of record after the effective date of adoption or amendment of this Zoning Code subject to any yard requirement variances which may be obtained through approval of the Board of Zoning Appeals. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that:

- (1) The lot has been platted and held in single and separated ownership prior to nonconformance.
- (2) The land use was legal at the time this Zoning Code or amendment came into effect.
- (3) A valid, nonconforming use permit has been issued for the property.
- (4) Any legal nonconforming lot of record, including corner lots, or any lot within an unrecorded allotment of which at least one-half of said lots are of record or have been sold on the effective date of these regulations, may be used for a single-family dwelling irrespective of the area, depth, or width of said lot such that:
 - (a) The width of the side yard of any such lot need not exceed ten (10%) percent of the width of the lot, provided, however, that in no instance shall the minimum dimensions of the side yards be less than five (5) feet.
 - (b) The depth of the rear yard need not exceed twenty (20%) percent of the depth of the lot, provided, however, that in no instance shall the minimum dimensions of the rear yard be less than twenty (20) feet respectively.
 - (c) Yard dimensions and other requirements not involving area, or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

(E) Discontinuance or Abandonment

- (1) Whenever a nonconforming use has been discontinued or abandoned for a continuous period of six (6) months or more, any further use shall be in conformity with the provisions of this Code. Land and structures occupied by seasonal or agricultural uses shall be exempted from this provision

unless the nonconforming use has been discontinued or abandoned for a period of two (2) years.

- (2) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(F) Reconstruction of Nonconforming Use

- (1) Nothing in this Code shall prevent the reconstruction, repairing, rebuilding, and continued use of any legal nonconforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Code or any amendment thereto.
- (2) Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(G) Extension of Nonconforming Use

A legal, nonconforming use of a structure, a legal, nonconforming use of land, or a legal, nonconforming use of a structure and land shall not be altered, improved, extended, or enlarged after passage of this Code or any amendment thereto, except that extension or expansion of non-conformities shall be permitted by the Board of Zoning Appeals subject to the following conditions:

- (1) The extension or expansion shall not exceed fifty (50%) percent of the cubic feet of volume of such structure or square feet of land area of the use as originally existed at the time such use became legally nonconforming.
- (2) Only one such fifty (50%) percent extension, enlargement, alteration, or addition involving the same premises shall ever be permitted unless the building or structure is changed to a conforming use.
- (3) Setbacks appropriate to the nature of the nonconforming use are maintained.
- (4) The extension or expansion cannot reasonably be expected to adversely affect adjacent conforming uses by reducing the market value of such adjacent property, by interfering with ingress and egress thereto, or obstructing its existing light and air. The burden of establishing such probable injury shall be upon the adjacent property owner or user and in the absence of satisfactory evidence, no injury to adjacent property shall be presumed by the Board of Zoning Appeals.

- (5) No nonconforming use shall be extended to displace a conforming use.
- (6) In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Code.

(H) Substitution of Nonconforming Use

- (1) A legal, nonconforming land use shall not generally acquire or impart legality for a major change of use to any other proposed nonconforming use or combination of uses.
- (2) A legal, nonconforming land use may be changed to another nonconforming land use provided that the proposed nonconforming use is in less conflict with character and use of the district than the existing nonconforming use as determined by the Board of Zoning Appeals.
- (3) Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

ARTICLE 4

ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

400.01 DISTRICTS AND INTENT

- (A) ***C-D Conservation (Very Low Density) District.*** This district has been established to provide for very low density of not more than one dwelling unit per each five acres of residential development for the following purposes: (1) to preserve and protect the values of distinctive geologic, topographic, botanical, historic, or scenic areas; (2) to protect the ecological balance of such an area; (3) to conserve the natural resources, such as river valley, wetlands and tracts of forest land; and (4) to reduce the problems created by intensive development of areas having excessively high water tables, or which are subject to flooding, or which are topographically unsuited for urban type uses.
- (B) ***R-1 Rural Residential (Low Density) District.*** This district has been established to accommodate low density of not more than one dwelling unit per each two acres of residential development in areas which cannot be reasonably serviced by central water and/or sanitary sewer facilities.
- (C) ***R-2 Residential (Medium Density) District.*** This district has been established to accommodate medium density of up to 2 dwelling units per acre of single-family and two-family dwellings in areas that may reasonably be expected to be provided with central sewer facilities. The stipulated densities are intended to maintain the suburban character of the community.
- (D) ***R-3 Residential (High Density) District.*** This district has been established to encourage single-family, attached single-family, two-family, and multi-family development at high densities. These regulations are intended to restrict the overcrowding of land and to encourage the provision of urban amenities in areas offering unique regional transportation, recreational, and/or scenic advantages, and in areas where centralized water and sewer facilities exist or can be provided as projects are developed.
- (E) ***R-L Residential Lakefront (High Density) District.*** This district has been established to accommodate single-family and attached single-family dwellings next to, or near the Portage Lakes. The stipulated densities are intended to maintain the suburban lakefront character of the community. (1-17-24)
- (F) ***B-1 (Light Commercial) District.*** This district has been established to allow single or planned integrated groupings of retail businesses. This includes retail convenience and comparison goods stores that offer personal and professional services within the City of New Franklin and surrounding area.
- (G) ***B-2 (Heavy Commercial) District.*** This district has been established to provide for and to accommodate heavy commercial uses in the fields of repair, storage, wholesaling, and distribution, free from the encroachment of residential uses. The uses allowed are those which, because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and commercial districts.
- (H) ***I-1 (Light Industrial) District.*** This district has been established to provide for and to accommodate clean manufacturing activities in an industrial park setting. This setting shall be developed so that it shall not diminish the natural landscape and beauty of the surrounding areas. This district shall be free from encroachment of residential, commercial, retail, and institutional uses so that it may develop for purely industrially oriented purposes. Activities that produce significant quantities of hazardous substances are specifically prohibited as regulated by the Environmental Protection Agency.
- (I) ***I-2 (Manufacturing and Storage) District.*** This district has been established to provide for industrial, storage and uses which may have external physical effects which will negatively

impact surrounding areas. Activities that produce significant quantities of hazardous substances are specifically prohibited as regulated by the Environmental Protection Agency.

- (J) ***CH (Canal Heritage Overlay) District.*** This district has been established to preserve and protect the traditional character of the Ohio-Erie Canal Corridor which is characterized by 1) natural open space, 2) support of commercial activities which accommodate visitors and which are consistent with the character of the corridor, and 3) the maintenance of the rustic and rural look of the area with small buildings, natural development and existing landscaping preservation of existing landscaping. This district endeavors to protect and promote the educational, cultural and general welfare of the public through the restoration, preservation and protection of the traditional character of the Ohio Erie Canal Corridor by limiting development to those uses which are consistent with the preservation of the area, will serve to benefit the area.
- (K) ***HOD (Historic Overlay) District.*** The Historic Overlay District is a predominately late Victorian and Edwardian residential district built almost entirely between 1875 and 1915, with houses including, but not limited to, the Second Empire, Queen Anne, Eastlake and Shingle styles, Richardsonian Romanesque, Chateausque, Georgian Revival, Renaissance Revival, and Neo-Classical Revival styles.
- (1) It is the general purpose of the Historical Overlay District to safeguard the heritage of certain identified parcels, groups of structures, neighborhoods, or other areas in the historic areas of New Franklin City through the preservation, protection, and enhancement of land uses that reflect the area's history and provide the neighborhood with its unique and desired character.
- (2) Specific purposes of the HOD are to: preserve site and structures representing the area's legacy; stabilize and improve property values; strengthen the economy of the City; protect and enhance the area's attractions to residents, tourists, and visitors; enhance the visual and aesthetic character, diversity, and interest of the City; foster civic pride in the notable accomplishments of the past; and to promote the future preservation of the identified Historic Overlay District for education and the general welfare.

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ARTICLE 5 PERMITTED AND CONDITIONAL LAND USES

500.01 LAND USE MATRIX

(A) **Permitted Uses.** The Zoning Administrator shall issue Zoning Certificates for applications for permitted land uses indicated with a “P” in the following table subject to finding that the proposed land use meets all requirements of this Zoning Code.

(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 Planning and Zoning Commission and general and specific requirements contained in this Zoning Code.

(C) **Prohibited Uses.** If a use is not specified in this section, it shall be considered prohibited until, by amendment such uses are written into these regulations, or by interpretation of the Planning & Zoning Commission, such use is determined to be reasonably similar to another use permitted or conditionally permitted herein.

LAND USE CATEGORIES	C-D	R-1	R-2	R-3	R-L	B-1	B-2	I-1	I-2
Residential Uses:									
Single-family dwelling (S-F)	P	P	P	P	P	P			
Attached single-family (AS-F)				P	P				
Two-family dwelling (2-F) (1-17-24)			P	P					
Three-family dwelling (3-F)				C					
Four or more family dwelling (4-F)				C		C			
Bed and breakfast residence	C				C	C	C		
Bed and breakfast inn					C	C	C		
Child day care center and child day care home type A						C	C		
Model Home	C	C	C	C	C				
Conservation Subdivision	P	P	P	P	P				
Office, Professional Service Uses:									
Professional service providers such as doctor, dentist, accountant, attorney						P	P		
Real estate and insurance agency						P	P		
Office business park								P	
Retail and Service Uses:									
Retail sales establishment such as appliance store; clothing and apparel store; department store; drug store; electrical supply store; food sales, including supermarkets; furniture store; variety store; piece goods store; radio, television, music store; paint, glass, wallpaper, hardware store; jewelry store; hobby and toy shop; camera and photography store; florist and gift shop						P	P		
Personal service establishments such as barber and beauty shop; optical goods store and service; shoe repair shop; tailor and dressmaker; laundromat; dry cleaning and laundry agency						P	P		
Bank and drive-in banking facility						P	P		
Delicatessen, meat market, dairy store						P	P		

LAND USE CATEGORIES	C-D	R-1	R-2	R-3	R-L	B-1	B-2	I-1	I-2
	Preparation and processing of food and drink to be retailed on the premises (bakery, confectionery, restaurant, ice cream parlor, soda fountain, tavern)						P	P	
Pet supply store						P	P		
Carpenter, cabinet upholstering, plumbing, heating, roofing, air conditioning, sign painting, painting, and other similar establishment						P	P		
Tractor and lawn mower repair						P	P	P	
Drive-in and drive-thru eating establishment						C	C		
Motel						C	C		
Kennel							C	C	
Musical instruments, toys, novelties, rubber or metal stamps, and other small rubber products (cleaning, servicing, testing or repair).						P	P		
Pottery and figurines (cleaning, servicing, testing, or repair)						P	P		
Electrical and electric appliances, instruments and devices, computers, electronics, television sets, radios, household appliances (cleaning, servicing, testing or repair)						P	P		
Sexually oriented business								P	
Funeral Homes						P	P		
Vehicular Services:									
New vehicle agency (used vehicles an accessory use)						P	P		
Used vehicle agency						C	C		
Off-street public parking lot and garage						C	P	P	
Gasoline filling station						C	C		
Machinery and equipment repair services, including repair garages, and motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing sales and service including vulcanizing and towing							C	C	
Recreational, Entertainment Uses:									
Indoor commercial recreational						C	C		
Outdoor commercial recreational						C	C		
Storage and Distribution									
Plant greenhouse						P	P	P	
Warehousing of bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products (except fish or meat products, sauerkraut, yeast, and rendering or refining of fats or oils) wood, glass, and similar materials							P	P	
Wholesale establishment							P	P	
Building materials, sales yard, and lumberyard including millwork performed within a completely enclosed building.								P	P
Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors								P	P
Fuel, food, and goods distribution station, warehouse, and storage (excluding coal and coke)								P	P

LAND USE CATEGORIES	C-D	R-1	R-2	R-3	R-L	B-1	B-2	I-1	I-2
	Public storage garage and yard						C	C	P
Motor freight garage, truck, or transfer terminal, office, warehousing, and storage								C	P
Mini-storage facility						C	P	P	
Industrial, Manufacturing Facilities									
Industrial parks								C	
Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, metal (except where presses over 20 tons rated capacity are employed), shell, textiles, tobacco, wax wood (where saw and planing mills are used within a completely enclosed building), yarns								C	P
Electric and neon signs, billboards, and other commercial advertising structures								P	P
Laboratories and processing - experimental, film or testing								C	P
Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust								P	P
Welding, or other metal working shops, including machine shop operations or the tool, die, and gauge types, including sheet metal								C	P
Foundry, casting lightweight non-ferrous metals								C	P
Ice manufacturing and cold storage plant, creamery and bottling plant								P	P
Laundry, cleaning and dyeing plant								P	P
Stone or monument works								P	P
Community Facilities									
Religious land use	C	C	C	C	C	P	P	C	
Veterinarian hospital or clinic							C		
Cemetery	C	C	C			P	P		
Governmentally or privately owned and/or operated picnic area, playground, private park, swimming facility, golf course, tennis club, country club, riding academy, and other similar recreational facility or use (excluding drive-in theater, miniature golf course, golf driving range, rifle range, skeet shooting range, pistol range)	C	C	C	C	C	C	C		
Governmentally or privately owned and/or operated park, recreational area, and campground where camping in tents, trailers and other vehicles, cabins, or lodges is permitted by fee, membership or otherwise, and for overnight or longer periods of time, and day camp, summer camp, health camp, and other type of outdoor facility and/or recreationally-oriented use which involves facilities for group activity and accommodation	C	C	C	C	C	C	C		
Governmental owned and/or operated facility	C	C	C	C	C	C	C	C	C
Public and parochial school		C	C	C		C	C		

LAND USE CATEGORIES	C-D	R-1	R-2	R-3	R-L	B-1	B-2	I-1	I-2
	Institution for higher education						C	C	
Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facility, such as those developed and used by the YMCA, YWCA, Boy Scout, or various fraternal or community service groups					C	C	C		
Health care facility.						C	C		
Wildlife refuge and game preserve	P								
Other Uses:									
Public utility rights of way and pertinent structure	C	C	C	C	C	P	P	P	P

ARTICLE 6 DEVELOPMENT STANDARDS

600.01 GENERAL DEVELOPMENT STANDARDS. Regulations contained in this Article as well as land use and district regulations in the following Articles shall generally apply to all development.

600.02 DEVELOPMENT STANDARDS MATRIX BY DISTRICT

(A) Residential Zoning Districts and Uses (1-17-24)

Zoning Districts	Uses	Type	Minimum Lot Area per Dwelling Unit	Minimum Lot Width at Bldg. Line (ft.)	Minimum Lot Frontage (ft.)	Minimum Front Yard Depth (ft.)	Minimum Rear Yard Depth (ft.)	Minimum Side Yard Width on Each Side (ft.)	Maximum Bldg. Height (ft.)
C-D			5 acres	300	300	100	50	25	35
R-1			2 acres	120	120	70	50	20	35
R-2	S-F	Without Sewer	1 acre	100	100	70	50	15	35
	S-F	With Sewer	½ acre	80	80	70	50	15	35
	2-F	Without Sewer	2 acres per building	160	120	70	50	15	35
	2-F	With Sewer	1 acre per building	160	120	70	50	15	35
R-3	S-F	Without Sewer	1 acre	80	80	45	20	10	40
	S-F	With Sewer	15,000 s.f.	80	80	45	20	10	40
	AS-F ¹	New Lot	3,500 s.f.	28 38-end units ²	28 38-end units	25	25	0 10-end units	35
	2-F	Without Sewer	1-1/2 acre per building	110	110	45	20	10	40
	2-F	With Sewer	20,000 s.f.	110	110	45	20	10	40
	3-F	Without Sewer	2-1/4 acre per building	140	140	45	20	10	40
	3-F	With Sewer	30,000 s.f.	140	140	45	20	10	40
	4-F	Without Sewer	3 acres per building	200	200	45	20	10	40
	4F	With Sewer	1 acre	200	200	45	20	10	40
R-L	S-F	Existing Lot ³	7,000 s.f.	55	55	25	50 ⁴	10	35
	S-F	New Lot ⁵	7,000 s.f.	55	55	25	35 ⁶	10	35
	AS-F ⁷	New Lot	3,500 s.f.	28 38-end units ⁸	28	25	25	0 10-end units	35
Minimum floor area shall be required per family for each specified dwelling size: 1 BR Dwelling-700 SF, 2 BR Dwelling- 1,100 SF, 3 BR Dwelling-1,400 SF, 4 BR Dwelling-1,700 SF, and 5 or more BR Dwelling-2,000 SF.									
In addition to these matrix standards, other specific code requirements are described in separate Articles of this Code.									

1 Attached single-family (AS-F) lots must be in new subdivisions five (5) acres or greater and in combination with S-F lots. Overall subdivision density, with AS-F lots, must not exceed 8 units per acre. Mixture and grouping of S-F and AS-F lots will be established during the subdivision application process by the Planning and Zoning Commission.

2 AS-F dwellings with street-facing (front-loaded) garages must be at least of 32-foot-wide for interior lots and 42-foot-wide lot for end lots. Two-car garages are required.

3 An existing lot is defined as any lot, parcel or a part of any lot or parcel developed or subdivided prior to the effective date of this code amendment.

4 Rear ground level decks averaging 2 feet from ground are allowed to extend 10 feet beyond rear setbacks. Decks shall be unenclosed with no roofs. Railings shall have an opacity no greater than 40%. (Opacity is the "solid space" as a percentage of the total surface.)

5 A new lot is defined as any new subdivision lot or parcel created after the effective date of this code amendment.

6 See Footnote 4.

7 See Footnote 1.

8 See Footnote 2.

Zoning Districts	Minimum Lot Area per Unit	Minimum Lot Width at Bldg. Line (ft.)	Minimum Lot Frontage (ft.)	Minimum Front Yard Depth (ft.)	Minimum Rear Yard Depth (ft.)	Minimum Side Yard Width on Each Side (ft.)	Maximum Building Height (ft)	Minimum Floor Area	Other requirements
B-1	¾	100	100	50	50	15	35	N/A	
B-2	1	125	125	50	50	15	35	N/A	
I-1	N/A	150	150	50	<ul style="list-style-type: none"> 30 plus 1 additional foot for each foot of building height in excess of 30 ft. The minimum rear yard depth shall be one hundred fifty (150) feet when such yard is adjacent to a residential district. 	40	N/A	50% of Lot Area Required as Minimum Usable Open Space.	
I-2	1 acre	150	150	50	<ul style="list-style-type: none"> 30 plus 1 additional foot for each foot of building height in excess of 30 ft. The minimum rear yard depth shall be one hundred fifty (150) feet when such yard is adjacent to a residential district. 	75	N/A		

In addition to these matrix standards, other specific code requirements are described in separate Articles of this Code, such as off-street parking, landscaping, and signage.

- (2) Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of proposed structures, weathering, and the relationship to other architectural details and ornamentation, including those used on adjacent structures. Detailing such as trim, moldings, bands of contrasting siding or brick, and varying textures of concrete or stone are encouraged as part of an overall design which is in scale with the building and carefully related to other elements.
- (3) Varied roof lines, roof details and features such as dormers, turrets, eave breaks, and overhangs are encouraged in new construction as a means to break up the mass of large buildings and to provide visual interest. Flat roofs are discouraged.
- (4) Windows, doors, and other openings shall be so located on the facades and be of such dimensions as are appropriate for the style, scale, and orientation of the building and in a pattern which contributes to a balanced facade appearance. Customer entrances should be accentuated. Decorative elements, caps, brickwork, and trim are encouraged around windows and doors to add interest to the overall design.
- (5) Distinctive architectural features of existing buildings should not be altered or removed unless replaced with features of similar composition, texture, color, design, and other characteristics. Restoration of historic features and building characteristics shall be encouraged.
- (6) For a single story building, required architectural elements shall have a height that exceeds the wall height of the dominant portion of the building.

- (7) Architectural elements shall be distributed in a manner that limits the length of a continuous wall section of uniform height to not more than four times the height of the building

