

North Canton City Council
Community and Economic Development Committee

Resolution No. 5 - 2019

A resolution, pursuant to North Canton Codified Ordinance section 1181.04, requesting the Planning Commission review, consider, and recommend, or not recommend, Council's proposal to amend section 1177.05, Public Hearing and Notice by Planning Commission, of the City's codified ordinances, to replace "public" hearing with "adjudication" hearing.

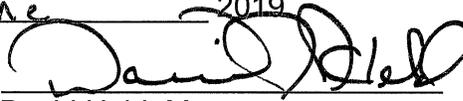
WHEREAS, while the current version of Ordinance 1177.05 requires the Planning Commission hold a "public" hearing on a proposed conditional use permit, Ohio's courts of appeal require an "adjudication" hearing be held, which is open to the public; and

WHEREAS, adjudication hearings involve the determination of rights of specific persons based upon evidence, not public opinion, presented at the hearing, where witnesses are sworn in, are subject to cross examination, documents are authenticated, and conditional use permits shall be supported by a preponderance of reliable, probative, and substantive evidence.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That, pursuant to North Canton Codified Ordinance section 1181.04, City Council requests the Planning Commission review and consider a proposal to amend section 1171.05, Public Hearing and Notice by Planning Commission, of the City's codified ordinances, to replace "public" hearing with "adjudication" hearing. A copy of the proposed amended ordinance is attached hereto as Exhibit "A" and is incorporated herein by this reference.
- Section 2. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that it shall not affect the validity or enforceability of any other provision of this resolution.
- Section 3. That this resolution shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this 24 day of June, 2019


David Held, Mayor

Signed: 6/24, 2019

ATTEST:


Laura Brown, Director of Finance

1177.05 ADJUDICATION HEARING AND NOTICE BY PLANNING COMMISSION.

(a) The Planning Commission shall hold an adjudication hearing on the proposed conditional use. Notice of such public hearing shall be given by first class mail to the applicant and to the property owners within 200 feet of the property on which the use is proposed. Further notice shall be given in one or more newspapers of general circulation in the city. All notices shall be made at least seven days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use. Failure of delivery of such notice shall not invalidate action taken on such application.

(b) An adjudication hearing involves the determination of rights of specific persons based upon evidence, not public opinion, presented at the hearing, where witnesses are sworn in, are subject to cross examination, documents are authenticated, and the grant of a conditional use permit shall be supported by a preponderance of reliable, probative, and substantive evidence.