

North Canton City Council  
Community and Economic Development

ORDINANCE 34 - 2020

An ordinance amending Part Eleven, Planning and Zoning, of the Codified Ordinances of the City of North Canton, specifically, Chapter 1181, Amendments, as described below.

WHEREAS, the City seeks to establish a more stable and consistent system for recommending zoning amendments based best practices.

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

Section 1. That Part Eleven, Planning and Zoning, of the Codified Ordinances of the City of North Canton, specifically, Chapter 1181, Amendments, be, and is hereby amended as follows:

1181.01 AUTHORITY FOR AMENDMENTS.

Whenever the public necessity, general welfare, or good zoning practices require, City Council may, by ordinance, amend, or revise Title One, Subdivision Control, and Title Three, Zoning Regulations, of this code, or amend, supplement, change, or repeal the boundaries or classification of property according to the procedures set forth in this Chapter and subject to the procedures provided by law.

City Council may, by ordinance, rearrange, renumber, or recodify any provision of the Planning and Zoning code or amend or revise any provisions of Title Five, Administration, of this Code through the regular legislative process as defined by the Charter and Rules of Council.

1181.02 INITIATION OF ZONING AMENDMENTS.

Amendments to the Zoning Ordinance, either Titles One, Subdivision Regulations, or Three, Zoning Regulations, or map, shall be initiated by filing an application to the Clerk of Council by:

- (a) at least one owner or lessee of the property or developer with an option on such property within the area proposed to be changed or affected by said amendment;
- (b) a Planning Commission motion;
- (c) a City Council resolution; or
- (d) a written request from the Mayor.

1181.03 AMENDMENT APPLICATIONS

An amendment initiated by any legal means shall be submitted and reviewed according to the following:

(a) Discussion with Planning Commission. An owner, lessee, or developer applicant must meet with the, Chief Building Official, or designee, prior to submitting an application for an amendment to the Zoning Ordinance. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. No action shall be taken at such a meeting, and no discussions, opinions, suggestions, or recommendations of the, Chief Building Official, or designee may be relied upon by the applicant to indicate subsequent approval or disapproval of the proposed amendment.

(b) Submission Requirements. Applications, motions, or resolutions for proposed amendments shall contain at least the following information:

- (1) The name, address, and phone number of the applicant and the property owner if other than the applicant;
- (2) A statement of the reason(s) for the proposed amendment;
- (3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan; and,
- (4) The payment of the application fee as established by Council.

(c) Amendments to the Zoning Map adopted as part of this Zoning Ordinance shall contain the following additional information:

- (1) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
- (2) Present use and zoning district;

(3) Proposed use and zoning district; and

(4) A vicinity map at a scale approved by the Chief Building Official showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Chief Building Officer may require;

(5) A list of all property owners lying within 200 feet of any part of the property on which the zoning amendment is requested, including the addresses, and permanent parcel number as shown upon the County auditor's current tax list;

(6) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 200 feet outside the proposed site, including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;

(d) Referral to Planning Commission. After the filing of a completed application by an owner, lessee of property or developer with an option on such property, the planning commission, or City Council, the Clerk of Council shall transmit the application, motion or resolution to Council. Council may then, by voice vote, recommend transmission of the application to the Planning Commission to begin the adoption process set forth in Sections 1181.05 through 1181.08.

#### 1181.04 (REPEALED)

#### 1181.05 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION.

Upon the receipt of an application, motion, or resolution, to amend Titles One, Subdivision Regulations, or Three, Zoning Regulations, the Planning Commission shall set a date for a public meeting thereon. Notice of the public meeting shall comply with the following:

(a) Whenever a proposed map amendment involves 10 or fewer parcels, written notification of the meeting shall be given by first class mail to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted as shown upon the records of the Stark County Auditor, or the list of property owners furnished by the applicant;

(b) Notice shall be given in one or more newspapers of general circulation in the City;

(c) All notices shall be made at least seven days prior to the date of the public meeting; and

(d) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

#### 1181.06 RECOMMENDATION BY THE PLANNING COMMISSION.

(a) After the conclusion of the public meeting as required in Section 1181.05, the Planning Commission shall recommend one of the following to City Council:

(1) That the amendment to Title One or Three be granted as requested;

(2) That the amendment to Title One or Three be granted as modified by the Planning Commission; or

(3) That the amendment to Title One or Three be denied.

(b) The Planning Commission shall submit its recommendation in writing to the Clerk of Council who shall place it Council's docket.

(c) If the Planning Commission does not make a recommendation on the proposed amendment within 45 days of receipt of the application, or provide an extended period agreed by the applicant or City Council, the application shall be deemed denied.

#### 1181.07 PUBLIC MEETING AND NOTICE BY COUNCIL.

Upon receipt of the recommendation from the Planning Commission, or, if the planning Commission fails to make a recommendation on the proposed amendment within 15 days of its receipt of the application and has not extended this period, Council shall set a time for a public meeting on the proposed amendment.

(a) Notice of the public meeting shall be given by Council according to the following:

(1) Whenever a proposed map amendment proposes to rezone 10 or fewer parcels, written notification of the meeting shall be given by first class mail to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted as shown upon the records of the Stark County Auditor, or the list of property owners furnished by the applicant;

(2) Notice of the proposed amendment shall be published at least 30 days prior to the date of the public meeting in one or more newspapers of general circulation in the City;

(3) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

(b) During the 30 days prior to the public meeting, the text of the proposed amendment, maps or plans, if applicable, and the Planning Commission's recommendation, shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

1181.08 ACTION BY COUNCIL.

After the conclusion of the public meeting required in Section 1181.07, Council shall take action on the proposed amendment as follows:

- (a) Adopt the Planning Commission's recommendation;
- (b) Deny the Planning Commission's recommendation; or
- (c) Adopt some modification thereof.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this 13<sup>th</sup> day of July 2020.

Attest: Benjamin R. Young  
Benjamin R. Young, Clerk of Council

Stephan B. Wilder  
Stephan B. Wilder, Mayor

Signed on: July 13, 2020