

North Canton City Council  
Community and Economic Development Committee

ORDINANCE 45 - 2020

An ordinance to amend and re-title Chapter 1181, Amendments, of the Codified Ordinances to remove procedural redundancies and clarify the amendment process.

WHEREAS, prior and valuable amendments to Chapter 1181 created unintended and cumbersome procedural redundancies in the amendment process, and

WHEREAS, the City wishes to separate the processes to amend the North Canton Zoning Map and the text of the North Canton Zoning Code in order to provide clarity for both processes.

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

Section 1. That Chapter 1181, Amendments, of the Codified Ordinances, be, and is hereby, amended to read as follows.

SECTION 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 subject to the procedures provided in this chapter.

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.

SECTION 1181.02 INITIATION OF ZONING AMENDMENTS

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

- (a) a Planning Commission recommendation;
- (b) a City Council resolution; or
- (c) a written request from the Mayor.

SECTION 1181.03 AMENDMENT APPLICATIONS

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

(a) Submission Requirements. Requests, recommendations, or resolutions for proposed amendments shall contain at least the following information:

- (1) The proposed amendment text;
- (2) A statement of the reason(s) for the proposed amendment; and
- (3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan;

(b) Submission Process.

- (1) After the receipt of a recommendation for amendment from the Planning Commission the Clerk of Council shall add the proposed amendment to Council's docket for adoption in accordance with the adoption process set forth in the Sections 1181.07 through 1181.08.
- (2) After the passage of a resolution proposing amendments by Council the Clerk of Council shall transmit the resolution to the Planning Commission to begin the adoption process set forth in the Sections 1181.05 through 1181.08.
- (3) After the receipt of a written request for amendments from the Mayor the Clerk of Council shall transmit the request to Council. Council may then, by voice vote, recommend transmission of the request to the Planning Commission to begin the adoption process set forth in the Sections 1181.05 through 1181.08.

SECTION 1181.04 (REPEALED)

SECTION 1181.05 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

Upon the receipt of a request or resolution from the Clerk of Council, the Planning Commission shall set a date for a public meeting thereon. Notice of the public meeting shall comply with the following:

- (a) Notice shall be given in one or more newspapers of general circulation in the City;
  - (b) All notices shall be made at least seven days prior to the date of the public meeting;
- and

(c) 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.

SECTION 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 be adopted as submitted;
- (2) That the amendment be adopted as modified by the Planning Commission;
- or
- (3) That the amendment to be denied.

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

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

SECTION 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 resolution or request and this period has not been extended, 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) 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;
- (2) 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, 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.

SECTION 1181.08 ACTION BY COUNCIL

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

- (1) Adopt the amendment;
- (2) Deny the amendment
- (3) Adopt some modification of the amendment

(b) If the initial amendment proposal originated from the Planning Commission and Council wishes to adopt a modification thereof the proposal must be sent back to the Planning Commission in accordance with the process outlined in Sections 1181.05 through 1181.06 prior to final adoption by Council.

Section 2. That Chapter 1181, Amendments, of the Codified Ordinances be, and is hereby, retitled as "Amendments to Zoning Code".

Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this 12<sup>th</sup> day of October 2020.

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

Stephan B. Wilder  
Stephan B. Wilder, Mayor

Signed on: October 12, 2020