

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 34-13 Passed June 10, 20 13

5/8/13-tlf
(Ordinance, Rules & Claims)

Ordinance No. 34-13

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the Codified Ordinances of the City of North Canton, specifically CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, and repealing any and all legislation inconsistent herewith.

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

Section 1. That Ordinance No. 50-03, Zoning Ordinance of the Codified Ordinances of the City of North Canton, specifically CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, be, and the same is hereby amended to read as follows:

CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES

1177.01 PURPOSE.

When a proposed use is permitted in a zoning district as a conditional use, as set forth in the district regulations, a conditional use permit is required and the application for such conditional use permit shall be submitted and reviewed according to the guidelines outlined in this chapter.

1177.02 PRE-APPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Planning Commission or Superintendent of Permits and Inspection, or his/her designee, prior to submitting an application for a conditional use permit. 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. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Planning Commission or Superintendent of Permits and Inspection shall be relied upon by the applicant to indicate subsequent approval or disapproval of the application.

1177.03 SUBMISSION OF APPLICATION.

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Superintendent of Permits and Inspection an application for a conditional use permit accompanied by payment of the required fee established by Council. The application for a conditional use permit shall disclose all uses proposed for the development, their location, extent, and characteristics and shall include the following:

(a) A development plan and associated documentation as required in Section 1175.06 unless specific items required in Section 1175.06 are determined by the Superintendent of Permits and Inspection to be inapplicable or unnecessary and are waived in writing by the Superintendent of Permits and Inspection.

(b) A list of all property owners lying within 200 feet of any part of the property on which the conditional use is proposed, including their addresses and permanent parcel number, as shown on the current tax duplicate in the Office of the Stark County Treasurer.

1177.04 REVIEW OF CONDITIONAL USE PERMIT APPLICATION.

The Planning Commission shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Ordinance.

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(a) The Planning Commission shall review the development plan for the proposed conditional use according to the development plan review procedures and criteria set forth in Chapter 1175, as applicable;

(b) The Planning Commission shall review the application to determine if the establishment and operation of the proposed use complies with the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 1145 of this Zoning Ordinance; and

(c) The Planning Commission may require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

1177.05 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION.

The Planning Commission shall hold a public 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.

1177.06 ACTION BY PLANNING COMMISSION.

(a) The Planning Commission shall take one of the following actions:

(1) If the proposed conditional use is determined by the Planning Commission to be appropriate and in conformance with the review criteria outlined in Section 1175.08, the Planning Commission shall:

- A. Approve the conditional use application as submitted.
- B. Approve the conditional use application subject to specific conditions not included in the application as submitted. The Planning Commission may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of Chapter 1145. The Planning Commission may require the applicant to revise and resubmit the application and/or the development plan to respond to the Planning Commission's condition(s) prior to the Planning Commission's final action.

(2) If the proposed conditional use is found not to be in compliance with the specifications of this Zoning Ordinance, the Planning Commission shall deny the application.

(b) If the Planning Commission fails to act within 60 days from the date the application was deemed complete, or an extended period as may be agreed upon, then the applicant may deem the development denied.

1177.07 TERMS AND DURATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall authorize a particular conditional use on a specific parcel for which it was approved. The conditional use permit shall expire one year from the date of enactment, unless substantial progress is accomplished or as otherwise specifically approved by the Planning Commission. A conditional use permit issued pursuant to this Chapter shall be valid only for the use and the operation of such use as specified on the certificate. The breach of any condition, safeguard or requirement shall constitute a violation of this Zoning Ordinance.

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1177.08 RE-APPLICATION.

No re-application for a conditional use permit shall be accepted by the Superintendent of Permits and Inspection until the expiration of one year after the denial, unless the re-application reflects changes to the operation, design, layout, or other aspect of the proposed conditional use in response to the reasons for the denial of the previous application or the re-application is based on a change in circumstances from the time of the previous public hearing that is sufficient to justify another hearing as determined by the Planning Commission. A re-application shall comply with all the requirements of this Chapter, including payment of the required fee.

1177.09 SIMILAR USES.

Within each zoning district established by the Zoning Ordinance and amendments thereto, uses of land or structures that are compatible with each other are permitted in the district. To the extent that new types of uses are created and are not addressed by this Zoning Ordinance, this section provides the procedure by which the Planning Commission may make a determination that a new use is similar to a use permitted in a district.

(a) Determination. A proposed use may be permitted as a similar use when the Planning Commission determines that such proposed use is in compliance with the following provisions:

- (1) The proposed use is not prohibited in any other district;
- (2) The proposed use is not listed as a permitted building or use in any other district;
- (3) The proposed use conforms to and is consistent with the purpose statement of the proposed district more appropriately than in any other district;
- (4) The proposed use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district.

(b) Procedure. The Planning Commission shall review the proposed use according to the conditional use procedures set forth in Sections 1177.02 through 1177.08, including the requirement for a public hearing.

(c) Action by Planning Commission. The Planning Commission shall, within 10 days after its hearing, forward a recommendation to City Council. The Planning Commission shall recommend that Council approve, approve with modifications or deny the application for a similar use determination and provide the reasons for their decision.

1177.10 ACTION BY CITY COUNCIL.

Council shall, at a regular meeting, take action on the Planning Commission's recommendation.

(a) Council shall either:

- (1) Adopt the recommendation of the Planning Commission; or
- (2) Deny the recommendation of the Planning Commission; or
- (3) Adopt some modification thereof.

(b) Required vote for adoption or rejection:

- (1) When City Council confirms the recommendation of the Planning Commission, the recommendation shall be adopted when approved by a majority vote of Council members.
- (2) When City Council rejects the recommendation of the Planning Commission, the recommendation shall be overruled by not less than six votes of Council members.

(c) If Council approves a similar use, then the similar use shall be added to those districts that allow the principal or conditional use that is most similar, as identified in Council's action.

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1177.11 APPEAL TO CITY COUNCIL.

Any person who is adversely affected by a decision made by the Planning Commission according to the procedures set forth in this Chapter may appeal such decision to Council within 30 days of the Planning Commission's decision. Council shall establish appropriate rules and procedures to hear and decide such appeals.

Section 2. That if a provision of this ordinance is or become 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.

North Canton, OH
Passed: 6/10/13


MAYOR

SIGNED: 6/10, 2013

ATTEST:



CLERK OF COUNCIL