

North Canton City Council  
Community and Economic Development Committee

ORDINANCE 46 - 2020

An ordinance to create Chapter 1182, Amendments to Zoning Map, of the Codified Ordinances in order to clarify the Zoning Map amendment process.

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, and

WHEREAS, to clearly define the distinct and separate processes the procedure for amending the North Canton Zoning map shall be removed from Chapter 1181, Amendments, by Ordinance 45-2020, and incorporated into a new Chapter herein.

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

Section 1. That Chapter 1182, Amendments to Zoning Map, be, and is hereby, established as part of the Codified Ordinances of the City of North Canton to read as follows.

SECTION 1182.01 AUTHORITY FOR AMENDMENTS

Whenever the public necessity, general welfare, or good zoning practices require, City Council may, by ordinance, amend, supplement, change, or repeal the boundaries or classification of property, as set forth on the Zoning Map adopted in this Code, according to the procedures set forth in this Chapter.

SECTION 1182.02 INITIATION OF ZONING AMENDMENTS

Amendments to the Zoning 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) the Planning Commission;
- (c) a City Official on behalf of the Mayor or Council.

SECTION 1182.03 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 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;
- (4) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
- (5) Present use and zoning district;
- (6) Proposed use and zoning district; and
- (7) 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;

- (8) 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;
- (9) 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;
- (10) The payment of the application fee as established by Council.

(c) Referral to Planning Commission. After the filing of a completed application, except as provided in Section 1182.03(c)(1), the Clerk of Council shall transmit the application 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 1182.04 through 1182.07.

- (1) Applications originating from the Planning Commission shall be added to Council's docket for adoption in accordance with the adoption process set forth in the Sections 1182.06 through 1182.07.

#### SECTION 1182.04 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

Upon the receipt of an application, 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.

#### SECTION 1182.05 RECOMMENDATION BY THE PLANNING COMMISSION

(a) After the conclusion of the public meeting as required in Section 1182.04, the Planning Commission shall recommend one of the following to City Council:

- (1) That the amendment to 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 the application or an extended period agreed by the applicant or City Council, the application shall be deemed denied.

#### SECTION 1182.06 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.

SECTION 1182.07 ACTION BY COUNCIL

(a) After the conclusion of the public meeting required in Section 1182.06, 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 1182.05 through 1182.06 prior to final adoption by Council.

Section 2. 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 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 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