

<p>1125.01 Initiation of amendments; referral to Planning Commission.</p> <p>1125.02 Application for zoning changes; fee.</p> <p>1125.03 Duties of Clerk of Council.</p> <p>1125.04 Mandatory referral of application to Zoning and Building Codes Committee.</p> <p>1125.05 Preparation of legislation authorizing change.</p> <p>1125.06 Mandatory referral of legislation to Planning Commission.</p>	<p>1125.07 Planning Commission action; result of inaction; time limits.</p> <p>1125.08 Transmission of Planning Commission action or failure to act to Council.</p> <p>1125.09 Public hearing before Council; notice.</p> <p>1125.10 Action by Council.</p> <p>1125.11 Submission to electors.</p> <p>1125.12 Posting to notice of public hearing on property site.</p>
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CROSS REFERENCES

- Procedure of Planning Commission in zoning matters – see CHTR. Sec.10.02(f)
- Notice and hearing on municipal zoning regulations – see Ohio R.C. 713.12
- Retroactive zoning ordinances prohibited – see Ohio R.C. 713.15
- Separability; conflicting ordinances repealed – see P. & Z. 1121.04
- Withholding of permits during pendency of amendments – see P. & Z. 1123.04
- Variances – see P. & Z. 1129.08 et seq.

1125.01 INITIATION OF AMENDMENTS; REFERRAL TO PLANNING COMMISSION.

Council, upon rewritten application of a property owner, upon recommendation of the Planning Commission, or on its own initiative, may amend or change a zoning regulation or the Zoning Map of the City, but such amendment or change shall not become effective unless the proposed amendment or change is first submitted to or considered by the Planning Commission for its approval, disapproval or recommendation.
(Ord. 1982-170. Passed 3-22-83.)



1125.02

PLANNING AND ZONING CODE

1125.02 APPLICATION FOR ZONING CHANGES; FEE.

- (a) Written applications of a property owner for a zoning change shall be filed with the Clerk of Council and shall contain at least the following information:
- (1) The name of the applicant (if the applicant is not the owner of the land involved, written authorization from the owner consenting to the application must be included);
 - (2) A legal description of the land involved, including the County Auditor's permanent parcel number and any subplot number;
 - (3) Scale drawings showing the dimensions of the land involved and showing its relationship to public streets and to land surrounding it; the locations and dimensions of present and proposed buildings on the land involved; and the locations, dimensions and use of present buildings on land surrounding, within 500 feet, the land to be rezoned;
 - (4) A written description of the present and proposed use of the land and buildings upon the land to be rezoned; and
 - (5) A brief request for the action sought of Council.
(Ord. 1982-170. Passed 3-22-83.)
- (b) The application shall be filed with a fee in an amount to be established by motion of Council. (Ord. 1990-9. Passed 4-24-90.)
Fee \$100.00. (Motion 5-8-90.) Fee \$150.00. (Motion 9-14-99.)
- (c) Whenever this Zoning Code requires public notice of a proposed amendment of the zoning classification of any parcel of real estate, the cost of such public notice shall be paid to the Clerk of Council by the applicant.
(Ord. 1987-29. Passed 7-28-87.)

1125.03 DUTIES OF CLERK OF COUNCIL.

Upon the filing of the application required by Section 1125.02 with the Clerk of Council, the Clerk shall:

- (a) Place the matter on the agenda for the next regular Council meeting following the filing of the application; and
- (b) Transfer the application fee to the Director of Finance who shall deposit the fee into the General Fund.
(Ord. 1982-170. Passed 3-22-83.)

1125.04 MANDATORY REFERRAL OF APPLICATION TO ZONING AND BUILDING CODES COMMITTEE.

At the next regular meeting of Council, the application required by Section 1125.02 shall be referred to the Zoning and Building Codes Committee of Council for its consideration.
(Ord. 1982-170. Passed 3-22-83.)



**1125.05 PREPARATION OF LEGISLATION AUTHORIZING CHANGE.**

The Mayor, the Zoning and Building Codes Committee of Council or a member of Council may request that the Director of Law prepare legislation which will authorize the change requested in the application required by Section 1125.02.

If, after ninety days following the date on which an application is filed, no request has been made to the Director of Law to prepare such legislation pursuant to such application, the Clerk of Council shall notify the applicant that no action has been taken on the application and shall direct the Director of Finance to return the application fee required by Section 1125.02 to the applicant. However, if such legislation is prepared, no refund of the application fee shall be made.

(Ord. 1982-170. Passed 3-22-83.)

1125.06 MANDATORY REFERRAL OF LEGISLATION TO PLANNING COMMISSION.

Upon the introduction of legislation written pursuant to an application for rezoning, or of any ordinance referring to zoning or other regulations controlling the use or development of land, and upon the first reading of such legislation by Council, such legislation shall be referred to the Planning Commission for its consideration.

(Ord. 1982-170. Passed 3-22-83.)

1125.07 PLANNING COMMISSION ACTION; RESULT OF INACTION; TIME LIMITS.

- (a) Legislation or any other matter referred to the Planning Commission by Council shall be acted upon within seventy-five days from the date of the next regularly scheduled meeting of the Commission following the referral of the matter to it, unless a longer time is allowed by Council. If the Commission fails to take final action within the time allotted, it shall be deemed to have disapproved such matter.
- (b) The Commission may approve a proposed ordinance or resolution so referred to it, either in whole or in part, modify it or disapprove it. Such action shall be upon motion passed by a majority of the members of the Commission. Before the Commission takes final action in approving a proposal to amend the zoning regulations or the Zoning Map, it shall give notice in general terms of the matter under consideration by posting such notice at City Hall and by publishing it once in a newspaper of general circulation at least ten days prior to such final action. If the proposal is one to rezone or redistrict ten or fewer parcels of land, as listed on the tax duplicate, such notice shall also be mailed by first-class mail to the owners of property within, contiguous to, and directly across the street from, such parcel or parcels to the addresses of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation. The Commission shall inspect all sites which are proposed to be rezoned or redistricted.
(Ord. 1982-170. Passed 3-22-83.)





1125.08 PLANNING AND ZONING CODE

1125.08 TRANSMISSION OF PLANNING COMMISSION ACTION OR FAILURE TO ACT TO COUNCIL.

The action or failure to act of the Planning Commission shall be transmitted to the Clerk of Council who shall place the legislation on the agenda for further consideration by Council at the next regular meeting of Council following the transmittal. Council shall not establish a date for a public hearing until after such transmittal from the Commission.

(Ord. 1982-170. Passed 3-22-83.)

1125.09 PUBLIC HEARING BEFORE COUNCIL; NOTICE.

Before any ordinance, measure or regulation to amend or change a zoning regulation or the Zoning Map may be passed, Council shall hold a public hearing thereon. It shall publish a notice of such hearing in a newspaper of general circulation within the City, adequately describing the nature of the pending legislation, not less than fifteen days prior to the public hearing. During the fifteen days prior to the public hearing, the text or a copy of the text of such ordinance, measure, regulation or proposed change, together with the maps, drawings or plans or copies thereof forming a part of, or referred to in, such ordinance, measure, regulation or proposed change, and the maps, plans and reports submitted by the Planning Commission, shall be on file for public examination in the office of the Clerk of Council.

If the ordinance, measure, or regulation intends to rezone or redistrict ten or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first-class mail, at least fifteen days before the date of the public hearing, to the owners of the property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other persons who or which may be specified by Council. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation.

(Ord. 1983-67. Passed 10-11-83.)

1125.10 ACTION BY COUNCIL.

Final legislative action may be taken at any time following the public hearing required by Section 1125.09.

Any such ordinance, measure or proposed change may be amended by a majority vote at any time prior to the passage thereof by Council, without further notice, public hearing, or postponement, if such amendment is germane to the subject matter.

Any provision of any ordinance, resolution, or order disapproved by the Planning Commission shall require a vote of two-thirds or more members of Council for adoption or authorization.

(Ord. 1982-170. Passed 3-22-83.)



**1125.11 SUBMISSION TO ELECTORS.**

If any final legislation which rezones any land in the City to an RMF-2 Residential District is adopted by Council, such legislation shall not take effect or be in force until the matter has been submitted to the electorate for approval or disapproval of Council's action. Such election shall be held at the first regularly scheduled election occurring on the first Tuesday after the first Monday in May, or on the first Tuesday after the first Monday in November, occurring more than sixty days subsequent to final action by Council. Approval of such action by Council by a majority of the electors voting thereon is mandatory prior to such legislation taking effect. (Ord. 1982-170. Passed 3-22-83.)

1125.12 POSTING OF NOTICE OF PUBLIC HEARING ON PROPERTY SITE.

Within ten days prior to the public hearing before Council held as a result of a request for a zoning change upon application of a property owner, the Building Commissioner shall cause a sign to be posted upon the site which is the subject matter of such request indicating that a public hearing before Council will be had upon such application and further indicating the time and date of such public hearing. (Ord. 1982-170. Passed 3-22-83.)

