

VILLAGE OF DENNISON, OHIO

ZONING CODE

ORDINANCE NO. 2052

ADOPTED BY VILLAGE COUNCIL SEPTEMBER 3, 1998

ARTICLE XVIII ORDINANCE AMENDMENTS

1800 General

1800.1 Whenever the public necessity, convenience, general welfare or good zoning practices require, the Council may, by ordinance -- after receipt of recommendations thereon from the Planning Commission and subject to the procedures provided by law -- amend, supplement or change the regulations, district boundaries or classification of property, now or hereafter established by this Ordinance or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Council.

1801 Initiation of Zoning Amendments

1801.1 Amendments to this Ordinance may be initiated in one of the following ways:

1. by adoption of a motion by the Planning Commission;
2. by the adoption of a Resolution by Village Council; and
3. by the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

1802 Contents of Application for Zoning Map Amendment

1802.1 Applications for amendments to the Official Zoning Map adopted as part of this Ordinance shall contain at least the following information:

1. the name, address and phone number of the applicant;
2. the proposed amending ordinance, approved as to form by the Village Solicitor;
3. a statement of the reason(s) for the proposed amendment;
4. present use;
5. present zoning district(s);
6. proposed use;
7. proposed zoning district(s);

8. a vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
9. a list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street(s) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except the addresses need not be included where more than ten (10) parcels are requested to be rezoned;
10. a statement on the ways in which the proposed amendment relates to the comprehensive plan; and
11. a fee of \$50.00 plus all actual costs associated with publication of legal notices, public hearing(s) notices; required mailings; and any other legally required notices.

1803 Contents of Application for Zoning Text Amendment

1803.1 Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Ordinance, other than the Official Zoning Map, shall contain at least the following information:

1. the name, address and phone number of the applicant;
2. the proposed amending ordinance, approved as to form by the Village Solicitor;
3. a statement of the reason(s) for the proposed amendment;
4. a statement explaining the ways in which the proposed amendment relates to the comprehensive plan; and
5. a fee of \$50.00 plus all actual costs associated with publication of legal notices, public hearing(s) notices; required mailings; and any other legally required notices.

1804 Transmittal to Planning Commission

1804.1 Immediately after the adoption of a Resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said Resolution or application shall be transmitted to the Planning Commission.

1805 Submission to Director of Transportation

1805.1 Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director, Ohio Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Planning Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Planning Commission may proceed as required by law. However, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed for the proposed new highway/highway changes, the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty

(120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner(s), the Village Council shall proceed as required by law.

1806 Recommendation by Planning Commission

1806.1 Within sixty (60) days of the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for its determination that the proposed amendment is or is not consistent with the comprehensive plan.

1807 Public Hearing by Village Council

1807.1 Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a Public Hearing. Said Hearing shall be not more than forty (40) days from the receipt of the recommendation from the Planning Commission.

1808 Notice of Public Hearing in Newspaper

1808.1 Notice of the Public Hearing required in Section 1707 shall be given by Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village. Said notice shall be published at least thirty (30) days before the date of the required Hearing. The published notice shall set forth the time and place of the Public Hearing and a summary of the proposed amendment.

1809 Notice to Property Owners by Village Council

1809.1 If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the Hearing shall be mailed by the Clerk of the Village by Certified Mail, Return Receipt Requested, at least twenty (20) days before the day of the Public Hearing to all owners of property within, contiguous to and directly across the street(s) from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's tax list or the County Treasurer's mailing list, the same having been provided to the Village by the applicant per Section 1702. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The mailed notice shall contain the same information as required of notices published in the newspapers as specified in Section 1708.

1810 Action by Village Council

1810.1 Within thirty (30) days after the Public Hearing required by Section 1707, the Village Council shall either adopt or deny the recommendation of the Planning Commission, or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths of the full membership of the Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three (3) different days except that such ordinance may become emergency legislation if three-fourths of the members of the Village Council vote to dispense with this rule.

1811 Effective Date and Referendum

1811.1 Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) percent of the total vote cast in said Village at the last preceding general election

at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election.

1811.2 No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Tuscarawas County Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

1812 Annexation

1812.1 All land annexed to the Village of Dennison which, prior to annexation, is not subject to County or Township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this Article.