

## CHAPTER 1133 - Rezoning<sup>[15]</sup>

Footnotes:

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**Cross reference**— Council may amend districting or zoning - see Ohio R.C. 713.10; Council to hold public hearing - see CHTR. 11.05; Creation of nonconforming use by amendment - see P. & Z. 1161.03; Floodplain zoning - see P. & Z. 1191.18

### 1133.01 - APPLICATION TO AMEND ZONING ORDINANCE; FEE.

An application to request a zoning change or initial zoning upon annexation shall be filed with the City and shall be processed in accordance with the application procedures as set out by this Zoning Ordinance the rezoning application. Each application shall be accompanied by a payment as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of these Codified Ordinances. If the application is denied by the Planning Commission and if the applicant does appeal same to Council as per Section 1125.03, no additional fee shall be required for such appeal. See also Section 1133.08.

(Ord. 0151-2011. Passed 8-1-11; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

### 1133.02 - POSTING OF PROPERTY; PUBLICATION OF NOTICE.

Before considering the application before it, the Planning Commission shall hold at least one public hearing on such application, notice of which shall include place, time, date and nature of such applied for in a newspaper of general circulation in the City twice during the two weeks prior to the public hearing.

Written notice of said hearing shall also be mailed by ordinary mail to the street addresses of contiguous property owners of the property for which said hearing is being held. The failure of delivery of such notice shall not invalidate any such application. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

Where the subject of such public hearing involves 50 or more of the property owners of the City, then written notice to owners of the hearing, as provided in the preceding paragraph, shall not be required.

The City shall be responsible for posting one rezoning sign on each public street frontage for the property or properties subject to the rezoning application. Sign(s) shall be posted a minimum of fourteen (14) days prior to the date of the Planning Commission meeting and shall remain in place until the public hearing process has concluded. Zonings for properties annexed into the City shall not be required to be posted only if the proposed zoning is in accordance with Section 1133.08(a).

(Ord. 0151-2011. Passed 8-1-11.; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

### 1133.03 - PUBLIC HEARING.

- (a) (1) Before submitting its recommendations concerning the application before it to Council, the Planning Commission shall hold at least one public hearing on such application.
- (2) At such hearing, the applicant shall present a statement addressing the following criteria and adequate evidence in such form as the Planning Commission, and subsequently City Council, may require, aiding the Planning Commission in its deliberation on the issue.

- (b) In deciding on the change, the Planning Commission shall consider, among other criteria, the following elements of the application including but not limited to:
- (1) Consistency with the goals, policies and comprehensive land use plan of the City of Gahanna, including any corridor plans, or subarea plans.
  - (2) Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.
  - (3) Availability of sites elsewhere in the City that are already zoned for the proposed use.
  - (4) The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence (a five percent or more material reduction) in the value of existing abutting lands or approved developments.
  - (5) The capacity of City infrastructure and services to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare" of its citizens.
  - (6) The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

(Ord. 0151-2011. Passed 8-1-11; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

#### 1133.04 - DECISION OF PLANNING COMMISSION.

- (a) After action by the Planning Commission on the application, the Clerk of Council shall provide to the applicant a Record of Action taken which shall contain the motion as carried by the Planning Commission to include any conditions. A copy of the Record of Action shall be forwarded to the Planning and Zoning Administrator or their designee, the City Engineer, and the Director of Development.

If the Planning Commission is in favor of the applicant's request to change, the Clerk of Council shall submit the recommendation to Council in writing, and Council shall accompany the same by an ordinance.

- (b) If the Planning Commission decides against the proposed change or supplement, nothing further shall be done, unless within 14 days from the date of the decision the applicant files a request with the Clerk of Council to forward the recommendation to Council in the nature of an appeal. In that case, Sections 11.05 and 11.06 of Article XI of the Municipal Charter shall be followed. Any request to Council after the 14-day period shall be considered a new request and shall be referred to the Planning Commission as required by Charter.

(Ord. 0151-2011. Passed 8-1-11; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

#### 1133.05 - COUNCIL ACTION.

Before any ordinance may be passed, Council shall carry out the requirements set forth in Sections 11.05 and 11.06 of Article XI of the Municipal Charter.

(Ord. 0151-2011. Passed 8-1-11.)

#### 1133.06 - COUNCIL MAY INITIATE AMENDMENTS.

In this connection, attention is called to Section 11.04 of Article XI of the Municipal Charter, which completely covers the matter and needs no implementation by ordinance.

(Ord. 980393. Passed 10-5-98.)

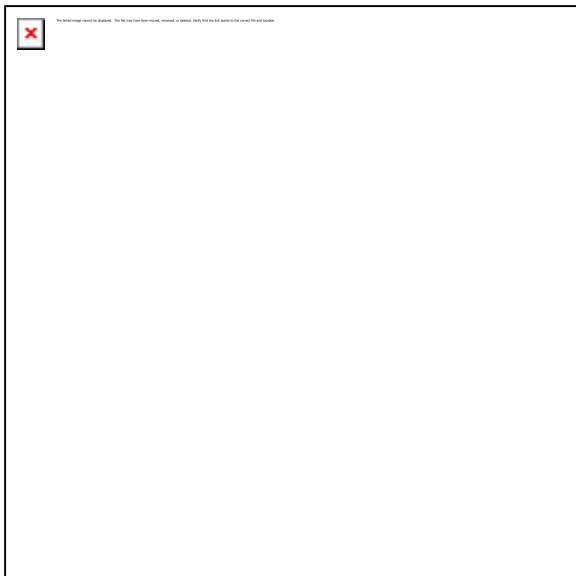
1133.07 - CITY INITIATED AMENDMENTS.

The City may initiate zoning or rezoning changes. Proposed changes shall be submitted to the Planning Commission for its review and recommendation prior to being acted upon by Council.

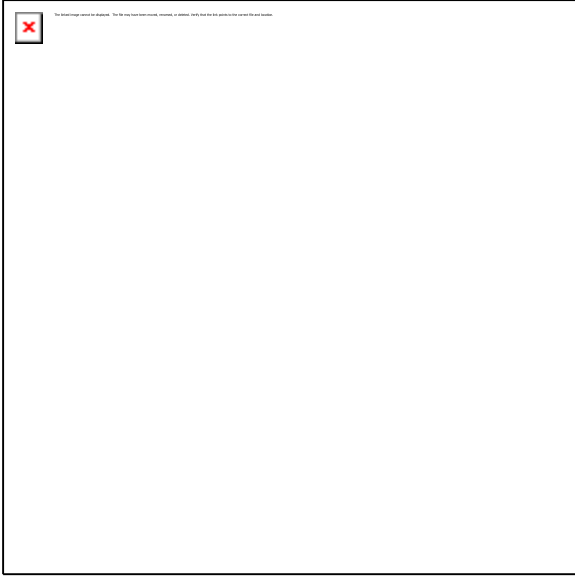
(Ord. 0151-2011. Passed 8-1-11; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

1133.08 - ZONING OF ANNEXED TERRITORY.

- (a) All newly annexed territory being accepted by Council after shall immediately upon acceptance be subject to the zoning classification, regulations and restrictions, as hereinafter set forth in this section:
  - (1) All territory annexed to the City containing five or more acres shall be zoned Estate Residential 1 (ER-1) District.
  - (2) All territory annexed to the City containing one acre or more but less than five acres shall be zoned Estate Residential 2 (ER-2).
  - (3) All territory annexed to the City containing less than one acre shall be zoned to the most appropriate single-family category based on the size of the lot - SF-1, SF-2, OR SF-3.
- (b) The owner(s) may file, prior to acceptance of the annexed property by Council, a zoning application with the Planning and Zoning Administrator or their designee for such newly annexed territory for any zoning category included in the Zoning Code. Such filing shall be in accordance with the provisions of this chapter. If a zoning application under this subsection is filed, the requirements of subsection (a) hereof do not apply.
- (c) Subsequent zoning applications shall be submitted in the manner prescribed by this chapter.



**Figure 2. City Seal**



(Ord. 0123-2007. Passed 6-18-07; Ord. No. [0017-2017](#), Exh. A, 4-3-17)