

CHAPTER 1133
Amendments ZONING OR REZONING

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CROSS REFERENCES

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
Flood plain zoning - see P. & Z. 1191.18

1133.01 APPLICATION TO AMEND ZONING ORDINANCE; FEE.

~~Except when a proposed amendment or supplement to this Zoning Ordinance is initiated by the Planning Commission under Article XI of the Municipal Charter, a~~ **A** written application to amend or supplement the Zoning Ordinance **REQUEST A ZONING CHANGE OR INITIAL ZONING UPON ANNEXATION** shall be made to the Planning and Zoning Administrator, who shall transmit the same to the Planning Commission. Each such application shall be accompanied by a payment as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances, ~~which shall be applied to the cost of advertising and the expense incidental to reviewing, publishing and reporting the case. All such fees as are required in this chapter shall be paid to the Planning and Zoning Administrator, who shall deliver the same to the Director of Finance. 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. 0123-2007. Passed 6-18-07.)

1133.02 POSTING OF PROPERTY; PUBLICATION OF NOTICE.

~~Before application or denying an application for zoning changes or new zoning on annexation, t~~The Commission shall hold at least one public hearing and notice shall be published in one or more newspapers of general circulation within the City twice during the two weeks prior to the public hearing and shall state the place, time, date and purpose of such hearing. Further, the Clerk shall send notification by ordinary mail of the place, time, date and purpose of the public hearing to the property owners contiguous to and directly across the street from the subject property to the street addresses of such owners. The failure of delivery of such notice shall not invalidate any such Zoning Ordinance **OR REZONING**. The names and addresses of all owners entitled to notice of the public hearing shall be furnished by the applicant.

The applicant shall be responsible for posting one sign per public street frontage of the property or properties proposed for a zoning change. The sign(s) shall be consistent with diagram in Figure 1, Zoning Change Sign, attached to original Ordinance 135-97. The information on the sign(s) shall be approved by the Zoning Department prior to the installation of the sign(s). The sign(s) shall be installed within seven days after the zoning change application is submitted to the City and shall be

EXHIBIT A

removed within seven days after final Council action on the zoning or rezoning. New zonings on annexation shall not be required to be posted only if the proposed zoning is in accordance with Section 1133.08(a). (Ord. 980393. Passed 10-5-98.)

1133.03 PUBLIC HEARING.

A. Before submitting its recommendations concerning the application before it to Council, the Planning Commission shall hold at least one public hearing on such application.

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, ~~to aid~~ **AIDING** the Commission in its deliberation on the issue. **THE DEVELOPMENT DEPARTMENT STAFF SHALL PROVIDE AN ADMINISTRATIVE REPORT THAT INCLUDES COMMENTS FROM BOTH THE ZONING DIVISION AND THE ECONOMIC DEVELOPMENT DIVISION.**

B. In deciding on the change, the Planning Commission shall consider, among other things ~~CRITERIA~~, the following elements of the case **APPLICATION INCLUDING BUT NOT LIMITED TO:**, ~~but the consideration of such elements need not be entered in the minutes of such Planning Commission:~~

- ~~— (a) Adjacent land use.~~
 - ~~— (b) The relationship of topography to the use intended or to its implications.~~
 - ~~— (c) Access, traffic flow.~~
 - ~~— (d) Adjacent zoning.~~
 - ~~— (e) The correctness of the application for the type of change requested.~~
 - ~~— (f) The relationship of the use requested to the public health, safety, morals or general welfare.~~
 - ~~— (g) The relationship of the area requested to the area to be used.~~
- 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.**

1133.04 DECISION OF PLANNING COMMISSION.

After public hearing and consideration of the case, if the Planning Commission is in favor of the applicant's request to change, it shall submit its recommendation to Council in writing, and shall accompany the same by an ordinance. ~~containing the proposed change or supplement to this Zoning Ordinance, prepared by the City Attorney.~~

If the Planning Commission decides against the proposed change or supplement, nothing further shall be done, unless within fourteen 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 fourteen day period shall be considered a new request and shall be referred to the Planning Commission as required by Charter. (Ord. 980393. Passed 10-5-98.)

1133.05 COUNCIL ACTION.

~~Before any ordinance supplementing or changing this Zoning 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. 980393. Passed 10-5-98.)

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 DEPARTMENT OF PLANNING AND DEVELOPMENT AMENDMENTS.

~~The Department of Planning and Development may propose amendments to these regulations and to the Zoning Map.~~ **INITIATE ZONING OR REZONING CHANGES.** Proposed amendments **CHANGES** shall be submitted to the Planning Commission for its review and recommendation prior to being acted upon by Council.
(Ord. 0123-2007. Passed 6-18-07.)

1133.08 ZONING OF ANNEXED TERRITORY.

(a) All newly annexed territory being accepted by Council after January 1, 1993, 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 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. (Ord. 0123-2007. Passed 6-18-07.)

