

ORDINANCE NO.: 2012-18
SPONSOR: MAYOR NORTON
INTRODUCED: AUGUST 28, 2012 **ASSIGNED TO:** PLANNING

AN ORDINANCE CREATING CHAPTER 1232 OF THE LAND DEVELOPMENT CODE TO ALLOW THE CITY TO ISSUE SPECIAL USE- PERMITS.

WHEREAS, the City's administration has drafted a proposed text amendment to the City's Land Development Code to allow the City to permit specific uses within varying zoning districts which are not permitted by the Land Development Code; may be beneficial to the community, and serve the best interest of the City; and

WHEREAS, the Administration drafted the amendment to the Land Development Code to provide a mechanism by which specific uses can be approved in cases where it is not in the best interest of the City to rezone the land; and

WHEREAS, the Planning & Zoning Commission reviewed the proposed new section of the Land Development Code at its meeting on August 15, 2012, and issued a favorable recommendation by a vote of 5-0; and

WHEREAS, the creation of a Special Use – Permit District will serve and satisfy the communities public health, safety, and welfare interests; allowing certain uses on property which, due to its unique characteristics, would be a desirable use of the property, although that proposed use does not comply with the permitted uses under the City's Land Development Code; and

WHEREAS, it is necessary for City Council to conduct a public hearing on this proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

PURPOSE. The purpose of this District is to provide a mechanism to allow the Planning & Zoning Commission and City Council to review, approve, or disapprove requests to allow specific uses within varying zoning districts which are not permitted by the Land Development Code; and the proposed use may be beneficial to the community, and deemed to be in the City's best interest.

SECTION TWO:

PROCESS. The Applicant shall file a Special Use- Permit application with the Planning Department. The Applicant shall submit a general development plan and any proposed uses for the land/building as part of the application. The Planning Department will review the request (pre-application meeting required) and determine if the project warrants a Special Uses- Permit (cases where rezoning of land is not determined to be in the best interest of the City) and make a recommendation to the Planning & Zoning

Commission. The Planning & Zoning Commission shall hold a public hearing (pursuant to the same process for a conditional use permit application). The Planning & Zoning Commission shall make a recommendation to City Council. If City Council approves a general development plan; the Applicant shall submit a final site plan to the Planning Department for review and approval.

SECTION THREE:

CONTINUITY/TERMINATION. The use (or uses) included in the approved Special Use Permit may be transferred by the original applicant provided the uses and site plan comply with the final site plan approved by the City. The Special Use Permit, upon written notice to the City of Green Planning Department of the transfer for the real estate to that new owner, shall transfer to the new owner/operator. The current owner/operator for the Special Use Permit must be on file with the Planning Department in order for the permit to be valid.

SECTION FOUR:

CHANGE OF USE. Any holder of a Special Use Permit seeking to change the use of the property shall comply with the procedure for original applications set forth in Section 1232.01(2) for any use not originally approved as part of the original application.

The Planning Department shall provide a Special Use Permit to the property owner and/or operator. The property owner and/or user shall also obtain a zoning permit(s), certificate of use permit(s), building permit(s) and any other permits required. The Special Use Permit is not a substitute for any other permit.

SECTION FIVE:

FEE. The application fee for a Special Use Permit shall be Three Hundred Dollars (\$300.00). The fee for Change of Use application for a Special Use Permit shall be Three Hundred Dollars (\$300.00).

SECTION SIX:

RIGHT TO REVOKE. The City of Green maintains the right to revoke the Special Use Permit if the current use is not the approved use; or, if the property transfer to a new owner/operator without notice to the City. The Applicant will acknowledge the potential revocation of the permit. If the City of Green notifies the property owner or operator that a violation of the Special Use Permit has occurred, the owner or operator shall cease use of the property within fifteen (15) days of the written notification by the City's Law Director.

SECTION SEVEN:

The City finds and determines that all formal actions of this Council concerning and relating to the enactment of this Ordinance were taken in open meetings of this Council and all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with Section 121.22, Revised Code.

ADOPTED: SEPT 25, 2012
Molly Stevens
Molly Stevens, Clerk

[Signature]
Joel Reed, Council President

APPROVED: SEPT 25, 2012

[Signature]
Richard G. Norton, Mayor
JOEL REED, Acting Mayor

COPIED _____
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: Oct. 25, 2012

ON ROLL CALL: Colopy -ye Knodel -ye France -ye Humphrey -ye
Neugebauer -ye Summerville -ye Reed -ye Adopted 7-0

Suburbanite publication on Sept 30 and Oct. 7, 2012
Molly Stevens
Molly Stevens, Clerk

8/28/2012 Approved as to form and content by Stephen J. Pruneski, Law Director 8/22/12