

ORDINANCE NO. 19-110  
INTRODUCED BY COUNCIL

**AN ORDINANCE TO AMEND AND REVISE THE ZONING MAP AND  
MAKE PERMANENT ZONING IN THE CITY OF ZANESVILLE, OHIO  
AS HEREIN PROVIDED**

**WHEREAS**, an application has been duly made requesting a zone change from RM-1 Low-Density Multi-Family to C-4 Highway Commercial for Muskingum County Auditor's Parcel # 86-33-01-04-000; and

**WHEREAS**, proper notification of the intent of this Council to consider this request to rezone the below described property was given to abutters within 200 feet of the requested rezoning and in a newspaper of general circulation; and

**WHEREAS**, after testimony and discussion at their September 17<sup>th</sup>, 2019 meeting, the Zanesville Planning Commission recommended to City Council that the zone change request further identified on Exhibit "A", be approved.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Zanesville, State of Ohio; that

**SECTION ONE:** The application for rezone change with respect to the real property hereinafter described and shown in Exhibit "A" is hereby approved and the zoning with respect to said property is so changed.

**SECTION TWO:** The Zoning Map of the City of Zanesville, Ohio, and the same is hereby amended and revised by changing the zoning as follows:

From RM-1 Low-Density Multi-Family to C-4 Highway Commercial, situated in the City of Zanesville, County of Muskingum, and State of Ohio, and bounded and described as follows:

Auditors Parcel #86-33-01-04-000, recorded in Deed Volume 0994, Page 0297 and said Deed Volume being located in the Muskingum County Recorder's Office.

**SECTION THREE:** This Ordinance shall take effect upon the approval of the Mayor and from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2019.

ATTEST: \_\_\_\_\_  
**SUSAN CULBERTSON**  
**CLERK OF COUNCIL**

\_\_\_\_\_  
**DANIEL M. VINCENT**  
**PRESIDENT OF COUNCIL**

APPROVED: \_\_\_\_\_, 2019.

\_\_\_\_\_  
**JEFF TILTON**  
**MAYOR**

**THIS LEGISLATION  
APPROVED AS TO FORM**  
  
**DIRECTOR'S OFFICE**

Ordinance No. 19-110  
Attachment

**EXHIBIT A:** *Rezone of Muskingum County Parcel #86-33-01-04-000 from RM-1 Low-Density Multi-Family to C-4 Highway Commercial. Parcel intended for rezoning is highlighted yellow. The blue portion is the RM-1 zoning and the dark red is C-4 zoning.*



Community Development Committee  
Mark Baker, Chair

ORDINANCE NO. 19- 111  
INTRODUCED BY COUNCIL

**AN ORDINANCE TO AMEND CHAPTER 1105**

**WHEREAS**, through a comprehensive review of the Planning and Zoning Code, The Community Development Department has identified a need to update the chapter; and

**WHEREAS**, according to Section 1117.01 “To adapt to changing development conditions and provide for the phased implementation of the City Comprehensive Plan, the Planning Commission may from time to time recommend, and Council may adopt, amendments to the provisions of the text of this Zoning Code...as provided by the Ohio Revised Code.”, and

**WHEREAS**, the Community Development Staff has recognized a need to amend and update the Code pertaining to the Board of Zoning Appeals; and

**WHEREAS**, proper notification of the intent of this proposed legislation was given in a newspaper of general circulation; and

**WHEREAS**, after taking testimony and discussion, the Zanesville Planning Commission has recommended to City Council that the proposed amendment to Chapter 1105 be approved.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Zanesville, State of Ohio; that

**SECTION ONE:** Chapter 1105 of the City of Zanesville Planning and Zoning Code shall be amended to read as follows:

**1105.13 APPEALS.**

(a) Applicability. Any party aggrieved by an administrative order, requirement, decision or determination made under this Zoning Code by the Zoning Administrator, Chief Building Official or other authorized administrative official, board, commission or department of the City other than a recommendation of the Planning Commission to Council or any action of the Board of Zoning Appeals or Council, may appeal to the Board of Zoning Appeals.

(b) Approval Process. Appeals shall be decided only in conformance with the approval process provided in the filing procedures section of this Code and the approval criteria herein.

(c) Notice of Appeal.

(1) A notice of appeal shall be filed with the Zoning Administrator within twenty days of the later of:

A. The date of the order or decision being appealed; or

B. In the case of a denial a certificate of appropriateness by the Design Review Board, the expiration of a three or six month negotiation period beginning the date the petition was denied, as provided in the special development approvals section herein.

(2) The notice shall contain:

- A. The name, address and telephone number of the party filing the appeal;
- B. The location of the property affected by the decision being appealed;
- C. Identification of the provision of the Code governing the decision being appealed;
- D. A statement of the grounds on which the appeal is based;
- E. The reason given by the administrative official or body for the decision;
- F. A brief summary of the factual evidence upon which the appeal is based; and
- G. A plot plan and verbal description of the use affected by the decision being appealed.

(d) Stay of Proceedings. The filing of a notice of appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals that in his or her judgment a stay would cause imminent peril to life, health or property. In such case, no proceedings shall be stayed without issuance of a restraining order by the Board or a court of record.

(e) Hearing and Action. Upon receipt, the Zoning Administrator shall forthwith transmit the notice of appeal and the complete record of the decision to the Board of Zoning Appeals. The Board shall fix a reasonable time for a public hearing on the appeal.

After the conclusion of the hearing, the Board shall within thirty days take final action on the appeal, whereby it may affirm, reverse or modify the action being appealed, subject only to judicial review in the Court of Common Pleas in accordance with applicable state statutes. To this end the Board shall have all the powers of the party from which the appeal was taken and may direct the issuance of a permit.

(f) Approval Criteria for Appeals. The Board shall reverse the order appealed only if it finds that the action or decision appealed:

- (1) Was arbitrary or capricious; or
- (2) Was based on an erroneous finding of a material fact; or
- (3) Constituted an abuse of discretion; or
- (4) Was based on erroneous interpretation of the Zoning Code or zoning law.

(g) For Appeal to Common Pleas Court. It is the intent of this Zoning Code that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. Any such appeal shall be made within twenty days of the Board's written decision. It is further the intent of this Zoning Ordinance that the duties of Council in connection with this Zoning Code shall not include hearing and deciding questions of interpretation and enforcement that may arise.

(h) For Reconsideration of an Action.

(1) Within seven (7) days after a decision is reached by the Board of Zoning Appeals the original applicant or property owner may file a written request for reconsideration to the Zoning Administrator if all of the following conditions are met:

- A. Only three voting members are present; and
- B. A decision does not garner a majority of the Board's total members, three; and
- C. The original vote did not end in an 0-3 decision; and
- D. A request for reconsideration has not been filed previously on the same item.

(2) The written request shall include:

- A. The date of the decision; and
- B. The location of the property affected by the decision; and
- C. The name, address and telephone number of the requestor.

(3) Such reconsideration will occur at the next regularly scheduled Board of Zoning Appeals meeting in which four or more voting members are present. Items shall be advertised in accordance with Chapter 1105.08.

(4) Any decision rendered by the Board that is taken during reconsideration of an item shall be considered the final decision of the Board. Final decisions made by the Board of Zoning Appeals may only be appealed to the Common Pleas Court as outlined in Chapter 1105.13 (g).

**SECTION TWO:** This Ordinance shall take effect upon the approval of the Mayor and from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2019.

ATTEST: \_\_\_\_\_  
**SUSAN CULBERTSON**  
**CLERK OF COUNCIL**

\_\_\_\_\_  
**DANIEL M. VINCENT**  
**PRESIDENT OF COUNCIL**

APPROVED: \_\_\_\_\_, 2019.

\_\_\_\_\_  
JEFF TILTON  
MAYOR

**THIS LEGISLATION**  
**APPROVED AS TO FORM**  
  
\_\_\_\_\_  
**LAW DIRECTOR'S OFFICE**