

CITY OF CLAYTON, OHIO

ORDINANCE NO. O- ZC-20-01

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S
RECOMMENDATION TO APPROVE THE APPLICATION OF TYLER DONNELLY
FOR A CHANGE IN ZONING FROM PD-1: PLANNED DEVELOPMENT
RESIDENTIAL TO A: AGRICULTURE FOR PROPERTY LOCATED AT 6483
KIMMEL ROAD AND BEARING PARCEL I.D. NUMBERS M60 03201 0138, M60 03201
0017 AND M60 03201 0147 WITHIN THE CITY OF CLAYTON, OHIO WITH
MODIFICATION**

WHEREAS, an application has been filed by Tyler Donnelly for the property located at **6483 Kimmel Road (Parcel I.D. Numbers M60 03201 0138, M60 03201 0017 and M60 03201 0147)** within Clayton, Ohio and requesting a zoning change for same from PD-1: Planned Development Residential to A: Agriculture; and

WHEREAS, the Clayton Planning Commission held a public hearing on September 28, 2020, on said re-zoning request at which time any and all persons were given an opportunity to be heard thereon, and;

WHEREAS, the Clayton Planning Commission after public meeting on September 28, 2020 recommended approval of the subject zoning change request referenced herein *with two conditions:*

- A. That the applicant is not required to obtain a conditional use permit for the existing single-family residence per CCO 1159.10; and*
- B. The applicant has one (1) year in which to combine all three parcels involved in this zoning district change to one parcel.*

WHEREAS, the Clayton City Council held a public hearing on November 5, 2020, on said re-zoning request at which time any and all persons were given an opportunity to be heard thereon.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the Council hereby adopts the recommendation of approval from the Clayton Planning Commission that the zoning for the property located at **6483 Kimmel Road (Parcel I.D. Numbers M60 03201 0138, M60 03201 0017 and M60 03201 0147)** within Clayton, Ohio be re-zoned from PD-1: Planned Development Residential to A: Agriculture with the following modification:

Council determines that, with respect to the facts and circumstances presented in this re-zoning case, including that the single-family residence is already in existence on the subject property, CCO 1159.10 is inapplicable in this particular

case and therefore modifies the condition of the Planning Commission waiving the requirement to obtain a conditional use permit for said single-family residence as Council finds CCO 1159.10 inapplicable to this case.

The Planning Commission condition requiring the applicant to combine all three (3) parcels involved in this re-zoning district change into one parcel within one (1) year is hereby adopted as a condition to re-zoning approval and shall remain in full force and effect. The applicant shall combine all three (3) parcels involved in this re-zoning district change into one parcel within one (1) year.

2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on November 5, 2020 and November 19, 2020.

4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON NOVEMBER 19, 2020.

AUTHENTICATION:

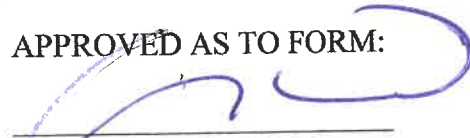


Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper
Brookville Star

Date of publication
Nov. 25, 2020



Clerk