

# RECORD OF ORDINANCES

Ordinance No. 2001-04

Passed March 20

YEAR 2001

## AN ORDINANCE AMENDING SECTION 1143.25 OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF POWELL REGARDING APPEALS OF THE HISTORIC DISTRICT COMMISSION.

**WHEREAS**, Council has determined that it is desirable to amend certain sections of the Zoning Code of the Municipality of Powell for the purpose of adding specifications as set forth on the attachment hereto, and

**WHEREAS**, The Planning and Zoning Commission has reviewed the proposed amendments and held a public hearing January 10, 2001, and has given Council recommendation of approval on such date.

### NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the attached Zoning Code amendments are hereby added to the Codified Ordinances of the Municipality of Powell as set forth on the attachment hereto which is incorporated herein by reference.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect at the earliest period allowed by law.

**VOTE ON RULE SUSPENSION:** Y \_\_\_\_\_ N \_\_\_\_\_

**VOTE ON ORDINANCE 2001-04:** Y 5 N 1 (Guzzo)

Mark F. Klein Date  
Mayor

Dawn Nauman 4/10/01 Date  
Clerk of Council

This ordinance or resolution has been read and adopted by a majority of three (3) public places as defined in ordinance 94-11 dated 4-5-04 on this date 4/10/01  
Nauman  
Clerk of Council

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1143.25

PLANNING AND ZONING CODE

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(b) If the commission disapproves a Certificate of Appropriateness application involving a demolition or removal of an historically and/or architecturally significant structure within the Historic District, the Commission shall have the power to impose a waiting period not to exceed one year. During such period, the Historic District Commission and the applicant shall make every reasonable effort to find a demolition alternative for that structure. During the waiting period the owner of such structure shall maintain or mothball the structure to prevent further deterioration. If the Commission and the applicant do not agree on a means of preserving the structure within the specified waiting period, the Certificate of Appropriateness shall be issued as a matter of law. The owner of the property shall then be subject to all regulations governing new construction within the Historic District.

### 1143.25 APPEALS.

(a) Decisions by the Zoning Administrator may be appealed by any interested party to the Historic District Commission. Notice of appeal shall be made within seven (7) days of the decision. The appeal shall be heard at the next regularly scheduled meeting of the Historic District Commission. A majority vote of the Historic District Commission shall be required to overturn a decision of the Zoning Administrator.

(b) Decisions by the Historic District Commission may be appealed by any interested party to the Board of Zoning Appeals within fourteen (14) days of the Historic District Commission hearing.

(c) The Board of Zoning Appeals shall consider an appeal within thirty (30) days of receipt of the application for appeal and shall utilize the written findings of the Historic District Commission to present historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its importance to the Village. A majority vote of the Board of Zoning Appeals shall be required to overturn a decision of the Historic District Commission.

(d) No building permit or other permit required for the activity applied for shall be issued during the fourteen (14) day period or while an appeal is pending.

### 1143.26 EXCLUSIONS.

(a) Nothing in these sections shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any property that does not involve a change in design, material, or other appearance thereof covered by the Historic District Commission's standards and guidelines.

(b) Nothing in these sections shall be construed to prevent authorized Municipal officers from abating public nuisances. Whenever the Zoning Administrator receives a public nuisance complaint involving structures within the Historic District, he shall notify the chairman of the Historic District Commission within two (2) working days after receipt of such nuisance complaint.

### 1143.27 CONFORMANCE WITH EXISTING LAWS.

These sections shall not be construed to repeal the provisions of any existing laws and ordinances establishing housing, buildings and zoning requirements for the Municipality generally or any other section of this Ordinance, except such as may directly conflict herewith. However, Ordinance 87-40, adopted by Council on 10 November, 1987, being replaced by these sections, is hereby repealed.