

ORDINANCE 2005-11
Passed March 15, 2005

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, REVISING SECTIONS 1129.06, 1129.07, 1127.09, 1127.10, 1131.09 1131.11, AND 1143.11 REGARDING PUBLICATION AND SENDING OF NOTICES FOR PUBLIC HEARINGS.

WHEREAS, Council has determined that due to the changes in the City Charter related to procedures for Ordinances addressed by the City Council, it is desirable to amend sections 1129.06, 1129.07, 1127.09, 1127.10, 1131.09 1131.11, AND 1143.11 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 on February 9, 2005, and has given Council recommendation of approval.

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 _____

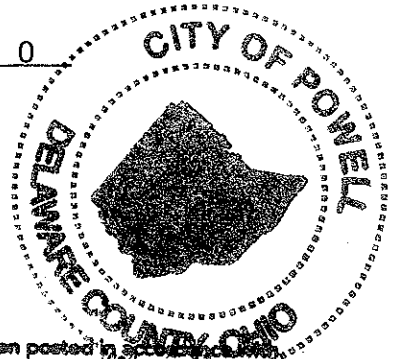
VOTE ON ORDINANCE 2005-11: Y 5 N 0

Dan Wiencek 4/15/05

Dan Wiencek Date
Mayor

Dawn Nauman 4/15/05

Dawn Nauman Date
Clerk of Council



This legislation has been posted in _____
the City Charter on this date 4/15/05
D Nauman
Clerk of Council

2005 AMENDMENTS TO NOTIFICATION REQUIREMENTS PER ORDINANCE 2005-11

1129.06 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before conducting the public hearing required in Section 1129.05, notice of such hearing shall be given in one or more newspapers of general circulation in the municipality at least ~~fifteen (15)~~ **TEN (10)** days before the date of said hearings. The notice shall set forth the time and place of the public hearing, and shall provide a summary explanation of the conditional use proposed and a description of the site of the proposed use.

1129.07 NOTICE TO PARTIES IN INTEREST.

Prior to conducting the public hearing required in Section 1129.05, written notice of such hearings shall be mailed by the Clerk of the Board of Zoning Appeals by first class mail, at least ~~fifteen (15)~~ **TEN (10)** days prior to the hearing to all parties in interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 1129.06 for notices published in newspapers.

1127.09 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before conducting the public hearing required in Section 1127.08, notice of such hearing shall be given in one or more newspapers of general circulation in the Municipality at least ~~fifteen (15)~~ **TEN (10)** days before the date of said hearings. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

1127.10 NOTICE TO PARTIES IN INTEREST.

Before conducting the public hearing required in Section 1127.08, written notice of such hearing shall be mailed by the Clerk of the Board of Zoning Appeals by first class mail, at least ~~fifteen (15)~~ **TEN (10)** days prior to the hearing to all property owners contiguous to, directly across the street from and within 250 feet of the parcel at issue. This notice shall contain the same information as required of notices published in newspapers as specified in Section 1127.09.

1131.09 PUBLIC NOTICE OF PROPOSED AMENDMENT BY PLANNING AND ZONING COMMISSION.

- (a) Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 1131.08, above, shall be in one (1) or more newspapers of general circulation in the Municipality. Said notice shall be published at least ~~fifteen (15)~~ **TEN (10)** days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing, a summary of the proposed amendments and a statement that after the conclusion of such hearing the matter will be referred to the Council for further determination.
- (b) Notice to Property Owners. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk, by first class mail, at least ~~twenty (20)~~ **TEN (10)** days before the day of the public hearing to all owners of property within and contiguous to, directly across the street from and within 250 feet of the area to be rezoned or redistricted. Failure to deliver the notifications as provided in the Section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

1131.11 PUBLIC HEARING BY COUNCIL

Upon receipt of the recommendation from the Planning and Zoning Commission, Council shall schedule a public hearing therein. Said hearing shall be no more than forty (40) days from the receipt of the recommendation from the Planning and Zoning Commission.

- (a) Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 1131.11 shall be given by at least one (1) publication in one (1) or more newspapers of general circulation in the Municipality. Said notice shall be published at least ~~thirty (30)~~ **TEN (10)** days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

(b) Notice to Property Owners. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk, by first class mail, at least ~~twenty (20)~~ **TEN (10)** days before the day of the public hearing to all owners of property contiguous to, directly across the street from and within 250 feet of the area to be rezoned or redistricted. Failure to deliver the notifications as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

1143.11 PROCEDURES FOR APPROVAL OF PLANNED DISTRICT DEVELOPMENT PLANS.

m) Notice of Public Hearing by Council.

(1) Before holding its public hearing, notice of such hearing shall be given by at least one publication in one or more newspapers of general circulation in the Municipality of Powell at least ~~thirty (30)~~ **TEN (10)** days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and general description and summary of the planned district development, and a statement that all papers relating to the planned district development are on file with the Clerk and are open for public inspection.

(2) Written notice of the hearing on the planned district development shall be mailed by the Clerk by first class mail, at least ~~twenty (20)~~ **TEN (10)** days before the date of the public hearing, to all owners of property contiguous to, directly across the street from and within 250 feet of the proposed planned district development and to such others as Council may determine should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper.