

ORDINANCE 2005-12
Passed March 15, 2005

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, REVISING SECTION 1133.06 AND 1133.10 REGARDING ESTABLISHMENT OF THE PLANNING AND ZONING COMMISSION AND BOARD OF ZONING APPEALS.

WHEREAS, Council has determined that there may be inconsistencies in the composition and duties of the Planning and Zoning Commission and Board of Zoning Appeals between the regulations set forth in the Charter and in the Zoning Code, and

WHEREAS, in an effort to eliminate such inconsistencies and prevent them in the future, it is desirable to amend Section 1133.06 and 1133.10 of the Zoning Code of the Municipality of Powell for the purpose removing certain 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 _____

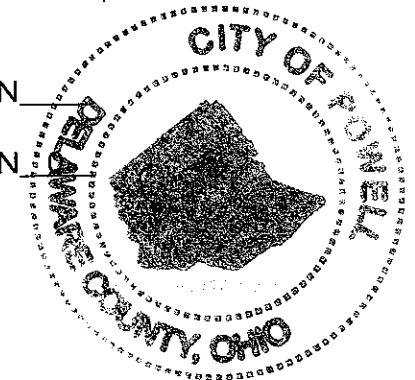
VOTE ON ORDINANCE 2005-12:

Y 5

N _____

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 accordance with the City Charter on this date 4/15/05.
Nauman
Clerk of Council

PROPOSED ZONING CODE AMENDMENT	CURRENT CHARTER LANGUAGE
<p>1133.06 PLANNING AND ZONING COMMISSION.</p> <p>(a) The Planning and Zoning Commission shall be created in accordance with the City of Powell Charter Section 11.01. consist of six (6) members; three (3) members to be appointed by the Mayor and three (3) members to be appointed by the Council. The Mayor may elect to serve as a member, and appoint two (2) electors of the municipality who do not hold other municipal office or appointment, or the Mayor may appoint three (3) electors of the municipality who do not hold other municipal office or appointment.</p> <p>(b) Council may appoint one (1) member of Council to serve as a member of the Planning and Zoning Commission, and appoint two (2) electors of the municipality who do not hold other municipal office or appointment, or Council may appoint three (3) electors of the municipality who do not hold other municipal office or appointment. At no time may more than one (1) member of Council serve as a member of the Planning and Zoning Commission.</p> <p>(c) Members of the Planning and Zoning Commission shall serve for three (3) year terms arranged to create overlapping terms of office. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for that original appointment.</p> <p>(d) The Commission shall choose from its members a chairperson and such other officers as it deems necessary; shall make its own rules and regulations; and shall keep a journal of its proceedings. Members of the Commission shall serve without compensation unless provided for by ordinance.</p>	<p>11.01 PLANNING AND ZONING COMMISSION</p> <p>There is hereby created a Planning and Zoning Commission which shall consist of seven (7) members who are electors of the Municipality. At least five (5) members shall be electors of the Municipality who do not hold elective office. Members shall be nominated by a member of Council and confirmed by a majority of the members of Council. At no time may more than two (2) members of Council serve as a member of the Commission.</p> <p>Each member will serve a three (3) year term. Terms shall be staggered requiring two (2) members to be appointed annually and three (3) members to be appointed every third year.</p> <p>A vacancy during the term of any member shall be filled for the unexpired term in the manner authorized for that original appointment.</p> <p>The Commission shall choose from its members a Chairperson and such other officers as it deems necessary; shall make its own rules and regulations; and shall keep a journal of its proceedings. Members of the Commission shall serve without compensation unless provided by ordinance.</p> <p>The Commission shall meet at least once a month if there is business before the Commission. Four (4) members of the Commission shall constitute a quorum for the transaction of business and the affirmative vote of four (4) members of the Commission shall be necessary for any official action. Unless otherwise provided by Council, this Commission shall have all the power and authority conferred upon such commissions by the laws of the State of Ohio and shall conduct its affairs in a manner provided by such state law. (Amended 11-5-96)</p>

PROPOSED ZONING CODE AMENDMENT	CURRENT CHARTER LANGUAGE
<p>1133.10 BOARD OF ZONING APPEALS.</p> <p>The Board of Zoning Appeals shall be created in accordance with the City of Powell Charter Section 11.02. consist of three (3) members, one (1) to be appointed by the Mayor, and two (2) to be appointed by the Council. No elected official and no member of the Planning and Zoning Commission shall serve on this Board. Each member of the Board shall serve a three (3) year term. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for that original appointment.</p>	<p>11.02 BOARD OF ZONING APPEALS</p> <p>There is hereby created a Board of Zoning Appeals which shall consist of three (3) members nominated by a City Council person and confirmed by a majority vote of Council. No elected official and no member of the Planning and Zoning Commission shall serve on this board.</p> <p>The appointment shall be for a term of three (3) years and staggered to require the appointment of a new commission member annually. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for that original appointment.</p> <p>Two (2) members shall be required to constitute a quorum and an affirmative vote of two (2) members shall be needed for any official action. The Board shall choose from its members a Chairperson and such other officers as it deems necessary. Members of the Board shall serve without compensation unless otherwise provided by ordinance.</p> <p>Unless otherwise provided by Council, this Board shall have all power and authority conferred upon such boards by the laws of the State of Ohio and shall conduct its affairs in the manner provided by such state law. (Amended 8-8-95)</p>

2005 ZONING CODE AMENDMENTS RELATED TO THE COMPOSITION OF THE Planning and Zoning Commission AND BZA IN ACCORDANCE WITH ORDINANCE 2005-12.

1133.06 PLANNING AND ZONING COMMISSION.

- (a) The Planning and Zoning Commission shall be created in accordance with the City of Powell Charter Section 11.01. ~~consist of six (6) members, three (3) members to be appointed by the Mayor and three (3) members to be appointed by the Council. The Mayor may elect to serve as a member, and appoint two (2) electors of the municipality who do not hold other municipal office or appointment, or the Mayor may appoint three (3) electors of the municipality who do not hold other municipal office or appointment.~~
- (b) ~~Council may appoint one (1) member of Council to serve as a member of the Planning and Zoning Commission, and appoint two (2) electors of the municipality who do not hold other municipal office or appointment, or Council may appoint three (3) electors of the municipality who do not hold other municipal office or appointment. At no time may more than one (1) member of Council serve as a member of the Planning and Zoning Commission.~~
- (c) ~~Members of the Planning and Zoning Commission shall serve for three (3) year terms arranged to create overlapping terms of office. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for that original appointment.~~
- (d) ~~The Commission shall choose from its members a chairperson and such other officers as it deems necessary; shall make its own rules and regulations, and shall keep a journal of its proceedings. Members of the Commission shall serve without compensation unless provided for by ordinance.~~

1133.10 BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall be created in accordance with the City of Powell Charter Section 11.02. ~~consist of three (3) members, one (1) to be appointed by the Mayor, and two (2) to be appointed by the Council. No elected official and no member of the Planning and Zoning Commission shall serve on this Board. Each member of the Board shall serve a three (3) year term. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for that original appointment.~~