

ORDINANCE 2015- 13

O-15-07A

TO AMEND SECTIONS 1109.03, 1111.04, and 1113.04 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CENTERBURG TO REQUIRE FIRST CLASS MAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED FOR CERTAIN BOARD OF ZONING APPEAL NOTICES

WHEREAS, at an open meeting of the Planning Commission on May 19, 2015, Planning Commission for the Village of Centerburg passed a recommendation that certain sections of the Zoning Code be amended to require notices be sent by certified mail, return receipt requested and U.S. Regular Mail to ensure service of the notice; and

WHEREAS, Planning Commission recommended that the fees for such applications be increased by \$25.00 to cover the additional costs of the additional notices; and

WHEREAS, Council has determined that sending notices for Board of Zoning Appeal actions to neighboring property owners by both first class mail and certified mail, return receipt requested, and increasing the application fees where notice is required is in the best interests of the general public by ensuring adequate and proper notice to potentially affected parties;

NOW, THEREFORE, be it ordained by the Council of the Village of Centerburg, Ohio:

Section 1. That Section 1109.03 of the Codified Ordinances of the Village of Centerburg, as enacted by Ordinance 2006-13, passed on the 1st day of May, 2006, is hereby amended to read, with the changes in redline format, as follows:

1109.03 REVIEW PROCEDURE.

(a) Hearing Before and Recommendations of Planning Commission. The Planning Commission shall review during public hearings all proposed amendments to this Zoning Ordinance or the Zoning District Map initiated pursuant to Section 1109.01(a), (b) or (c) and make recommendations to Council on each proposed amendment pursuant to the following procedures:

- (1) Setting hearing date. Upon the initiation of an amendment to this Zoning Ordinance or the Zoning District Map, the secretary of the Planning Commission shall promptly fix a date for a public hearing before the Planning Commission for review of the proposed amendment.
- (2) Publication of notice of hearing. Notice of the hearing before the Planning Commission shall be published once in one or more newspapers of general circulation in the Village in conformance with the requirements of the Ohio Revised Code or at least thirty (30) days in advance of the hearing, whichever requirements are greater. The notice shall include the place, time and date of the hearing and the nature of the proposed amendment. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate adoption of the proposed amendment as an amending ordinance.
- (3) Notice to property owners. A notice containing the information required by subsection (a)(2) hereof shall be sent by first class mail and certified mail, return receipt requested, to all property owners within, contiguous to or directly across a street from the area which is the subject of the proposed

seven days prior to the date fixed for the hearing. The notice shall include the place, time and date of the hearing, the location of the property and the nature of the proposed variance. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate the granting or denial of a variance.

- (2) A notice containing the information required by subsection (b)(1) hereof shall be sent by first class mail and certified mail, return receipt requested, to all property owners listed, pursuant to Section 1113.02(c)(5) not less than seven days prior to the date fixed for the hearing. Further, the Zoning Administrator shall cause a notice to be posted at the subject property not less than seven days prior to the date fixed for the hearing. Failure of any such property owners to receive mail notice does not invalidate the granting or denial of a variance.
- (3) The Zoning Administrator shall post a sign at or near the location of the property to which the application for variance applies. Failure of the Zoning Administrator to post a sign or to post a sign in a specific location does not invalidate adoption of the proposed application for variance applies.

Section 4. That Section 1307.01 of the Codified Ordinances of the Village of Centerburg, as enacted by Ordinance 2005-30, passed on the 7th day of November, 2005, and as amended by Ordinance 2009-07, passed on the 4th day of May, 2009, is hereby amended to read, with the changes in redline format, as follows:

1307.01 SCHEDULE OF FEES

- (a) The fees to be charged for building permits issued by the Village shall be as follows:
 - (1) Residential building permits:
 - (i) Housing and all living space, including porches with roofs shall be \$0.40 per square foot.
 - (ii) Out buildings and accessory structures greater than 120 square feet shall be \$0.20 per square foot.
 - (iii) Additions to the residential structure shall be \$0.40 per square foot.
 - (iv) Minimum permit fee for any residential building permit shall be \$100.00.
 - (2) Commercial building permits:
 - (i) Small commercial buildings, which is any building with less than (<) 5,000 square feet shall be \$0.50 per square foot.
 - (ii) Large commercial buildings, which is any building with greater than (>) 5,000 square feet shall be \$0.60 per square foot.
- (b) The fees to be charged for Zoning applications issued by the Village shall be as follows:
 - (1) Appeals shall be \$450.00.
 - (2) Zoning Amendments shall be ~~\$450.00~~ \$475.00.
 - (3) Variances shall be ~~\$450.00~~ \$475.00.
 - (4) Conditional use permits shall be ~~\$450.00~~ \$475.00.
 - (5) Lot splits shall be \$450.00.

amendment, not less than twenty (20) days prior to the date fixed for the initial hearing, to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list. Failure of any such property owners to receive mail notice does not invalidate adoption of the proposed amendment as an amending ordinance. Further, the Zoning Administrator shall post a sign at or near the location of the area, which is the subject of the proposed amendment. Failure of the Zoning Administrator to post a sign or to post a sign in a specific location does not invalidate adoption of the proposed amendment as an amending ordinance.

Section 2. That Section 111.04 of the Codified Ordinances of the Village of Centerburg, as enacted by Ordinance 2006-13, passed on the 1st day of May, 2006, is hereby amended to read, with the changes in redline format, as follows:

111.04 PROCEDURE.

(a) Setting Hearing. The Zoning Administrator shall set a public hearing to review applications for a conditional use permit.

(b) Notice of Hearing and Time for Consideration.

(1) Notice of the hearing before the Planning Commission shall be published once in one or more newspapers of general circulation in the Village, at least seven days prior to the date fixed for the hearing. The notice shall include the place, time and date of the hearing, the location of the property and the nature of the proposed conditional use. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate the granting or denial of a conditional use permit.

(2) A notice containing the information required by subsection (b)(1) hereof shall be sent by first class mail and certified mail, return receipt requested, to all property owners listed pursuant to Section 1111.02(c)(5), not less than seven days prior to the date fixed for the hearing. Failure of any such property owners to receive mail notice does not invalidate the granting or denial of a conditional use permit.

(3) The Zoning Administrator shall post a sign at or near the location of the conditional use permit. Failure of the Zoning Administrator to post a sign or to post a sign in a specific location does not invalidate adoption of the proposed conditional use.

(4) The Planning Commission shall grant or deny the conditional use permit within 30 days after notice is published and mailed, unless said time frame is extended by a motion approved by the majority of Planning Commission.

Section 3. That Section 1113.04 of the Codified Ordinances of the Village of Centerburg, as enacted by Ordinance 2006-13, passed on the 1st day of May, 2006, is hereby amended to read, with the changes in redline format, as follows:

1113.04 PROCEDURE.

(a) Setting Hearing. The Zoning Administrator shall set a public hearing to review applications for variances.

(b) Notice of Hearing and Time for Consideration.

(1) Notice of the hearing before the Board of Zoning Appeals shall be published once in one or more newspapers of general circulation in the Village, at least

- (6) Planned developments shall be \$900 plus legal and engineering costs, plus \$50 per lot.
- (7) Industrial and commercial development shall be \$900 plus legal and engineering costs.
- (8) Miscellaneous (all of which are \$50 each)
 - (i) Pools
 - (ii) Signs
 - (iii) Farmers market permit
 - (iv) Temporary building/structure permit
 - (v) Fence
 - (vi) Porch/Deck
 - (vii) Demolition
 - (viii) Curb cuts
 - (ix) Parking

WHEREFORE, upon passage, this Ordinance shall take effect and be in force upon the earliest date allowed by law.

DATE PASSED 9-8-15

ATTEST [Signature]
CLERK OF COUNCIL

[Signature]
PRESIDENT OF COUNCIL
[Signature]
MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on September 1st, 2015 and September 7th, 2015 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

CLERK-TREASURER