

ORDINANCE NO.: 2016-18

INTRODUCED BY: Bryan Kostura

FIRST READING April 25, 2016

SECOND READING May 9, 2016

THIRD READING May 23, 2016

TABLED May 23, 2016

ADOPTED June 22, 2016

ORDINANCE AMENDING SECTION 3.07(b) OF THE ZONING CODE OF THE VILLAGE OF SOUTH RUSSELL BY LOWERING THE REQUIREMENT FOR MAILING NOTICE OF ZONING APPEAL HEARINGS TO PROPERTY OWNERS FROM 500 FEET OF ANY YARD OF THE PROPERTY INVOLVED TO 250 FEET AND BY CHANGING THE DATE FOR PUBLICATION AND MAILING OF NOTICE OF THE HEARING TO TEN (10) BUSINESS DAYS.

WHEREAS, the Zoning Code of the Village of South Russell currently requires notice of Zoning Board of Appeals and/or Planning Commission hearings for variance appeals to be mailed to the applicant and property owners contiguous to, across the street from, and all others within 500 feet of any yard of the property involved; and

WHEREAS, Planning Commission recommended, by motion adopted that such notice requirement be amended by eliminating the necessity to notify all others within 500 feet of every yard of the property involved; and

WHEREAS, Council held a public hearing on such proposed amendment on May 23, 2016; and thereafter tabled said proposal; and

WHEREAS, Council desires to modify said Planning Commission recommendation by reducing the 500' requirement to 250' rather than eliminating it altogether and further, by changing the minimum time period for publication and mailing of a Notice for such zoning appeals hearing to ten (10) business days.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. Section 3.07(b) shall be amended to read as follows:

(b) Review and Hearing: Upon receipt of a complete application, the Secretary shall notify the Chairman of the Board, or the Commission as to residential height variances, who shall schedule a public hearing within thirty-five days of the filing date of the application. Notice of the hearing on Form Z-4 shall be given at least one (1) publication in a newspaper of general circulation in the

municipality at least ten (10) business days before such hearing. Form Z-4 shall be mailed by the Secretary of the Board, or the Commission as the case may be, at least ten (10) business days before the hearing to the applicant and property owners contiguous to and/or across the street from, and all others within two hundred fifty feet (250') of any yard of the property involved. Failure to deliver such notice, however, shall not invalidate any Board or Commission action.

SECTION 2. Current Section 3.07(b), the full text of which follows, is hereby repealed:

(b) Review and Hearing: Upon receipt of a complete application, the Secretary shall notify the Chairman of the Board, or the Commission, as to residential height variances, who shall schedule a public hearing within thirty-five days of the filing date of the application. Notice of the hearing on Form Z-4 shall be given at least one (1) publication in a newspaper of general circulation in the municipality at least ten (10) days before such hearing. Form Z-4 shall be mailed by the Secretary of the Board, or the Commission, as the case may be, at least ten (10) days before the hearing to the applicant and property owners contiguous to, across the street from, and all others within five hundred (500) feet of any yard of the property involved. Failure to deliver such notice however, shall not invalidate any Board or Commission action.

SECTION 3. 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 this Council, and that all deliberations of this Council and any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in full force at the earliest time allowed by law.




Mayor - President of Council

Attest:



Fiscal Officer

I certify that Ordinance No. 2016-18 was duly enacted on the 22nd day of June, 2016 by the Council of the Village of South Russell and posted in accordance with the Ordinances of the Village.



Fiscal Officer