

**ORDINANCE NO. 2012-16  
(AS AMENDED)**

**AN ORDINANCE  
AMENDING CERTAIN SECTIONS OF THE ZONING  
CODE OF THE CODIFIED ORDINANCES OF THE  
VILLAGE OF WAITE HILL, OHIO, TO AMEND THE  
PROCEDURES FOR AMENDING THE ZONING CODE,  
AND REPEALING CERTAIN ORDINANCES.**

WHEREAS, the Council of the Village of Waite Hill has substantially revised the Village's zoning code ("Zoning Code"); and

WHEREAS, as part of the revision, a change was made to the way decisions of the Planning and Zoning Commission are appealed; and

WHEREAS, Council desires to clarify that appeals from the Planning and Zoning Commission are to be taken to the Village's Board of Zoning Appeals; and

WHEREAS, Council desires to amend the notice provisions related to amendments to the Zoning Code; and

WHEREAS, Council desires to give notices of the public hearings regarding the Zoning Code via its website; and

WHEREAS, this ordinance was referred to the Planning and Zoning Commission for report and recommendation; and

WHEREAS, after thirty (30) days' notice advertised in a newspaper, the Planning and Zoning Commission has held a hearing regarding this ordinance; and

WHEREAS, after thirty (30) days' notice advertised in a newspaper, this Council has held a public hearing regarding this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, LAKE COUNTY, STATE OF OHIO:**

SECTION 1. That existing Section 1127.35, Appeals of Decisions, of the Codified Ordinances of the Village of Waite Hill be and is hereby amended to read and provide, in its entirety, as follows:

**"1127.35 APPEALS OF DECISIONS.**

- (a) Architectural Board of Review. Decisions by the Architectural Board of Review shall be heard in accordance with Section 7.36 of the Village's Charter.
- (b) Planning and Zoning Commission. Decisions by the Planning and Zoning Commission granting or denying approval of final site plans shall be final. Final administrative actions of the Planning and Zoning Commission may be appealed to the Board of Zoning Appeals, pursuant to Chapter 1133 of this Code."

SECTION 2. That existing Section 1131.09, Public Hearing and Notice by Planning and Zoning Commission, be and the same is hereby amended to read and provide, in its entirety, as follows:

**“1131.09 PUBLIC HEARING AND NOTICE BY PLANNING AND ZONING COMMISSION.**

- (a) Upon the receipt of an Ordinance from the Village Council, the Planning and Zoning Commission shall set a date for a public hearing for reviewing the proposed amendment.
- (b) Whenever a proposed map amendment proposes to rezone ten (10) or fewer parcels, written notification shall be given by the Zoning Administrator, by first class mail, to the applicant and to all owners of property located within one thousand feet (1000') of the property proposed to be rezoned or redistricted as well as to the owners of property directly across the street from the parcel or parcels to be rezoned. Failure of delivery of such notice shall not invalidate any recommendation of the Planning and Zoning Commission or any subsequently enacted ordinance.
- (c) All notices shall be mailed at least fourteen (14) days prior to the date of the public hearing.
- (d) In all cases, notice of such hearing shall be posted on the Village's website not less than fourteen (14) days prior to the date of the public hearing.
- (e) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.
- (f) The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.”

SECTION 3. That existing Section 1131.17, Public Hearing and Notice by Council, be and the same is hereby amended to read and provide, in its entirety, as follows:

**“1131.17 PUBLIC HEARING AND NOTICE BY VILLAGE COUNCIL.**

Upon receiving the report and recommendation of the Planning and Zoning Commission as to any proposed amendment to this Zoning Code or the Official Zoning Map, Council shall set a date for public hearing.

- (a) Notice of the public hearing shall be given by Council according to the following:
  - (1) Notice of the public hearing shall be published with at least ten (10) days' notice of the time and place of said public hearing to be posted on the Village's website.
  - (2) Whenever a proposed map amendment proposes to rezone ten (10) or fewer parcels, written notification shall be given by the Zoning Administrator, by first class mail, to the applicant and to all owners of property located within one thousand feet (1000') of the property proposed to be rezoned or redistricted as well as to the owners of property directly across the street from the parcel or parcels to be rezoned. The failure to deliver the notification, as provided in this



sub-section shall not invalidate any such amendment, ordinance, measure or regulation.

- (3) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.
- (b) Council may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.
- (c) During the ten (10) days prior to the public hearing, the text of the proposed amendment, maps or plans, if applicable, and the recommendation of the Planning and Zoning Commission shall be on file for public examination in the office of the Zoning Administrator or in such other office as is designated by Council.”

SECTION 4. That the existing Sections 1127.35, Appeals of Decisions, 1131.09, Public Hearing and Notice by Planning and Zoning Commission, and 1131.17, Public Hearing and Notice by Village Council, of the Codified Ordinances of the Village of Waite Hill, and any and all other ordinances that conflict herewith, be and same are hereby repealed.

SECTION 5. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the Village of Waite Hill.

SECTION 6. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2013

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Council President

Submitted to the Mayor  
for his approval on this  
\_\_\_\_\_ day of \_\_\_\_\_, 2013

Approved by the Mayor

ATTEST: \_\_\_\_\_, 2013

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Clerk-Treasurer

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Mayor