

ORDINANCE NO.: 2014- 37
INTRODUCED BY: MR. MUSCENTI

3799

**AN ORDINANCE
AMENDING SECTION 1111.04, 1113.04 AND 1149.03 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO MODIFY
CERTAIN PUBLIC HEARING NOTICE REQUIREMENTS.**

WHEREAS, the Planning and Zoning Commission has recommended to Council that the public hearing notice requirements for property owners be reduced from twenty (20) days to fifteen (15) days for code amendments, applications for wireless telecommunication facilities, and for appeals or variances heard by the Board of Zoning Appeals; and

WHEREAS, the Planning and Zoning Commission has recommended the elimination of the provision of having to advertise notice of a public hearing in a newspaper of general circulation and to amend the Code to add posting notice of the hearing on the Village's website; and

WHEREAS, this Council desires to amend the Village's ordinances to modify the public hearing notice requirements regarding code amendments, applications for wireless telecommunication facilities, and for appeals or variances heard by the Board of Zoning Appeals; and

WHEREAS, Council has held a public hearing on this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That Section 1111.04, "Notices," of Chapter 1111 "Appeals and Variances," of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

"1111.04 NOTICES.

(a) Advertised Notice of Hearing. The Board of Zoning Appeals, upon receiving an application for a variance, or an appeal from the decision of the Administrator, Architectural Board of Review or other administrative entity, shall advertise for and hold a public hearing. Notice of a public hearing shall be posted on the Village's website. ~~Such application request shall be given at least one notice in a newspaper of general circulation in the Municipality at least fifteen (15) days before the date of the hearing.~~

* * *

(c) Contents of Notice. ~~The published and mailed and website notification shall set forth the time and place of the public hearing and a summary of the proposed application request. The Board shall hold at least one public hearing every month unless there is no business to transact. During the fifteen (15) days preceding the hearing, a copy of the application submitted by the applicant shall be on file for public inspection in the office of the Clerk of Council.~~

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SECTION 2. That Section 1113.04, "Action by Council," of Chapter 1113 "Amendments," of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

"1113.04 ACTION BY COUNCIL.

Upon receiving the recommendation of the Planning and Zoning Commission on a proposed amendment, Council shall ~~advertise for and hold~~ a public hearing. For all proposed text or Map amendments ~~at least one~~ notice shall be posted on the Village's website ~~for given in a newspaper of general circulation in the Municipality~~ at least thirty days before the date of the hearing.

If a Map amendment proposes to rezone or redistrict ten contiguous parcels or less, notice of the hearing shall also be mailed by the Clerk of Council, by first class mail, at least fifteen ~~twenty~~ days before the hearing date, to owners of property within and contiguous to, and directly across the street from, the parcel or parcels subject to the proposed amendment, as well as notice to all owners of property within 300 feet of the location of the property involved in the amendment request. The addresses of such owner shall be obtained from the addresses appearing on the County Auditor's tax list or the County Treasurer's mailing list. The failure to mail notices to owners whose names do not appear on such lists, as well as the failure of delivery of such notice, shall not invalidate any such amendment.

The ~~published and mailed~~ and website notification shall set forth the time and place of the public hearing and a summary of the proposed amendment. During the thirty days preceding the hearing a copy of the text of such amendment, and/or the Map showing the area proposed to be changed and reports submitted by the Commission shall be on file for public inspection in the office of the Clerk of Council.

After the public hearing, Council may adopt the proposal whether it is recommended or not recommended by the Commission by majority vote of those elected to Council. If Council modifies the proposal, it may resubmit the proposed modification to the Commission for further consideration. The Clerk of Council shall submit to the Commission a copy of any action taken by Council in regard to the Zoning Code."

SECTION 3. That Subsection (c)(1) of Section 1149.03, "Administrative Procedures," of Chapter 1149 "Wireless Telecommunications Facilities," of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

"1149.03 ADMINISTRATIVE PROCEDURES.

In addition to the requirements of Chapter 1109, the following procedures are established to govern the processing of applications for placement and operation of wireless telecommunication facilities as regulated in this chapter.

* * *

(c) In addition to the Review and Approval Procedures set forth in Section 1109.05, an application for the placement of wireless telecommunication shall be subject to the following:

(1) Upon receiving the recommendation of the Planning and Zoning Commission,

Council shall ~~advertise for and~~ hold a public hearing. Such application request shall be posted on the Village's website ~~given at least one notice in a newspaper of general circulation at least thirty days prior to the date of the hearing.~~ Notice of the hearing shall also be mailed, by first class mail, at least fifteen ~~twenty~~ days before the hearing date, to owners of property within 300 feet of the subject property. The addresses of such owner shall be obtained from the addresses appearing on the County Auditor's tax list or the County Treasurer's mailing list. The failure to mail notice to owners whose names do not appear on such lists, as well as the failure of delivery of such notice, shall not invalidate any subsequent Council action. The ~~published and mailed~~ and website notification shall set forth the time and place of the public hearing and a summary of the proposed application. During the thirty days preceding the hearing, a copy of the application shall be on file for public inspection in the office of the Clerk of Council.

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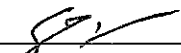
SECTION 4. That existing Sections 1111.04, 1113.04 and 1149.03(c)(1) of the Codified Ordinances of the Village of Chagrin Falls, and any other ordinance in conflict herewith, be and the same are hereby repealed.

SECTION 5. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 6. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 7. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: August 25, 2014



Council President

Submitted to the Mayor for
his approval on this
26 day of August, 2014

Approved by the Mayor
August 26, 2014

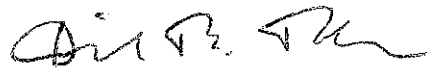


Mayor

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I hereby certify that Ordinance No. 2014- 37 was duly enacted on the 25 day of August, 2014, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council