

ORDINANCE NO. 005 -2023

AN ORDINANCE AMENDING SECTION 1105.08 OF THE MAUMEE CODIFIED ORDINANCES AND ORDINANCE 001-2023 AND DECLARING AN EMERGENCY.

WHEREAS, Section 1105.08 of the Maumee Codified Ordinances and Ordinance 106-2020 need to be amended to update the notice requirements and other requirements related to planning commission matters.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. That Section 1105.08 of the Maumee Codified Ordinances and Ordinance 001-2023 be amended as follows:

1105.08 PUBLIC HEARING REQUIREMENTS.

The purpose of a public hearing is to obtain comments and input from the general public and affected property owners with regard to proposed changes to the Zoning Code and/or District Map.

(a) Filing with Municipal Clerk. After the adoption of a motion by Council or Planning Commission, or after the filing of a complete petition or application with the Municipal Clerk, or after a recommendation from the City Administrator, the Municipal Clerk shall place such recommendation, motion, petition, or application on the agenda of the Planning Commission and shall schedule the matter for public hearing before the Planning Commission.

(b) Notice.

(1) Public Notice. Notice of the time and place of a public hearing shall be posted on the City Website and at the Maumee Municipal Building at least seven (7) calendar days prior to the date of the hearing. During the seven-day period, the text of the recommendation, motion, application, or petition, together with all maps, plans, and reports submitted with reference thereto, shall be on file for public examination in the office of the Municipal Clerk.

(2) Notice by Sign on Subject Property. In the case of a rezoning of property, a sign shall be placed on the subject property indicating the proposed rezoning action under consideration. Such a sign shall be of such size, format, and content as specified by the Zoning Administrator and shall be visible on the subject property beginning no later than seven (7) days prior to the scheduled hearing and shall remain on such property until such time as a recommendation is made by the Plan Commission to City Council. This provision shall not apply for the initial zoning of a parcel annexed into Maumee.

(3) Notice by First Class Mail. If the proposal to rezone, or redistrict, or for issuance of a special permit hereunder, includes ten (10) or fewer parcels of land as listed on the tax duplicate, written notice of the public hearing shall also be mailed by the Municipal Clerk by first class mail at least fifteen (15) calendar days before the date of the public hearing to the Applicant and to owners of real estate adjacent to and directly across the street from such parcel or parcels to the addresses of such applicants and owners appearing on the current tax list of the Auditor of Lucas County or the mailing list of the Treasurer of Lucas County. This provision shall not apply for the initial zoning of a parcel annexed into Maumee.

(4) The failure of delivery of any notice, failure to place a sign or the removal of any sign after initial placement on the premises or the failure to comply with the procedures set forth herein shall not invalidate any ordinance, measure or regulation once adopted by City Council.

(c) Public Hearing. After all evidence, testimony and information has been assembled and heard, the Chairman shall then accept a motion to close the public hearing and upon receiving a majority of affirmative votes, shall proceed to the deliberation of the amendment. The Chairman may also accept a motion to adjourn the hearing to a date specific if it is determined that additional information or testimony is necessary.

(d) Action by Planning Commission. The Planning Commission shall report its recommendation to Council within fifteen (15) calendar days after the close of the public hearing, unless the

applicant agrees to an extension of time. ~~Following the above referenced fifteen 15 day period the~~ City Council may consider the ~~matter~~ recommendations of the Planning Commission at any time following its recommendations.

(e) Council Action

(1) Council is not required to hold a public hearing on the proposed zoning amendment. However, Council may, at its discretion, schedule a public hearing or hearings upon any such matter with such notice, advertisement, at such date, and upon such terms as Council may determine appropriate before acting on any such amendment.

(2) Any recommendation of the Planning Commission may be overruled by a majority vote of all members of the City Council not required to abstain.

SECTION 2. That all prior Codified Ordinances or Ordinances or provisions within such Codified Ordinances or Ordinances in conflict with the provisions of this Ordinance are hereby amended or repealed.

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 that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 4. This Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety in that these provisions are necessary to timely modify these provisions.

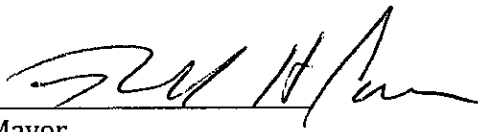
Motion to declare an emergency: Puffenberger Seconded: Noonan

Yeas 7 Nays 0

Motion to Pass: Puffenberger Seconded: Noonan

Yeas 7 Nays 0

Passed as an emergency measure: January 30, 2023




Mayor.

ATTEST:



Municipal Clerk.

APPROVED AS TO FORM:



Law Director.

I, Clerk of Council of the Municipality of McGhee, Ohio, do hereby certify that Ordinance/Resolution No. 005-2023 was duly posted on 1-31-23 and remained posted for a period of fifteen days thereafter, in not less than five of the most public places in the municipality as determined by the Council of said Municipality.

James P. King
Clerk of Council

Date: 2-15-2023