

ORDINANCE NO. 033-2023

AN ORDINANCE AMENDING MAUMEE CODIFIED ORDINANCE CHAPTER 1107, TO CLARIFY AND ADD TO THE REQUIREMENTS FOR AMENDMENTS TO THE ZONING CODE, AND ORDINANCE 078-2010, AND DECLARING AN EMERGENCY

WHEREAS, Chapter 1107 is part of the City of Maumee Zoning Code and certain changes are necessary to amend the methods for implementation of changes to said code;

WHEREAS, these changes will clarify and add to the requirements for amendments to the zoning code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that: SECTION 1. Chapter 1107 and Ordinance 078-2010 are hereby amended in part as follows:

CHAPTER 1107

Amendments to Zoning Code

1107.01 Initiation by Council and Planning Commission.

1107.02 Initiation **for rezoning** by petition or application.

1107.03 Public hearing and action.

1107.04 Fees and costs.

1107.01 INITIATION BY COUNCIL AND PLANNING COMMISSION.

Council, ~~or the~~ Planning Commission, **or City Administrator**, may initiate an amendment, supplement or change to **the Zoning Code**, text or boundaries of zoning districts of this Zoning Code. ~~. in accordance with the procedures set forth in this Section.~~ **Amendments, supplements or changes to the Zoning Code, text or boundaries of zoning districts of this zoning code initiated by Council, the Planning Commission, or City Administrator shall be subject to the public hearing requirements of Section 1105.08.**

1107.02 INITIATION **FOR REZONING** BY PETITION OR APPLICATION.

(a) Contents of Petition for Amendment. A petition or application to **rezone property** filed under this Section shall include all of the following:

(1) A completed form provided by the ~~Municipal Clerk~~ **Department of Public Service** or ~~Zoning Administrator~~ **Urban Planning Manager**.

(2) The name, address, and telephone number of the owner or owners of the property;

(3) If a person other than a record owner of the property, **or those having an ownership interest**, is the petitioner or applicant, a written authorization signed by the owner to act on his or her behalf, and the name, address, and telephone number of the applicant or petitioner;

(4) Current zoning district classification and current specific use of the property, as well as the proposed zoning district classification ~~and/or proposed special permit~~ requested for the property;

(5) ~~Except for proposed amendments to the text of the Zoning Code,~~ A legal description of the area included in the petition or application, and the tax parcel number or numbers for the same;

(6) A list of the names and addresses of the owners of all parcels adjacent to or directly across the street from the property, as obtained from the office of the Lucas County Auditor;

~~(7) For proposed amendments to the text of the Zoning Code, proposed specific language approved by the Director or Law;~~

(8) A statement explaining the desirability of the proposal, **and justification and explanation of why said rezoning would serve the public interest;**

(9) A fee in an amount as directed by Ordinance of Council; and

~~(10) Twenty (20) copies of all documents supporting and justification data required by this ordinance. certified to be a complete submittal by the Building and Zoning Inspector.~~

(b) ~~Determination Application is Complete.~~ The Building and Zoning Inspector **Urban Planning Manager or City Administrator** shall determine if an application for **rezoning** amendment **under this section**, is a complete submittal. If all information **and fees** required to accompany the application ~~is~~ **are** not provided, the Building and Zoning Inspector **Urban Planning Manager or City Administrator** shall promptly notify the applicant that the application is not a complete submittal and of the additional items that must be submitted **in a reasonable time**. On the date the Building and Zoning Inspector **Urban Planning Manager or City Administrator** has determined that the application is a complete submittal, the application shall be stamped **by the Urban Planning Manager or his or her supervisor** as a complete submittal and may be filed with the Municipal Clerk **Department of Public Service** by the applicant within sixty (60) calendar days.

#### 1107.03 PUBLIC HEARING AND ACTION.

Before any amendment to either the **zoning code**, zoning text or zoning map is acted upon, a public hearing shall be conducted in accordance with the requirements of Section 1105.08 (Public Hearing Requirements). Action on such application by the Planning Commission, ~~and Council, or City Administrator~~ shall also be ~~taken~~ **conducted** in accordance with Section 1105.08(d) (Action by Planning Commission).

#### 1107.04 FEES AND COSTS.

The party or parties signing any petition **for rezoning** ~~or application~~ filed under this section **1107.02** shall be responsible for all actual costs incurred by the City in connection with the proposal. No action shall be taken by the Building and **Department of Public Service, Zoning Inspector Urban Planning Manager or City Administrator** ~~or on behalf of an owner of property~~ until the party proposing the same pays a fee to the Municipal Clerk **Department of Public Service** in such an amount as shall be directed by ordinance of Council, and ~~a~~ **additional** deposits in the amount of the estimated costs to be incurred by the City in connection with the subject matter, including the costs of all notices, legal advertising, engineering fees, planning consultants' fee and legal fees required in connection with the proposal. Additionally, the following specific requirements with respect to fees and costs are applicable:

(a) If, during the course of proceedings on a petition or application, the Municipal Clerk **Department of Public Service** determines that the costs to be incurred by the City will exceed the amount of the deposit, the Municipal Clerk **Department of Public Service**, at his ~~or her~~ **it's** discretion, may require an additional deposit in an amount reasonably calculated to cover the excess costs.

(b) For proceedings in which the estimated costs are expected to be minimal, the Municipal Clerk **Department of Public Service**, at his ~~or her~~ **it's** discretion, may waive the payment of a deposit for estimated costs and permit the petitioner or applicant to reimburse the City for actual costs after the amount of the total costs has been incurred.

(c) Only that portion of any deposit representing the excess of the estimated costs over the actual costs to the City shall be refunded regardless of the disposition of such proposals.

(d) An interest charge of one (1) percent per month shall be imposed on the outstanding balances of all accounts which are not paid in full within thirty (30) calendar days after final Council action on the proposal.

(e) No ordinance, resolution, or permit approved under this section shall become effective until such time as all fees and costs due and owing to the City shall have been paid **and current**.

(f) No ordinance ~~or resolution, or permit~~ approved under this section shall become effective unless all real property taxes and/or assessments levied against the real estate which is the subject of the request are ~~not delinquent~~ **paid and current**, and the ~~Petitioner~~ **must sign and file** has filed an affidavit with the ~~Secretary~~ **Department of Public Service** affirming that such taxes and/or assessments are **paid and current**.

SECTION 2. Ordinance 078-2010 and any ordinances, parts of ordinances or the Chapters of the Zoning Code in conflict herewith are hereby amended and repealed in part to reflect the foregoing changes;

SECTION 3. This ordinance is declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the City of Maumee, and more specifically to allow for the immediate update of the zoning code so as to allow certain changes to the process for amendments to the zoning code to be modified in a timely manner and eliminate any inconsistent provisions in the Maumee Code which will be a benefit for the citizens of Maumee, wherefore this ordinance will go into immediate effect upon its adoption by Council.

SECTION 4. 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 council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio.

Motion to declare an emergency: Puffenberger Second: Noonan

Yeas 6 Nays 0

Motion to Pass: Puffenberger Second: Noonan

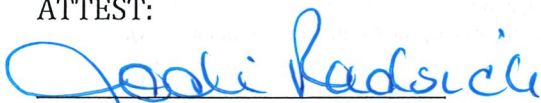
Yeas 6 Nays 0

Passed: September 18, 2023.



Mayor.

ATTEST:



Municipal Clerk.

Approved as to form by:



Law Director.

CERTIFICATE OF POSTING

I, Clerk of Council of the Municipality of Maumee, Ohio, do hereby certify that Ordinance/Resolution No. 033-2023 was duly posted on Sept. 20, 2023 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.

Joan Radzicki  
Clerk of Council

Date: Oct. 5, 2023