



ORDINANCE: 02 – 25

PASSED: \_\_\_\_\_

**AN ORDINANCE TO MODIFY CERTAIN SECTIONS OF CHAPTER 1181 OF THE ZONING CODE RELATED TO NOTIFICATION OF PUBLIC HEARINGS**

**WHEREAS**, Chapter 1181 of the Zoning Code requires a public notice in one or more newspapers of general circulation prior to a public hearing for a variance, rezoning, and conditional use permit; and,

**WHEREAS**, to expand access to public notices, the City desires to publish public notices on the City of Obetz webpage rather than a newspaper; and,

**WHEREAS**, the Planning and Zoning Commission held a public hearing on December 11, 2024 as a part of the regularly scheduled meeting and after review of the requested zoning amendments, recommended approval at that meeting; and,

**WHEREAS**, the Council of the City of Obetz held a public hearing on February 10, 2025 as a part of the regularly scheduled Council meeting as required by the Codified Ordinances of Obetz.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBETZ, OHIO, THAT:**

Section 1. Subsection 1181.03(d) of the Codified Ordinances shall be amended to read as follows:

**1181.03 ZONING AMENDMENT (REZONING) PROCEDURE.**

(d) Review Procedure.

- (1) Filing and Acceptance of Application. Fifteen (15) copies of a completed application shall be filed with the Zoning Inspector at least thirty-five (35) days prior to a regularly scheduled meeting of the Planning and Zoning Commission. Prior to accepting such application, the Zoning Inspector shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Zoning Inspector, shall result in a refusal of acceptance.
- (2) Public Hearing. The application will be held at the next regularly scheduled public hearing provided the applicant meets the requirements of subsection (d)(1) hereof. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.
- (3) Public Notice for Hearing. At least one (1) notice shall be given at least ten (10) days prior to a scheduled public hearing ~~in one (1) or more newspapers of general circulation in the Municipality on the City's webpage.~~ Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to Council for further determination.

- (4) Notice to Property Owners. Written notice of the hearing shall be mailed by the Municipality, at least ten (10) days prior to the date of a scheduled public hearing to all property owners within, contiguous to, or directly across the street from such area proposed to be rezoned or redistricted, as listed in subsection (b)(5) hereof. The notice shall correspond to subsection (c) hereof in content.
- (5) Action by Planning and Zoning Commission. Within thirty-five (35) days of the public hearing, the Planning and Zoning Commission shall review the application and forward one of the following recommendations to Council:
  - A. Recommend amendment be granted as requested.
  - B. Recommend a modification of amendment.
  - C. Recommend amendment not be granted.
- (6) Public Hearing of the Council. Upon receipt of such recommendation, Council shall schedule a public hearing within sixty (60) days of said receipt. Nothing in this section shall prevent the Council from continuing a public hearing.
- (7) Public Notice for Hearing. At least one (1) notice shall be given at least thirty (30) days prior to a scheduled public hearing ~~in one (1) or more newspapers of general circulation in the Municipality on the City's webpage.~~ Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a summary of the Planning and Zoning Commission's recommendation.
- (8) Notice to Property Owners. Written notice of the hearing shall be mailed by the Municipality, at least twenty (20) days prior to the date of the public hearing to all property owners within, contiguous to, or directly across the street from such area proposed to be rezoned or redistricted as listed. Notice shall correspond to subsection (g) hereof in content. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation.
- (9) Action by Council. Within sixty (60) days after public hearing, Council shall adopt or deny the recommendation of Planning and Zoning Commission or adopt a modification thereof. To adopt the Planning and Zoning Commission's recommendation, a majority vote of the membership of Council is required. To reverse or modify the Planning and Zoning Commission's recommendation, a vote of three-fourths (3/4) of the full membership of Council is required. An application for amending this Zoning Code that has been disapproved by Council shall be resubmitted to the Municipality no sooner than one (1) year of the date of such disapproval by Council.

Section 2. Subsection 1181.04(d) shall be amended to read as follows:

**1181.04 PROCEDURES AND REQUIREMENTS FOR VARIANCES.**

(d) Review Procedure.

- (1) Filing of Application. Fifteen (15) copies of a completed application shall be filed with the Zoning Inspector at least thirty-five days (35) days prior to a regularly scheduled meeting of the Planning and Zoning Commission. Prior to accepting such application, the Zoning Inspector shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Zoning Inspector, shall result in a refusal of acceptance.
- (2) Public Hearing. The application shall be heard at the next public hearing, provided the applicant meets the requirements of subsection (d)(1) hereof. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.
- (3) Public Notice for Hearing. At least one (1) notice shall be given at least ten (10) days prior to a scheduled public hearing ~~in one (1) or more newspapers of general circulation in the Municipality on the City's~~

- webpage. Such notice shall include the time and place of the public hearing and the nature of the proposed variance(s).
- (4) Notice to Property Owners. Written notice of the hearing shall be mailed by the Municipality, at least ten (10) days prior to the date of a scheduled public hearing to all property owners as listed under subsection (b)(5) hereof. The notice shall correspond to subsection (d)(3) hereof in content.
- (5) Procedure at Hearing. Within thirty-five (35) days of the public hearing, the Planning and Zoning Commission shall review the application and render one of the following decisions:
- A. Approval of variance(s) as requested.
  - B. Approval of variance(s) with modifications.
  - C. Disapproval of variance(s).

The Commission shall apply criteria in subsection (c) hereof in reaching its determination. In approving a variance(s), the Commission may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the variance is approved, shall be deemed a violation of this Zoning Code and punishable as prescribed herein. The Commission's determination in taking action on a requested variance shall be accompanied by findings of fact and a statement of the reasons for the decision reached.

Section 3. Subsection 1181.05(c) shall be amended to read as follows:

**1181.05 PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USES.**

(c) Review Procedure.

- (1) Filing of Application. Fifteen (15) copies of a completed application shall be filed with the Zoning Inspector at least thirty five days (35) days prior to a regularly scheduled meeting of the Planning and Zoning Commission. Prior to accepting such application, the Zoning Inspector shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Zoning Inspector, shall result in a refusal of acceptance.
- (2) Public Hearing. The Planning and Zoning Commission shall hear the application at its next regularly scheduled meeting provided the applicant meets the requirements of subsection (c)(1) hereof. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.
- (3) Public Notice for Hearing. At least one (1) notice shall be given at least ten (10) days prior to a scheduled public hearing ~~in one (1) or more newspapers of general circulation in the Municipality on the City's~~ webpage. Such notice shall include the time and place of the public hearing and the nature of the proposed variance(s).
- (4) Notice to Property Owners. Written notice of the hearing shall be mailed by the Municipality, at least ten (10) days prior to the date of a scheduled public hearing to all property owners as listed under Section 1181.05(a)(4). The notice shall correspond to subsection (c)(3) hereof in content.
- (5) Procedure at Hearing. Within thirty-five (35) days of the public hearing, the Planning and Zoning Commission shall review the application and render one of the following decisions:
- A. Approval of conditional use as requested.
  - B. Approval of conditional use with modifications.
  - C. Disapproval of conditional use.

Section 4. This Ordinance shall take effect at the earliest time permitted by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**ATTESTS:**

\_\_\_\_\_  
Stacey Boumis, Clerk

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Angela M. Kirk, Mayor

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Council President Pro Tem

**APPROVED AS TO FORM**

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Eugene L. Hollins, Esq., Law Director

**CERTIFICATION OF PUBLICATION**

Pursuant to the City Charter, I, Stacey E. Boumis, Clerk of Council of the City of Obetz, Ohio, do hereby certify that Ordinance \_\_\_\_\_ was duly posted at \_\_\_\_\_ (time) on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, at the Obetz Government Center, Obetz Athletic Club, and Obetz Community Center, as well as on the Obetz website.

\_\_\_\_\_  
Stacey Boumis, Clerk

\_\_\_\_\_  
Date