

Sponsor:

ELLIOTT/Peters

ORDINANCE NO. 26- 23 (Amended)

AN ORDINANCE REPEALING AND AMENDING ZONING REGULATION TEXT IN CHAPTER VI REGARDING NOTICE TO ADJACENT LANDOWNERS OF APPEAL OF AN ORDER OF THE ZONING ENFORCEMENT OFFICER AND REQUEST FOR VARIANCE AND DECLARING AN EMERGENCY.

WHEREAS, the legislative authority of the City of Jackson has published certain Zoning Regulations which reserved to this body the right to amend the Zoning Regulations text upon recommendation of the Planning Commission; and

WHEREAS, this matter constitutes an emergency necessary to protect the health, safety and welfare of the City by immediately putting in place additional safeguards to make certain that notice is given to all those upon whom the granting of a variance will impact; and

WHEREAS, the City Planning Commission has recommended the zoning text be amended regarding notice to landowners within 200 feet of appeals and requests for variances; and

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, OHIO THAT THE TEXT OF THE CITY'S ZONING REGULATIONS REGARDING APPEAL AND VARIANCE PROCEDURES BE REPEALED AND AMENDED, AS SET FORTH BELOW, WITH THOSE STRUCK THROUGH PORTIONS BEING REMOVED AND REPLACED WITH THE UNDERLINED AND CAPITALIZED LANGUAGE SHOWING THE AMENDMENTS TO THE ORIGINAL LANGUAGE AND THAT EACH BE REPLACED WITHIN THE ZONING REGULATION BOOK, IN REGULAR TEXT AS FOLLOWS:

Section E - Appeal Procedures

1. Appeals to the Board of Zoning Appeals concerning administration or interpretation of these Regulations may be taken by any person (HEREINAFTER "APPLICANT") aggrieved or by any officer or bureau of the City affected by any decision of the Zoning Enforcement Officer or the Planning Commission. APPLICANT SHALL FILE A WRITTEN NOTICE OF APPEAL WITH THE ZONING ENFORCEMENT OFFICER OR WITH THE BOARD OF ZONING APPEALS WITHIN 20 DAYS OF THE DECISION BEING APPEALED. THE NOTICE OF APPEAL SHALL SPECIFY THE GROUNDS ON WHICH THE APPEAL IS BEING TAKEN AND SHALL INCLUDE A LIST OF THE NAMES AND ADDRESSES OF ALL OWNERS WITHIN 200 FEET OF THE PROPERTY THAT IS THE SUBJECT OF THE ORDER BEING APPEALED. ~~Such appeal shall be taken within twenty (2) days after the decision by filing, with the Zoning Enforcement Officer and with the Board of Zoning Appeals, a notice of appeal specifying the grounds on which the appeal is being taken.~~ The Zoning Enforcement Officer shall transmit to the Board of Zoning Appeals all materials constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall hear the administrative appeal at its next regularly scheduled meeting OR SPECIAL MEETING, provided said meeting occurs at least seven (7) days after the filing of the appeal. THE ZONING ENFORCEMENT OFFICER SHALL CAUSE NOTICE OF THE HEARING TO BE DELIVERED TO THE PROPERTY OWNERS WITHIN 200 FEET BY LEAVING A COPY OF THE NOTICE AT THEIR RESIDENCE IF LOCATED WITHIN THE CITY LIMITS OR BY REGULAR MAIL TO THOSE LANDOWNERS RESIDING OUTSIDE OF THE CITY LIMITS. LACK OF SERVICE TO

LANDOWNERS SHALL NOT INVALIDATE ANY ACTION TAKEN ON THE APPEAL.

2. An administrative appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board of Zoning Appeals that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by notice given the Zoning Enforcement Officer by a court of record in Jackson County, Ohio.
3. The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Enforcement Officer or the Planning Commission, or to decide in favor of the applicant on any matter upon which it is required to pass under these Regulations, or to ~~effect~~ AFFECT any variation in the application of these Regulations.

This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, Ohio for the reasons set forth herein. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor as provided in Ohio Revised Code Section 731.30.

In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 22 day of May, 2023.

David D. Fuller
President of Council

ATTEST:

Cina Kuhn
Clerk of the Legislative Authority

Approved this 22nd day of May, 2023.

Randyman
Mayor