

ORDINANCE ~~024~~ 2025-03

**ORDINANCE AMENDING ARTICLE VII, OF THE VILLAGE OF BAILEY LAKES ZONING ORDINANCE
ELIMINATING THE PLANNING COMMISSION
OF THE VILLAGE OF BAILEY LAKES**

WHEREAS, under R.C. 713.01, villages in Ohio may establish a planning commission to, among other things, initiate and review proposed amendments to a village's zoning ordinance and conduct public hearings on any proposed amendments; and

WHEREAS, Bailey Lakes Village Council has previously established a Planning Commission in Arts. VII and VIII of the Village of Bailey Lakes' Zoning Ordinance; and

WHEREAS, Council now desires to amend the Village's Zoning Ordinance to abolish and eliminate the Village Planning Commission; and

WHEREAS, under R.C. 713.12, the legislative authority of a municipal corporation seeking to amend the municipality's zoning ordinance must hold a public hearing on the proposed amendments before adopting any amendments to a zoning ordinance, giving at least thirty days' notice of the time and place of the hearing in a newspaper of general circulation in the municipal corporation; and

WHEREAS, on February 3, 2025, Council previously adopted Ordinance No. 2025-03, eliminating Articles VII and VIII of the Village Zoning Ordinance that Council would like to repeal and replace with this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BAILEY LAKES AS FOLLOWS:

SECTION 1. Ordinance No. 2025-03 is hereby repealed in its entirety.

SECTION 2. Articles VII and VIII of the Village of Bailey Lakes Zoning Ordinance are amended in accordance with the attached, eliminating the Village of Bailey Lakes Planning Commission.

SECTION 3. Prior to adoption of this Ordinance, Council shall provide notice of and hold a public hearing on the Ordinance consistent with R.C. 713.12.

SECTION 4. All formal actions of the Council of the Village of Bailey Lakes concerning and relating to the adoption of this Ordinance were taken in open meetings in compliance with all requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First Reading: 2-24-, 2025

Second Reading: 3-10-, 2025

Third Reading: 3-24-25, 2025

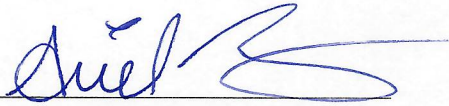
Three Readings Waived NA, 2025


Public Hearing March 24, 2025

ROLL CALL:

<u>yes</u>	Ariel ^{Isaacs} Isaacs	<u>yes</u>	Justin A. ^{Isaacs} Isaacs	<u>yes</u>	Thomas R. Dilgard
	Dottie Scott	<u>yes</u>	Krissy Kauf	<u>yes</u>	Tina Killion

Passed: March 24, 2025

Approved: 
~~John R. Benshoff, Mayor~~
Arling
Ariel Isaacs

Attest: 
Leighanna Cawrse, Fiscal Officer

APPROVED AS TO FORM:

Joseph T. Olecki, Village Solicitor

700 Office of the Zoning Inspector Created

A Zoning Inspector appointed by the Mayor shall administer and enforce this Ordinance. He may be provided with the assistance of such other person as the Mayor may direct.

701 Duties of the Zoning Inspector

For the purposes of this Ordinance, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s):
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance. This may include the issuance of an action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

702 Proceedings of the Planning Commission

This Section intentionally left blank.

703 Duties of the Planning Commission

This Section intentionally left blank.

704 Village Council as Board of Zoning Appeals

Village Council shall act in an administrative capacity as the board of zoning appeals.

705 Proceedings of the Board of Zoning Appeals

This section intentionally left blank.

706 Duties of Village Council functioning as Board of Zoning Appeals

In exercising its duties, Council acting as a board of zoning appeals, may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partially, or modify the order, requirement decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning

Inspector from whom the appeal is taken. The concurring vote of four (4) members of Village Council shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in the application of this Ordinance. For the purpose of this Ordinance, Village Council has the following specific responsibilities;

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector;
2. To authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will not result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done;
3. To grant conditional use permits as specified in Article IV of this Ordinance and under the conditions established in Article V and such additional safeguards as will uphold the intent of this Ordinance.

707 Duties of the Zoning Inspector, Village Council and Courts on Matters of Appeals

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to Village Council in an administrative capacity only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of Village Council acting in an administrative capacity as a board of zoning appeals shall be to the courts as provided by law. Nothing in this Ordinance shall be interpreted to prevent any official of the Village appealing a decision of Village Council to the courts as provided in Chapter 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of Village Council's written decision.

708 Procedure and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Article VII, part 709-716, inclusive, of this Ordinance, Village Council has the appellate jurisdiction relative to appeals and variances.

709 Appeals

Appeals to Village Council concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with Village Council, a notice of appeal, specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to Village Council all papers constituting the record upon which the action appealed from was taken.

710 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless

The Zoning Inspector from whom the appeal is taken, certifies to Village Council after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his 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 Village Council or by court of record on application, on notice to the Zoning Inspector from whom the appeal is taken or due cause shown.

711 Variances

Village Council in an administrative capacity may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same districts and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

712 Application and Standards for Variances

A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and Village Council. Such application shall be supplied by the Zoning Inspector. Additional information required by the Zoning Inspector or Council shall be submitted as needed. A variance shall not be granted unless Village Council makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by part 711 of this Article have been met by the applicant.

713 Supplementary Conditions and Safeguards

Under no circumstances shall Village Council grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, Village Council may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the appeals or variance is granted shall be deemed a violation of this Ordinance and punishable under Article VI, part 610 of this Ordinance.

714 Public Hearing by the Board of Zoning Appeals

Village Council shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

715 Notice of Public Hearing

Before holding the public hearing required in part 714, notice of the hearing shall be published on the Village's web site and social media account at least ten days before the date of the hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

716 Notice of Parties of Interest

Before holding the public hearing required in part 714, written notice of the hearing shall be mailed by first class mail, at least ten (10) days before the date of the hearing to all parties of interest. The notice shall contain the same information as required of notices published as specified in part 715.

717 Action of Village Council

Within 30 days after the public hearing required in part 714, Village Council shall either approve, approve with supplementary conditions as specified in part 713, or disapprove the request for appeal or variance. Village Council shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Village Council decisions shall be made in the manner specified in part 707.

718 Procedure and Requirements for Approval of Conditional Use Permits

Conditional Uses shall conform to the procedures and requirements of parts 719-724 inclusive of this Ordinance as well as Article V, part 513.

719 General

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article IV, shall follow the procedures set forth in parts 720-724, inclusive.

720 Special Uses

1. Where there is a disagreement over the exact location of the boundaries of the Flood Plain District, Village Council shall direct the person questioning the boundary location to retain at their own expense, a registered surveyor or professional engineer to undertake a flood hazard study to determine the point on the land which corresponds to the profile for the 100-year flood.
2. If a person desires to utilize the land as permitted by the district with which the Flood Plain District is combined but such utilization is not permitted or conditionally permitted in the Flood Plain District, and it can be shown that such use will not increase flood stages during the 100-year flood or be subject to physical harm, such use may be permitted. Field survey costs and engineering consultant costs must be paid by the person proposing the special use.

721 Supplementary Conditions and Safeguards

In granting any conditional use, Village Council may prescribe appropriate

conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Article VI, part 610 of this Ordinance.

722 Procedure for Hearing and Notice

Upon receipt of the application for a conditional use permit specified in Article V, part 513, Village Council shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in part 715 and 716 of the Article and this Ordinance.

723 Action by Village Council

Within thirty (30) days after the public hearing required in part 722, Village Council shall either approve, approve with supplementary conditions as specified in part 721, or disapprove the application as presented. If the application is approved or approved with modifications, Village Council shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by Village Council. If the application is disapproved by Village Council, the applicant may seek relief through the Court of Common Pleas. Appeals from Village Council decisions shall be made in the manner specified in part 707 of this Article.

724 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one (1) year.

800 Procedure for Amendment or District Classification Changes

This Ordinance may be amended utilizing the procedures specified in this Article, parts 800- 811, inclusive, of this Ordinance.

801 General

Whenever the public necessity, convenience, general welfare or good zoning practices require, Village Council may by Ordinance, after public hearing and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

802 Initiation of Zoning Amendments

Amendments of this Ordinance may be initiated in one of the following forms;

1. By adoption of a resolution by the Village Council after public hearing;
2. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by the amendment.

803 Application for Zoning Amendment

Applications for amendments of this Ordinance or Official Map, shall be submitted to the Zoning Inspector. Said applications shall be completed and submitted to the Zoning Inspector along with any additional information deemed necessary.

804 Public Hearing

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be scheduled for a public hearing by Village Council in accordance with R.C. 713.12.

805 Submission to the Director of Transportation

Before any Zoning amendment is approved affecting any land within three hundred feet (300') of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred feet (500') from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law; however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date of notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that the acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension there of agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

806 Recommendation by the Planning Commission

This section intentionally left blank.

807 Public Hearing by the Village Council

This section intentionally left blank.

808 Notice of Public Hearing in Newspaper

Notice of public hearing required in Section 804 shall be given by Village Council pursuant to R.C. 713.12(A) (3) on the Village's website and on the Village's Facebook page or other Village social media site at least 30 days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

809 Notice to Property Owner

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing to all the parcel owners appearing on the county Auditor's current tax list or the Treasurer's mailing list owners of property within, contiguous to, and directly across the street from the parcels proposed to be rezoned or redistricted and to such other list of lists that may be specified by Village Council. The failure to deliver the notification as provided in this part of these regulations shall not invalidate any such amendment. The notice shall contain the same information as required of notices in Section 808.

810 Action by the Village Council

The Village Council shall either adopt or deny the proposed amendment or adopt some modification thereof.

811 Effective Date and Referendum

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than ten percent (10%) of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village for approval or rejection at the next election. The foregoing does not apply to an Ordinance adopted as an emergency measure.

812 Annexation

All the land annexed to the Village subsequent to the adoption of this Ordinance shall remain subject to the previous County or Township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Article of these regulations. All land annexed to the Village which, prior to annexation, is not subject to County or Township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this Section.