

ORDINANCE NO. 23-2022

AN ORDINANCE AMENDING SECTIONS 1327.10 AND 1327.11 OF THE CODIFIED ORDINANCES

WHEREAS, the Village of Plain City Codified Ordinances Chapter 1327 sets forth matters related to the Uptown Plain City Historic District and specifically establishes the Design Review Board (“DRB”); and

WHEREAS, DRB has authority to receive applications for and issue Certificates of Appropriateness in accordance with Chapter 1327; and

WHEREAS, Section 1327.10 of the Codified Ordinances sets forth procedures for receiving applications, DRB’s hearing on the matter, and DRB’s determination of issuance, among other matters; and

WHEREAS, Section 1327.11 of the Codified Ordinances sets forth the procedure for an appeal from a DRB decision; and

WHEREAS, the Village has determined the need to amend Sections 1327.10 and 1327.11, in accordance with Exhibit A, which is attached hereto and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of Plain City, as follows:

Section 1. The Village Council hereby amends Codified Ordinances Sections 1327.10 and 1327.11, as presented, which said amendments are attached hereto and incorporated herein as Exhibit A; language being removed is ~~struck~~ and language being added is underlined.

Section 2. 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 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 of the laws of the State of Ohio.

Section 3. This Ordinance shall take effect at the earliest time allowed by law.

Passed: November 14, 2022.

Attest: Austin Preiner
Village Clerk


Jody Carney
Mayor

First reading: November 2, 2022. Vote: ___ yea ___ nay ___ abstain

Second reading: November 14, 2022. Vote: 4 yea 1 nay ___ abstain

CERTIFICATE

The undersigned, Fiscal Officer of the Village of Plain City, Ohio, hereby certifies that the foregoing is a true and accurate copy of Ordinance No. 23-2022, passed by the Council of the Village of Plain City, Ohio on the 14 day of November.



Fiscal Officer, Village of Plain City, Ohio

Approved as to form:
Paul-Michael La Fayette
Village Solicitor

EXHIBIT A

1327.10 PROCEDURES.

(a) The application for a Certificate of Appropriateness shall be made on such forms as prescribed by the Zoning Inspector and approved by Council, along with such plans, drawings, specifications and other materials as may be needed by the Board to make a determination. The Zoning Inspector shall review the application for completeness prior to accepting it for filing and forwarding it to the board for consideration. The Zoning Inspector shall approve the completeness of the application if it evidences response to all submittal requirements and criteria as stated in this chapter. At a minimum, such information shall include the following:

- (1) Appropriate drawings, sketches, site plans, pictures of current site, renderings, material samples, color samples and other material, as needed to illustrate the proposed alteration or environmental change.
- (2) A complete written description of the proposed alteration or environmental change.

(b) Applications for Certificate of Appropriateness shall be filed with the Zoning Inspector at least fifteen (15) working days prior to a meeting of the Board.

(c) Within five (5) working days following his approval of the completeness of an application, the Zoning Inspector shall transmit it to the Chairperson of the Board. Any comment or recommendations of the Zoning Inspector pertaining to the application shall be provided to the Chairperson prior to the meeting and shall be made part of the record of such meeting.

(d) Notice of a Board meeting shall be given by the Zoning Inspector in one or more newspapers of general circulation in the Village at least ten (10) working days before the date of said meeting. The notice shall set forth the date, time and place of the meeting and the subject matter(s) to be discussed and determined. Before conducting a meeting regarding a Certificate of Appropriateness, written notice of such meeting shall be mailed by the Zoning Inspector by first class mail, at least ten (10) working days prior to the meeting to all property owners within 250 feet of the parcel at issue. This notice shall contain the same information as required of the notice published in newspapers as specified above. The failure of delivery of mailed notice shall not invalidate the meeting or any action of the Board.

(e) At its meeting, the Board shall determine whether the proposed alteration or environmental change will be appropriate to the preservation of the environmental, architectural or historic character of the Historic District, pursuant to the criteria specified in this chapter. The applicant, or his representative or agent, must be present at the meeting at which action on the application is to occur.

(f) If insufficient information is provided to enable the Board to evaluate the application for a specific alteration or environmental change, the Board may table discussion on the application

until further information is provided by the applicant. If an application is tabled, the Board shall give the Zoning Inspector notice of such fact, together with a list of the additional information that is requested of the applicant. The Zoning Inspector shall then notify the applicant of such action and forward to the applicant the list of the additional information requested by the Board to aid its determination.

(g) Upon the Board reaching its determination of an application, ~~a written copy of the result, with the decision of the Board clearly indicated,~~ the Board shall prepare written findings of fact and decision that shall be forwarded to the Zoning Inspector for delivery to the applicant.

(h) If no action is taken within sixty (60) days from the ~~date of application~~ first hearing of the application, the Certificate shall be issued as a matter of law. This provision shall not apply if the application is tabled due to lack of information provided by the applicant, ~~or~~ due to the applicant requesting a continuance of the hearing or that the application remain tabled.

(i) It shall be the duty of the Zoning Inspector to monitor the completion of the approved alteration or environmental change and to notify the Chairperson of the Board if such action is not carried out consistent with the approved application. Further, no Certificate of Zoning Compliance shall be issued by the Zoning Inspector unless he determines that, in addition to all other requirements, there has been compliance with the Certificate of Appropriateness. In fulfilling these duties, the Zoning Inspector may request the assistance of the Union County Building Inspector.

(j) The Certificate of Appropriateness is valid for twelve months after issuance unless extended by approval of the Board. After such time, or any approved extension, reapplication for a Certificate of Appropriateness is required.

(Ord. 3-10. Passed 3-8-10. Ord. - - , Passed - -)

1327.11 APPEAL.

(a) Council shall hear and decide appeals by any person aggrieved by, or by any officer of the Village affected by, any decision of the Board where it is alleged there is error in any final determination of the Board made in approving or denying an application for a Certificate of Appropriateness, or in any decision of the Zoning Inspector made in the enforcement of the provisions of this chapter or a Certificate of Appropriateness, provided that such appeal must be made within thirty (30) days after receipt of notice of such final determination or decision. Notice of such appeal shall be filed with the Zoning Inspector, who will forward the matter to Council for determination.

~~(b)~~ The standard of review for an appeal shall be whether there was an abuse of discretion reflecting that the Board or Zoning Inspector's final determination was unreasonable, arbitrary or unconscionable.

~~(b) (c)~~ Council shall consider an appeal within forty-five (45) days of receipt and shall ~~consider the written decision of the Board in making its determination~~ Council's review shall be

confined to a review of the record of proceedings of the Board and the Board's final determination or, in the case of an appeal of the Zoning Inspector's final determination, confined to the application and supporting documentation attached thereto. A majority vote of the members of the Council shall be required to overturn a decision of the Board.

(Ord. 17-08. Passed 9-22-08. Ord. - - . Passed - - -)