

## Resolution No. R-2009-39

A Resolution fixing the time and place of the public hearing on the proposed amendment to the Village Zoning Ordinance and Zoning District Map, adding a Mixed Use District within Original Lot 58, and declaring an emergency.

**Whereas**, on December 7, 2009, at its regular meeting, the Planning Commission recommended that Council amend the Village Zoning Ordinance and Zoning District Map by adding a mixed use district as shown on attached **Exhibit A** (“proposed amendment”); and

**Whereas**, in accordance with Zoning Ordinance § 1147.01, Council, by resolution, must fix the time and place of the public hearing on the proposed amendment, and publish and send notices of the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Windham, Portage County, Ohio, two thirds (2/3) or more of its members concurring:

SECTION 1: That, the public hearing on the proposed amendment shall be held on February 23<sup>rd</sup>, 2010, beginning at 6:30 P.M. at the Village Hall.

SECTION 2: That the Village Fiscal Officer is directed to cause notice of the proposed amendment and the time and place of the public hearing to be published in the Record Courier, a newspaper of general circulation in the Village, once a week for three consecutive weeks, with the first publication appearing at least 30 days before the public hearing.

SECTION 3: That the Village Fiscal Officer is directed to cause written notice of the time and place of the public hearing to be sent by first class mail to the property owners listed in attached **Exhibit B**; such notice must be postmarked at least 20 days before the public hearing.

SECTION 4: That, in accordance with Zoning Ordinance § 1147.01(b)(4), the Village Fiscal Officer is directed to cause such notice to be sent to every association of Village residents that have registered its name and address for this purpose with the Fiscal Officer.

SECTION 5: This Ordinance is declared to be an emergency measure effective immediately upon its passage by Council and approval by the Mayor, necessary to protect the health, safety and welfare of the municipality and for the reason that the zoning ordinance and map of the Village of Windham must be amended to permit mixed use of the certain areas including the location of the school building on Wilverne Drive and the surrounding area to advance economic development within the Village.

SECTION 6: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such

formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

PASSED IN COUNCIL as an emergency this 22nd day of December 2009.

Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher.  
Nays: None.

ATTEST:

APPROVED:

\_\_\_\_\_  
Lloyd Billman, Fiscal Officer

\_\_\_\_\_  
Robert Donham, II, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

\_\_\_\_\_  
Lloyd Billman, Fiscal Officer

APPROVED AS TO FORM:

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Thomas Reitz, Solicitor