

ORDINANCE O-2019-5

AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING MAP BY REPEALING THE EXISTING MAP AND AUTHORIZING AND APPROVING A NEW MAP CHANGING THE ZONING CLASSIFICATION SOUTH OF E. CENTER STREET FROM 9814 E. CENTER STREET TO SNOW ROAD FROM THE MIXED USE ZONING DISTRICT TO R-2 RESIDENTIAL ZONING DISTRICT.

WHEREAS, at the January 15, 2019 Windham Planning Commission meeting the Planning Commission recommended that the Council amend the Village of Windham Zoning Map by repealing the existing Map, and establishing a new Map; and

WHEREAS, in accordance with Windham Codified Ordinance § 1147.01, on February 26, 2019, Council, by resolution, fixed the time, date, and place of the public hearing on the proposed amendment and directed the Village Fiscal Officer to publish the notice in conformity with Windham Codified Ordinance § 1147.01; and

WHEREAS, Council caused 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 within the Village, once a week for three consecutive weeks; and

WHEREAS, in conformity with the provisions of Windham Codified Ordinance 1147.01(b)(3) the Council directed the Fiscal Officer to provide written notice of the hearing at least twenty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from each parcel being considered for rezoning in this ordinance; and

WHEREAS, on April 23, 2019 at least thirty (30) days after the date of the first publication in the newspaper, Council held a public hearing on the proposed amendment; and

WHEREAS, prior to the first reading of this ordinance, Council caused a copy of this ordinance to be filed in the office of the Village Fiscal Officer for public examination; and

WHEREAS, Council has considered the recommendation of the Planning Commission and after the public hearing desires to amend the zoning ordinance as recommended.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Windham, Portage County, Ohio, the majority or more of its members concurring:

SECTION 1: The existing Zoning Map of the Village of Windham is hereby repealed, but only to the extent of the amendments set forth in this ordinance.

SECTION 2: A new Zoning Map for the Village of Windham as is set forth in the attached Exhibit "A" is hereby approved, enacted and established.

SECTION 3: That this ordinance is adopted pursuant to the Village's home rule powers under Article XVIII, Section 3 of the Ohio Constitution and is expressly intended to supercede any provisions of the Ohio Revised Code in conflict with its provisions.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this 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, including Section 121.22 of the Ohio Revised Code.

SECTION 5: That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

First Reading: February 26, 2019

Second Reading: March 26, 2019

Third Reading: April 24, 2019