

Ordinance No. O-2010-16

An Ordinance amending Village Zoning Ordinance §  
1169.03 by reducing the minimum lot area in the  
R-1 District.

Whereas, on May 5, 2010, at a special meeting, the Planning Commission recommended that Council amend Village Zoning Ordinance § 1169.03 by reducing the minimum lot area in the R-1 Residential District to match the Portage County Health Department Home Sewage Treatment Regulations, § 13.02(K), which provides that the lot area shall not be less than 0.75 acres (unless the observed soil conditions indicate that a lesser area may be acceptable); and

Whereas, in accordance with Zoning Ordinance § 1147.01, on August 25, 2010, 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 and send the notice described in Zoning Ordinance § 1147.01 (see attached Resolution R-2010-40); 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 the Village, once a week for three consecutive weeks (see attached affidavit setting forth the published notice); and

Whereas, on September 28, 2010, 35 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: That Village Zoning Ordinance § 1169.03, Ordinance #8-2-2004-2, passed October 12, 2004, which currently reads as follows:

**1169.03 AREA, YARD AND HEIGHT REGULATIONS**

(a) Minimum Lot Size. The minimum lot area shall be 1.5 acres for a single family dwelling unit and 2.0 acres for a duplex unit with a minimum lot width at the building setback line of 150 feet, unless a larger lot is required by the

Portage County Health Department to adequately accommodate individual sanitary sewage disposal systems in view of intended use, soils, topography and other pertinent considerations.

be, and hereby is, repealed.

SECTION 2: That Village Zoning Ordinance § 1169.03, is amended to read as follows (text changes in **bold**):

**1169.03 AREA, YARD AND HEIGHT REGULATIONS**

(a) Minimum Lot Size. The minimum lot area shall be **0.75** acres for a single family dwelling unit and **1.5** acres for a duplex unit with a minimum lot width at the building setback line of **100 feet for a single family dwelling unit and 150 feet for a duplex unit**, unless a larger lot is required by the Portage County Health Department to adequately accommodate individual sanitary sewage disposal systems in view of intended use, soils, topography and other pertinent considerations.

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: That all formal actions of Council relating to the adoption of this ordinance, and all deliberations of Council and any of its committees leading to such action, were in meetings open to the public and required by R.C. 121.22.

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

First Reading: May 26, 2010

Second Reading: June 24, 2010

Third Reading: September 28, 2010

PASSED IN COUNCIL this 28<sup>th</sup> day of September, 2010.

Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Miranda  
Nays: Mrs. Rininger.

ATTEST:

APPROVED:

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

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

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

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Lloyd Billman, Fiscal Officer

APPROVED AS TO FORM:

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Thomas Reitz, Solicitor