

By: Mickelson

ORDINANCE NO. 22-2022

AN ORDINANCE TO AMEND CHAPTER 1141, PLANNING COMMISSION, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GRANVILLE

WHEREAS, the Council of the Village of Granville, Ohio, has determined that it is necessary to update the Zoning Code of the Village; and,

WHEREAS, the Council of the Village of Granville has determined that amendments to this Chapter are necessary to bring the review process into conformance with best practices across municipal planning.

NOW, THEREFORE, BE IT ORDAINED that the Council of the Village of Granville, Licking County, Ohio hereby amends Chapter 1141, the Planning Commission, of the codified ordinances of the Village of Granville.

Section I. That Chapter 1141, entitled Planning Commission, be amended as follows:

1141.04 POWERS; DUTIES OF THE PLANNING COMMISSION:

The duties of the Planning Commission are as follows:

- (a) Review proposed amendments or rezoning requests to the Zoning Ordinance and/or Subdivision Regulations and make recommendations to Council.
- (b) Initiate amendments to the Zoning Ordinance and/or make such planning or zoning recommendations to Council as are deemed necessary.
- (c) Review and act upon applications for subdivision.
- (d) Review and act upon applications for zoning permits in accordance with chapters 1159, Village District, 1161, Architectural Review Overlay District, and 1176 Transportation Corridor Overlay District.
- (e) Review and act upon applications for Zoning Permits requiring architectural review as provided for in Chapter 1161 of this Zoning Ordinance.
- (f) Review and act upon development plan and individual site plan applications in the Planned Development Districts, Community Service District, and Suburban Business District.
- (g) Perform such other duties as may be required by ordinance or requested by Council.
- (h) Hold informal working sessions with developers, builders and the general public, for the purpose of providing advice and guidance in accordance with the Comprehensive Plan, and prior to the submittal and review of formal development plans.
- (i) If a majority of the members of the Commission decides that the Commission needs legal counsel for any public or administrative hearing that the Commission is authorized or required to conduct or participate in under this Zoning Ordinance, the chairperson shall request Council to provide such counsel. If Council approves the request, it shall direct the Law Director to appoint counsel for the Commission, subject to the financial approval of the Village Manager.
- (j) Collaborate with staff on area and general planning, to include plan-making and plan approval.
(Ord. 11-2012. Passed 7-18-12.)

1141.05 PROCEDURE FOR DECISIONS OF THE PLANNING COMMISSION.

- (a) All completed applications which are referred to the Planning Commission for review shall be heard within forty-five (45) calendar days from the date of filing. The forty-five-day limit shall stop when the Planning & Development

Department provides comments and/or corrections, and shall reset upon resubmittal to the Planning & Development Department.

(b) Notice of the date set for hearing shall be published in one or more local newspapers of general circulation in the Village and posted on at least one (1) public bulletin board. Notice to the applicant and adjacent or contiguous property owners shall be sent by first class mail as evidenced by a certificate of mailing or by personal service at least six days prior to the hearing date. The notice shall state the date, the time and the place of the hearing, the name of the applicant and the nature of the application. The failure of delivery of such notice shall not invalidate any decision by the Planning Commission related to the hearing. The Commission may continue an on-going hearing from date to date without additional notice. A sign indicating a hearing will be held regarding an application for the subject property shall also be posted on the subject property no sooner than fourteen (14) calendars days, and no later than forty-eight (48) hours, from the hearing date. Failure to place a sign on the subject property within the stipulated timeframe shall not invalidate any decision by Planning Commission related to the hearing.

(c) The following persons may appear at hearings as parties and be heard in person or by attorney:

- (1) The applicant;
- (2) The owner of property that is the subject of the application, if the owner is not the applicant or appellant;
- (3) The owner of property that is adjacent or contiguous to the property that is the subject of the application; and
- (4) Any other person who claims that a direct, present injury or prejudice to a personal or property right will occur if the application is approved or denied.

(d) A person authorized to appear and be heard may:

- (1) Present his or her position, arguments and contentions;
- (2) Offer and examine witnesses and present evidence in support of his or her position, arguments and contentions;
- (3) Cross-examine witnesses purporting to refute his or her position, arguments and contentions;
- (4) Offer evidence and testimony to refute evidence and testimony offered in opposition to his or her position, arguments, and contentions;
- (5) Proffer any evidence or testimony into the record if such evidence or testimony has not been admitted by the Commission.

(e) Hearings are open to the public, but are not public hearings. Any witness offering testimony or presenting evidence at a hearing shall be placed under oath prior to offering testimony or evidence. All hearings shall be audio-recorded. The Planning Commission, at its option, may have a hearing transcribed by court reporter.

(f) The Commission shall decide all applications within sixty (60) days after the formal conclusion of the hearing by the Commission, unless waived by the applicant. The decision of the Commission shall be in writing and shall be accompanied by findings of fact and a statement of reasons for the decision reached. The decision shall be filed in the Village Office and it shall become a part of the public record. The Village Manager, or his/her designee, shall serve a certified copy of the Commission's decision by personal service or ordinary mail on all parties to the hearing, all persons who claimed a right but were not permitted to appear as parties to the hearing.

(g) The Planning & Development Director, or his/her designee, shall incorporate the terms and conditions of the decision in the permit to the applicant, whenever a permit is authorized.
(Ord. 11-2012. Passed 7-18-12.)

1141.06 APPEALS FROM DECISIONS OF THE PLANNING COMMISSION.

All persons who received notice under Subsection (f) of 1141.05 may appeal a decision of the Planning Commission to Council by filing a written notice of appeal with the Clerk of Council not later than ten (10) days after the decision is delivered by personal service or ordinary mail. Similarly, within ten (10) days of

Village Council being notified of any decision by the Planning Commission, Village Council may direct the Village Manager to file an appeal. At the time of filing the notice of appeal, the appellant shall submit in writing their reason for appeal and may request a copy of the official record. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the weight of the evidence, the appellant shall include in the record all evidence relevant to the findings or conclusion. A person who intends to appear at the appeal hearing as an appellee may file with the Clerk additional parts of the record at any time before the hearing.
(Ord. 11-2012. Passed 7-18-12.)

Section II. This ordinance shall become effective upon the earliest date allowed by the laws of the State of Ohio and the Charter of the Village of Granville.

Passed this 16th day of November, 2022.




Melissa Hartfield, Mayor

ATTEST:



Autumn Klein, Clerk of Council

APPROVED AS TO FORM:



William Mattes, Law Director