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| VILLAGE OF BOSTON HEIGHTS | Codified? | First Reading _____ | Waiver 3-Reading Rule _____ |
| ORDINANCE NO: <u>2015 – 11-27</u> | Yes <u>X</u> | Second Reading _____ | Yes _____ |
| INTRODUCED BY <u>D. POLYAK</u> | No _____ | Third Reading <u>X</u> | No _____ |

AN ORDINANCE AMENDING CODIFIED ORDINANCE 1153.08(f) REGARDING THE REVIEW OF A RESIDENTIAL CONSERVATION DEVELOPMENT BY THE PLANNING COMMISSION

WHEREAS, During July, 2007 the Village Council approved various changes to the Village Ordinances to grant the Planning Commission, rather than the Board of Zoning Appeals, the sole power to approve, or disapprove, conditional land uses; and,

WHEREAS, The purpose of this Ordinance is to amend Section 1153.08(f) to comport with the Council's intent to grant the Planning Commission the sole authority to approve, or disapprove, conditional land uses; and,

WHEREAS, The Planning Commission has reviewed and voted to approve this amendment to Section 1153.08(f) of the Codified Ordinance; and,

WHEREAS, The Planning Commission has forwarded the amended version of Chapter 1153.08(f) to the Council of the Village of Boston Heights for a vote; and,

WHEREAS, The necessary advertising has been completed as to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Summit County, Ohio as follows:

Section 1: That the specified portions of Codified Ordinance 1153.08(f) be hereby amended with the following language:

1153.08(f) Application Procedures. All applications for residential conservation development shall be made to the Planning Commission for approval or disapproval.

An applicant is required to set forth in its application the applicant's request for any density bonus. The applicant will set forth with specificity the basis for requesting a density bonus. The grant or denial of a density bonus shall be made by the Planning Commission after considering any relevant information that is brought for consideration before the Commission.

If an applicant is approved by the Planning Commission for residential conservation development, the applicant shall enter into a development agreement with the Village that shall detail how the residential conservation development is to be developed in accordance with the standards of this chapter and shall detail the grant of any density bonuses and how the applicant shall meet the conditions necessary to meet the density bonus standards.

Section 2: That this Ordinance is in the best interests and public safety of the Village of Boston Heights and its residents.

Section 3: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Zoning Inspector's Office, the Planning Commission, and the Board of Zoning Appeals, and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:



BILL GONCY, MAYOR

ATTEST:



BETTY KLINGENBERG, FISCAL OFFICER

I, Betty Klingenberg, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance **2015-11-27** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **6th day of January, 2016**