



ORDINANCE O-08-2024

AN ORDINANCE TO AMEND CHAPTERS 1111.05, 1111.07, and 1113.05 OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES TO UPDATE PUBLICATION REQUIREMENTS AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, under the non-appropriations provisions of House Bill 33, effective October 3, 2023, the state legislature made changes to Ohio Revised Code (R.C.) Section 731.21 Publication of ordinances and resolutions; and

WHEREAS, the new version of R.C. 731.21 authorizes publication of a succinct summary of each municipal ordinance or resolution and all statements, orders, proclamations, notices and reports required by law or ordinance by selecting 1 or more of the 3 following methods: (1) in a newspaper of general circulation in the municipal corporation, (2) the state's public notice website established under R.C. 125.182, (3) the municipal corporation's website and social media account; and

WHEREAS, R.C. 731.21 also contains provisions for proof of publication by affidavit, notice of where to obtain or view a complete text, review by the law director to ensure legal accuracy and sufficiency of text summary, and supplying a complete text upon request; and

WHEREAS, current New Albany Codified Ordinance Sections 1111.05, 1111.07, and 1113.05 require newspaper publication of certain council, planning commission, and board of zoning appeals public hearings related to amending the zoning map, zoning appeals, and zoning variances; and

WHEREAS, newspaper circulation numbers are smaller, the internet has supplanted newspapers as a primary source of information for the public, publication in a newspaper can be expensive, and the City of New Albany and State of Ohio both maintain websites that can make posted information easier to find; and

WHEREAS, the city will continue implementing the required additional modes of informing the public, including on-site signage and neighbor notice letters; and

WHEREAS, the city wishes to update its code to make legally published information more accessible to the public.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. Council hereby amends New Albany Codified Ordinance Sections 1111.05, 1111.07, and 1113.05 to allow for publication by city website and social media, state website, or newspaper of general circulation as set forth in the attached red-lined Exhibit A.


Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 3. Pursuant to Article VI, Section 6.07(A) of the Charter of the City of New Albany, this ordinance shall be in effect immediately upon adoption.


CERTIFIED AS ADOPTED this 17 day of March, 2024.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	01/04/2024
Introduced:	03/05/2024
Revised:	
Adopted:	03/19/2024
Effective:	04/18/2024

1111.05 - RECOMMENDATION BY THE PLANNING COMMISSION.

(A) Within sixty (60) days after the first regular meeting of the Planning Commission after the receipt of the proposed amendment or unless extended by majority vote of the Commission, the Commission shall recommend to Council that the amendment be approved as requested; recommend the application be granted with modifications; or recommend denial of the request for amendment consideration.

(B) A public hearing shall be held by the Planning Commission for consideration of the proposed amendment to the Zoning Ordinance or Map. In accordance with the Ohio Revised Code, notice of the time, place and purpose of such hearing shall be published once at least seven (7) days before the hearing in ~~a newspaper of general circulation in the Municipality. In addition, advertisement of the public hearing shall also be published in a local community publication that is issued weekly.~~ one or more of the following methods:

(1) on the Municipality's website and social media account;

(2) on the state's public notice website established under R.C. 125.182;

(3) in a newspaper of general circulation in the Municipality. ~~In addition, advertisement of the public hearing shall also be published in a local community publication that is issued weekly.~~

(C) In addition to the publication of notice required by this section, the Zoning Officer shall notify the applicants, all owners of the parcel or parcels proposed to be rezoned and all owners of neighboring properties as set out in the applicant's affidavit, of the time and place of the public meeting at which such application will be considered. Such notices, which shall include the additional information required in the published notice hereinabove provided for, shall be served by first class mail posted at least ten (10) days before the date of the proposed hearing.

(D) In addition to the written and published notification above, the Municipality shall post one sign per public street frontage of the parcel proposed for a zoning change. The sign shall be installed at least ten (10) days before the public hearing at which the Planning Commission hears the rezoning change application. New zoning at the time of annexation shall not be required to be posted. The sign shall be consistent with diagram in Figure 1, attached to original Ordinance 23-98. The exact design and content of the sign shall be determined and approved by the Zoning Officer in accordance with the intent and spirit of this section.

(Ord. 23-98. Passed 9-1-98.)

1111.07 - ACTION BY COUNCIL.

(a) Public Hearing. Upon receipt of the recommendation from the Planning Commission, Council shall schedule a public hearing that may be held as part of the second reading of the ordinance.

(b) Public Notice. Notice of the public hearing shall be given by the Clerk of ~~Council~~ to at least one newspaper of general circulation in the Municipality for publication by one or more of the following methods:

(1) on the Municipality's website and social media account;

(2) on the state's public notice website established under R.C. 125.82;

(3) in at least one newspaper of general circulation in the Municipality.

Proof of publication shall be made by affidavit of the proprietor of the newspaper or operator of the state's public notice website, as applicable, and shall be filed with the office of the Clerk of Council.

The notice shall be published at least seven (7) days before the date of the hearing. The published notice shall set the time and place of the public hearing and shall include a succinct summary of the proposed amendment. The publication shall contain notice that the complete text of each ordinance or resolution may be obtained or viewed at the Clerk of Council's office, and may be viewed at any other location designated by Council. The Municipality Law Director shall review the summary of an ordinance or resolution published under this section before forwarding it to the Clerk of Council for publication, to ensure the summary is legally accurate and sufficient. If the proposed ordinance intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made to all applicants, all owners of the parcel or parcels proposed to be rezoned and all owners of neighboring properties as set out in the applicant's affidavit, by the Clerk of Council by first class mail at least seven (7) days before the date of the public hearing. The failure of delivery of such notice shall not invalidate such proposed ordinance.

(c) Display of Relevant Materials. Prior to the public hearing, the text or copy of the text of the proposed ordinance, together with maps, plans and reports submitted by the Planning Commission shall be on file, for public examination, in the office of the Clerk of Council.

(Ord. 21-2003. Passed 9-16-03; Ord. 53-2009. Passed 12-1-09; Ord. [O-12-2014](#). Passed 6-3-14.)

1113.05 - PUBLIC HEARINGS AND NOTICE.

(a) Public Hearing. The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an application for an appeal or variance from staff.

(b) Notice. Before conducting the required public hearing, notice of the hearing shall be given ~~in one or more newspapers of general circulation in the Municipality~~ at least seven (7) days before the date of said hearing in one or more of the following methods:

(1) on the Municipality's website and social media account;

(2) on the state's public notice website as established under R.C. 125.182;

(3) in one or more newspapers of general circulation in the Municipality.

The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

Written notice of the required public hearing shall be mailed by first class mail, at least ten (10) days before the day of the hearing to owners of property within two hundred (200) feet from, contiguous to, and directly across the street from the property being considered.

(Ord. 30-93. Passed 5-18-93; Ord. O-08-2011. Passed 5-17-11.)
