



Prepared: 09/09/2016
Introduced: 09/20/2016
Revised:
Adopted: 10/18/2016
Effective: 10/18/2016

ORDINANCE O-32-2016

AN ORDINANCE TO AMEND CHAPTER 1125.06 "COMPLIANCE WITH NEW ALBANY COMMUNITY AUTHORITY" OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES

WHEREAS, it has been found that the Codified Ordinances of the City of New Albany, Chapter 1125.06, needs to be amended; and

WHEREAS, the following amendment will expand the applicability of this provision to any community authorities established within the city; and

WHEREAS, the Planning Commission has held a public hearing and received public input into the amendment of the codified ordinance; and

WHEREAS, the Planning Commission recommended approval of the proposed amendment to the codified ordinance.

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


Section 1. The Codified Ordinance Chapter 1125.06 be amended to "Compliance With Any Existing New Community Authority" (labeled Exhibit A) as requested by the City of New Albany.

Section 2: That it is hereby found and determined that all formal actions of this council concerning and relating to passage of this ordinance were adopted in an open meeting of the Council and that all deliberations of this council and any of the decision making bodies of the City of New Albany which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of New Albany, Franklin and Licking Counties, Ohio.

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 on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 18th day of October, 2016.

Attest:



Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

1125.06 COMPLIANCE WITH ANY EXISTING NEW ALBANY COMMUNITY AUTHORITY.

(a) The Municipality shall not enact any legislation accepting the following territory for annexation under Ohio R.C. 709.04 until there has been compliance with the following requirements relating to any existing New Community Authority established within the Municipality pursuant to Ohio Revised Code Chapter 349~~the New Albany Community Authority~~ (~~the applicable~~the “Authority”):

(1) If the newly annexed area is greater than seven acres and the current use is agricultural or residential, the property shall be irrevocably added to the applicable Authority, such addition effective upon annexation, but shall not be subject to any community development charge levied by the applicable Authority until such time as the property or property owner requests and is granted a rezoning to a higher use.

(2) If the current use of the newly annexed area is other than agricultural or residential, regardless of its size, the property shall be irrevocably added to the applicable Authority, such addition effective upon annexation, and thereafter shall be subject to any community development charge levied by the applicable Authority.

(b) If the newly annexed area is seven acres or less and the current use is agricultural or residential, the Municipality shall not enact any legislation rezoning the territory to a higher use until there has been compliance with this requirement relating to the applicable Authority: The property shall be irrevocably added to the applicable Authority at the time of and effective upon rezoning to a higher use, and thereafter shall be subject to any community development charge levied by the applicable Authority.

(Ord. 1-96. Passed 1-23-96; Ord. O-1-2012. Passed 1-24-12.)