

ORDINANCE NO. 036-17

AN ORDINANCE AMENDING SECTION 1101.01 OF THE CITY OF NAPOLEON, OHIO CODIFIED ORDINANCES, SPECIFICALLY CREATING DEFINITIONS RELATED TO SECTION 1145.01, TABLE OF PERMISSIBLE USES, IN CHAPTER 11 OF THE PLANNING & ZONING SECTION OF SAID CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY

WHEREAS, City Council recently reviewed the City's Planning and Zoning Code in an effort to keep up to date with the current trends of development; and,

WHEREAS, in Ordinance No. 030-17, passed by this City Council on May 15, 2017, Section 1145.01 Table of Permissible Uses in the "Agricultural" table, under the "Commercial" heading, the "C-4" column, the "Specialized Animal Raising" row was amended to the letter "C," indicating that the use may be permissible with a conditional use permit in the indicated zone as may be issued by the Zoning Administrator upon approval by the Council after Planning Commission review; and,

WHEREAS, the City of Napoleon's current Codified Ordinances do not include appropriate definitions of the terms "Specialized Animal Raising" or "Domestic Animal or Pet;" and,

WHEREAS, upon recommendation of the City of Napoleon, Ohio's Planning Commission, this Council deems prudent to amend the Planning and Zoning Code, to wit: Section 1101.01 (Definitions) related to Section 1145.01 (Table of Permissible Uses); **Now Therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, in accordance with Section 1145.01 Table of Permissible Uses in the "Agricultural" table under the "Commercial" heading, the "C-4" column; the "Specialized Animal Raising" row has recently been amended to the letter "C," per Ordinance No. 030-17, passed by this City Council on May 15, 2017, this change indicating that the use may be permissible with a conditional use permit in the indicated zone as may be issued by the Zoning Administrator upon approval by the Council after Planning Commission review.

Section 2. That, the City of Napoleon Planning Commission considered the following criteria in making its decision to amend as set forth above:

- a. The present zoning classification of the general property of the area in question is currently zoned C-4 Planned Commercial; and,
- b. The existing use of the property within the general area in question; and,
- c. The suitability of the property in question to the uses permitted under the existing zoning classification; and,
- d. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and,

e. Changed or changing conditions in the applicable area, or in the City, generally that make the proposed zoning or amendment thereto reasonably necessary to the promotion of the public health, safety, or general welfare.

Section 3. That, the City of Napoleon's Codified Ordinances shall henceforth define the terms "Specialized Animal Raising" or "Domestic Animal or Pet," as follows:

a. "Specialized Animal Raising" shall be defined as "the use of land and buildings for the raising and care of fur-bearing animals such as rabbits and domestic pets; and the stabling and care of horses, animal kennels, pigeon raising and raising of any other domestic animals or birds of a similar nature."

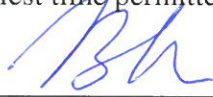
b. "Domestic Animal or Pet" as referred to in above Section 3a, and as defined in Ohio Administrative Code Section 901:1-17-02(J), shall be defined as "livestock, or other animals that through long association with humans have been bred to a degree resulting in genetic changes affecting the temperament, color, confirmation, or other attributes of the species to an extent that makes them different from nondomestic animals of their kind," with the City of Napoleon, Ohio's current Codified Ordinances previously defining "Livestock" as "farm type animals or poultry kept or raised for use, pleasure or profit, such as chickens, turkeys, pigs, goats, sheep, horses, buffalo, cattle, and the like, kept or raised as one or many."

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 6. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for effective and timely promotion of economic development; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: June 5, 2017

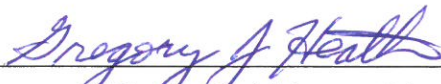

Travis B. Sheaffer, Council President

Approved: June 5, 2017


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea ☐ Nay ☐ Abstain

Attest:



Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 036-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 12th day of June, 2017; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.



Gregory J. Heath, Clerk/Finance Director