

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR THE COUNTY OF LINCOLN

3 ORDINANCE #264

4 AN ORDINANCE AMENDING LINCOLN COUNTY ZONING ORDINANCE #183,
5 REPEALING A P-D DESIGNATION FOR MAKAI III PLANNED DEVELOPMENT
6 SHOWN ON ASSESSOR'S MAPS AS TAX LOT 300, MAP 12-11-18; TAX
7 LOT 100, MAP 12-11-18AC; TAX LOTS 100 AND 101, MAP 12-11-18CA;
8 TAX LOTS 1600, 16300, and 16400, MAP 12-11-18DB; AND DECLARING
9 AN EMERGENCY

10 WHEREAS, on April 13, 1983, the Lincoln County Board
11 of Commissioners adopted an ordinance amending the Lincoln
12 County Zoning Ordinance, Ordinance #183, to place a Planned
13 Development Overlay designation on Makai III, a 94-unit Planned
14 Development located seven miles south of Newport, east of
15 Highway 101, and identified on Lincoln County Assessor's Maps
16 as follows: Map 12-11-18, Tax Lot 300; Map 12-11-18AC, Tax
17 Lot 100; Map 12-11-18CA, Tax Lots 100 and 101; and Map 12-11-18DB,
18 Tax Lots 1600, 16300 and 16400; and

19 WHEREAS, while no building permits have been issued on the
20 development, final approval has remained in effect through
21 regulated requested extensions of time according to Lincoln
22 County Code Section 1.1380(6); and

23 WHEREAS, the deadline for requesting a further
24 extension of the final approval of the Planned Development was
25 February 28, 1988, and the owner of the property, Mr. Donald A.
26 McMillan, did not forward request for extension of the approval
and stated to the Lincoln County Department of Planning and
Development a desire to abandon the project; and

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1 WHEREAS, the Lincoln County Code Section 1.1380(6)
2 states as follows:

3 If no building permits have been issued within
4 two (2) years of the date of final approval of
5 the Planned Development, it shall be terminated
6 and the zoning change automatically repealed,
7 unless a request to extend the time limit is
8 approved by the Planning Commission.

9 and

10 WHEREAS, the repeal of the zone change requires the
11 adoption of an ordinance; however, the decision to repeal the
12 zone change is automatic and, therefore, is nondiscretionary; and

13 WHEREAS, the Lincoln County Planning Commission, on
14 March 21, 1988, adopted a Resolution indicating that no request
15 to extend final approval had been received and recommending
16 that the Board repeal the zone change, and forwarding said
17 recommendation to the Board of Commissioners;

18 NOW, THEREFORE, THE BOARD HEREBY ORDAINS AS FOLLOWS:

19 SECTION I: ZONING

20 Ordinance #192, changing zoning designation on prop-
21 erties known as Makai III from Rural Residential (RR-1-2) to
22 Rural Residential Planned Development (RR-1-2PD) is hereby
23 repealed. The Makai III properties described therein shall
24 revert to a Rural Residential (RR-1-2) zoning designation.

25 SECTION II: MAPS

26 The Lincoln County Department of Planning and Develop-
ment shall amend the official maps filed in the Lincoln County
Clerk's Office and note the change with a citation to this

2 Ordinance #264

1 ordinance.

2 SECTION III: EMERGENCY

3 This ordinance, being necessary for the immediate
4 preservation of the public peace, health, and safety, an
5 emergency is declared to exist and this ordinance takes effect
6 upon its adoption.

7 DATED this 23rd day of March, 1988.

8 LINCOLN COUNTY BOARD OF COMMISSIONERS

9 Norma McMillin
10 NORMA McMILLIN, Chairman

11 Frank Armstrong
12 FRANK ARMSTRONG, Commissioner

13 Alberta Bryant
14 ALBERTA BRYANT, Commissioner

15 Janice Kampf Secretary

16 Lincoln County Legal Counsel
17 Lincoln County Courthouse
18 225 W. Olive Street
19 Newport, OH 45757
20 Phone: 469-0011 ext. 308