

ORDINANCE NO. 65-2014

Offered by All of Council

AN ORDINANCE TO AMEND SECTION 1145.19 OF THE CODIFIED ORDINANCES OF THE VILLAGE PERTAINING TO DEMOLITION OF STRUCTURES IN C-H HISTORIC COMMERCIAL DISTRICTS

BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That Section 1145.19 of the Codified Ordinances of the Village be amended to read as follows:

1145.19 DEMOLITION OR RELOCATION.

(a) In considering a request to demolish or move a building or other structure located within the C-H Historic Commercial Districts, the Commission shall consider the following factors in making its decision to approve or disapprove the request:

- (1) The architectural and historic significance of the subject building or structure;
- (2) The significance of the building or structure in contributing to the architectural or historic character of its environs;
- (3) The relationship between the location of the subject building or structure and its overall significance (in the case of a request to move a building or other structure);
- (4) The present and potential viability of the subject building or structure, given its physical condition and marketability;
- (5) If the demolition will remedy conditions imminently dangerous to the life, health or property, as determined in writing by the Director of Public Safety, the Division of Fire or a department of Summit County; and
- (6) The results of the review made pursuant to Section 1145.17 of the plans for the purposed re-use of the site, if any.

(b) The Commission may delay action for a period of not more than ninety (90) days ~~six months~~, on the demolition or moving of a building which it deems to be significant, in order to allow economic viability studies to be conducted, as well as to allow interested parties the opportunity to explore alternatives to the proposed action. At the end of such ninety (90) day period, or such longer period as Council may have authorized, the Commission shall either approve or disapprove the request to demolish or move, ~~or may choose to delay action for a~~

~~second and final period of not more than six months if the Commission determines that this additional time period may be useful in securing an alternative to the proposed demolition or moving. At the end of such second and final period, the Commission shall either approve or disapprove the request to demolish or move. A disapproval of the request to demolish or move must be based upon written findings of fact approved by the Commission and related to each of the factors in subsection (a) above and must be filed with the Clerk of Council immediately. Council may, within thirty days after such filing, reverse or modify the decision of the Commission by a resolution of Council receiving the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council, which shall be a final order for purposes of Ohio Revised Code Chapter 2506. If no action is taken by Council within such thirty day period, then the decision of the Commission shall be a final order for purposes of Ohio Revised Code Chapter 2506.~~

SECTION 2. That Section 1145.19 of the Codified Ordinances of the Village, as it existed prior to the effective date of this Ordinance is hereby repealed.

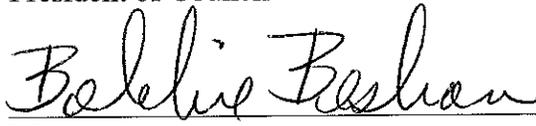
SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 4-21-15



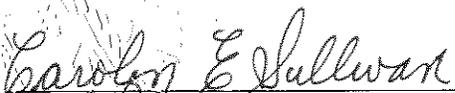
President of Council



Mayor

Dated: 4-21-15

ATTEST:



Clerk of Council

Village of Richfield

4410 W. STREETSBORO ROAD
P.O. BOX 387
RICHFIELD, OHIO 44286-0387
330-659-9201

BOBBIE BESHARA, Mayor
RICK HUDAK, Council President

SANDY TURK, Finance Director
MELANIE A. BAKER, Service Director

Memorandum

TO: Carolyn Sullivan, Council Clerk

FROM: Brian M. Frantz, AICP, Planning and Zoning Director 

SUBJECT: Chapter 1107 Zoning Text Amendment

DATE: January 14, 2015

At their meeting last evening, the Planning Commission unanimously recommended disapproval of Ordinance 65-2014. Ordinance 65-2014 originated with Village Council and proposed to amend Section 1145.19 of the Planning and Zoning Code. The amendment proposes changes to the approval process and time periods related to the demolition or moving of a building in the Commercial Historic Zoning District that is referred to the Commission by Village Council.

Per the Planning and Zoning Code, the recommendation of Planning Commission is to be forwarded to Village Council for action but a public hearing at a Council meeting must first be conducted within 60 days of the notification to Council of the Planning Commission's action. After conducting the public hearing, Council is required to take formal action within 90 days of the hearing date. Therefore, I am respectfully requesting that Planning Commission's recommendation regarding Ordinance 65-2014 be forwarded to Village Council to complete this amendment process.

Village of Richfield

4410 W. STREETSBORO ROAD
P.O. BOX 387
RICHFIELD, OHIO 44286-0387
330-659-9201

BOBBIE BESHARA, Mayor
RICK HUDAK, Council President

SANDY TURK, Finance Director
MELANIE A. BAKER, Service Director

Memorandum

TO: Rick Hudak, Council President

FROM: Brian M. Frantz, AICP, Planning and Zoning Director 

SUBJECT: Ordinance 65-2014 - Planning Commission Recommendation

DATE: February 16, 2015

At their meeting held on January 13, 2015, the Planning Commission unanimously recommended disapproval of Ordinance 65-2014. Ordinance 65-2014 originated with Village Council and proposed to amend Section 1145.19 of the Planning and Zoning Code. The amendment proposes changes to the approval process and time periods related to the demolition or moving of a building in the Commercial Historic Zoning District that is referred to the Commission by Village Council.

Planning Commission recommended disapproval for the following reasons:

- 1) Chapter 1145 of the Planning and Zoning Code is a preservation ordinance and the proposal to amend is viewed as a demolition ordinance;
- 2) There are no criteria to determine which cases should go to Council first, with referral to Planning Commission, or which cases only go to Planning Commission.
- 3) There are no criteria to direct Council on the appropriate amount of time for Planning Commission to conduct viability studies and explore alternatives and;
- 4) There are no criteria, such as those states in Section 1145.19 (a) 1-6 of the Planning and Zoning Code, to direct Council in the reversal or modification of the Commission's decision.

If you have any questions regarding the Commission's action, please do not hesitate to contact me.

c: Mayor
Law Director
Planning Commission
File

**CERTIFICATION OF PUBLIC HEARINGS
PURSUANT TO SECTION 715.75 OF THE OHIO REVISED CODE**

State of Ohio)
) ss:
County of Summit)

On this 9th day of March, 2015, I Carolyn Sullivan as the Clerk of Council for the Village of Richfield, Ohio, hereby certify that a public hearing was held on March 3, 2015 regarding the proposed Ordinance 65-2014 in accordance with the requirement of Section 715.75 of the Revised Code. Notice of the public hearings was published in the Akron Beacon Journal, a newspaper of general circulation in Summit County, Ohio and the Westside Leader. The Affidavits of Publication for the newspaper notices are attached as Exhibit A.

I also certify that during the thirty-day period prior to the public hearing, all of the following documents were available for public inspection in the Office of the Clerk of Council for the Village of Richfield, Ohio

1. Ordinance 65-2014
2. Planning & Zoning recommendation disapproving Ordinance



Carolyn Sullivan, Clerk of Council
Village of Richfield

Public Hearing Posting Information

I, Carolyn Sullivan, of the Village of Richfield, Summit County, Ohio, do hereby certify that **Public Meeting Notice for Ordinance 65-2014 for March 3, 2015** was duly posted by the Council of the Village of Richfield, Summit County, Ohio on the 25th day of January, 2015. In addition to publication in Akron Beacon Journal, it has been posted in at least five (5) of the most public places in said Village as therefore determined by Council. Additionally it has been posted on the Village web site.

Most public places are:

- 1) Richfield Town Hall, 4410 Streetsboro Road
- 2) Richfield Police Department, 4410 West Streetsboro Road
- 3) United States Post Office, 3900 Broadview Road
- 4) Giant Eagle, 4428 Broadview Road
- 5) Richfield Senior Center, 4400 West Streetsboro Road
- 6) Richfield Library, 3761 S. Grant Street

Each posting is for a period of fifteen (15) days commencing on the 21st day of January, 2015.



Carolyn E. Sullivan, Clerk of Council

NOTICE OF PUBLIC HEARING VILLAGE OF RICHFIELD

A public hearing has been scheduled for discussion of Ordinance No. 65-2014 on March, 3, 2015 at 7:45 pm in the Richfield Council Chambers, 4410 West Streetsboro Road.

Ordinance proposes amending codified ordinances pertaining to demolition of structures in Commercial/Historic District.

Any person interested will be afforded an opportunity to be heard.

Carolyn Sullivan
Clerk of Council

Village of Richfield
4410 Streetsboro Rd
P.O. Box 387
Richfield, Ohio 44286-0387

Clerk of Council
330 659-9201 Ext. 228
330 659-2564 (Fax)

FAX TRANSMITTAL COVER

Company Name: Akron Beacon Journal, Legal Notices

Contact Name: Sue Robinson
330 996 3349

Fax Number: 330 996 3074

Sender: Carolyn Sullivan
Clerk of Council
Fax: 330 659-2564

Description: Please publish this Notice of Zoning Changes in the Beacon on
January 25, 2015 .

Number of pages 1
(not including
cover):

Date & Time Sent: 11/2/2011 3:00 p.m.

If there are any Problems with this transmission, please call: Carolyn Sullivan at (330)
659-9201 Ext. 228 immediately

* * * Communication Result Report (Jan. 21. 2015 3:25PM) * * *

1) Village of Richfield Council
2)

Date/Time: Jan. 21. 2015 3:25PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0015	Memory TX	Beacon Journal	P. 2	OK	

- Reason for error
- E. 1) Hang up or line fail
 - E. 2) Busy
 - E. 3) No answer
 - E. 4) No facsimile connection
 - E. 5) Exceeded max. E-mail size
 - E. 6) Destination does not support IP-Fax

Village of Richfield
 4410 Streetsboro Rd
 P.O. Box 387
 Richfield, Ohio 44286-0387

Clerk of Council
 330 659-9201 Ext.228
 330 659-2564 (Fax)

FAX TRANSMITTAL COVER

Company Name: Akron Beacon Journal, Legal Notices

Contact Name: Sue Robinson
330 996 3349

Fax Number: 330 996 3074

Sender: Carolyn Sullivan
Clerk of Council
Fax: 330 659-2564

Description: Please publish this Notice of Zoning Changes in the Beacon on January 25, 2015.

Number of pages 1
(not including cover):
Date & Time Sent: 11/2/2011 3:00 p.m.

If there are any Problems with this transmission, please call: Carolyn Sullivan at (330) 659-9201 Ext. 228 immediately

* * * Communication Result Report (Jan. 21. 2015 3:32PM) * * *

1} Village of Richfield Council
2}

Date/Time: Jan. 21. 2015 3:25PM

File No.	Mode	Destination	Pg (s)	Result	Page Not Sent
0016	Memory TX	Westside leader	P. 2	E-3)3)	P. 1-2

Reason for error

- E. 1) Hang up or line fail
- E. 2) Busy
- E. 3) No answer
- E. 4) No facsimile connection
- E. 5) Exceeded max. E-mail size
- E. 6) Destination does not support IP-Fax

Village of Richfield
 4410 Streetsboro Rd
 P.O. Box 387
 Richfield, Ohio 44286-0387

Clerk of Council
 330 659-9201 Ext. 228
 330 659-2564 (Fax)

FAX TRANSMITTAL COVER

Company Name: WestSide Leader Classified
 As a Legal Notice

Contact Name:

Fax Number: 330 665 0909

Sender: Carolyn Sullivan
 Clerk of Council
 Fax: 330 659-2564

Description: Please publish this Notice in the next issue of the WestSide Leader.

Number of pages 1
 (not including cover);
 Date & Time Sent: Aug. 5, 2011 6:20 p.m.

If there are any Problems with this transmission, please call: Carolyn Sullivan at (330) 659-9201 Ext. 228 immediately