

ORDINANCE NO. 37-2012

Offered by Councilman Waszak

AN ORDINANCE AMENDING SECTION 1107.19, "APPEALS TO COURT," OF THE PLANNING AND ZONING CODE TO PROVIDE FOR COUNCIL REVIEW OF CERTAIN DECISIONS OF THE BOARD OF ZONING APPEALS

WHEREAS, Council desires the authority to review decisions of the Board of Zoning Appeals that would change the character of land use and permit a different zoning use on the property.

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

SECTION 1. That existing Section 1107.19 of the Planning and Zoning Code, "Appeals to Court" be amended to read as follows:

1107.19 DECISIONS; APPEALS TO COURT.

Other than in the case of a variance granted by the Board from the use provisions of this Code, decisions by the Board granting or denying variances shall be final within the Village, except that an appeal therefrom may be taken to the Court of Common Pleas of Summit County, Ohio pursuant to Chapter 2506 of the Ohio Revised Code by an interested party, including the Village and its officials. In cases where a variance is granted by the Board which would permit a use of property that is not a permitted, conditionally permitted, or accessory use for the property under this Code, the Secretary of the Board shall immediately file with the Clerk of Council a copy of the transcript of the Board proceedings that resulted in the granting of the variance. Council may, within thirty days after such filing, reverse or modify the decision of the Board by a resolution of Council which states the reasons for its decision. If no action is taken by Council within such thirty day period, then the decision of the Board shall be final.

SECTION 2. That Section 1107.19, "Appeals to Court" of the Planning and Zoning Code, as it existed prior to the effective date of this Ordinance be, and the same hereby is, repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 3-5-13

Rich Waszak
President of Council

ATTEST:

Balbirie Bashara
Mayor

Michelle Swa
Clerk of Council

Dated: 3-5-13