

AN ORDINANCE AMENDING CHAPTER 1107, "AMENDMENTS," OF THE PLANNING & ZONING CODE AND REQUIRING NOTIFICATION OF PROPERTY OWNERS FOR ANY ZONING CHANGE REQUESTED BY A PROPERTY OWNER AND OUTLINING GUIDELINES FOR SUCH NOTIFICATION

WHEREAS, this Council believes that adequate notification to abutting and neighborhood property owners will enhance public awareness of proposed zoning changes and will allow the residents of Richfield the ability to express their views on proposed zoning changes to the Planning Commission and Council; and

WHEREAS, upon referral to the Planning and Zoning Commission, the Commission agreed with Council's belief concerning notification and made further recommendations concerning the procedures for amending the Planning & Zoning Code;

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

SECTION 1. That Chapter 1107 of the Planning & Zoning Code, entitled "Amendments," be amended to read as follows:

1107.01 AMENDMENTS BY COUNCIL

Council may, from time to time, amend this Zoning Code by changing the number, shape, area or regulations of districts established on the Zoning Districts Map or the regulations set forth in this Zoning Code.

1107.02 INITIATION OF AMENDMENTS

Amendments to this Zoning Code may be initiated by:

- (a) Motion of the Planning and Zoning Commission.
- (b) Adoption of a resolution by Council.
- (c) Filing of an application with Council by one or more property owners within the area proposed to be changed or affected by the proposed amendment to this Zoning Code.

1107.03 CONTENTS OF APPLICATION FOR AMENDMENT

All applications for a zoning amendment shall be made to the Clerk of Council and shall include:

- (a) Evidence that the existing Zoning Code is unreasonable with respect to the particular property, and deprives the property owner of his or her lawful and reasonable use of the land. For the purposes of this

Zoning Code, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.

- (b) Evidence that the proposed amendment would materialize in an equal or better Zoning Code than that existing.
- (c) An application fee of One Hundred Fifty Dollars (\$150.00) to cover the cost of publishing and posting, mailing the notices of hearings and other expenses incident thereto. In the event the expenses amount to more than One Hundred Fifty Dollars (\$150.00), the applicant shall pay the additional amount to the Village. Such fee shall not apply to any amendment initiated by Council or the Planning and Zoning Commission.
- (d) Proof of ownership of the parcel, or parcels, of property sought to be rezoned.
- (e) A legal description of the parcel, or parcels, of property with a drawing to scale.
- (f) A description of the proposed use of the property, as rezoned, either written, drawn or both.
- (g) A list of the names and addresses of the owners of all properties lying within one thousand (1,000) feet of the parcel, or parcels, the zoning of which would be changed by the proposed amendment. Said names and addresses shall be placed on two (2) sets of gummed labels. The applicant shall use the Summit County Auditor's current records for these names and addresses.

1107.04 REFERRAL OF PROPOSED AMENDMENT TO COMMISSION

The text or copy of the text of each amendment to this Zoning Code, together with the maps or plans or copies thereof forming a part of, or referred to in, such amendment to this Zoning Code, shall be certified by the Clerk of Council to the Planning and Zoning Commission for approval, disapproval or recommended modifications. The Commission shall be allowed a reasonable period of time, not more than thirty (30) days, for consideration and report to Council, unless the Council shall provide a different period of time.

1107.05 PLANNING AND ZONING COMMISSION REVIEW AND RECOMMENDATION

- (a) Review by the Planning and Zoning Commission.
The Planning and Zoning Commission shall set an informal hearing or informational meeting for review of a zoning amendment application, upon receipt of a certified zoning amendment application from the Clerk of Council.

- (b) Notice of informal hearing or informational meeting concerning proposed rezoning of land.
If the zoning amendment intends to rezone or redistrict a parcel, or parcels, of land, as listed on the tax duplicate(s), written notice (consisting of a cover letter briefly explaining the proposed rezoning, along with the Planning and Zoning Commission agenda) of the informal hearing or informational meeting shall be mailed by the Zoning Inspector, by first class mail, at least ten (10) days prior to the scheduled Planning and Zoning informal hearing or informational meeting, to the property owners within one thousand (1,000) feet, as provided for on the gummed labels required in the application for zoning amendment.
- (c) Planning and Zoning Commission action and report.
The Planning and Zoning Commission shall, within the time period provided by Council, which is to be measured from the date of referral by Council to the Planning and Zoning Commission, send an approval, disapproval or recommendation, and report back to Council.

1107.06 PUBLIC HEARING BY COUNCIL

Before this Zoning Code is amended, Council shall hold a public hearing thereon.

- (a) Notice of Hearing.
Council shall, upon receipt of a recommendation from the Planning and Zoning Commission, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than sixty (60) days from the approval, disapproval or recommendation and report from the Commission. Notice of such hearing shall be given as follows:
- (1) By publication of the time and place of such hearing in a newspaper of general circulation in the Village at least thirty (30) days prior to the hearing date. The notice shall include a statement that opportunity will be afforded to any person interested to be heard.
 - (2) If the amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the date of the public hearing, to the listed property owners within one thousand (1,000) feet as provided for on the gummed labels required in the application for zoning amendment.

(b) Public Inspection of Proposed Amendment.

During the thirty (30) days subsequent to giving notice of the public hearing, the text or copy of the text of such amendment, together with the maps or plans or copies thereof forming a part of, or referred to in, such amendment, and the maps, plans and reports submitted by the Planning and Zoning Commission, shall be on file for public examination in the office of the Clerk of Council, or in such office as is designated by Council.

1107.07 ACTION BY COUNCIL

Within ninety (90) days after the public hearing provided for in Section 1107.06, Council shall act on the proposed amendment.

1107.08 AMENDMENTS TO DEFINITIONS

Whenever an amendment is made to the text of this Zoning Code, the appropriate definitions pertinent to such amendment shall be included in the proper definition chapter.

SECTION 2. That all ordinances and resolutions inconsistent with this Ordinance be, and the same hereby are, repealed.

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

Passed: November 5, 1996

May N. Malone
VICE-President of Council

Ronald H. Larsen
Mayor

Dated: 11/6/96

ATTEST:

Carole Gibson
Clerk of Council

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Ord. No. 47-1996

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LEGAL NOTICE
 Notice is hereby given that Council will hold a public hearing on the 5th day of November, 1996 at 7:15 p.m. Eastern Time in the Council Chambers at the Town Hall, 4410 West Streetsboro Road, Richfield, Ohio 44286-0387 on Ordinance No. 47-1996 entitled "An Ordinance amending Chapter 1107, "Amendments", of the Planning and Zoning Code and requiring notification of property owners for any zoning change requested by a property owner and outlining guidelines for such notification".
 By Order of the Council of the Village of Richfield,
 Carole Gibson
 Clerk of Council

THE STATE OF OHIO }
SUMMIT COUNTY, ss. }

I, Carole Gibson, clerk of

THE BEACON JOURNAL PUBLISHING COMPANY, publishers of THE AKRON BEACON JOURNAL, on oath, say that the notice hereunto annexed has been published ONE TIME on the... 3rd day of Oct, 19 96, in said paper printed and published in the City of Akron, County of Summit, State of Ohio, and of general circulation therein. That said newspaper had a bona-fide circulation of more than twenty-five thousand (25,000) at the time the advertisement was published, and the price charged in the attached bill for same does not exceed the rates charged for like amount of space to other advertisers who advertise in its general display advertising columns.

SIGNED Carole Gibson

Sworn to before me, and subscribed in my presence, this 16th day of Oct, 19 96

Kimberly L. Sharp
Notary Public, Summit County, Ohio
My Commission Expires July 11, 1999

Printer's Fee -----

Affidavit -----

Total ----- 91.77

KIMBERLY L. SHARP, Notary Public
Residence - Stark County
State Wide Jurisdiction, Ohio
My Commission Expires: July 11, 1999