

ORDINANCE NO. 65 -2013

Offered by All of Council

AN ORDINANCE ESTABLISHING A THREE MONTH TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR USE VARIANCES; AND DECLARING AN EMERGENCY

WHEREAS, based upon concerns regarding proper land use planning and the potential for "spot" zoning resulting from the issuance of use variances, this Council, in Ordinance No. 54-2013, has initiated a text amendment to the Planning and Zoning Code that would eliminate use variances in the Village; and

WHEREAS, the procedures set forth in Codified Ordinance Chapter 1109 for amending the Planning and Zoning Code require the proposed text amendment to be referred by Council to the Planning Commission for review and recommendation to Council and then, for Council to hold a public hearing on the proposed text amendment prior to its adoption by Council; and

WHEREAS, it is anticipated that this required text amendment process will take several months to complete; and

WHEREAS, this Council believes that a temporary moratorium on the acceptance and processing of applications for use variances while the Planning Commission and Council review the proposed text amendment will afford Village the time necessary to comply with the required text amendment process, preserve the status quo, and protect the public health, safety and general welfare; and

WHEREAS, this temporary moratorium shall not apply to any property owner or entity that has submitted applications for use variances to the Village prior to the effective date of this Ordinance.

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

SECTION 1: For a period of three (3) months from the effective date of this Ordinance, the Village shall not accept or process any applications for use variances.

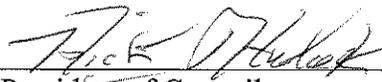
SECTION 2: This temporary moratorium shall not apply to any property owner or entity that has submitted an application for a use variance to the Village prior to the effective date of this Ordinance.

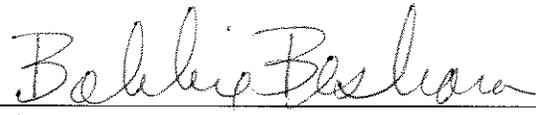
SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that

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 is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the Village, and for the further reason that it is necessary to impose an immediate temporary moratorium to have a pause for planning purposes so as to further the orderly development of the Village with respect to variances and to protect the public interest and rights of property owners. Wherefore, this Ordinance shall take effect and be in force immediately upon its passage by a unanimous affirmative vote of Council and approval by the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

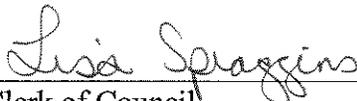
PASSED: September 17, 2013

  
President of Council

  
Mayor

Dated: 9/17/2013

ATTEST:

  
Clerk of Council