

ORDINANCE NO. 86-2013

Offered by All of Council

AN ORDINANCE EXTENDING THE 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, through Ordinance No. 65-2013, established a three (3) month temporary moratorium on the acceptance and processing of applications for use variances while the Planning Commission and Council review the proposed text amendment; and

WHEREAS, said temporary moratorium is set to expire on December 17, 2013; and

WHEREAS, this Council believes that a three (3) month extension of said temporary moratorium will not unreasonably prohibit the use of properties in the Village and will afford the 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.

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

SECTION 1: That the temporary moratorium on the acceptance and processing of applications for use variances, established by Ordinance 65-2013, shall be extended for three (3) months, through March 17, 2014.

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 Ordinance 65-2013.

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: December 17, 2013

Rick Markle
President of Council

Bolele' Bashara
Mayor

Dated: 12/18/13

ATTEST:

Lisa Spraggins
Clerk of Council