

ORDINANCE NO. 23-2008

Offered by All of Council

AN ORDINANCE ENACTING A NEW SECTION 1103.041 OF THE PLANNING AND ZONING CODE PROVIDING VILLAGE COUNCIL WITH AUTHORITY TO REVIEW CONDITIONALLY PERMITTED USES APPROVED BY THE PLANNING AND ZONING COMMISSION

WHEREAS, this Council has been made aware that there is no review procedure in the Planning and Zoning Code to review conditionally permitted uses approved by the Planning and Zoning Commission; and

WHEREAS, this Council wishes to enact a procedure whereby the Village Council, in certain circumstances, may call up and review the approval of a conditionally permitted use by the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission reviewed and recommended against this Ordinance at its meeting of June 10, 2008; and

WHEREAS, this Council held a public hearing on this Ordinance on the 5th day of August, 2008.

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

SECTION 1. That there is enacted a new section, being Section 1103.041, of the Planning and Zoning Code entitled "Call Up Authority for Conditionally Permitted Uses" to read as follows:

"1103.041 CALL UP AUTHORITY FOR CONDITIONALLY PERMITTED USES.

Whenever the Planning and Zoning Commission ("P&Z") reviews and grants either preliminary or final approval of an application for approval of a conditional use or whenever the Board of Zoning Appeals ("BZA") grants either preliminary or final approval of an application for approval of a conditional use upon appeal from a decision of the P&Z thereof, such approval shall not become effective for a period of 30 days after the meeting at which the P&Z or BZA approved the motion for preliminary or final approval of a conditional use. Within said 30-day period, Council, either (a) by a letter filed with the Clerk of Council signed by four members of Council or (b) by the affirmative vote of four members of Council, may call up the issue of the approval of the conditional use. Council may at any time during said 30-day period waive its right to exercise such call up authority. Upon Council exercising its call up authority, the action of the P&Z or BZA in granting preliminary or final approval of the conditional use shall not become effective and Council may review the approval of the conditional use using the same standards as are contained in the Planning and Zoning Code governing the P&Z's consideration of applications for approval of conditional uses. The Council shall not be bound by any time limit in its deliberations. In

any such case in which Council exercises its authority to call up the application for approval of a conditional use under this section, the determination of Village Council shall have final approval authority over the consideration of the application for approval of a conditional use.”

SECTION 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8-5-08



President of Council



Mayor

Dated: 8/5/08

ATTESTED:



Clerk of Council