

AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING CERTIFICATES BY THE VILLAGE AND PROHIBITING THE DEMOLITION OF STRUCTURES FOR THE C-3 COMMERCIAL DISTRICT AND C-S SPECIAL COMMERCIAL DISTRICT IN THE VILLAGE; AND DECLARING AN EMERGENCY.

Whereas, pursuant to Ordinance No. 18-2001 of this Council, a moratorium on the acceptance and processing of applications for zoning certificates by the Village and prohibiting demolition of structures in the C-3 Commercial District and in a C-S Special Commercial District for a period of ninety (90) days through May 7, 2001, for the reasons set forth in said Ordinance; and

Whereas, the Historic District areas encompassing the C-3 Commercial District and C-S Special Commercial District in the Village are continuing to experience an increased demand for commercial development and are in need of immediate, continued protection and certain land use controls for their proper future development by adding special criteria and standards for review to the Village's Planning and Zoning Code in order to protect the historic structures in these areas and safeguard the heritage of the Village, but permit future commercial development, which development will be compatible with these historic structures, enhance the economic vitality of the Districts as a whole and foster civic pride in the beauty and aesthetic character of the Village; and

Whereas, a professional planning consultant and the Law Director's Office are currently in the process of discussing and reviewing with various Village officials draft regulations which will further the above-stated purposes for the Historic Districts, which process will take an additional period of at least three months to review and revise the draft regulations, complete the required review by and recommendation of the Planning Commission, and the review by this Council, as well as to hold the required public hearing on said regulations; and

Whereas, this Council believes that an additional three-month moratorium on the acceptance and processing of applications for zoning certificates and development reviews in the identified zoning districts will not unreasonably prohibit the use of properties in said districts and will afford Village officials, the Planning Commission and this Council the time necessary to adopt and put into effect reasonable development criteria and standards for review to further the purposes set forth in Ordinance No. 18-2001 of this Council; and

Whereas, this Council is highly mindful of its obligations to the public to provide for orderly development within the Village in order to protect the public health, safety and general welfare and this Council is also highly mindful of the rights of private landowners to use and enjoy their property; and

Whereas, one application was previously tendered to the Village for development within an area affected by the moratorium established by Ordinance No. 18-2001, which application proposes the construction of one building with less than 5,000 square feet of gross floor area and a development that will comply with the spirit and intent of the amendments being considered for that Historic District;

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

- SECTION 1. That the moratorium prohibiting the acceptance and processing of any applications for zoning certificates and prohibiting the demolition of any structure for all properties located in the C-3 Commercial District and the C-S Special Commercial District as set forth on the Zoning Districts Map in the Village of Richfield, which moratorium was established by Ordinance No. 18-2001 of this Council, shall be extended for three (3) months through August 7, 2001.
- SECTION 2. That demolition of a structure may be permitted if the Mayor, as head of the Department of Safety, determines that such demolition is immediately necessary to protect the safety of persons or property.
- SECTION 3. That whenever the provisions of this Ordinance and Ordinance No. 18-2001 conflict with any other ordinance or provision of the Codified Ordinances of the Village of Richfield, the provisions of this Ordinance and Ordinance No. 18-2001 shall control.
- SECTION 4. That any complete applications for zoning certificates that were submitted in writing and filed with the Village prior to April 30, 2001, and propose the construction of a structure with a gross floor area of less than 5,000 square feet, are not subject to the provisions of this Ordinance and may be processed as otherwise provided by law.
- SECTION 5: That upon this Ordinance taking effect, the Clerk shall forward a certified copy of this Ordinance to the Village's Zoning Inspector and the Summit County Building Department.
- SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that it is immediately necessary to provide appropriate protection to the development of sensitive areas within the Village's Historic Districts in order to preserve their unique character and to make provision for the land use planning process to be appropriately performed during the time that regulations are being promulgated to provide such protections; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the

Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 1, 2001

Michael Peters
President of Council

Donald S. Larsen
Mayor

Dated: 5/2/2001

ATTEST:

Carol Gibson

Clerk of Council