

FIRST READING: 1.22.24
SECOND READING: 2.12.24
THIRD READING: _____

ORDINANCE NO. 07-24
BY: MICHAEL J. O'BOYLE

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1135.09 ENTITLED PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION AND SECTION 1135.13 ENTITLED PUBLIC HEARING AND NOTICE BY CITY COUNCIL, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS: the Administration of the City of Rocky River, has deemed it necessary to amend Sections 1135.09 and 1135.13 of our Codified Ordinances regarding notice of public hearings of the Planning Commission and City Council; and

WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Sections 1135.09 and 1135.13 of the Codified Ordinances of the City of Rocky River concerning notice of public hearings of the Planning Commission and City Council, as further described in the attached Exhibit "A"; and

WHEREAS: this Ordinance was recommended by the Planning Commission of the City of Rocky River for approval on _____, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Section 1135.09 and 1135.13 of the Codified Ordinances of the City of Rocky River entitled "Public Hearing and Notice by Planning Commission and "Public Hearing and Notice by City Council", respectively, be amended as further described in the attached Exhibit "A".

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

PASSED: _____, 2024

DAVID W. FURRY
President of Council

PRESENTED
TO MAYOR: _____, 2024 APPROVED: _____, 2024

ATTEST:

SUSAN G. PEASE
Clerk of Council

PAMELA E. BOBST
Mayor

1135.09 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION.

(a) Upon the receipt of an application or ordinance or upon the passage of a motion, the Planning Commission shall set a date for a public hearing for reviewing the proposed amendment.

~~—(b) (b) In all cases, notice of such hearing (i) may be given by the Planning Commission by transmitting to the public by any reasonable means, including but not limited to text notification technology, email technology, social media technology, and/or web page format, and (ii) shall be given by the Planning Commission in at least one (1) publication in one (1) or more newspapers of general circulation within the City at least fifteen (15) days before the date of such hearing.~~

___(c) If the proposed amendment intends to rezone or redistrict twenty (20) or less parcels of land, as listed on the tax duplicate, written notice of the hearing ~~may~~shall also be mailed by the Planning Commission, by first class mail, at least seven (7) days before the date of the hearing, to all owners of property situated pursuant to Section 1135.13 (a)(2), to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mail list, and to such other list or lists that may be specified by Council.

~~—(c) In all cases, notice of such hearing shall be given by the Planning Commission by at least one (1) publication in one (1) or more newspapers of general circulation within the City at least fifteen (15) days before the date of such hearing.~~

(d) ~~Notices~~All notices shall include the time and place of the public hearing, a summary of the proposed amendment, a statement that the opportunity to be heard will be afforded to any person interested, and a statement that after the conclusion of such public hearing, the matter will be referred to Council with its recommendation.

(e) The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

(Ord. _____. Passed _____.)

1135.13 PUBLIC HEARING AND NOTICE BY CITY COUNCIL.

Upon receipt of the recommendation from the Planning Commission, Council shall, within sixty (60) days, set a time for and conduct a public hearing on the proposed amendment. The Zoning Administrator shall collect a fee, pursuant to the City's adopted Fee Schedule/Ordinance which is available in the office of the Zoning Administrator, to offset the expense of advertising and notification required by Section 1135.13.

(a) Notice of the public hearing shall be given by Council according to the following:

(1) ~~Notice of the required public hearing~~all public hearings (i) may be transmitted to the public by any reasonable means, including but not limited to text notification technology, email technology, social media technology, and/or web page format, and (ii) shall be published once a week and on the same day of each week for two (2) consecutive weeks in a newspaper determined by Council to be of general circulation within the City.

(2) If such adoption or amendment intends to rezone or redistrict twenty (20) or less parcels of land as listed on the current tax list and duplicate, then written notice of the time and place of the hearing shall also be mailed by the Clerk of Council by first class regular mail or in accordance with the Ohio Revised Code at least twenty (20) days prior to the date of the public hearing, to the owners of property within, abutting on and directly across the street from the parcel or parcels to be rezoned or redistricted and, in addition, to the owners of property which is contiguous to any of the aforesaid property which abuts on or is directly across the street from the parcel or parcels to be rezoned or redistricted, to the addresses of such owners as such addresses appear on the County Auditor's then current tax list or the County Treasurer's mailing list. The failure to substantially comply with the foregoing public hearing and notice requirements shall invalidate any ordinance, map or regulation, which may be adopted. However, if no contest by litigation shall be filed raising the failure to comply with the foregoing public hearing and notice requirements within thirty (30) days following the effective date of such ordinance, map or regulation, then such ordinance, map or regulation shall be valid if there has been full compliance with the foregoing requirements of public hearing and notice. Until the completion of such thirty (30) day period, the Clerk of Council shall retain for public inspection all certificates of mailing which pertain to such ordinance, map or regulation. Failure of delivery of the mail notice shall not invalidate any ordinance, map or regulation which may be adopted.

(3) ~~All notices, whether mailed or published,~~ shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.

(b) At a public hearing, any interested person who desires to present reasons for or against the adoption of a proposed amendment shall be heard, subject to reasonable regulations of Council or rulings of the presiding officer. Council, by motion, may recess the public hearing from time to time, or adjourn such hearing to a specified time and place, but no further notice by mail or advertisement need be given. Council need not take final action on such proposed amendment on the day of such public hearing.

(c) During the twenty (20) days prior to the public hearing, the text of the proposed amendment, maps or plans, if applicable, and the recommendation of the Planning Commission shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

(Ord. 104-21. Passed 12-20-21; Ord. _____. Passed _____.)