

FIRST READING: 11.13.17
SECOND READING: 11.27.17
THIRD READING: 5.29.18

ORDINANCE NO. 85-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1129.09 ENTITLED CERTIFICATE PROTEST; REFERRAL TO BOARD OF APPEALS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

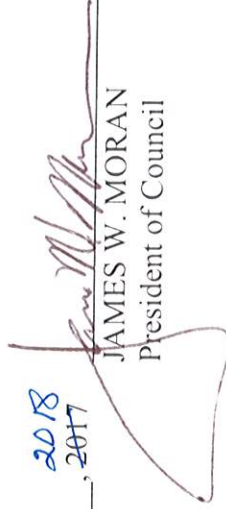
WHEREAS: the Administration of the City of Rocky River, has deemed it necessary to amend Section 1129.09 of the Codified Ordinances regarding protest referrals to the Board of Zoning and Building Appeals; and

WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Section 1129.09 of the Codified Ordinances of the City of Rocky River concerning protest referrals to the Board of Zoning and Building Appeals be amended, as further described in the attached Exhibit "A".

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

SECTION 1. That Section 1129.09 entitled Certificate Protest; Referral to the Board of Appeals of the Codified Ordinances of the City of Rocky River be amended as further described in the attached Exhibit "A".

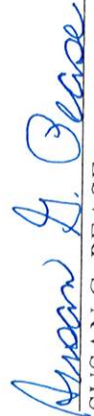
PASSED: May 29th, 2018


JAMES W. MORAN
President of Council

PRESENTED
TO MAYOR: May 29th, 2018

APPROVED: May 29th, 2018

ATTEST:


SUSAN G. PEASE
Clerk of Council


PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 29th day of May, 20 18.


Clerk of Council of the City of Rocky River, Ohio

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 85-17 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 29th DAY OF May, 20 18 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 85-17

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 29th DAY OF May, 20 18.


CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

1129.09 CERTIFICATE PROTEST; REFERRAL TO BOARD OF APPEALS.

Where a written protest or complaint **regarding an alleged error or misapplication of the Building or Planning and Zoning Code** is filed with the Zoning Administrator relative to and prior to the issuance of a Zoning Certificate that he is about to issue, the Zoning Administrator shall not issue it, but is hereby directed to immediately refer the matter to the Board of Zoning and Building Appeals for a final decision. **The complaint shall state the reason or basis for the protest.** The Board of Appeals shall direct the Zoning Administrator in the matter. The Board's decision shall be made only after the complainant and applicant for the Zoning Certificate in question have an opportunity to be heard and shall be final and binding upon all persons concerned. When considering a written protest or complaint, the Board of Appeals shall consider whether the complainant has adequately documented any harm that may result from the proposed application for a Zoning Certificate. The burden of presenting evidence to the Board of Appeals that is sufficient to lead the Board of Appeals to conclude that the application should be denied shall be upon the complainant urging this position.

(Ord. 85-17 Passed 5.29.18.)