

FIRST READING: 6.8.20
SECOND READING: 6.23.20
THIRD READING: 7.13.20

ORDINANCE NO. 40-20

BY: ALL MEMBERS OF COUNCIL

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND SECTION 2(b)(1)(A) OF ARTICLE VI OF THE CHARTER OF THE CITY OF ROCKY RIVER BY DELETING CITY COUNCIL REVIEW OF VARIANCES THAT WERE GRANTED BY THE BOARD OF ZONING AND BUILDING APPEALS, AND DECLARING AN EMERGENCY

WHEREAS, Council has received the recommendation of the 2020 Rocky River Charter Review Commission, appointed pursuant to the Charter of the City of Rocky River, to amend the Charter as herein provided, and Council is obligated to submit such proposed amendment to the Electors of the City at the General Election to be held November 3, 2020.

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

Section 1. That this Council hereby authorizes and directs the submission to the Electors of the City of Rocky River at the General Election to be held at the usual places of voting of said City on Tuesday, November 3, 2020, between the hours as provided by law, the following proposal to amend Section 2(b)(1)(A) of Article VI of the Charter of the City of Rocky River to read as follows:

ARTICLE VI
BOARDS AND COMMISSIONS

SECTION 2. BOARD OF ZONING AND BUILDING APPEALS.

(a) Organization. The Board of Zoning and Building Appeals shall consist of five (5) members, appointed for respective terms of five (5) years, at least three (3) of whom shall be architects or professional engineers duly licensed or registered by the State of Ohio to practice their profession.
(Amended 11-4-14.)

(b) Powers and Duties. The Board of Zoning and Building Appeals shall:

(1) Hear and decide appeals made for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and order of administrative officials or agencies governing zoning and building in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such procedures as shall be established by Council and subject further to such reasonable standards as shall be prescribed by Council, including, but not limited to, the existence of practical difficulties or unnecessary hardships in the strict interpretation of the aforesaid ordinances, resolutions, regulations, measures or orders, provided that the granting of such exception or variance will be in harmony with the general purpose and intent thereof.

(2) Hear and decide appeals from, and to review upon motion of any member of the Board, any order, requirements, decision or determination of the Department of Public Safety- Service or of any other administrative official or agency of the City relating to any building or structure or appurtenance connected thereto in the City of Rocky River.

Section 2. That the foregoing proposed amendment upon receiving at least a majority of the votes cast thereon at the November 3, 2020, General Election shall become effective immediately upon its adoption.

Section 3. That the ballot submitting the question of the adoption of the aforesaid amendment shall read substantially as follows:

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 13th day of July, 2020.

Audrey D. Plante
Clerk of Council of the City of Rocky River, Ohio

PROPOSED CHARTER AMENDMENT
CITY OF ROCKY RIVER

A majority affirmative vote is necessary for passage.

Shall Article VI, Section 2 of the Charter be amended by deleting the authority of City Council to review any decision to grant a variance by the Board of Zoning and Building Appeals?

Section 4. That the Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County.

Section 5. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the Election to be held on November 3, 2020, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6. That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Rocky River, with the first publication to be made at least fifteen days prior to the General Election to be held on November 3, 2020, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio and Ohio Revised Code Section 731.211.

Section 7. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in that it is necessary that it become effective and be certified to the election authorities immediately in order for the question to appear on the ballot at the General Election to be held on November 3, 2020; wherefore, this Ordinance shall go into effect immediately upon its passage.

PASSED: July 13th, 2020 
JAMES W. MORAN
President of Council

PRESENTED TO
MAYOR: July 13th, 2020 APPROVED: July 13th, 2020
ATTEST:


SUSAN G. PEASE
Clerk of Council


PAMELA E. BOBST
Mayor

meu:charter:ord:artVIsec2

City of Rocky River }
County of Cuyahoga } ss

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. 40-20 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 13th DAY OF July, 2020, 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. 40-20

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 13th DAY OF July, 2020.


CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO