

FIRST READING: 12.13.21
SECOND READING: 12.30.21
THIRD READING: _____

ORDINANCE NO. 104-21

BY: CHRISTINA MORRIS

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

WHEREAS: Article III of the Charter of the City of Rocky River, entitled The Council, Section 13 entitled Enactment of Zoning Ordinances, was amended by the electors on November 4, 2014 to allow for service of notices via regular first class mail or in accordance with the Ohio Revised Code; and

WHEREAS: Rocky River Codified Ordinance Section 1135.13 entitled "Public Hearing and Notice by City Council" prescribes how notices are to be served and is in conflict with the Charter provision in this regard; and

WHEREAS: In light of the passage of the above mentioned Charter amendment, the corresponding change is required for Section 1135.13 in order to bring the Code section into agreement with the Charter amendment.

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

SECTION 1. That Section 1135.13 of the Codified Ordinances of the City of Rocky River entitled "Public Hearing and Notice by City Council" 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: December 20th, 2021


JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: December 20th, 2021 APPROVED: December 20th, 2021

ATTEST:

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 20th day of December, 20 21.


SUSAN G. PEASE
Clerk of Council


PAMELA E. BOBST
Mayor


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 DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 104-21 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 20th DAY OF December, 20 21 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. 104-21

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 20th DAY OF December, 20 21.


CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

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 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 be mailed by the Clerk of Council by ~~certified mail~~**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 ~~certified mail receipts~~**certificates of mailing** which pertain to such ordinance, map or regulation. Failure of delivery of the ~~certified~~ 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.