

ORDINANCE NO. 2017-52

INTRODUCED BY: COUNCILWOMAN WEISS

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTIONS 1244.01 ENTITLED “ESTABLISHMENT OF BOARD OF ZONING APPEALS” AND 1244.08 ENTITLED “APPEAL TO COUNCIL; FEE” TO ALTER THE COMPOSITION OF THE BOARD OF ZONING APPEALS AND TO REMOVE THE RIGHT OF APPEAL TO COUNCIL OF BOARD OF ZONING APPEALS DECISIONS.

WHEREAS, in Article 7, Section 4, the City of University Heights Charter states “The Board of Zoning Appeals shall have such powers and membership as Council shall provide”;

WHEREAS, Council wishes to alter the structure of the City’s Board of Zoning Appeals by removing the Mayor from the Board, creating a right of Council’s approval of Mayoral appointments to the Board, and removing a right of appeal of Board decisions to Council, so that all decisions of the Board shall be considered as a final appealable order subject to judicial review of such administrative decision in any court of competent jurisdiction pursuant to general law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. Codified Ordinance Section 1244.01 entitled “Establishment of Board of Zoning Appeals” is hereby amended and shall read in its entirety as follows:

1244.01 ESTABLISHMENT OF BOARD OF ZONING APPEALS.

A Board of Zoning Appeals is hereby established as a separate administrative board, which shall consist of five members, comprised of five electors of the City appointed by the Mayor and approved by a majority of the members of Council. The elector members shall not hold any other office or employment in the City government. Current members shall serve their existing respective terms. A new member of the Board of Zoning Appeals shall be appointed by the Mayor promptly upon passage of this ordinance to replace the Mayor as a member of the Board and shall serve for a period of two years, commencing February 1, 2018. Thereafter, the terms of all elector members shall be for two years, commencing February 1, in the respective years of their appointment. Vacancies in such elector membership of the Board shall be filled for the remainder of the unexpired term of the member whose place becomes vacant. The Board shall choose from its members a chairperson, who shall serve for two years or until his or her successor is chosen. The Clerk of Council of the City shall serve as secretary of the Board of Zoning Appeals and shall keep such records and journals as shall be required by rule of the Board or by ordinance. Council shall select one of its members as of the effective date of this section and at the organization meeting each two years to attend all meetings of the Board. Such Councilperson shall have the right to participate in the discussions, but shall not have a vote.

Section 2. Codified Ordinance Section 1244.01 as existing prior to the passage of this ordinance is hereby repealed.

Section 3. Codified Ordinance Section 1244.08 entitled “Appeal to Council; Fee” is hereby amended and shall read in its entirety as follows:

1244.08 APPEAL TO COUNCIL; FEE

(a) Any decision by the Board of Zoning Appeals shall be a final appealable order and the applicant may seek judicial review of such administrative action in any court of competent jurisdiction pursuant to general law.

(b) Any person affected and aggrieved by a decision of the City Planning Commission made pursuant to this Zoning Code may appeal such decision to Council within twenty days of the published decision of the City Planning Commission. Such appeal shall be in writing, shall set forth reasons for the appeal and be filed in triplicate with a filing fee of \$25.00, with the Finance Director, who shall forward one copy to the secretary of the City Planning Commission and one copy to the Building Commissioner. A member of Council may appeal as a matter of general public interest, and in such case no filing fee shall be required. Council shall hear both sides of the issue in public and give its decision within a reasonable period of time.

(c) No appeal or action under Ohio R.C. Chapter 2506 et seq. or any other proceeding in Common Pleas Court shall be permitted regarding any claim under Part 12 or Part 14 of the Codified Ordinances until after timely presentation to the Board of Zoning Appeals.

Section 4. Codified Ordinance Section 1244.08 as existing prior to the passage of this ordinance is hereby repealed.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

CITY OF UNIVERSITY HEIGHTS, OHIO


MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: 12/18/2017

PASSED: 01/02/2018

ATTEST:


KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM: -


LUKE F. MCCONVILLE, LAW DIRECTOR