ORDINANCE NO. 2020-15
INTRODUCED BY: Mayor Bodnar

AN ORDINANCE PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 12, TO SUBSTITUTE THE TERM "BOARD OF ZONING APPEALS" FOR "BOARD OF APPEALS", "BOARD" AND "BZA" IN THIS SECTION AND THROUGHOUT THE CHARTER WHERE APPLICABLE

WHEREAS, Article XI of the Village Charter currently requires that the Charter Review Commission convene every five years to review the Charter; and

WHEREAS, the Charter Review Commission is required to have a review session with the Mayor and Council and to recommend to the voters any amendments to the Charter as in its judgment are desirable; and

WHEREAS, the Charter Review Commission have recommended to the voters the following proposed amendments to Article V, Section 12, in order to allow provide an accurate description of the board and provide consistency within the Mayfield Village Charter.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio that:

SECTION 1. Article V, Section 12 of the Charter of the Village of Mayfield is amended to read as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2. This ordinance upon adoption by Council shall be referred to the Clerk of Cuyahoga County Board of Elections not later than sixty (60) days before the November 3, 2020 election. Upon this proposed amendment being approved by the majority of the electors voting thereon, it shall become part of the Charter of Mayfield Village, Ohio.

SECTION 3. Pursuant to the mandates of the Charter, a copy of the full text of this proposed amendment shall be delivered to the residents of the Village not less than thirty (30) days before the election and, pursuant to law, a legal notice will be published once a week for two consecutive weeks at least fifteen (15) days prior to the election.

SECTION 4. The language appearing on the ballot on November 3, 2020 shall be as follows:

PROPOSED CHARTER AMENDMENT
(MAJORITY AFFIRMATIVE VOTE REQUIRED)

SHALL MAYFIELD VILLAGE CHARTER ARTICLE V, SECTION 12, BE AMENDED TO SUBSTITUTE THE TERM "BOARD OF ZONING APPEALS" FOR "BOARD OF APPEALS", "BOARD" AND "BZA" IN THIS SECTION AND THROUGHOUT THE CHARTER WHERE APPLICABLE?

SECTION 5. This ordinance shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

SECTION 6. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

_____
STEPHEN SCHUTT
Council President

First Reading: _____, 2020

Second Reading: _____, 2020

Third Reading: _____, 2020

PASSED: _____, 2020

_____
BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

_____
ANTHONY J. COYNE, ESQ., Director of Law

ATTEST: _____
MARY E. BETSA, MMC, Clerk of Council

EXHIBIT A

ARTICLE V:

SECTION 1. GENERAL PROVISIONS.

The Municipality shall have an Architectural Review Board, a Department of Parks and Recreation, a Parks and Recreation Board, a Law Department, a Finance Department, a Civil Service Commission, a Department of Public Service, a Police Department, a Fire Department, a Building Department, a Planning and Zoning Commission, a Board of Zoning Appeals and a Commission on Aging. The Council shall provide by ordinance for the organization and duties thereof not provided by this Charter. The Council may establish by ordinance new administrative offices, departments, boards and commissions or divisions thereof and, with the exception of the offices, departments, boards and commissions established by this Charter, may combine or abolish such offices, departments, boards and commissions or divisions thereof as it may deem to be necessary or desirable. The Council may authorize one person to be the head of two (2) or more departments, boards or commissions or divisions thereof. All heads of the departments indicated above or otherwise created by Council shall create and maintain a job description for each full-time position within their Department. (Amended 11-7-00.)

ARTICLE V:

SECTION 12. BOARD OF ZONING APPEALS.

(A) Creation, Powers and Duties.

The Council shall provide by ordinance for a Board of Zoning Appeals to hear appeals for exceptions to, and variances in, the application of resolutions, ordinances, regulations, building codes, measures and orders of administrative officials or agencies governing zoning and building in the Municipality. ~~Such~~ The Board of Zoning Appeals shall have such other powers and duties, and shall follow such procedures as may be prescribed by ordinances of Council; provided, however, that the Board of Zoning Appeals shall have no power or authority to grant any change of or variance in any residential district from the existing zoning ordinances or the zoning map of the Municipality, or to permit any land use to become nonconforming therewith. The ~~BZA~~ Board of Zoning Appeals shall have the authority to grant "Use" variances in non-residential districts, providing that same is approved by Council pursuant to Article III, Sections 10, 11, and 12 of this Charter. All decisions of the Board of Zoning Appeals shall be appealable by any interested person or entity to the Village Council. Council may review the minutes or records, or have a rehearing, at its discretion, and may affirm, modify, or reverse any decision of the Board of Zoning Appeals by a two-thirds vote of all members elected. (Amended 11-3-15.)

(B) Composition and Terms.

The Board of Zoning Appeals shall consist of five (5) electors of the Municipality. Four of such members shall be appointed for terms of four years by the Mayor, subject to confirmation

by a vote of a majority of the members of Council; except that, of the four members initially appointed for terms beginning January 1, 1975, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. The fifth member of the Board of Zoning Appeals shall be one of the five appointed elector members of the Planning and Zoning Commission, who shall be elected annually to the Board of Zoning Appeals by vote of at least four members of the Planning and Zoning Commission, prior to or at such Commission's first meeting each year. Such fifth member of the Board of Zoning Appeals shall serve for a term of one year, and shall be so elected by the Planning and Zoning Commission each year. No elected official of the Municipality or other member of the Planning and Zoning Commission shall be appointed to the Board of Zoning Appeals, but other appointed officials of the Municipality shall not be disqualified from serving as members thereof. The term of office of the present members of the ~~Zoning~~ Board of Zoning Appeals and the present members of the Board of Building Code Appeals, heretofore established by ordinance of Council, shall terminate upon the appointment and qualification of the members of the Board of Zoning Appeals created by this Charter. (Amended 5-8-84.)

(C) Vacancies and Removal.

A vacancy occurring during the term of any member of the Board of Zoning Appeals shall be filled for the unexpired term in the manner authorized for an original appointment. The Mayor may at any time remove any member of the Board of Zoning Appeals for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity or incompetency, provided, however, that such removal from office shall become final only after being confirmed by the affirmative vote of a majority of the members of Council. (Amended 5-8-84.)

(D) Officers, Rules, Quorum and Compensation.

The Board of Zoning Appeals shall elect a Chairman of the Board of Zoning Appeals from among the four appointed electors members of the Board of Zoning Appeals. The Board of Zoning Appeals shall appoint a Secretary to the Board of Zoning Appeals, who need not be a member of the Board of Zoning Appeals and who may hold other municipal office or appointment. The Board of Zoning Appeals may appoint such other officers as it shall deem necessary, shall make its own rules and regulations and shall keep a journal of its proceedings. The officers of the Board of Zoning Appeals shall be elected by the Board of Zoning Appeals at or prior to its first meeting each year. The Board of Zoning Appeals shall meet upon call of the Chairman or any two members. A majority of the members of the Board of Zoning Appeals shall constitute a quorum for the transaction of business, and the affirmative vote of three members of the Board of Zoning Appeals shall be necessary for any official action. No variance shall be considered by the Board of Zoning Appeals until notice of the request has been sent to all property owners within 300 feet and all adjoining and facing property owners. Lack of service on any random property will not nullify any variance granted hereunder. (Amended 11-7-95.)