

ORDINANCE NO. 2019-34

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| Introduced by | |
| Motioned by | |
| Seconded by | |
| 1st Reading | 6-15-19 |
| 2nd Reading | 7-1-19 |
| Third Reading | 8-9-19 |
| Under suspension | |

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

AN ORDINANCE TO REPEAL OAKWOOD VILLAGE CODIFIED ORDINANCE SECTIONS 1169.03(b)(3)(H), 1173.02(a)(4) AND 1173.03(a)(4) WHICH DESIGNATE STORAGE AND DISTRIBUTION FACILITIES AS PERMITTED OR CONDITIONAL MAIN USES IN THE GENERAL BUSINESS, LIGHT INDUSTRIAL AND PRODUCTION-DISTRIBUTION ZONING DISTRICTS RESPECTIVELY AND TO ENACT OAKWOOD VILLAGE CODIFIED ORDINANCE SECTION 1175.01(48) SO AS TO PROHIBIT STORAGE AND DISTRIBUTION FACILITIES AS PERMITTED OR CONDITIONAL MAIN USES IN ALL ZONING DISTRICTS WITHIN THE VILLAGE.

WHEREAS, the Village Council, under authority of Oakwood Village Codified Ordinance Section 1151.01, deems it advisable to repeal Oakwood Village Codified Ordinance Sections 1169.03(b)(3)(H), 1173.02(a)(4) and 1173.03(a)(4) which designate storage and distribution facilities as permitted or conditional main uses in the General Business, Light Industrial and Production-Distribution zoning districts respectively; and,

WHEREAS, the Village Council, under authority of Oakwood Village Codified Ordinance Section 1151.01, deems it advisable to enact Oakwood Village Codified Ordinance Section 1175.01(48) so as to prohibit storage and distribution facilities as permitted or conditional main uses in all zoning districts within the Village; and,

WHEREAS, Oakwood Village Charter Section 10.11 provides that any legislation passed by Council which refers to a change in existing zoning or to a change in any use regulations controlling the use or development of land shall not become effective or binding upon the municipality unless and until the same be submitted to the electors of the municipality and approved by a fifty-five percent (55%) favorable vote of all votes cast by qualified electors of the Village and all votes cast in each ward in which property affected by the change is located;

NOW, THEREFORE, Be It Ordained by the Council of the Village of Oakwood, County of Cuyahoga, State of Ohio, that:

Section 1: Oakwood Village Codified Ordinance Section 1169.03(b)(3)(H) which presently reads as follows:

- H. Storage and distribution establishments for new or package goods.

be and hereby is repealed.

Section 2: Oakwood Village Codified Ordinance Section 1173.02(a)(4) which presently reads as follows:

- (4) Storage and distribution. Establishment for new finished or packaged goods limited to:

- A. Parts for automobiles, trucks and trailers;
- B. Beverages and foods, fresh fruits and vegetables, except open air markets;
- C. Furniture, carpets, rugs and other household goods;
- D. Wood products, electrical, masonry, plumbing, heating, ventilating, air conditioning, painting, roofing and sheet metal products;
- E. Local parcel delivery stations, packing and crating;
- F. Goods used in or produced by the manufacturing activities permitted in Light Industrial Districts.

be and hereby is repealed.

Section 3: Oakwood Village Codified Ordinance Section 1173.03(a)(4) which presently reads as follows:

(4) Distribution operations. The storage and distribution of those products which may be produced in Production-Distribution Districts, and the storage and distribution of foods and beverages. Other products if the Planning Commission, hereinafter referred to as the Commission, finds the product to be similar and conforms with the basic characteristics of the enumerated permitted uses and approves inclusion of the product.

be and hereby is repealed.

Section 3: Oakwood Village Codified Ordinance Section 1175.01(48) is hereby enacted to read as follows:

(48) Any storage or distribution facility unless accessory to another permitted or conditional main use.

Section 4: There shall be submitted to the electors of the Village of Oakwood, Ohio, at the regular municipal election to be held on the 5 day of November, 2019, the question of the foregoing repeal of Oakwood Village Codified Ordinance Sections 1169.03(b)(3)(H), 1173.02(a)(4) and 1173.03(a)(4) and the enactment of Oakwood Village Codified Ordinance Section 1175.01(48).

Section 5: The ballot of said election shall at the top thereof be entitled, "Proposed Repeal of Village of Oakwood Codified Ordinance Sections 1169.03(b)(3)(H), 1173.02(a)(4) and 1173.03(a)(4) and Enactment of Oakwood Codified Ordinance Section 1175.01(48) to prohibit storage and distribution facilities as permitted or conditional main uses within the Village" fifty-five percent affirmative of all electors in the municipality and in Wards 3, 4 and 5 is necessary for passage and the question to be submitted on said ballot shall be in words as follows:

"Shall Oakwood Village Ordinance No. 2019- 34 take effect so as to repeal Oakwood Village Codified Ordinance Sections 1169.03(b)(3)(H), 1173.02(a)(4) and 1173.03(a)(4) which designate storage and distribution facilities as permitted or conditional main uses in the General Business, Light Industrial and Production-Distribution zoning districts respectively and to enact Oakwood Village Codified Ordinance Section 1175.01(48) so as to prohibit storage and distribution facilities as permitted or conditional main uses in all zoning districts within the Village"

"YES - For Passage

NO- Against Passage"

Section 6: The Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County and cause notice of the foregoing proposed zoning amendment to be given in accordance with general law.

Section 7: To pay the cost of publishing said notice, there be and is hereby appropriated from the General Fund such sums of money as may be required.

Section 8: This Ordinance shall take effect at the earliest time allowed by law.

PASSED: July 9, 2019

Johnnie A. Warren
Johnnie A. Warren, President of Council

Debra L. Hladky
Debra L. Hladky, Clerk of Council

Presented to the

Mayor July 10, 2019

Approved: July 10, 2019

Gary V. Gottschalk
Mayor, Gary V. Gottschalk

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2019-34 was duly and regularly passed by this Council at the meeting held on the 9 day of July 2019

Debra L. Hladky
Debra L. Hladky, Clerk of Council

POSTING CERTIFICATE

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2019 - 34 was duly posted on the 10 day of July 2019 and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

Debra L. Hladky
Debra L. Hladky, Clerk of Council

DATED: July 10, 2019