

ORDINANCE NO.: 2020 – 54

INTRODUCED BY: MAYOR AND COUNCIL AS A WHOLE

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF OAKWOOD THE QUESTION OF AMENDING SECTION 10.04 OF THE VILLAGE CHARTER AS TO STREAMLINE THE PROCESS FOR CONSIDERATION OF ZONING ISSUES, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Oakwood Charter Commission, pursuant to the authority vested in it by Section 12.02 of the Oakwood Village Charter, has considered the amendment of Section 10.04 of the said Charter concerning procedures for the passage of zoning issues; and

WHEREAS, the Oakwood Charter Review Commission has declined to recommend said revision of Section 10.04 of the Charter failing to pass Charter Review Commission Resolution No. CRC 2020 – 10, a copy of which is attached hereto and incorporated herein as Exhibit 1, and

WHEREAS, Section 12.01 of the Village Charter and the Ohio Constitution authorize Council to submit to the electors any proposed alterations, revisions or amendments to the Charter at the next regular election or at a special election on a date designated by Council after submission by Council of the proposed Charter Amendment;

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

Section 1: There shall be submitted to the electors of the Village of Oakwood, Ohio, on the date of the regular election to be held on the 3rd day of November, 2020, the question of an amendment to the Charter of the Village of Oakwood and to provide therefor by amending and supplementing the Village Charter by the amendment of Section 10.04, which currently reads as follows:

Sec. 10.04. ZONING

The Council shall by ordinance provide regulations and restrictions governing the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the density of population, the size of yards, courts and open spaces, and the location and use of buildings, structures and land for trade, industry, residence and other purposes, shall prescribe standards for the granting of variances, exceptions and conditional use permits and for the manner of the exercise of the zoning powers and such other matters pertinent thereto as may be competent for this Charter to authorize. Before any zoning ordinance, measure or regulation may be passed, the Council shall hold a public hearing thereon and shall give thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Municipality, and during such 30 days the text of such ordinance, measure or regulation, together with the maps or plans, or copies thereof, forming part of or

referred to in such ordinance, measure or regulation and the maps, plans and reports submitted by the Planning Commission, shall be on file for public examination, in the office of the Clerk of the Council.

Should be amended to read as follows:

Sec. 10.04. ZONING

The Council shall by ordinance provide regulations and restrictions governing the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the density of population, the size of yards, courts and open spaces, and the location and use of buildings, structures and land for trade, industry, residence and other purposes, shall prescribe standards for the granting of variances, exceptions and conditional use permits and for the manner of the exercise of the zoning powers and such other matters pertinent thereto as may be competent for this Charter to authorize.

Section 2: The ballot of said election shall at the top thereof be entitled:

"Proposed Charter Amendment regarding further reducing the redundancy involved in passing zoning issues"

and the question to be submitted on said ballot shall be in words as follows:

"Shall Section 10.04 of the Oakwood Village Charter, which presently reads as follows:

Sec. 10.04. ZONING

The Council shall by ordinance provide regulations and restrictions governing the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the density of population, the size of yards, courts and open spaces, and the location and use of buildings, structures and land for trade, industry, residence and other purposes, shall prescribe standards for the granting of variances, exceptions and conditional use permits and for the manner of the exercise of the zoning powers and such other matters pertinent thereto as may be competent for this Charter to authorize. Before any zoning ordinance, measure or regulation may be passed, the Council shall hold a public hearing thereon and shall give thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Municipality, and during such 30 days the text of such ordinance, measure or regulation, together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance, measure or regulation and the maps, plans and reports submitted by the Planning Commission, shall be on file for public examination, in the office of the Clerk of the Council.

be amended to read as follows:

Sec. 10.04. ZONING

The Council shall by ordinance provide regulations and restrictions governing the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the density of population, the size of yards, courts and open spaces, and the location and use of buildings, structures and land for trade, industry, residence and other purposes, shall prescribe standards for the granting of variances, exceptions and conditional use permits and for the manner of the exercise of the zoning powers and such other matters pertinent thereto as may be competent for this Charter to authorize.

YES - For Passage

NO - Against Passage"

Section 3: 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 Charter amendment to be given in accordance with general law.

Section 4: 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 5: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the Village of Oakwood for the reason that it is necessary to submit the proposed Charter Amendment to the Board of Elections for placement upon the ballot for the regular election to be held on November 3, 2020 in order to streamline the zoning process for which time is of the essence and, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: _____

Johnnie A. Warren, President of Council



Debra L. Hladky, Clerk of Council

Presented to the
Mayor: _____

Approved: _____



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. 2020 -54 was duly and regularly passed by this Council at the meeting held on the _____ day of _____ 2020.

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. 2020 - 54 was duly posted on the _____ day of _____, 2020 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, Clerk of Council

DATED: _____

EXHIBIT 1

RESOLUTION NO. CRC 2020 - 10

INTRODUCED BY CHARTER REVIEW COMMISSION AS A WHOLE

**A RESOLUTION REFERRING TO OAKWOOD VILLAGE COUNCIL
RECOMMENDED AMENDMENTS TO OAKWOOD CHARTER SECTION 10.04**

WHEREAS, Oakwood Charter Section 12.02 commits to the Oakwood Charter Commission the responsibility to review the Oakwood Village Charter and recommend to Oakwood Village Council any alterations, revisions and amendments to the Charter as may be deemed advisable within the judgment of the Commission; and

WHEREAS, the Commission has been duly appointed and it has met and reviewed the Charter; and

WHEREAS, the Commission deems it advisable to amend Section 10.04 of the Charter to dispense with separate public hearings on zoning issues and to streamline the process for consideration of zoning issues.

NOW THEREFORE, BE IT ORDAINED that the Charter Review Commission of the Village of Oakwood, County of Cuyahoga, and State of Ohio recommends to the Oakwood Village Council that:

SECTION 1. Oakwood Village Charter Section 10.04 which presently reads as follows:

Sec. 10.02. ZONING

The Council shall by ordinance provide regulations and restrictions governing the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the density of population, the size of yards, courts and open spaces, and the location and use of buildings, structures and land for trade, industry, residence and other purposes, shall prescribe standards for the granting of variances, exceptions and conditional use permits and for the manner of the exercise of the zoning powers and such other matters pertinent thereto as may be competent for this Charter to authorize. Before any zoning ordinance, measure or regulation may be passed, the Council shall hold a public hearing thereon and shall give thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Municipality, and during such 30 days the text of such ordinance, measure or regulation, together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance, measure or regulation and the maps, plans and reports submitted by the Planning Commission, shall be on file for public examination, in the office of the Clerk of the Council.

should be amended to read as follows:

Sec. 10.04. ZONING.

The Council shall by ordinance provide regulations and restrictions governing the height,

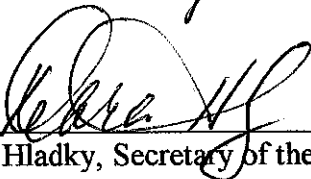
number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the density of population, the size of yards, courts and open spaces, and the location and use of buildings, structures and land for trade, industry, residence and other purposes, shall prescribe standards for the granting of variances, exceptions and conditional use permits and for the manner of the exercise of the zoning powers and such other matters pertinent thereto as may be competent for this Charter to authorize.

A "redline" version showing the proposed amendments is attached hereto as Exhibit "A".

SECTION 2. The Secretary of the Commission is hereby authorized and directed to refer the proposed amendment to the Oakwood Village Council for its consideration as provided in Oakwood Village Charter Sections. 12.01 and 12.02.

Tabled May 20 - 2020
PASSED: _____

Tabled May 6, 2020



Debra L. Hladky, Secretary of the Commission

Exhibit "A"

Sec. 10.04. ZONING.

The Council shall by ordinance provide regulations and restrictions governing the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the density of population, the size of yards, courts and open spaces, and the location and use of buildings, structures and land for trade, industry, residence and other purposes, shall prescribe standards for the granting of variances, exceptions and conditional use permits and for the manner of the exercise of the zoning powers and such other matters pertinent thereto as may be competent for this Charter to authorize. Before voting upon any zoning ordinance, measure or regulation, Council shall permit public comment at the meeting(s) in which said item is considered under rules to be determined by Council. ~~Before any zoning ordinance, measure or regulation may be passed, the Council shall hold a public hearing thereon and shall give thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Municipality, and during such 30 days the text of such ordinance, measure or regulation, together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance, measure or regulation and the maps, plans and reports submitted by the Planning Commission, shall be on file for public examination, in the office of the Clerk of the Council.~~