

ORDINANCE NO.: 2020 – 56

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 10.02 OF THE VILLAGE CHARTER SO AS TO EXPLICITLY DISPENSE WITH THE THREE-READINGS REQUIREMENT FOR THE PASSAGE OF ORDINANCES IN CERTAIN CIRCUMSTANCES AND TO MAINTAIN CONSISTENCY WITH RECOMMENDED AMENDMENTS TO CHARTER SECTION 7.13 AND DECLARING AN EMERGENCY.

WHEREAS, On June 9, 2020 the Oakwood Village Council passed Ordinance No. 2020-48 submitting to the voters the question of whether to amend Section 7.13 of the Oakwood Village Charter so as to explicitly permit Council to dispense with the requirement of three readings of certain ordinances, including ordinances affecting zoning, upon a three-fourths (3/4) affirmative vote of Council; and

WHEREAS, on June 9, 2020 the Oakwood Village Council declined to pass Ordinance 2020-53 submitting to the voters the question of whether to amend certain provisions of Oakwood Charter Section 10.02 concerning the passage of certain ordinances, including ordinances affecting zoning, so as, among other things, to explicitly permit Council to dispense with the requirement of three readings of such ordinances upon a three-fourths (3/4) affirmative vote of Council; and

WHEREAS, the approval of the proposed amendment to Oakwood Village Charter Section 7.13 without a similar amendment to Oakwood Village Charter Section 10.02 would create a potential conflict concerning the manner in which legislation affecting zoning in the Village can be adopted; 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 of the Village Charter by the amendment of Section 10.02, which currently reads as follows:

Sec. 10.02. FUNCTIONS OF PLANNING COMMISSION.

A. GENERAL FUNCTIONS.

It shall be the function and duty of the Planning Commission to make and adopt a general plan for the development and improvement of the Municipality. No general

plan or portions thereof or amendments thereto shall be adopted by the Commission until after a public hearing thereon. So much of the general plan as may be established, or from time to time amended, by ordinance of Council shall constitute the official plan and map of the Municipality.

B. POWERS AND DUTIES.

The Planning Commission shall have the power or recommendation concerning the plan, design, location, removal, relocation and alteration of any building or structure belonging to the Municipality or located in or on public streets or public property; the location, widening, extension and vacation of streets, parks, parkways, playgrounds, recreation areas and other public places; the approval of plats for the subdivision of lands, the zoning of the Municipality for the purpose of regulating the location of trades, industries, multiple dwelling districts or other uses of the property, the height and design of buildings, the percentage of area of the lot which may be occupied by building, the area of lot per family of occupation, the provision of yard spaces, the fixing of building lines and the preparation of plans or maps for the future physical development and harmonious improvement of the Municipality; and such other powers as are now or hereafter may be conferred by ordinance of the Council.

C. MANDATORY REFERRAL.

No public building, street, boulevard, parkway, park, public land, playground, dock, wharf, aviation field, utility, bridge, tunnel, or part thereof shall be constructed or authorized to be constructed in the Municipality, or purchased, or sold, or shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, or shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed or any ordinance referring to zoning or other regulations controlling the use or development of lands be passed, or become effective or binding upon the Municipality unless and until Council shall have first submitted the same to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall first be considered by the Planning Commission at a public hearing, to be held not earlier than fifteen (15) days after publication of notice thereof in a newspaper of general circulation in the Municipality, and thereafter shall be acted upon by it within sixty (60) days from the date of referral unless a longer time be allowed by Council. If the Planning Commission shall fail to act within the time allotted, Council may act thereon as if it has received a recommendation of approval in such matter. Any provision of any ordinance, resolution or order disapproved by formal action of the Planning Commission shall require a concurrence of three-fourths (3/4) of the members of Council for adoption or authorization.

When the Planning Commission shall make a recommendation to the Council for a change in, or addition to any zoning ordinance or building code, Council shall study each recommendation and take action within sixty (60) days by placing on its first reading an ordinance properly covering such recommendation. Final action by Council on such ordinance shall be taken by placing said ordinance on its third and final reading no later than sixty (60) days after its first reading.

Should be amended to read as follows:

Sec. 10.02. FUNCTIONS OF PLANNING COMMISSION.

A. GENERAL FUNCTIONS.

It shall be the function and duty of the Planning Commission to make and adopt a general plan for the development and improvement of the Municipality. No general plan or portions thereof or amendments thereto shall be adopted by the Commission until after a public hearing thereon. So much of the general plan as may be established, or from time to time amended, by ordinance of Council shall constitute the official plan and map of the Municipality.

B. POWERS AND DUTIES.

The Planning Commission shall have the power or recommendation concerning the plan, design, location, removal, relocation and alteration of any building or structure belonging to the Municipality or located in or on public streets or public property; the location, widening, extension and vacation of streets, parks, parkways, playgrounds, recreation areas and other public places; the approval of plats for the subdivision of lands, the zoning of the Municipality for the purpose of regulating the location of trades, industries, multiple dwelling districts or other uses of the property, the height and design of buildings, the percentage of area of the lot which may be occupied by building, the area of lot per family of occupation, the provision of yard spaces, the fixing of building lines and the preparation of plans or maps for the future physical development and harmonious improvement of the Municipality; and such other powers as are now or hereafter may be conferred by ordinance of the Council.

C. MANDATORY REFERRAL.

No public building, street, boulevard, parkway, park, public land, playground, dock, wharf, aviation field, utility, bridge, tunnel, or part thereof shall be constructed or authorized to be constructed in the Municipality, or purchased, or sold, or shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, or shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed or any ordinance referring to zoning or other regulations controlling the use or development of lands be passed, or become effective or binding upon the Municipality unless and until Council shall have first submitted the same to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall first be considered by the Planning Commission at a public hearing, to be held not earlier than fifteen (15) days after publication of notice thereof in a newspaper of general circulation in the Municipality, and thereafter shall be acted upon by it within sixty (60)

days from the date of referral unless a longer time be allowed by Council. If the Planning Commission shall fail to act within the time allotted, Council may act thereon as if it has received a recommendation of approval in such matter. Any provision of any ordinance, resolution or order disapproved by formal action of the Planning Commission shall require a concurrence of three-fourths (3/4) of the members of Council for adoption or authorization.

When the Planning Commission shall make a recommendation to the Council for a change in, or addition to any zoning ordinance or building code, Council shall study each recommendation and take action within sixty (60) days by placing on its first reading an ordinance properly covering such recommendation. Final action by Council on such ordinance shall be taken by placing said ordinance on its third and final reading no later than sixty (60) days after its first reading. Council may, by a vote of three fourths (3/4) of its members, dispense with three readings of any such ordinance(s).

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

"Proposed Charter Amendment regarding 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 10.02 of the Oakwood Village Charter, which presently reads as follows:

Sec. 10.02. FUNCTIONS OF PLANNING COMMISSION.

A. GENERAL FUNCTIONS.

It shall be the function and duty of the Planning Commission to make and adopt a general plan for the development and improvement of the Municipality. No general plan or portions thereof or amendments thereto shall be adopted by the Commission until after a public hearing thereon. So much of the general plan as may be established, or from time to time amended, by ordinance of Council shall constitute the official plan and map of the Municipality.

B. POWERS AND DUTIES.

The Planning Commission shall have the power or recommendation concerning the plan, design, location, removal, relocation and alteration of any building or structure belonging to the Municipality or located in or on public streets or public property; the location, widening, extension and vacation of streets, parks, parkways, playgrounds, recreation areas and other public places; the approval of

plats for the subdivision of lands, the zoning of the Municipality for the purpose of regulating the location of trades, industries, multiple dwelling districts or other uses of the property, the height and design of buildings, the percentage of area of the lot which may be occupied by building, the area of lot per family of occupation, the provision of yard spaces, the fixing of building lines and the preparation of plans or maps for the future physical development and harmonious improvement of the Municipality; and such other powers as are now or hereafter may be conferred by ordinance of the Council.

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When the Planning Commission shall make a recommendation to the Council for a change in, or addition to any zoning ordinance or building code, Council shall study each recommendation and take action within sixty (60) days by placing on its first reading an ordinance properly covering such recommendation. Final action by Council on such ordinance shall be taken by placing said ordinance on its third and final reading no later than sixty (60) days after its first reading.

be amended to read as follows:

Sec. 10.02. FUNCTIONS OF PLANNING COMMISSION.

A. GENERAL FUNCTIONS.

It shall be the function and duty of the Planning Commission to make and adopt a general plan for the development and improvement of

the Municipality. No general plan or portions thereof or amendments thereto shall be adopted by the Commission until after a public hearing thereon. So much of the general plan as may be established, or from time to time amended, by ordinance of Council shall constitute the official plan and map of the Municipality.

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When the Planning Commission shall make a recommendation to the Council for a change in, or addition to any zoning ordinance or

building code, Council shall study each recommendation and take action within thirty (30) days by placing on its first reading an ordinance properly covering such recommendation. Final action by Council on such ordinance shall be taken by placing said ordinance on its third and final reading no later than thirty (30) days after its first reading. Council may, by a vote of three fourths (3/4) of its members, dispense with three readings of any such ordinance(s).

YES - For Passage

NO - Against Passage"

Section 3: A "redlined" version of the suggested revision is attached hereto and incorporated herein as Exhibit "A".

Section 4: 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 5: 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 6: 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 to eliminate a potential conflict in the Charter 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 - 56 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 -56 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 A

Sec. 10.02. FUNCTIONS OF PLANNING COMMISSION.

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