

CITY OF TWINSBURG, OHIO

RESOLUTION 59-2014

A RESOLUTION REQUESTING AND AUTHORIZING THE SUMMIT COUNTY BOARD OF ELECTIONS TO PLACE UPON THE CITY OF TWINSBURG BALLOT AT THE GENERAL ELECTION OF NOVEMBER 4, 2014, CERTAIN PROPOSED AMENDMENTS TO SECTION 7A.01 OF THE CHARTER OF THE CITY OF TWINSBURG REGARDING CHANGES TO ZONING THE ZONING OF ANNEXED LAND

WHEREAS, the Charter Review Commission of the City of Twinsburg appointed pursuant to Section 11.01 of the City Charter has recommended that Section 7A.01 of the Charter titled PROCEDURE be amended; and

WHEREAS, said amendments to Section 7A.01 requires that any changes to zoning classifications, sub-classifications, permitted or prohibited uses in any classification or sub-classification must first be submitted to the Planning Commission for review; approved by majority of Council; and shall not become effective unless placed upon the ballot and approved by the majority of the votes cast in each ward that the property is located and the majority of all votes cast city wide; and

WHEREAS, Section 11.01 of the Charter provides that the Charter Review Commission shall submit to Council such alterations, revisions and amendments as in its judgment are desirable and Council shall then submit such proposed alterations, revisions, or amendments in the manner provided in Article X of the Charter; and

WHEREAS, Section 10.01 of Article X of the Charter provides that Council shall submit issues presented by the duly appointed Charter review Commission to the electors unless five (5) or more members of Council vote against the recommendation, and such amendment or amendments shall only be effective upon approval of a majority of the electors voting thereon.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Twinsburg, County of Summit and State of Ohio:

SECTION I: That the question of proposed amendments to the Charter of the City of Twinsburg, Ohio, as originally adopted by the electorate on June 25, 1957, and as subsequently amended by the electorate since that date is hereby directed to be submitted to a vote of the qualified electors of the City of Twinsburg, Ohio, at the general election to be held on the 4th day of November, 2014, at the regular places of polling in said municipality between the hours established by the Summit County Board of Elections.

SECTION II: That the ballot at the top thereof be entitled, “City of Twinsburg Charter Amendment Issue,” and the question to be submitted on said ballot shall be substantially in the words and form following which may, however, be synopsised on the ballot by reference to an appropriate title to the issue: “City of Twinsburg Charter Amendment Issue...shall a proposed amendment to the Charter of the City of Twinsburg be adopted which amendment reads as follows:

ARTICLE VIIA CHANGES TO ZONING CLASSIFICATIONS

Sec. 7A.01 Procedure

The City shall be divided into designated zoning classifications (i.e. Residential, Commercial, Industrial, etc.) and such zoning classifications may be further divided into sub-classifications (i.e. R-1, R-2, C-1, C-2, I-1, I-2, etc.). In each zoning classification, the City shall designate specific uses that are permitted and prohibited within each zoning classification. Any change of zoning classification or sub-classification of any parcel or parcels of property in the City, or in the uses permitted or prohibited in any zoning classifications or sub-classification within the City of Twinsburg must first be submitted to the Planning Commission, for consideration and report. In the event the City Council should approve any of the preceding requested changes, upon the report of the Planning Commission, it shall not be approved or passed by the declaration of an emergency, and it shall not be effective, but it shall be mandatory that the same be approved by a majority vote of all votes cast of the qualified electors of the City of Twinsburg and of each ward in which the property so changed is located at the next scheduled election. Said issue shall be submitted to the electors of the City only after approval by Council of a change of zoning classifications or sub classifications, or in the uses permitted or prohibited in any zoning use classifications or sub-classification; however, should Council disapprove any such changes, the issue shall not be submitted to the voters. However, any change in the designation of zoning classifications or sub-classifications or in uses permitted or prohibited in any zoning use classification or sub-classification of land hereinafter annexed to the City shall be subject to the requirements of Section 7A.05 herein.

Sec. 7A.02 Repeal of Conflicting Provisions

All ordinances, resolutions, proclamations, motions and Charter provisions inconsistent with this amendment are hereby repealed.

Sec. 7A.03 Severability

This amendment shall be severable and if any section, subsection, part, word or application thereof is held invalid for any reason, such holding shall not invalidate or affect the force and effect of any other section, subsection, part, word or application thereof.

Sec. 7A.04 Publicly Owned Lands

Notwithstanding the provisions of this Article, lands acquired by the City of Twinsburg, the Twinsburg Board of Education or the Board of Trustees of the Twinsburg Public Library shall, upon application of the acquiring entity, be zoned public facilities districts by majority vote of Council following receipt of a report and recommendation from the Planning Commission and shall be governed by the regulations of the Zoning Code pertaining to Public Facilities Districts. Approval of the electorate of the City of Twinsburg shall not be required for such zoning change.

Sec. 7A.05 Zoning of Annexed Land

Any parcel of land hereinafter annexed to the City of Twinsburg shall, upon annexation be classified in the closest compatible City of Twinsburg zoning classification by City Council upon review and recommendation of the Planning Commission except that in the case of residentially zoned land, no annexed land shall be classified in a residential zoning district permitting a density greater than that permitted in the City of Twinsburg R-4 Planned Medium Residential District. Approval of the electorate of the City of Twinsburg shall not be required for the designation of zoning of annexed land as contemplated herein.

SECTION III: That for purposes of presentation on the ballot the issue presented herein may be synopsized as follows:

PROPOSED CHARTER AMENDMENT

Shall section 7A.01 of Article VII of the Charter of the City of Twinsburg be amended to require any changes of zoning classifications, sub-classifications or any changes of the uses permitted or prohibited on any zoned parcel of property in the City must be approved by a majority of the electorate of the City and the majority of the electorate of the Ward where the property is located?

FOR THE AMENDMENT

AGAINST THE AMENDMENT

SECTION IV: That in the event the foregoing amendments to the City Charter are approved by a majority of the electors voting thereon, they shall become part of the Charter of the City of Twinsburg and shall become effective as provided therein.

SECTION V: That the Clerk be, and she hereby is ordered to give notice of such pending and proposed amendments through publishing or mailing according to law.

SECTION VI: That the Clerk be, and she hereby is directed to certify a copy of this Resolution to the Board of Elections of Summit County. That this Resolution be, and hereby is, determined sufficient authority upon filing with the Summit County Board of Elections to cause that government body to proceed to place the herein prescribed Charter Amendment Issue upon the Twinsburg City Ballot November 4, 2014, general election, and that such authority be deemed granted to the Board upon receipt of a certified copy of this Resolution from the Clerk of Council.

SECTION VII: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting or meetings of this Council and any of its committees that resulted in such formal action, were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

SECTION VIII: That this Resolution shall be read on three (3) different days in order to publish and notice the proposed changes to be presented on the ballot and shall thereafter take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____

EFFECTIVE: _____

Maureen Stauffer, President of Council

Submitted to the Mayor for approval this
_____ day of _____, 2014

Approved by the Mayor _____, 2014

Katherine A. Procop, Mayor

ATTEST:

Shannon Collins
Clerk of Council

Passed: _____
Yes _____ No _____

CERTIFICATE OF POSTING

I, Shannon Collins, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the _____ day of _____, 2014.

Shannon Collins
Clerk of Council
City of Twinsburg

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