ORDINANCE NO. 2010-24
INTRODUCED BY: Mayor Rinker and Council as a Whole

AN ORDINANCE PROPOSING AN AMENDMENT TO ARTICLE III, SECTIONS 12 & 13 OF THE CHARTER OF MAYFIELD VILLAGE TO DETERMINE WHEN ZONING AND LAND USE CHANGES MAY BE SUBMITTED TO THE ELECTORATE

WHEREAS, Article IX 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 has recommended to the voters the following proposed amendments to Article III, Sections 12 and 13.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO THAT:

SECTION 1. Article III, Sections 12 and 13 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 the Cuyahoga County Board of Elections not later than sixty (60) days before the November 2, 2010 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 2, 2010 shall be as follows:

PROPOSED CHARTER AMENDMENT
(MAJORITY AFFIRMATIVE VOTE REQUIRED)

SHALL MAYFIELD VILLAGE CHARTER ARTICLE III, SECTIONS 12 AND 13 BE AMENDED TO DETERMINE WHEN ZONING AND LAND USE CHANGES MAY BE SUBMITTED TO THE ELECTORATE?

SECTION 5. This ordinance shall take effect and be in full force from and after the earliest period allowed by law and upon signature by 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 meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

WILLIAM BUCKHOLTZ
Council President

First Reading: June 21, 2010

Second Reading: July 19, 2010

Third Reading: August 16, 2010

PASSED: August 16, 2010

BRUCE G. RINKER, Mayor

APPROVED AS TO FORM:

JOSEPH W. DIEMERT, JR.
DIRECTOR OF LAW

ATTEST:
MARY E. BETSA, Clerk of Council

EXHIBIT A

ARTICLE III:
SECTION 12. PUBLIC NOTICE AND HEARING ON CERTAIN ORDINANCES.

Before any ordinance or resolution may be enacted by the Council amending or repealing any: (a) platting ordinance, (b) the zoning map of the Municipality, (c) zoning or use classification or district, (d) restrictions on height of buildings and other structures, (e) the size of parcels in any zoning or use classification, or (f) the percentage of lot occupancy of buildings and other structures; the Council shall (i) refer such ordinance or resolution to the Planning and Zoning Commission for report and recommendation as required by Section 11 of this Article III; (ii) read the same in full or by title at two successive Council meetings, (iii) thereafter hold a public hearing thereon (which public hearing shall be held at least thirty days after the second reading and prior to the third reading thereof), and (iv) shall give thirty days notice of the time and place of such public hearing in a newspaper of general circulation in the Municipality. No such ordinance or resolution shall be enacted or adopted unless passed or approved after the third reading thereof by not less than a majority of the members ~~of~~ elected to Council, and, if such ordinance or resolution has been disapproved by the Planning and Zoning Commission, by not less than two-thirds of the members ~~of~~ elected to Council. ~~Thereafter, any such ordinance which has been approved by the Council shall be submitted to a vote of the electors of the Municipality, and shall become effective only upon approval thereof by such electors in accordance with the provisions of Section 13 of this Article III.~~ Such ordinance or resolution shall become final and binding as law unless referred to the voters under Section 13 hereafter. ~~(Amended 5-8-84.)~~

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ARTICLE III:
SECTION 13. SUBMISSION TO ELECTORATE OF ZONING AND LAND USE CHANGES.

The Council may in its sole and exclusive discretion submit ~~Upon approval by the Council and the Mayor, or upon the approval of the Council after a veto of the Mayor, of~~ any ordinance or resolution amending or repealing any ordinance, resolution or map described in Section 12 of this Article III, ~~the Council shall thereupon certify such ordinance or resolution~~ to the Board of Elections to be submitted to the electors at the next general or regularly scheduled primary or special election to be held in the Municipality more than sixty (60) days after the approval of such ordinance or resolution by Council. No such referred ordinance or resolution shall become effective until approved at such an election by a majority vote of the qualified electors of the Municipality voting in such election, and the results of such election have been certified by the Board of Elections. Such election shall be provided for by ordinance of Council, which ordinance shall prescribe the manner in which the submission shall be made. All ordinances, resolutions, motions and orders, or portions thereof, inconsistent with the provisions of Sections 10, 11, 12 and 13 of this Article III are hereby repealed. The provisions of Sections 10, 11, 12 and 13 of this Article III shall be severable and, if any section, subsection, sentence, part, word or phrase, or the application thereof, is held invalid, illegal or unconstitutional for any reason, such holding shall not invalidate or affect the force and effect of any other section, subsection, sentence, part, word or phrase, or the application thereof. It is hereby declared to be the intention of the electors that Sections 10, 11, 12 and 13 of Article III of this Charter would have been adopted had such invalid, illegal or unconstitutional section, subsection, sentence, part, word or phrase, or the application thereof, not been included herein.

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