

City of Solon

Requested by the
Charter Review Commission

Record of Ordinances

ORDINANCE NO: 2021-146

INTRODUCED BY: Shimits

AN ORDINANCE ADOPTED PURSUANT TO ARTICLE XII OF THE SOLON
CHARTER PROPOSING ADOPTION OF A NEW ARTICLE XIV,
SECTION 4 PERTAINING TO ZONING CHANGES TO THE
CENTRAL RETAIL DISTRICT, AND DECLARING AN EMERGENCY

WHEREAS, the Council convened a Charter Review Commission during the year 2021; and

WHEREAS, the Charter Review Commission has proposed amendments to the Council; and

WHEREAS, this Council, pursuant to Article XII of the City Charter, proposes to submit amendments to the electors of the City of Solon at the next regular municipal election, being the election to be held on November 2, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Solon, State of Ohio, two-thirds of the members elected or appointed hereto concurring:

SECTION 1. That new Article XIV, Section 4 of the Charter be adopted as follows:

SECTION 1. ZONING DISTRICT CHANGE.

Any ordinance effecting a change in the zoning classification or district of any property resulting in a zoning map change within the City shall not become effective after the passage thereof until Council submits such Ordinance to the electors at a regularly scheduled primary or general election, occurring more than 90 days after the passage of the ordinance and such ordinance is approved at such election by a majority of the electors voting thereon, in this City, and by a majority of the electors in each ward in which a change in zoning classification or district of any property is located, resulting in a zoning map change, at the same election.

SECTION 2. ZONING USE CHANGE.

Any ordinance effecting a change in the uses permitted in a zoning use classification or district of the City, shall not become effective after the passage thereof, until Council submits such ordinance, to the electors at a regularly scheduled primary or general election, occurring more than 90 days after the passage of the ordinance and such ordinance is approved by the majority of the electors voting thereon in the City and by a majority of the electors in each ward in which the zoning use change is applicable to any property with such designated zoning district classification at the same election.

SECTION 3. ZONING CODE CHANGES BY INITIATIVE PETITION.

(a) Any initiative petition that proposes a change in the zoning code of the City or any change in the zoning map of the City shall first be filed by the petitioner with the Clerk of Council to be held for a period of 10 days. After the initiative petition has been filed

with the Clerk of Council for a period of 10 days, the petitioners may circulate the petition filed with the Clerk of Council.

(b) After the petitioners have submitted their petitions to the Clerk of Council, and upon completion of circulation within the City, the Clerk of Council shall submit such petitions to the Board of Elections to determine if there are sufficient valid signatures of electors of the City. The Board of Elections shall certify whether such petitions contain the signatures of not less than 10 percent of the number of electors who voted for Governor at the most recent general election for the Office of Governor in the City. In the event such initiative petitions do not contain sufficient signatures to meet or exceed 10 percent of the number of electors that voted for Governor at the most recent general election for the office of Governor in the City, the petitioners may seek additional signatures of electors of the City.

(c) Once the initiative petitions are certified by the Board of Elections to have not less than 10 percent of the number of electors who voted for Governor at the most recent general election for the office of Governor in the City, the initiative shall be placed on the agenda for the next regular Council meeting. At the first regular Council meeting at which the initiative is considered, a public hearing before Council shall be set with at least 10 days advance notice. The notice shall conform to the requirements for notification of public hearings whenever any amendment to the zoning code and/or map of the City is being proposed as provided in the zoning code of the City. The public hearing shall be held at a regular Council meeting.

(d) The Ordinance before Council shall be read at three consecutive regular meetings and shall not be read at any special meeting. At the third regular meeting, and after the public hearing on the initiative proposal, Council shall determine if the initiative petitions, and the process of placing such initiative before Council, comply with the Charter and, to the extent applicable, the Ohio Revised Code. The form of the petition and circulation and signing of the petitions by the circulators shall conform to the requirements of the Ohio Revised Code.

(e) Council shall act upon the initiative petitions to determine whether the petitions are to be certified to the Board of Elections for consideration at the next regularly held general or primary election no later than the third reading and the Council may only deny certification if they find the petitions are not sufficient and valid by specifying how the petitions do not comply with the Charter and/or the Ohio Revised Code.

(f) Upon adoption of any Ordinance to certify the initiative to the Board of Elections, the Clerk of Council, no later than five days after passage of such Ordinance, shall certify the Ordinance to the Board of Elections and deliver the initiative petitions to the Board of Elections requesting that the initiative be placed on the ballot of the next regularly held primary or general election occurring more than 90 days after adoption of the Ordinance certifying the initiative to the Board of Elections. Any Ordinance approving certification of the initiative to the Board of Elections to be placed on the ballot to be considered by the electors shall take effect immediately upon final action by Council, and the Clerk of Council shall forthwith certify the Ordinance for delivery to the Board of Elections. Council shall not dispense with three readings of the Ordinance at three consecutive regular Council meetings to submit an initiative to the Board of Elections, and adoption of any such ordinance cannot be accomplished by resolution or motion.

SECTION 4. ZONING CHANGES TO THE CENTRAL RETAIL DISTRICT

The provisions in Section 1 and Section 2 in Article XIV shall not apply to the Central Retail District as identified and described within the City of Solon Master Plan. Council shall adopt a procedure and process for the Zoning and Development of the Central Retail District as identified and described within the City of Solon Master Plan, which shall not employ the procedure and process contained in Section 1 and Section 2 in Article XIV.

SECTION 2. That the foregoing proposed amendment upon receiving at least a majority of the votes cast thereon at the November 2, 2021 general election shall become effective immediately upon its adoption.

SECTION 3. That the ballot language submitting the question of the adoption of the aforesaid amendment shall read substantially as follows:

"PROPOSED CHARTER AMENDMENT
CITY OF SOLON

A Majority Affirmative Vote is necessary for passage.

Shall new Article XIV, Section 4 of the Charter, be adopted to establish Zoning Changes to the Central Retail District as identified and described within the City of Solon Master Plan, which shall not employ the procedure and process contained in Section 1 and Section 2 in Article XIV

YES
NO"

SECTION 4. That the Clerk of Council be, and she hereby is, authorized and directed to certify a copy of this Ordinance to the Cuyahoga County Board of Elections for an election to be held at the next regular municipal election which shall occur not less than sixty nor more than one hundred and twenty days after passage of the Ordinance which this Council finds to be the election on November 2, 2021.

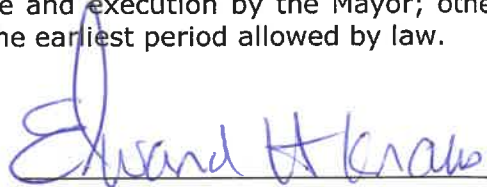
SECTION 5. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 2, 2021, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 6. That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Solon, with the first publication to be made at least fifteen days prior to the general election to be held on November 2, 2021, as provided by Article XVII, Section 9 of the Constitution of the State of Ohio and Ohio Revised Code Section 731.211.

SECTION 7. That there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorization and directions of this Ordinance.

SECTION 8. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to file a certified copy of this Ordinance and the proposed form of the ballot question with the Board of Elections of Cuyahoga County not later than sixty (60) days prior to the November 2, 2021 election, as provided herein; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: August 16, 2021



Mayor

ATTEST:



Clerk of Council

EXHIBIT A

