

A RESOLUTION REPEALING RESOLUTION 28-2021 ADOPTED PURSUANT TO SECTION 709.023 OF THE OHIO REVISED CODE AND DECLARING COMPATIBILITY OF PERMITTED USES IN ANNEXED TERRITORY AND ADJACENT LAND REMAINING WITHIN THE TOWNSHIP AS SET FORTH IN THE AMENDED ANNEXATION APPLICATION AND PETITION SUBMITTED ON APRIL 8, 2021, AND DECLARING AN EMERGENCY

WHEREAS, the Clerk of Council received an Annexation Application from Richfield Furnace Run Associates, LLC (the “Applicant”) dated March 12, 2021, regarding the annexation of certain territory consisting of 118.7873 acres of land in Richfield Township, Summit County, Ohio (“Property”) together with a copy of an Annexation Petition filed with the Summit County Council; and

WHEREAS, Council passed Ordinance No. 26-2021 on March 16, 2021 referring to Annexation Application to the Village’s Planning and Zoning Commission in accordance with the requirements of Section 1115.05 of the Planning and Zoning Code for and evaluation and recommendation of the annexation request and the requested Zoning District classification for the Property; and

WHEREAS, the Applicant withdrew the Annexation Petition filed with the Summit County Council on March 25, 2021 due to a procedural filing error. Subsequently, the Applicant filed an Amended Annexation Application with the Village on March 25, 2021 together with a copy of the Amended Annexation Petition filed with the Summit County Council; and

WHEREAS, the Amended Annexation Application and Amended Annexation Petition are identical to the original application and petition that was previously filed with the Village on March 12, 2021; and

WHEREAS, Planning and Zoning Commission meet on March 30, 2021 to evaluate the annexation request and unanimously voted to recommend that Council consent to the annexation; and

WHEREAS, Council passed Resolution 28-2021 on March 31, 2021 that declared the compatibility of permitted land uses in the annexed territory and land remaining within the township; and

WHEREAS, subsequent to Council’s passage of Resolution 28-2021, the Applicant withdrew the March 25, 2021 Amended Annexation Petition filed with the Summit County Council due to another procedural filing error and subsequently filed another Amended Annexation Petition dated April 8, 2021, a copy of which is attached hereto as Exhibit “A” and expressly incorporated herein; and

WHEREAS, Council passed Resolution 35-2021 on April 14, 2021 referring to April 8, 2021 Amended Annexation Application to the Village's Planning and Zoning Commission in accordance with the requirements of Section 1115.05 of the Planning and Zoning Code for and evaluation and recommendation of the annexation request and the requested Zoning District classification for the Property; and

WHEREAS, Planning and Zoning Commission meet on April 27, 2021 to evaluate the amended annexation request and unanimously voted to recommend that Council consent to the annexation; and

WHEREAS, Section 709.023(C) requires the legislative authority of a municipal corporation to require the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township if the municipal corporation determines that the permitted uses in the annexed territory are clearly incompatible with the uses permitted under township zoning regulations in the adjacent land remaining with the township from which the territory was annexed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

SECTION 1. Resolution 28-2021 is hereby repealed.

SECTION 2. The owner of the annexed territory is not required to provide a buffer separating the proposed single family use of the annexed territory from the adjacent land remaining within the township because the permitted single family use within the R-3 Cluster Residential District with an RCD Single Family Conversation Development Overlay are compatible with the prevailing single family land use patterns in adjacent Richfield Township.

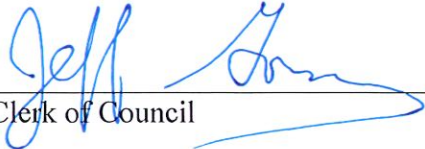
SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared to be an emergency measure for the immediate preservation of the public health, safety, and welfare and for the further reason that it is necessary to adopt this Resolution in order to meet the statutory deadlines set forth in the Ohio Revised Code; wherefore, provided this Resolution 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: 5-1-2021



President of Council

ATTEST:


Clerk of Council



Mayor

Dated: 5-1-2021

