

**ORDINANCE NO. 54-2016**

**INTRODUCED BY: Council as a Whole**

**AN ORDINANCE AMENDING CHAPTER 1218, TREE PRESERVATION AND MANAGEMENT; AND SECTION 1232.06(c)(5) OF THE CITY'S PLANNING AND ZONING CODE TO PROVIDE FOR LANDSCAPING AND TREE PRESERVATION AND REPLACEMENT REQUIREMENTS IN THE CITY FOR CERTAIN DEVELOPMENT OF LANDS IN EXCESS OF TWO ACRES.**

**WHEREAS**, Codified Ordinance Section 1212.02(c) authorizes Council to initiate amendments to the City's Planning and Zoning Code by passage of a motion by Council and referral to the Planning Commission pursuant to Section 1212.05(a); and

**WHEREAS**, Council desires to initiate amendments to Chapter 1218 and Section 1232.06(c)(5) of the City's Planning and Zoning Code to provide for landscaping and tree preservation and replacement requirements for certain developments of property in excess of two acres, all as more fully shown on Exhibit "A" attached hereto and incorporated herein as if fully rewritten; and

**WHEREAS**, in accordance with C.O. Sec. 1212.03(f), the Planning Commission has held a public hearing on the proposed amendments herein, having first published notice of the public hearing in a newspaper of general circulation within the City at least ten (10) days prior to said hearing and afforded all interested parties an opportunity to be heard on the issue; and

**WHEREAS**, the Planning Commission, after consideration of the public hearing and after due deliberation, has made its recommendation on the issue to the Council within 30 days after the public hearing (or any permitted extensions thereof); and

**WHEREAS**, Council has received the recommendation from the Planning Commission dated \_\_\_\_\_ to amend Chapter 1218 and Section 1232.06(c)(5); and

**WHEREAS**, in accordance with C.O. Secs. 1212.05(d) and 1212.03(h) through (j), Council has caused Notice of public hearing by Council to be published in a newspaper of general circulation in the City at least 30 days before such public hearing affording any interested party the opportunity to be heard on the issue; and

**WHEREAS**, this proposed Ordinance, along with any applicable map, plans and the recommendation of the Planning Commission have all been on file and available for public inspection in the office of the Clerk of Council for at least 30 days prior to the public hearing; and

**WHEREAS**, the requisite Public Hearing having been held by Council, after proper public notice of same, this Council desires to adopt the aforesaid recommendation

of the Planning Commission to amend the City's Planning and Zoning Code as stated.  
Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:**

**SECTION 1.** This Council hereby accepts and approves the recommendation of the Planning Commission dated \_\_\_\_\_ to amend Chapter 1218 and Section 1232.06(c)(5) as shown on Exhibit "A" attached hereto and incorporated herein and does hereby amend the same as shown on said Exhibit "A".

**SECTION 2.** 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.

**SECTION 3.** This Ordinance shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
*Jay Linn, President of Council*

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
*Ann Marie Donegan, Mayor*

\_\_\_\_\_  
*Date*

APPROVED AS TO FORM: \_\_\_\_\_  
*Gregory M. Sponseller, Director of Law*

ATTEST: \_\_\_\_\_  
*Angela Mancini, Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_