

ORDINANCE NO. 32-2017

INTRODUCED BY: COUNCIL AS A WHOLE

**AN ORDINANCE REVERSING THE DECISION OF THE
PLANNING & ZONING COMMISSION IN CASE NO. 06-2017,
AND DECLARING AN EMERGENCY**

WHEREAS, a public hearing was held on June 13, 2017 on the timely appeal to Council of the decision dated May 3, 2017 (and ratified and affirmed by the Commission on June 7, 2017) of the Planning & Zoning Commission in Case No. 06-2017 on PP# 281-14-001; and

WHEREAS, this Council has taken into consideration the record in Planning & Zoning Commission Case No. 06-2017, and the testimony, evidence and arguments presented at the Council Public Hearing on said appeal on June 13, 2017. Now therefore,

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

SECTION 1. This Council finds and determines that the May 3, 2017 decision of the Planning & Zoning Commission in Case No. 06-2017 granting, with conditions, the Tree Preservation & Management Plan in Case No. 06-2017 is not supported by substantial, reliable and probative evidence, in that Council finds that the Applicant Property-Owner has demonstrated that the Tree Preservation and Management Plan as submitted (and without any conditions) is reasonable and appropriate, complies with the law and code(s) applicable thereto, and therefore the said Decision of the Planning & Zoning Commission is hereby reversed and the Tree Preservation and Management Plan as submitted by Applicant and without modifications is hereby granted and approved.

SECTION 2. That Notice of the decision by this Council through this Ordinance shall be mailed by the Clerk to the Appellant and the Planning & Zoning Commission, and the parties shall have further appeal rights in accordance with law including Ohio Revised Code Chapter 2506.

SECTION 3. 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.

SECTION 4. That this Ordinance is an Order on an Administrative Appeal to Council from a decision of the Planning & Zoning Commission but because it is a reversal of the Decision of the Planning & Zoning Commission it requires a minimum vote of approval of not less than five (5) members elected to Council.

SECTION 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City for the reason that the decision by Council as to the appeal must be determined by Ordinance within fifteen days of closing the public hearing. This Ordinance shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and signature by the Mayor.

Linda Garrity, President of Council

PASSED: _____

APPROVED: _____
Ann Marie Donegan, Mayor _____
Date

APPROVED AS TO FORM: _____
Gregory Sponseller, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

| | Yea | Nay |
|----------|-------|-------|
| Garrity | _____ | _____ |
| Haviland | _____ | _____ |
| Sculac | _____ | _____ |
| Gorski | _____ | _____ |
| Stibich | _____ | _____ |
| Duncan | _____ | _____ |
| Miller | _____ | _____ |