

**ORDINANCE NO. 33-2017**

**INTRODUCED BY: COUNCIL AS A WHOLE**

**AN ORDINANCE REVERSING AND MODIFYING 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 Tree Preservation and Management Plan as submitted with the following modifications \_\_\_\_\_ 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 modified and the Tree Preservation and Management Plan as submitted with above 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 and modification 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.

