

**ORDINANCE NO. 39-2018 (AMENDED)**

**INTRODUCED BY: Council as a Whole**

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PERMANENT PARCEL NOS. 281-22-022; 281-22-021; 281-20-055; 281-17-010; 281-17-011; 281-17-012; 281-17-016; 281-20-054; AND 281-17-017 CONSISTING OF APPROXIMATELY 9.74 ACRES AND LOCATED ALONG BROOKSIDE DRIVE FROM P-1 "PROFESSIONAL AND MEDICAL DISTRICT," AND I-2 "INDUSTRIAL MANUFACTURING DISTRICT" TO MUTND, "MIXED USE TRADITIONAL NEIGHBORHOOD DISTRICT" AND FURTHER AMENDING THE ZONING MAP OF THE CITY CONSISTENT THERETO**

**WHEREAS**, Codified Ordinance Section 1212.02(c) authorizes Council to initiate amendments to the City's Zoning Code including the re-zoning of areas of the City; and

**WHEREAS**, the City of Olmsted Falls has requested that Council, by Resolution, initiate a re-zoning of the said parcels and upon motion by Council, Council shall refer such re-zoning Resolution to the Planning and Zoning Commission for its consideration and recommendation, all consistent with the procedural requirements of Codified Ordinance Section 1212.05 and all other legal requirements; and

**WHEREAS**, Council desires to initiate the re-zoning of that certain land located along Brookside Drive and Garfield Avenue, consisting of approximately 9.74 acres, and more fully shown on the map attached hereto as Exhibit "A" and incorporated herein, and being Permanent Parcel Numbers 281-22-022; 281-22-021; 281-20-055; 281-17-010; 281-17-011; 281-17-012; 281-17-016; 281-20-054; and 281-17-017 from its current zoning classification of P-1, "Professional and Medical District" and I-2 "Industrial Manufacturing District" to new zoning classification of MUTND "Mixed Use Traditional Neighborhood District"; and

**WHEREAS**, in accordance with C.O. Sec. 1212.03(f), the Planning and Zoning Commission shall hold a public hearing on the re-zoning matter herein, consisting of eight (8) parcels of land, having first published notice of the public hearing in a newspaper of general circulation within the City and having sent by regular U.S. Mail notice to owners of property within 500 feet of the proposed re-zone area, 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 and Zoning Commission, after consideration of the public hearing and after due deliberation, shall make 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 and Zoning Commission dated August 3, 2018 to rezone said parcels from P-1, “Professional and Medical District” and I-2 “Industrial Manufacturing District” to MUTND “Mixed Use Traditional Neighborhood District”; 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 and notice to be mailed to all property owners within 500 feet of the area proposed to be re-zoned at least 30 days before such public hearing affording any interested party the opportunity to be heard on the issue; and

**WHEREAS**, this proposed re-zoning Ordinance, along with any applicable map, plans and the recommendation of the Planning and Zoning 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 and Zoning Commission to rezone the subject property 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 and Zoning Commission dated August 3, 2018 to re-zone that certain area of land and parcels identified therein and hereinabove from P-1, “Professional and Medical District” and I-2 “Industrial Manufacturing District” to MUTND “Mixed Use Traditional Neighborhood District.”

**SECTION 2.** The relevant sections of the Zoning Map and/or the Zoning Code of the City of Olmsted Falls are hereby changed and amended so as to rezone Permanent Parcel Nos. 281-22-022; 281-22-021; 281-20-055; 281-17-010; 281-17-011; 281-17-012; 281-17-016; 281-200-054; and 281-17-017, the map description of which is attached hereto and made a part hereof as Exhibit “A”, as described in the recitals above, from P-1, “Professional and Medical District” and I-2 “Industrial Manufacturing District” to MUTND “Mixed Use Traditional Neighborhood District”.

**SECTION 3.** The City Planning and Zoning Commission and/or the proper City officials are hereby authorized and directed to take whatever steps are necessary including, but not limited to the engagement of the City Engineer, to make the proper markings and changes on the Zoning Map of the City of Olmsted Falls, Ohio which is a part of the Planning and Zoning Code of the City so as to clearly indicate and establish the aforesaid zoning changes.

**SECTION 4.** 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 5.** This Ordinance shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
*Paul Stibich, President of Council*

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

APPROVED: \_\_\_\_\_  
*James Graven, Mayor* *Date*

APPROVED AS TO FORM: \_\_\_\_\_  
*Andrew D. Bemer, Director of Law*

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

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

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

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

	Yea	Nay
Stibich	_____	_____
Haviland	_____	_____
Jones	_____	_____
Gorski	_____	_____
Nicolay	_____	_____
Duncan	_____	_____
Fenrich	_____	_____