

**ORDINANCE NO. 20-2021**

**INTRODUCED BY: COUNCIL AS A WHOLE**

**AN ORDINANCE REVERSING THE DECISION OF THE  
PLANNING AND ZONING COMMISSION IN P&Z DOCKET  
NO. 02-2021, AND DECLARING AN EMERGENCY**

**WHEREAS**, a public hearing was held on March 16, 2021 on the timely appeal to Council of the decision dated February 17, 2021 of the Planning and Zoning Commission in P&Z Docket No. 02-2021 on PP# 291-38-007; and

**WHEREAS**, this Council has taken into consideration the record in P&Z Docket No. 02-2021, and the testimony, evidence and arguments presented at the Council Public Hearing on said appeal on March 16, 2021. 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 February 17, 2021 decision of the Planning and Zoning Commission in P&Z Docket No. 02-2021 granting the requested conditional use permit and variances and finding unnecessary hardship and/or practical difficulty pursuant to Codified Ordinance Section 1470.16 is not supported by substantial, reliable and probative evidence, in that Council finds that the Applicant Property-Owner has not demonstrated the existence of unnecessary hardship or practical difficulty as required by Section 1470.16 and therefore the said Decision of the Planning and Zoning Commission is hereby reversed and the requested conditional use permit and variances are hereby denied.

**SECTION 2.** That Notice of the decision by this Council through this Ordinance shall be mailed by the Clerk to the Appellants and the Applicant, and the Applicant Property-Owner 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 and Zoning Commission and therefore, pursuant to Charter Section 5.06(2), is not subject to the three reading rule but because it is a reversal of the Decision of the Planning and 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.

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

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

APPROVED: \_\_\_\_\_  
*James P. 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	_____	_____
Jones	_____	_____
Jansen	_____	_____
McFadden	_____	_____
Munteanu	_____	_____
Buchholz	_____	_____
Chitester	_____	_____