

ORDINANCE NO. 21-2021

INTRODUCED BY: COUNCIL AS A WHOLE

**AN ORDINANCE RATIFYING AND MODIFYING THE
DECISION OF THE PLANNING AND ZONING COMMISSION
REGARDING 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 supported in part by substantial, reliable and probative evidence, is not contrary to law, and the same is hereby ratified but modified as follows:

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 Appellants 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.

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

