

**ORDINANCE NO. 66-2021**

**INTRODUCED BY: COUNCIL AS A WHOLE**

**AN ORDINANCE RATIFYING AND MODIFYING THE  
DECISION OF THE PLANNING AND ZONING COMMISSION  
REGARDING P&Z DOCKET NO: 21-2021, AND DECLARING  
AN EMERGENCY**

**WHEREAS**, a public hearing was held on December 6, 2021 on the timely appeal to Council of the decision dated November 17, 2021 of the Planning and Zoning Commission in P&Z Docket No. 21-2021 on PP# 281-06-011 and 281-19-001; and

**WHEREAS**, this Council has taken into consideration the record in P&Z Docket No. 21-2021, and the testimony, evidence and arguments presented at the Council Public Hearing on said appeal on December 6, 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 November 17, 2021 decision of the Planning and Zoning Commission in P&Z Docket No. 21-2021 granting the requested 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:

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**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 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 or otherwise at the earliest time allowed by law.

\_\_\_\_\_  
*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	_____	_____