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Presented by the Administration Upon
Recommendation of the Planning Commission

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CITY OF CUYAHOGA FALLS, OHIO
ORDINANCE NO. 48 - 2012

AN ORDINANCE APPROVING A CONDITIONAL ZONING
CERTIFICATE FOR THE CONSTRUCTION OF AN
OUTDOOR RECREATION FACILITY AT 4190 STATE
ROAD (PARCEL NO. 35-01621), IN AN MU-3 MIXED
USE DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires
that all affirmative decisions made by the Planning Commission be submitted to
Council, and

WHEREAS, the Planning Commission jurisdiction to grant a conditional zoning
certificate relative to certain uses in certain districts, subject to the approval of this
Council, pursuant to Section 1113.08 of the Codified Ordinances, and

WHEREAS, on April 17, 2012, the Planning Commission approved the issuance
of a conditional zoning certificate for the construction of an outdoor recreation
facility consisting of four outdoor volleyball courts at 4190 State Road (Parcel No.
35-01621), within the City of Cuyahoga Falls, Ohio,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
Falls, County of Summit, and State of Ohio, that:

Section 1. This Council approves the issuance of a conditional zoning certificate
for the construction of an outdoor recreation facility consisting of four outdoor
volleyball courts at 4190 State Road (Parcel No. 35-01621), Cuyahoga Falls, Ohio,
situated an MU-3 Mixed Use Center District, as stipulated in the Codified
Ordinances of the City of Cuyahoga Falls and as approved by the Planning
Commission as per the plans and stipulations contained in File P-3-12-CZ. This
approval is without prejudice to the City's right of revocation.

Section 2. Any other ordinances or resolutions or portions of ordinances and
resolutions inconsistent herewith are hereby repealed, but any ordinances and
resolutions not inconsistent herewith and which have not previously been repealed
are hereby ratified and confirmed.

Section 3. It is found and determined that all formal actions of this Council
concerning and relating to the adoption of this ordinance were adopted in an open
meeting of this Council, and that all deliberations of this Council and of any of its
committees that resulted in such formal action, were in meetings open to the
public, in compliance with all legal requirements, to the extent applicable,
including Chapter 107 of the Codified Ordinances.

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Section 4. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and appropriate development of this property, and provided it receives the affirmative vote of two thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: 5-14-12

Mark Shasy
President of Council

Cathleen J. Meacham
Clerk of Council

Approved: 5/16/12

D. Robert
Mayor

4/23/12