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CITY OF CUYAHOGA FALLS, OHIO
ORDINANCE NO. 04 - 2011

AN ORDINANCE APPROVING A CONDITIONAL ZONING CERTIFICATE
AUTHORIZING THE CONSTRUCTION AND OPERATION OF A WIND
TURBINE ON LAND ADJACENT TO 3690 ZORN DRIVE (PARCEL NO.
3501095), 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, Section 1113.08 of the Codified Ordinances requires that issuance of a conditional zoning certificate shall occur only after review and approval by the Planning Commission, and

WHEREAS, on July 19, 2011 the Planning Commission approved a conditional zoning certificate for the construction and operation of a 141.25' wind turbine on land adjacent to 3690 Zorn Drive,

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

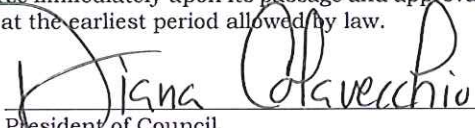
Section 1. This Council approves the conditional zoning certificate for the construction and operation of a 141.25' wind turbine on land adjacent to 3690 Zorn Drive (Parcel No. 3501095), Cuyahoga Falls, Ohio (depicted in the site plan attached hereto as Exhibit "A"), in accordance with such district and zoning regulations as provided 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 Planning Commission File P-13-11-CZ. This approval is not in derogation of the City's right of revocation provided for in Section 1113.08(E)(5) of the Codified Ordinances.

Section 2. Any ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.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 passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all requirements including Chapter 107 of the Codified Ordinances.

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, 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: 7-25-11



President of Council

Approved: 8/9/11



Clerk of Council



Mayor

