

AN ORDINANCE AMENDING PART ELEVEN, C.O.S., ENTITLED “PLANNING AND ZONING CODE”, PARTICULARLY CHAPTER 1137 THEREOF, ENTITLED “PROCEDURES AND PENALTIES”, SPECIFICALLY SECTION 1137.03 THEREOF, ENTITLED “SITE PLAN REVIEW”, SPECIFICALLY ITEM (g) THEREOF, ENTITLED “CONFIRMATION BY COUNCIL”, AND SECTION 1137.04 THEREOF, ENTITLED “CONDITIONAL USE PROCEDURES”, SPECIFICALLY SECTION (d) THEREOF, ENTITLED “COUNCIL REVIEW; NOTICE”, TO REQUIRE THE CITY ARBORIST’S APPROVAL OF LANDSCAPING PLANS PRIOR TO COUNCIL APPROVAL.

WHEREAS, on \_\_\_\_\_, the Planning Commission did prudently consider and did recommend to this Council said amendments, as hereinafter set forth; and

WHEREAS, City Council has set and conducted a Public Hearing hereupon according to law on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock p.m.;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Part Eleven, C.O.S., entitled “Planning and Zoning Code”, particularly Chapter 1137 thereof, entitled “Procedures and Penalties”, specifically Section 1137.03 thereof, entitled “Site Plan Review”, specifically Item (g) thereof, entitled “Confirmation by Council, which formerly read in pertinent part:

- “(g) Confirmation by Council.
  - (1) Following action by the Planning Commission, the application shall be submitted to Council for final action. Council, by majority vote, may confirm the recommendation of the Planning Commission for approval of the site plan, or confirm the recommendation of the Planning Commission for denial of the site plan. Council action which differs from or departs in substantive form from the recommendation of the Planning Commission shall not take effect unless approved by five members of Council, except that no ordinance or resolution may be enacted without the affirmative vote of at least four Council members. Failure of Council to act within 90 days after the introduction of a Council ordinance regarding a Planning Commission recommendation, shall be considered a denial of the final development plan.
  - (2) In its review of the site plan, Council shall consider and weigh the same factors and criteria as established for Planning Commission review.
  - (3) Upon confirmation of site plan by Council, the Planning Director shall issue a zoning certificate.”

be, and the same is, hereby amended to read henceforth as follows:

- “(g) Confirmation by Council.
  - (1) Following action by the Planning Commission, the application **and the City Arborist’s approved landscaping plan** shall be submitted to Council for final action. Council, by majority vote, may confirm the recommendation of the Planning Commission for approval of the site plan, or confirm the recommendation of the Planning Commission for denial of the site plan. Council action which differs from or departs in substantive form from the recommendation of the Planning Commission shall not take effect unless approved by five members of Council, except that no ordinance or resolution may be enacted without the affirmative vote of at least four Council members. Failure of Council to act within 90 days after the introduction of a Council ordinance regarding a Planning Commission recommendation, shall be considered a denial of the final development plan.
  - (2) In its review of the site plan, Council shall consider and weigh the same factors and criteria as established for Planning Commission review.

- (3) Upon confirmation of site plan by Council, the Planning Director shall issue a zoning certificate”

SECTION 2. That Part Eleven, C.O.S., entitled “Planning and Zoning Code”, particularly Chapter 1137 thereof, entitled “Procedures and Penalties”, specifically Section 1137.04 thereof, entitled “Conditional Use Procedures”, specifically Section (d) thereof, entitled “Council Review; Notice”, which formerly read in pertinent part:

“(d) Council Review; Notice. Following action by the Planning Commission, the conditional use application, along with the Planning Commission's recommendation, shall be submitted to Council for review and approval. The City shall post on the subject site notice of Council's pending review of said conditional use application within one week after Council receives an application from the Planning Commission. In its review of the conditional use application and recommendation of the Planning Commission, Council shall consider and weigh the same factors and criteria as established for Planning Commission review.”

be, and the same is, hereby amended to read henceforth as follows:

“(d) Council Review; Notice. Following action by the Planning Commission, the conditional use application, along with the Planning Commission's recommendation **and the City Arborist’s approved landscaping plan**, shall be submitted to Council for review and approval. The City shall post on the subject site notice of Council's pending review of said conditional use application within one week after Council receives an application from the Planning Commission. In its review of the conditional use application and recommendation of the Planning Commission, Council shall consider and weigh the same factors and criteria as established for Planning Commission review.”

SECTION 3. That all other terms and provisions of Chapters 1137.03 and 1137.04 not amended herein, be, and the same are, hereby reaffirmed as if fully reappearing herein.

SECTION 4. This Council finds and determines 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 or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. That this Ordinance was adopted pursuant to Section 4.11, Charter, and shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL \_\_\_\_\_

ATTEST \_\_\_\_\_  
Bonnie J. Emahiser  
CLERK OF COUNCIL

\_\_\_\_\_  
Matt Riehl  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
Sara Kline  
MAYOR

FILED WITH CLERK \_\_\_\_\_

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
Amber K. Zibritosky  
LAW DIRECTOR