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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. 95 - 2022

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8 AN ORDINANCE ACCEPTING THE PLANNING  
9 COMMISSION'S RECOMMENDATION FOR THE APPROVAL  
10 OF A CONDITIONAL ZONING CERTIFICATE FOR A  
11 WIRELESS COMMUNICATION FACILITY ON CITY  
12 PROPERTY LOCATED AT 4175 STATE ROAD, AND  
13 DECLARING AN EMERGENCY.

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15 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the  
16 Planning Commission be submitted to Council; and

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18 WHEREAS, on October 4, 2022, the Planning Commission recommended approval of the  
19 conditional zoning certificate for the construction of a 185-foot high monopole tower and  
20 associated equipment, screening, and access drive within the existing water tower compound  
21 located at 4175 State Road; and

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23 WHEREAS, such approval is given subject to all Planning Commission findings and  
24 provisions contained in Project File CZ-22-00023; and

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26 WHEREAS, such approval is necessary to determine that the conditional use is satisfactory,  
27 serves the public interest, and is acceptable for recording.

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

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32 Section 1. That the City Council approves the conditional zoning certificate for the  
33 construction of a 185-foot high monopole tower and associated equipment, screening, and access  
34 drive within the existing water tower compound located at 4175 State Road. The subject property  
35 is located in an MU-4 District. The approved site plan is depicted in the ordinance attachment  
36 and the site plan is more fully described in Project File CZ-22-00023.

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38 Section 2. That any other ordinances or resolutions or portions of ordinances and  
39 resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances and  
40 resolutions not inconsistent herewith and which have not previously been repealed are hereby  
41 ratified and confirmed.

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

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

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57 Passed: 10-24-2022

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60 President of Council

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63 Clerk of Council

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65 Approved: 10-24-2022

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67 \_\_\_\_\_  
68 Mayor

