

ORDINANCE NO 45-24

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON FOR A PUBLIC PARK LOCATED AT 3701 VETERANS MEMORIAL PARKWAY AND KNOWN AS VETERANS MEMORIAL PARK TO INCLUDE ADDITIONAL IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, zoning regulations for the City of Avon require a Special Use Permit for the construction, maintenance and operation of public parks and public recreational facilities in an R-1 Single Family Residential District pursuant to ACO §1262.03(c)(3); and

WHEREAS, the City of Avon applied for and was granted a Special Use Permit pursuant to Ordinance No. 112-00 to construct, maintain and operate a public park and recreational facility at 3701 Veterans Memorial Parkway (formerly, 38975 Detroit Road) and presently known as Veterans Memorial Park; and

WHEREAS, Council has previously approved amendments to said Special Use Permit in Ordinance Nos. 33-05, 177-05, 58-06, 151-07, 29-08, 56-13, 61-14, 54-16, and 86-21; and

WHEREAS, it is now necessary to again amend said Special Use Permit to construct a storage facility at Veterans Memorial Park; and

WHEREAS, an application for an amended Special Use Permit was submitted to Planning Commission along with plans and specifications for the storage facility; and

WHEREAS, following a public hearing on March 20, 2024, Planning Commission voted to recommend approval of the amendment to the Special Use Permit by a vote of Four (4) to Zero (0); and

WHEREAS, Council, after reviewing the application, plans, and specifications, together with the recommendation of the Planning Commission, deems it in the best interests of the health, safety, and welfare of the community that the Special Use Permit be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Council hereby accepts the recommendation of Planning Commission and grants an amendment to the Special Use Permit to the City of Avon for the construction of a 768 sq. ft. storage facility at Veterans Park located at 3701 Veterans Memorial Parkway, pursuant to plans and specifications approved by Planning Commission on March 20, 2024 and subject to the conditions set forth in this ordinance. (See attached [Exhibit A](#))

Section 2 - Conditions. 1) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission on March 20, 2024; 2) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements of the Avon Codified Ordinances, including, but not limited to those set forth in Chapter 1230 and Sections 1280.02, 1280.03, 1280.04(o), and 1280.06(z) of the Codified Ordinances of the City of

Avon. Any expansion, development, enlargement, improvement, change in use or the like, other than maintenance of the property in its current condition, will require an additional amendment to this Special Use Permit, with a recommendation of Planning Commission and approval by Council.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to construct a storage facility at Veterans Memorial Park; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____
Electronically and at City Hall as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director