

ORDINANCE NO. 44-24

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO THE CITY OF AVON
FOR CONSTRUCTION, MAINTENANCE, AND OPERATION OF A PUBLIC PARK,
TO WIT: THE TRAXLER FAMILY ARBORETUM TO INCLUDE WALKING
TRAILS, SEATING, FENCING AND RESTROOMS
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, on or about August 25, 2023, the City of Avon acquired approximately 37.5 acres of land (PPN# 04-00-011-102-123) from the Traxler Family Limited Partnership; and

WHEREAS, Council passed Ord. No. 35-24 on March 25, 2024 to officially name this park the “Traxler Family Arboretum”; and

WHEREAS, at some future date the City of Avon proposes to construct, operate, and maintain an arboretum with walking trails, seating, fencing, and restrooms on this property (PPN 04-00-011-102-123) with access from Stoney Ridge Road and Centennial Ave.

WHEREAS, an application for a Special Use Permit has been submitted to the Planning Commission on March 20, 2024; and

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

WHEREAS, Council, after reviewing the application and 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 granted.

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 the Planning Commission and grants a Special Use Permit to the City of Avon for the construction, maintenance, and operation of a public park, viz., the Traxler Family Arboretum, to include walking trails, seating, fencing and restrooms with access from Stoney Ridge Road and Centennial Ave., (PPN 04-00-011-102-123). (See, attached [Exhibit A](#))

Section 2 - Conditions. 1) That the project shall proceed as 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

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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 grant a Special Use Permit to the City of the installation of amenities within Traxler Family Arboretum; 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