

ORDINANCE NO. 75-13

**AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED
TO RESTHAVEN MEMORIAL GARDENS TO PERMIT THE CONSTRUCTION
OF A 462 SQUARE FOOT ADDITION TO THE EXISTING
MAUSOLEUM LOCATED AT 3700 CENTER ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to ACO §1262.03(c)(1), the operation of cemetery in a residential district requires a Special Use Permit in accordance with §1280.04(c); and

WHEREAS, Resthaven Memorial Gardens applied for and was granted a Special Use Permit on September 4, 2001, pursuant to Ordinance No.122-01, for the construction of a Garden Mausoleum located within its cemetery grounds located at 3700 Center Road; and

WHEREAS, now Resthaven Memorial Gardens has submitted an application, together with plans and specifications, to amend its Special Use Permit for its property located at 3700 Center Road to include the construction of a 462 square foot addition to the existing mausoleum; and

WHEREAS, Planning Commission held a public hearing on May 15, 2013, and by a vote of five (5) to zero (0), recommended approval of the amendment to the Special Use Permit; and

WHEREAS, amendments to the Special Use Permits require approval of City Council; and

WHEREAS, Council, after reviewing the application, plans and specifications, together with the recommendation of the Planning Commission, deems it in the 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 having considered the matter of amending the Special Use Permit for Resthaven Memorial Gardens to include the construction of a 462 square foot addition to the Garden Mausoleum located within the cemetery grounds located at 3700 Center Road, Council hereby accepts the recommendations of the Planning Commission and agrees to amend the Special Use Permit to authorize the construction of said addition on the property located at 3700 Center Road subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission on May 15, 2013; 2) that all provisions of the Special Use Permit in any previous legislation remain in full force and effect; 3) that the

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amended Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1230.09, 1280.02, 1280.03, 1280.04(c), and 1280.06(f) of the Codified Ordinances of the City of Avon. Any other expansion, development, enlargement, improvement, change 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 grant Resthaven Memorial Garden an amendment to their Special Use Permit for the construction of an addition to the Garden Mausoleum located within the cemetery grounds located at 3700 Center Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

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ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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