

ORDINANCE NO. 76-13

**AN ORDINANCE AMENDING A SPECIAL USE PERMIT FOR
KAM of Lorain, LLC (dba Joyce Buick-GMC) TO INSTALL ONE (1) 1,000
GALLON ABOVEGROUND OIL STORAGE TANK
ON PROPERTY LOCATED AT 38039 CHESTER ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, zoning regulations for the City of Avon require a Special Use Permit for aboveground storage of oil in any tank in excess of 25 gallons up to and including 1,500 gallons in the C-4 General Business district pursuant to ACO §1270.03(d)(3); and

WHEREAS, KAM of Lorain, LLC, d.b.a. Joyce Buick-GMC, applied for and was granted a Special Use Permit pursuant to Ordinance No. 86-11, passed July 11, 2011, for the placement of one (1) 4,000 gallon aboveground oil storage tank to be located on its C-4 property at 38039 Chester Road to be used solely for on-site power generation; and

WHEREAS, due to changes in Avon's Codified Ordinances and changes in Joyce Buick-GMC's plans for the aboveground oil storage tank, Joyce has requested an amendment to Ordinance No. 86-11 which granted the original Special Use Permit; and

WHEREAS, Joyce Buick-GMC has submitted an application, together with plans and specifications, to the Planning Commission on May 15, 2013, to amend its Special Use Permit for 38039 Chester Road to eliminate the 4,000 gallon tank and to install one (1) One Thousand (1,000) gallon tank for the collection and subsequent recycling of used oil; and

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

WHEREAS, the Municipal Fire Safety Inspector has made a positive recommendation regarding this amended Special Use Permit pursuant to ACO §1610.17; and

WHEREAS, Council, after reviewing the application, plans and specifications and the recommendation of the Planning Commission, deems it in the best interests of the health, safety and welfare of the community that the amended 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, having considered the plans and specifications as submitted to Planning Commission on May 15, 2013 for the elimination of a 4,000 gallon aboveground storage tank and the installation of a 1,000 gallon aboveground storage tank to be used for the collection and subsequent recycling of used oil, does hereby accept the recommendation of the Planning Commission and grants an amendment to the Special Use Permit for KAM of Lorain, LLC (dba Joyce Buick-GMC) to install said tank on their C-4 property located at 38039 Chester Road.

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Section 2 - Conditions. (1) That all applicable requirements set forth in 1230.09, 1280.02, 1280.03, 1280.05(a)(3), 1280.06(a) and 1280.06(w)(2-7) of the Codified Ordinances of the City of Avon be met by the applicant; (2) that the applicant agrees to remain in compliance with all Federal, State and Local fire codes; and (3) that the applicant agrees not to expand, develop, enlarge, improve, change tenancy, or use this Special Use Permit other than as set forth in these plans and specifications without first applying for an amendment to this Special Use Permit to the Avon Planning Commission and obtaining approval by City 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 allow a Special Use Permit for KAM of Lorain, LLC (dba Joyce Buick-GMC), to install one (1) 1,000 gallon aboveground oil storage tank to be located on its C-4 property at 38039 Chester 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
City of Avon, Ohio

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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