

ORDINANCE NO. 104-13

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
SCOTT & DANIELLE RAYBUCK TO ALLOW CONSTRUCTION OF
A SINGLE-FAMILY RESIDENTIAL DWELLING ON A
FLAG LOT AT 3500 NAGEL ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, zoning regulations for the City of Avon, viz., ACO §1262.04(b), requires a Special Use Permit for the development of a flag lot; and

WHEREAS, Scott & Danielle Raybuck, the owners of an undeveloped flag lot at 3500 Nagel Road, wish to construct a single-family dwelling unit on said lot; and

WHEREAS, Scott & Danielle Raybuck have presented plans, pursuant to their application for a Special Use Permit, to the Planning Commission on July 17, 2013; and

WHEREAS, Planning Commission held a public hearing on July 17, 2013, and by a vote of five (5) to zero (0) recommended granting said Special Use Permit; and

WHEREAS, having reviewed the plans for the proposed development of the flag lot as submitted and the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the city 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 having considered the matter of granting the Special Use Permit to Scott & Danielle Raybuck to develop the flag lot they own at 3500 Nagel Road, Council hereby accepts the recommendation of the Planning Commission and agrees to grant said Special Use Permit to facilitate the construction of a single-family residential dwelling unit, together with any and all accessory uses permitted in the R-1 District, subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) that the project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its July 17, 2013 meeting; and 2) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.04(i) and 1280.06(l). Except as otherwise provided in Section 1, supra., any expansion, development, enlargement, improvement, change or the like, other than maintenance of the property in its current condition, will require an amendment to this Special Use Permit, with a recommendation of Planning Commission and 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

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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 for the property located at 3500 Nagel Road, (Scott & Danielle Raybuck, owners) to construct a single-family residential dwelling on a flag lot; 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

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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