

ORDINANCE NO. 115-13

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO THE CITY OF AVON
TO ALLOW FOR THE CONSTRUCTION AND MAINTENANCE OF
A WATER TOWER AT THE NORTHEAST CORNER OF
MILLS AND CENTER ROADS
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon acquired two (2) parcels of residential land (R-1) in the vicinity of Mills and Center roads for future public use, viz., a second water tower, back on 7/12/10 (Ord. No. 76-10) and 10/17/11 (Ord. No. 103-11); and

WHEREAS, ACO §1262.03(b)(7) requires a Special Use Permit to construct and operate a water tower, i.e., a public utility substation, in a residential district; and

WHEREAS, Superintendent of Utilities, David Conrad, has submitted an application and presented plans and specifications for the construction, operation and maintenance of this second water tower to the Planning Commission on August 21, 2013; and

WHEREAS, the Planning Commission held a public hearing on August 21, 2013, and by a vote of Five (5) to Zero (0) , recommended approval of the Special Use Permit; and

WHEREAS, the granting of this Special Use Permit requires approval of City Council; 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 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 the City of Avon, Avon Utilities Department, to construct, operate and maintain a second water tower at the northeast corner of Mills and Center Roads per the plans and specifications submitted to Planning Commission on August 21, 201, Council hereby accepts the recommendations of the Planning Commission and agrees to the Special Use Permit 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 at its August 21, 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(o), and 1280.06(bb) of the Codified Ordinances of the City of Avon. Any other expansion, development, enlargement, improvement, change in tenancy, use or the like, other than maintenance of the property in its current condition,

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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 allow a Special Use Permit for the City of Avon to construct, operate and maintain a second water tower at the northeast corner of Mills and Center Roads; 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: _____

By: _____
James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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