

ORDINANCE NO. 54-16

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED
TO THE CITY OF AVON FOR A PUBLIC PARK LOCATED AT 3701 VETERANS
MEMORIAL PARKWAY AND KNOWN AS VETERANS MEMORIAL PARK TO
INCLUDE ADDITIONAL IMPROVEMENTS
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, the City of Avon applied for and was granted a Special Use Permit pursuant to Ordinance No. 112-00 to construct, maintain and operate a public park and recreational facility at 3701 Veterans Memorial Parkway (formerly, 38975 Detroit Road) and presently known as Veterans Memorial Park; and

WHEREAS, Council has previously approved amendments to said Special Use Permit in Ordinance Nos. 33-05, 177-05, 58-06, 151-07, 29-08, 56-13 and 61-14; and

WHEREAS, it is now necessary to again amend said Special Use Permit to include the construction of a 60' x 80' fence within Veterans Memorial Park and the new access drive onto Case Road in the vicinity of 4243 and 4209 Case Road; and

WHEREAS, following a public hearing on April 20, 2016, Planning Commission voted to recommend approval of the amendment to the Special Use Permit by a vote of five (5) to zero (0); and

WHEREAS, Council, after reviewing the application, plans and specifications, together with 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 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 the City of Avon, Council hereby accepts the recommendations of the Planning Commission and agrees to amend the Special Use Permit to allow for further improvements within Veterans Memorial Park, located at 3701 Veterans Memorial Parkway, viz., 60' x 80' fence and the new access drive onto Case Road in the vicinity of 4243 and 4209 Case 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 April 20, 2016; 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 1280.02, 1280.03, 1280.04(m), and 1280.06(z) of the Codified Ordinances of the City of Avon. Any expansion,

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development, enlargement, improvement, change, use 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 construct a 60' x 80' fence and the new access drive onto Case Road within the Veterans Memorial Park; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, 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