

## **ORDINANCE NO. 80-17**

### **AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON FOR THE AVON AQUATIC FACILITY LOCATED BEHIND 36265 DETROIT ROAD TO INCLUDE THE CONSTRUCTION OF PAVILIONS AND GAZEBOES AND THE INSTALLATION OF PLAYGROUND EQUIPMENT 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 residential districts, pursuant to ACO §1280.04(m); and

**WHEREAS**, the City of Avon applied for and was granted a Special Use Permit pursuant to Ordinance No. 26-14 to construct, maintain and operate a public park and recreational facility located behind 36265 Detroit Road and presently known as Avon Aquatic Facility; and

**WHEREAS**, pursuant to Ordinance No. 141-14 which passed on December 8, 2014, the Special Use Permit was amended to include the construction of a landscape buffer in Phase 2 of the Avon Aquatic Facility located behind 36265 Detroit Road location; and

**WHEREAS**, it is now necessary to amend said Special Use Permit to include the construction of pavilions and gazebos and the installation of playground equipment at the Avon Aquatic Facility located at 36265 Detroit Road; and

**WHEREAS**, following a public hearing on August 16, 2017, Planning Commission voted to recommend approval of the amendment to the Special Use Permit by a vote of four (4) to zero (0); and

**WHEREAS**, having reviewed the plans and specifications as submitted, together with the recommendation of Planning Commission, Council deems it in the best interest 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 to include the construction of pavilions and gazebos and the installation of playground equipment at the Avon Aquatic Facility located at 36265 Detroit Road, Council hereby accepts the recommendations of the Planning Commission and agrees to amend the Special Use Permit for the property subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That the project proceed pursuant to plans and specifications approved by the Planning Commission on August 16, 2017; and 2) that the Special Use Permit granted herein for the public park, outdoor aquatic facility and all appurtenances thereto is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.04(m) and 1280.06(z). Any expansion, development, enlargement, improvement, change or the like, other than as set forth herein, will require an amendment to this Special Use Permit, with a recommendation of Planning Commission and approval by City Council.

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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 amend the Special Use Permit to include the construction of pavilions and gazebos and the installation of playground equipment at the Avon Aquatic Facility located at (behind) 36265 Detroit Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasior, Law Director  
City of Avon, Ohio

ATTEST:

\_\_\_\_\_  
Barbara Brooks  
Clerk of Council

POSTED: \_\_\_\_\_  
In Five Places as  
Provided by Council

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