

ORDINANCE NO. 144-14

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO JENNE, INC.
TO PERMIT THE INSTALLATION OF AN ABOVEGROUND STORAGE
CONTAINER FOR ON-SITE POWER GENERATION TO BE
LOCATED AT 33665 CHESTER ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, the zoning regulations for the City of Avon require a Special Use Permit for the outdoor display/storage of an aboveground storage container of flammable/combustible liquids, LPG, or hazardous materials in any size to be used for the sole purpose of on-site power generation in the C-4/O-2/M-1 General Business/Office/General Industrial Districts; and

WHEREAS, Jenne Inc., located at 33665 Chester Road, pursuant to ACO §1270.03(d)(4), §1274.03(f)(2) and §1278.03(b)(2) requires a Special Use Permit for the installation and maintenance of such an above-ground storage container; and

WHEREAS, the Planning Commission held a public hearing on November 19, 2014 and by a vote of Five (5) to Zero (0), recommended approval of the Special Use Permit; and

WHEREAS, 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 Jenne, Inc. is hereby granted a Special Use Permit to allow for the installation of an above-ground storage container of flammable/combustible liquids in any size for the sole purpose of on-site power generation at its existing building located at 33665 Chester Road as per the final plans and specifications submitted to and approved by Planning Commission on November 19, 2014 and made a part of this Special Use Permit by reference.

Section 2 - *Conditions*. The Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.05(a)(2), 1280.06(a) and 1280.06(w)(2)-(7) 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, 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

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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 the Special Use Permit for Jenne, Inc. to add an on-site, above-ground fuel storage tank for on-site power generation; 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

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

Prepared by:
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Law Director