

ORDINANCE NO. 94-22

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
951 REALTY, LTD. TO ALLOW THEIR TENANT, ADVANCED POLYMER
COATINGS, INC., TO INSTALL A 45' 3 ¼" HIGH ABOVEGROUND
STORAGE CONTAINER FOR HAZARDOUS MATERIAL ON
PROPERTY LOCATED AT 951 JAYCOX ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, zoning regulations for the City of Avon require a Special Use Permit for an aboveground storage container for hazardous material in excess of 1,500 gallons in an M-1 General Industrial district pursuant to ACO '1280.05(a)(1); and

WHEREAS, 951 Realty, Ltd. the property owner, leases space to Advanced Polymer Coatings, Inc. (AAdvanced Polymer@) on land they own at 951 Jaycox Road in a M-1 zoning district; and

WHEREAS, Advanced Polymer, on behalf of 951 Realty, submitted an application to the Planning Commission on July 20, 2022 with plans and specifications for the installation of a 45' 3 ¼" high aboveground storage container for hazardous material (Microcrystalline Silica in Quartz form), which has the capacity to hold approximately 21,574 gallons of said material; and

WHEREAS, the Planning Commission held a public hearing on July 20, 2022, and by a vote of Five (5) to Zero (0), recommended approval of the Special Use Permit; 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 with conditions.

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 951 Realty, Ltd., Council hereby accepts the recommendation of the Planning Commission and agrees to grant a Special Use Permit for the installation of a 45' 3 ¼" high aboveground storage container for hazardous material (Microcrystalline Silica in Quartz form) which has the capacity to hold approximately 21,574 gallons of said material on their M-1 property located at 951 Jaycox Road, for their tenant, Advanced Polymer Coatings, Inc., per the plans and specifications submitted and approved by the Planning Commission on July 20, 2022, and as set forth in attached [Exhibit A](#), all of which are made a part of this Special Use Permit by reference and subject to the conditions set forth in this ordinance.

Section 2 - Conditions. (1) 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 Chapter 1230, 1280.03, 1280.05(a)(1), 1280.06(a)(1); and (2) compliance with all plans and specifications as submitted to Planning Commission on July 20, 2022. Any other expansion, development, enlargement, improvement, change in ownership/tenancy, use or the like, change in chemical composition other than maintenance of

Ordinance No. 94-22 (Con't)

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 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 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 951 Realty, Ltd., to allow their tenant, Advance Polymer Coatings, Inc. to install a 45' 3 1/4" high aboveground storage container for hazardous materials pursuant to plans and specifications approved by Planning Commission and subject to the conditions set forth herein; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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