

**ORDINANCE NO. 64-23**

**AN ORDINANCE TO AMEND A SPECIAL USE PERMIT  
GRANTED TO THE CITY OF AVON FOR A PUBLIC PARK LOCATED  
ON EATON DRIVE AND KNOWN AS NORTHGATE COMMUNITY 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 residential districts, 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. 114-00 to construct, maintain and operate a public park and recreational facility on Eaton Drive and presently known as Northgate Community Park; and

**WHEREAS**, Council, has since approved amendments to Ordinance No. 114-00 in Ordinance Nos. 133-00, 89-05, 179-05 and 150-07; and

**WHEREAS**, it is now necessary to again amend said Special Use Permit to include a new bathroom and any future construction, landscaping or maintenance that is related to this public restroom facility; and

**WHEREAS**, the Planning Commission held a public hearing on April 19, 2023 and by a vote of Four (4) to Zero (0), recommended approval of the amendment of the Special Use Permit; and

**WHEREAS**, Council, after reviewing the application, plans and specifications and the recommendation of Planning Commission, 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 a new bathroom and include any future construction, landscaping or maintenance of that facility at Northgate Community Park located at 2155 Eaton Drive, Council hereby accepts the recommendations of the Planning Commission and agrees to amend the Special Use Permit, subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That the project proceeds pursuant to plans and specifications approved and recommended by the Planning Commission on April 19, 2023 and (2) that the Special Use Permit granted herein for the public park 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) of the Codified Ordinances of the City of Avon. Any expansion, development, enlargement, improvement, change or the like, other than maintenance of the property in its current condition, will require an 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 amend the Special Use Permit to include construction of a new bathroom and any future construction, landscaping or maintenance that is related to that facility; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 8, 2023

DATE SIGNED: May 8, 2023

By: Brian Fischer  
Brian Fischer, Council President

APPROVED BY THE MAYOR May 9, 2023

[Signature]  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks  
Barbara J. Brooks, Clerk of Council

POSTED: May 10, 2023  
Electronically and at City Hall  
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 64-23, passed by the Council of said City on May 8, 2023.

IN WITNESS WHEREOF, I have on this 9<sup>th</sup> day of May, 2023, affixed my signature and official seal.

Barbara J. Brooks  
Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio