

ORDINANCE NO. 105-13

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO THE AVON OAKS COUNTRY CLUB LOCATED AT 32300 DETROIT ROAD FOR A GOLF COURSE AND COVERED TENNIS COURTS, AND DECLARING AN EMERGENCY

WHEREAS, zoning regulations for the City of Avon, viz., ACO §1262.03(c)(2), requires a Special Use Permit for golf courses and related activities to operate in an R-1 District; and

WHEREAS, Avon Oaks Country Club has operated a golf course with outdoor tennis courts and clubhouse facilities at 32300 Detroit Road since its founding in 1960, prior to the adoption of City zoning regulations; and

WHEREAS, to facilitate enclosing the Club's four (4) outdoor tennis courts for year round use and continuing its current operations in compliance with the City's zoning regulations, Avon Oaks submitted plans and specifications for the construction of an air structure (dome) to cover the four existing tennis courts located on the west side of the Club property and for its continued operation of the golf course and related facilities to the Avon Planning Commission on July 17, 2013; and

WHEREAS, Planning Commission held a public hearing on July 17, 2013, and by a vote of five (5) to zero (0) recommended granting said Special Use Permit; and

WHEREAS, having reviewed the plans and specifications for the proposed improvements as submitted and the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the city 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 having considered the matter of granting a Special Use Permit to Avon Oaks Country Club for the continued operation of a golf course and related facilities including the construction of an air structure (dome) to cover the four existing tennis courts to facilitate year round play, Council hereby accepts the recommendation of Planning Commission and agrees to grant the Special Use Permit for the Avon Oaks Country Club located at 32300 Detroit Road pursuant to plans and specifications submitted to Planning Commission on July 17, 2013 and subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That the project proceed pursuant to plans and specifications approved and recommended by the Planning Commission on July 17, 2013; and 2) that the Special Use Permit granted herein for the golf course and tennis courts covers the property identified in Exhibit A attached hereto and incorporated herein and is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.04(j) and 1280.06(n). 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.

Ordinance No. 105-13 (Con't)

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 grant a Special Use Permit for the operation of a golf course and related facilities including the construction of an air structure (dome) to cover the four existing outdoor tennis courts located at Avon Oaks Country Club, 32300 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: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

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

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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