

ORDINANCE NO. 3-20

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED
TO THE AVON LOCAL SCHOOL DISTRICT TO ALLOW FOR THE
CONSTRUCTION OF A PERFORMING ARTS CENTER LOCATED ON
THE AVON HIGH SCHOOL CAMPUS AT 37545 DETROIT ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, the Avon Local School District was granted a Special Use Permit to operate a public high school at 37545 Detroit Road, Avon, within an R-1 Residential District pursuant to Ordinance No. 40-96 passed May 13, 1996; and

WHEREAS, pursuant to Ordinance Nos. 5-02, 180-05, 115-06, 26-07, 42-11, and 81-16 Council amended the Special Use Permit for the Avon High School to include baseball and soccer fields, tennis courts, a thirty-six (36) car parking lot, a recyclable materials container, an 80,000 sq. ft. building addition, additional parking spaces, installation of six new light poles, and installation of a baseball scoreboard at the baseball field located on the high school campus; and

WHEREAS, it is now necessary to amend said Special Use Permit to include the construction of a performing arts center to be located on the high school campus at 37545 Detroit Road; and

WHEREAS, the Planning Commission held a public hearing on December 18, 2019 and by a vote of Five (5) to Zero (0), recommended amending 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 amendment to 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 Council hereby accepts the recommendation of the Planning Commission and pursuant to ACO §1280.04(r) amends the Special Use Permit for Avon Local School District to allow for construction of a performing arts center on the high school campus located at 37545 Detroit Road within an R-1 Residential District as per the plans and specifications submitted and approved by the Planning Commission and made a part of this Special Use Permit by reference.

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 1280.02, 1280.03, and 1280.04(r), and 1280.06(g); and 2) that a traffic study be completed by the City (at the City's expense) prior to the granting of the final occupancy permit. Failure to complete said study shall not delay the issuance of said permit. Any expansion, development, enlargement, improvement, change in ownership, 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 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 for Avon Local School District to construct a performing arts center located on the high school campus at 37545 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: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

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