

ORDINANCE NO. 38-22

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE AVON LOCAL SCHOOL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF THREE (3) ADDITIONAL TENNIS COURTS, FIVE (5) NEW PICKLE BALL COURTS AND LIGHTING 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, over the years, Council has amended the Special Use Permit for the Avon High School to include the following: Ordinance Nos. 5-02 (baseball and soccer fields, tennis courts, a thirty-six (36) car parking lot), 180-05 (recyclable materials container), 115-06 (to permit grading and filling for an addition to the high school), 26-07 (an 80,000 sq. ft. building addition, more parking spaces and installation of six new light poles), 42-11 (more parking spaces at Deer Run entrance), 81-16 (installation of a baseball scoreboard) and 3-20, (construction of a performing arts center); and

WHEREAS, it is now necessary to amend said Special Use Permit to include the construction of three (3) additional tennis courts, five (5) new pickle ball courts and additional lighting to be located on the high school campus at 37545 Detroit Road; and

WHEREAS, the Planning Commission held a public hearing on March 16, 2022 and later that same evening, by a vote of Five (5) to Zero (0), recommended amending the Special Use Permit; and

WHEREAS, City Council and Administration agrees to contribute payment for one of the new tennis courts and the three new pickle ball courts, and a portion of the lighting for a total contribution not to exceed \$325,000.00; 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 three (3) additional tennis courts, five (5) new pickle ball courts and lighting 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. [Exhibit A](#)

Section 2 - Conditions. 1) The school agrees to maintain the courts, the lighting and the parking areas; 2) The school will not prohibit access to the courts or the parking areas for city sanctioned activities at the courts; and 3) 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 and Sections 1280.02, 1280.03, and 1280.04(r), and 1280.06(g). 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 –The Finance Director is hereby authorized to make a contribution for the cost of constructing one of the new tennis courts and the three new pickle ball courts, and for a portion of the cost of installing the lighting, for a total contribution not to exceed Three Hundred, Twenty-Five Thousand Dollars (\$325,000.00) from the Park Operating Fund, Fund No. 250. In addition, the Finance Director is further authorized to increase this appropriation by a reasonable amount for engineering and legal fees associated with this project.

Section 4 - 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 5 - 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 three (3) additional tennis courts, five (5) new pickle ball courts and lighting located on the high school campus at 37545 Detroit Road and to provide partial funding from the City of Avon; 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