

ORDINANCE NO. 90-14

**AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED
TO ST. MARY'S OF THE IMMACULATE CONCEPTION CHURCH AND SCHOOL
TO CONSTRUCT A 12 x 16 SQ. FT. PRAYER GARDEN TO BE LOCATED ON THEIR
PROPERTY LOCATED AT 2680 STONEY RIDGE ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, St. Mary's of the Immaculate Conception Catholic Church and School (hereinafter referred to as "St. Mary's") currently operates a place of worship and parochial school within an R-2 District at 2680 Stoney Ridge Road in Avon, Ohio; and

WHEREAS, St. Mary's had constructed its church and school prior to the enactment of the City's Zoning Regulations which require a Special Use Permit; and

WHEREAS, in Ordinance No. 164-05, St. Mary's was granted a Special Use Permit to operate a church and school and to install a temporary classroom trailer at the 2680 Stoney Ridge Road site; and

WHEREAS, pursuant to Ordinance No. 100-06, the Special Use Permit was amended to include the installation of a recyclable materials container; and

WHEREAS, pursuant to Ordinance No. 35-09, the Special Use Permit was amended to include a 12,000 square foot gymnasium and entry addition; and

WHEREAS, it is now necessary to amend said Special Use Permit once again to allow for the construction of a 12 x 16 square foot prayer garden to the existing school on the Stoney Ridge property; and

WHEREAS, the Planning Commission held a public hearing on July 16, 2014, and by a vote of Five (5) to Zero (0) , recommended amending the Special Use Permit; and

WHEREAS, Council, after reviewing the application, the 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 St. Mary's Church and School, 2680 Stoney Ridge Road, to allow for a 12 x 16 square foot prayer garden to be located on its premises in an R-2 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.

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Section 2 - Conditions. 1) That this amendment to the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.04(d), 1280.04(r) and 1280.06(g) of the Codified Ordinances of the City of Avon as well as all applicable requirements from the original Special Use Permit and any prior amendments thereto. Any other expansion, development, enlargement, improvement, change 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 St. Mary's to allow construction of a 12 x 16 Square foot prayer garden to the existing school premises located at 2680 Stoney Ridge Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

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ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director