

ORDINANCE NO. 12-16

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT FOR AVON OAKS COUNTRY CLUB TO ALLOW FOR CONSTRUCTION OF AN ADDITION TO THE TENNIS PRO SHOP LOCATED AT 32300 DETROIT ROAD, AND DECLARING AN EMERGENCY

WHEREAS, zoning regulations for the City of Avon, viz., ACO §1262.03(c)(2), requiring a Special Use Permit for golf courses and related activities to operate in an R-1 Single Family Residential District became law on May 29, 2001 with the passage of Ordinance No. 58-01; and

WHEREAS, Avon Oaks Country Club (Avon Oaks) operates a golf course with clubhouse facilities (since 1962) and outdoor tennis courts (since 1973) at 32300 Detroit Road, prior to the adoption of City zoning regulations governing Special Uses; and

WHEREAS, pursuant to ACO §1282.10, since these existing uses were permitted uses at the time of their construction, they are deemed to be conforming special uses at the time of adoption of the current Planning & Zoning Code on May 29, 2001; and

WHEREAS, on February 10, 2014, Council passed Ordinance No. 6-14 allowing for the construction of a dome to cover five (5) tennis courts located on the west side of the Club property; and

WHEREAS, Avon Oaks wants to construct a 447 square foot addition to the existing Tennis Pro Shop which requires an amendment to their existing special use permit; and

WHEREAS, Avon Oaks submitted plans and specifications for the construction of a 447 square foot addition to the existing Tennis Pro Shop to be located at 32300 Detroit Road to the Avon Planning Commission on January 20, 2016; and

WHEREAS, Planning Commission held a public hearing on January 20, 2016;

WHEREAS, on January 20, 2016, Planning Commission, by a vote of five (5) in favor and zero (0) opposed, voted to recommend to Council the granting of said amendment to the Special Use Permit for the construction of a 447 square foot addition to the existing Tennis Pro Shop; 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 an amendment to the Special Use Permit for Avon Oaks Country Club to construct a 447 square foot addition to the existing Tennis Pro Shop, Council hereby accepts the recommendation of Planning Commission and agrees to grant the amended Special Use Permit for the Avon Oaks Country Club located at

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32300 Detroit Road pursuant to plans and specifications submitted to Planning Commission on January 20, 2016 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 January 20, 2016; and 2) that the amended Special Use Permit granted herein for the construction of a 447 square foot addition to the existing Tennis Pro Shop is conditioned upon, among other things, the 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.

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 the operation of a golf course and related facilities including the construction of a 447 square foot addition to the existing Tennis Pro Shop 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: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

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

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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