

ORDINANCE NO. 64-17

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT FOR AVON OAKS COUNTRY CLUB TO ALLOW INSTALLATION OF FENCING AND CONSTRUCTION OF A PERGOLA AND BABY POOL TO BE 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 and 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, Council has since passed Ordinance No. 6-14 on February 10, 2014, to make amendments to that Special Use Permit to add indoor tennis courts; and

WHEREAS, Avon Oaks now desires to construct a pergola and baby pool which requires an amendment to their existing special use permit; and

WHEREAS, Avon Oaks submitted plans and specifications for the installation of fencing and construction of a pergola and baby pool located on the Club property to the Avon Planning Commission on June 21, 2017; and

WHEREAS, Planning Commission held a public hearing on June 21, 2017;

WHEREAS, on June 21, 2017, 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 fencing, pergola and baby pool; 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 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 having considered the matter of granting a Special Use Permit to Avon Oaks Country Club for the installation of fencing and construction of a pergola and baby pool, 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 32300 Detroit Road pursuant to plans and specifications submitted to Planning Commission on June 21, 2017 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 June 21, 2017; and 2) that the amended Special Use Permit granted herein for the installation of fencing and construction of a pergola and baby pool for same 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.

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 an amendment to the Special Use Permit for the operation of a golf course and related facilities including the installation of fencing and construction of a pergola and baby pool 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

Ordinance No. 64-17(Con't)

ATTEST:

Barbara Brooks
Clerk of Council

Posted:

In Five Places as
Provided by Council

Prepared By:
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Law Director