

ORDINANCE NO. 39-13

**AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT FOR
FAITH LUTHERAN CHURCH AND APPROVING CONSTRUCTION OF A NEW
SANCTUARY AND ADDITIONAL CLASSROOMS, (7,672 SQUARE FEET
ATTACHED TO THE EXISTING FACILITY)
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to ACO §1262.03(b)(1), the Faith Lutheran Church requires a Special Use Permit to operate as a church or other place of worship in an R-1 Residential District; and

WHEREAS, Faith Lutheran Church submitted an application for a Special Use Permit and presented plans and specifications for the construction of a new sanctuary and additional classrooms at 2265 Garden Drive to the Planning Commission on March 20, 2013; and

WHEREAS, the Planning Commission held a public hearing on March 20, 2013 and by a vote of Five (5) to Zero (0) , recommended approval of the Special Use Permit with conditions; and

WHEREAS, this Special Use Permit requires approval of City Council; 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 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 the Special Use Permit to Faith Lutheran Church to construct a new sanctuary and additional classrooms per the plans and specifications submitted to Planning Commission on March 20, 2013, Council hereby accepts the recommendations of the Planning Commission and adopts the Special Use Permit for the R-1 property located at 2265 Garden Drive, subject to the conditions set forth in this ordinance.

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 previous legislation in addition to the requirements of 1280.02, 1280.03, 1280.04(d) and 1280.06(g) of the Codified Ordinances of the City of Avon; and (2) 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.

Ordinance No. 39-13 (Con't.)

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 provide a Special Use Permit to Faith Lutheran Church; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director