

**ORDINANCE NO. 76-23**

**AN ORDINANCE AMENDING A SPECIAL USE PERMIT GRANTED TO  
THE AVON LOCAL SCHOOL DISTRICT FOR LIGHTING AT THE  
FOOTBALL FIELD OF THE AVON MIDDLE SCHOOL  
AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Avon Codified Ordinance '1262.03(b)(8), schools, either public or private, require a Special Use Permit to operate in an R-1 Residential District; and

**WHEREAS**, the Avon Local School District was granted a Special Use Permit to operate a public middle school at 3445 Long Road within an R-1 Residential District pursuant to Ordinance No. 97-13 which passed on July 8, 2013; and

**WHEREAS**, over the years, Council has amended the Special Use Permit for the Avon Middle School to include the following: Ordinance No. 114-13 (construction and operation of the new Avon Middle School, including parking facilities and other campus amenities-(See Exhibit B) and Ordinance No. 91-14 (construction of an eight-lane running track around football/athletic field and storage shed); and

**WHEREAS**, pursuant to Ordinance No. 147-22 which passed on December 27, 2022, Council authorized the Mayor, on behalf of the City, to contribute up to the sum of \$500,000.00 to the Avon Local School District to upgrade the grass football field with turf at the Middle School complex; and

**WHEREAS**, it is now necessary to amend said Special Use Permit to include the installation of lighting at the new turf football field; and

**WHEREAS**, on May 17, 2023, the School District submitted an application and presented detailed plans and specifications for the installation of said improvements to Planning Commission; and

**WHEREAS**, Planning Commission held a public hearing on May 17, 2023 and by a vote of Five (5) in favor and Zero (0) opposed, recommended approval of the amended Special Use Permit for the Avon Local School District to include the installation of lighting around the football field at Avon Middle School located on Long Road; 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(b)(8) and amends the Special Use Permit for the Avon Local School District to add lighting at the football field of Avon Middle School. The

Ordinance No. 76-23 (Con't.)

lighting shall be in compliance with the plans and specifications submitted and approved by the Planning Commission on May 17<sup>th</sup>, 2023. A section of the plans and specifications is attached hereto as [Exhibit A](#) and [Exhibit B](#) for reference.

Section 2 - Conditions. That the Special Use Permit granted herein is conditioned upon (1) the applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.04(r) and 1280.06(g) of the Codified Ordinances of the City of Avon and (2) that 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 Avon Local School District to add lighting at the football field at the Avon Middle School; 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

Ordinance No. 76-23 (Con't.)

ATTEST:

\_\_\_\_\_  
Barbara J. Brooks, Clerk of Council

POSTED: \_\_\_\_\_  
Electronically and at City Hall as  
Provided by Council

Prepared by:  
John A. Gasior, Esq.  
Law Director