

ORDINANCE NO. 92-23

AN ORDINANCE AMENDING A SPECIAL USE PERMIT GRANTED TO THE CHRISTIAN HERITAGE ASSEMBLY OF GOD, (aka CHRISTIAN HERITAGE CHURCH), TO INSTALL A 40' X 64' OUTDOOR PATIO AND PAVILION LOCATED AT 36465 CHESTER ROAD AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Avon Codified Ordinance '1264.03(b)(1), church or other place of worship requires a Special Use Permit to operate in an R-3 Multi-Family Residential District; and

WHEREAS, pursuant to Ordinance No. 131-95, which passed on September 25, 1995, the City granted to Christian Heritage Assembly of God (Christian Heritage) a Special Use Permit for the construction of a place of worship located at 36465 Chester Road; and

WHEREAS, On May 8, 2000, Council passed Ordinance No. 97-00 granting an amendment to Christian Heritage's Special Use Permit to allow for the construction of an accessory building on the same parcel to serve its congregation; and

WHEREAS, Christian Heritage desires to amend said Special Use Permit to include the construction of a 40' x 64' outdoor patio and pavilion located at 36465 Chester Road; and

WHEREAS, on July 19, 2023, Christian Heritage 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 July 19, 2023 and by a vote of Five (5) in favor and Zero (0) opposed, recommended approval of the amended Special Use Permit for Christian Heritage to include the construction of a 40' x 64' outdoor patio and pavilion located at 36465 Chester Road; and

WHEREAS, the granting of this amended Special Use Permit requires the 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 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 agrees to grant the amended Special Use Permit for the Christian Heritage Assembly of God to include the construction of a 40' x 64' outdoor patio and pavilion at 36465 Chester Road, pursuant to plans and specifications submitted and approved by the Planning Commission on July 19, 2023. A section of the plans and specifications is attached hereto as [Exhibit A](#) for reference.

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Section 2 - Conditions. That the Special Use Permit granted herein is conditioned upon (1) the applicant meeting all applicable requirements set forth in Chapter 1264, Section 1280.04, 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 Christian Heritage Assembly of God to include the construction of an outdoor patio and pavilion at 36465 Chester Road prior to the end of the 2023 construction season; 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. Gasiar, Law Director

ATTEST:

Barbara J. Brooks, Clerk of Council

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POSTED: _____
Electronically and at City Hall as
Provided by Council

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