

ORDINANCE NO. 96-25

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO RUTH A. KELLER, TRUSTEE, TO ALLOW FOR A FARM WITH LIVESTOCK ON LAND IN EXCESS OF TWO (2) ACRES IN AN R-1 RESIDENTIAL DISTRICT LOCATED AT 3276 NAGEL ROAD AND DECLARING AN EMERGENCY

WHEREAS, Avon Codified Ordinance §1262.03(d)(2) requires a Special Use Permit for a farm (minimum of 2 acres) with livestock in the R-1 zoning district; and

WHEREAS, Ruth A. Keller, Trustee owns approximately 6.79 acres of property in an R-1 zoning district located at 3276 Nagel Road, to wit: PPN 04-00-023-105-299; and

WHEREAS, Paul & Jaclyn Marvin (Marvins) reside at the property full time; and

WHEREAS, Marvins, on behalf of the owner, seek a special use permit allowing them to house livestock (two Nigerian dwarf goats) at said property on Nagel Road; and

WHEREAS, Marvins have presented information regarding Nigerian dwarf goats, a map depicting appropriate setbacks, and photographs to Planning Commission on October 15, 2025 seeking a positive recommendation to City Council for approval of a Special Use Permit; and

WHEREAS, Planning Commission held a public hearing on October 15, 2025 and by a vote of Four to Zero (0) recommended granting the Special Use Permit for the farm with livestock at 3276 Nagel Road as further described herein; and

WHEREAS, the granting of this Special Use Permit requires approval by Council.

WHEREAS, having reviewed the plans for the proposed Special Use Permit for a farm with livestock (two Nigerian dwarf goats) 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 a Special Use Permit in an R-1 Residential District to Ruth A. Keller, Trustee, owner of 6.79 acres of property at 3276 Nagel Road, to allow the Marvins, Paul and Jaclyn, residents at said location, to operate a farm with livestock (two Nigerian dwarf goats), Council hereby accepts the recommendation of the Planning Commission and agrees to grant said Special Use Permit, per the layout set forth in the attached [Exhibit A](#), incorporated herein by this reference, subject to the conditions set forth in Section 2.

Section 2 - Conditions. 1) That the approval of a farm with livestock in excess of two (2) acres to raise and house two Nigerian dwarf goats at the 3276 Nagel Road location shall proceed pursuant to the layout (survey map), plans and stipulations approved and recommended by the Planning Commission at its October 15, 2025 meeting; and 2) the Special Use Permit

granted herein is conditioned upon applicant and any subsequent owner meeting all applicable requirements set forth in the Avon Codified Ordinances, especially Sections 1230.09, 1280.02, 1280.03, 1280.04(j) and 1280.06(b). Any expansion, development, enlargement, improvement, change in ownership, change in tenancy, change in use or the like, other than maintenance of the property in its current condition as specified in this Special Use Permit will require an additional amendment to this Special Use Permit, with a recommendation of Planning Commission and approval by Council. Permitted uses of the property as specified in Section 1262.03 are not affected by this provision.

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 authorize a Special Use Permit for a farm with livestock in excess of 2 acres at 3276 Nagel Road; 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

ATTEST:

Barbara J. Brooks, Clerk of Council

Ordinance No. 96-25 (Con't)

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

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