

ORDINANCE NO. 4-14

**AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED
JANUARY 15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE
OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING A CERTAIN PORTION
OF A PARCEL OF LAND CONSISTING OF APPROXIMATELY 5.000 ACRES
LOCATED ON THE EAST SIDE OF NAGEL ROAD AND NORTH OF THE EXISTING
C-4 PROPERTY AT THE NORTHEAST CORNER OF NAGEL AND DETROIT ROADS
FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL
BUSINESS DISTRICT AND FURTHER IDENTIFIED AS PERMANENT
PARCEL NO. 10-04-00-027-101-187**

WHEREAS, an application to rezone approximately 5.000 acres of land on the east side of Nagel Road and north of the existing C-4 property at the northeast corner of Nagel and Detroit roads from R-1 Single-Family Residential to C-4 General Business District was submitted to Planning Commission pursuant to Article VII, Section 2(d) of the Avon City Charter; and

WHEREAS, the Planning Commission, on November 20, 2013, held a Public Hearing on said amendment; and

WHEREAS, on December 18, 2013, the Planning Commission reviewed the proposed amendment to rezone this parcel of land as further described herein and considered the public comments and presentations of all interested parties and by a vote of Zero (0) in favor and Five (5) opposed failed to make a positive recommendation to Council to amend Ordinance No. 413-68 to allow approximately 5.000 acres of land located on the east side of Nagel Road and north of the existing C-4 property at the northeast corner of Nagel and Detroit roads, currently in an R-1 Single-Family Residential District, to be rezoned C-4 General Business District; and

WHEREAS, Council on January 13, 2014 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on February 10, 2014 at 7:20 P.M.; and

WHEREAS, notice of the time and place of such Public Hearing has been given to record title holders of property immediately adjacent, adjoining and abutting on such area, zone, or district proposed to be changed.

WHEREAS, Council finds that the recommendation of Planning Commission is in error and deems it desirable and in the best interests of the safety, health and welfare of the City that Ordinance No. 413-68 be amended to rezone a portion of land consisting of approximately 5.000 on the east side of Nagel Road and north of the existing C-4 property at the northeast corner of Nagel and Detroit roads from R-1 Single-Family Residential District to C-4 General Business District.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Ordinance No. 4-14 (Con't.)

Section 1 - That Ordinance No. 413-68, passed January 15, 1969, commonly known as the Zoning Ordinance of the City of Avon, Ohio, as amended, shall be further amended as provided hereafter.

Section 2 - That from the effective date of this Ordinance, a section of land consisting of approximately 5.000 acres of land located on the east side of Nagel Road and north of the existing C-4 property at the northeast corner of Nagel and Detroit roads and further identified as a portion of Permanent Parcel No. 10-04-00-027-101-187 and more fully described in Exhibit A, is hereby rezoned from R-1 Single-Family Residential to C-4 General Business District.

Section 3 - That all provisions of Ordinance No. 413-68 and its various amendments, shall remain in full force and effect.

Section 4 - 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 5 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading _____

Second Reading _____

Third Reading _____

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

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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