

ORDINANCE NO. 43-13

**AN ORDINANCE AMENDING §1228.11(d) OF THE CODIFIED ORDINANCES OF
THE CITY OF AVON TO CLARIFY THE SIGNIFICANCE
OF FINAL DEVELOPMENT PLAN APPROVAL**

WHEREAS, the Planning Coordinator, Asst. Fire Chief, City Engineer and Chief Building Official have recommended changes to the Planning and Zoning Code, viz., an amendment to §1228.11(d) to clarify the significance of “Final Development Plan Approval” setting forth the limitations on said approval; and

WHEREAS, said amendments is designed to clearly inform the developers of property of their further responsibility to abide by all federal, state and local laws and regulations that may impact their development; and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendments which was duly publicized according to law and held on March 20, 2013; and

WHEREAS, on March 20, 2013, by a vote of five (5) to zero (0), Planning Commission recommended approval of said amendment to §1228.11(d) of the Planning and Zoning Code; and

WHEREAS, Council, on April 8, 2013, authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on May 13, 2013 at 7:10 PM; and

WHEREAS, Council finds that this recommendation is reasonable and in the best interests of the safety, health and welfare of the City; and deems it desirable that Chapter 1228 of the Codified Ordinances be amended.

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

Section 1 - That §1228.11(d) of the Codified Ordinances of the City of Avon which currently states:

**1228.11 PLANNING COMMISSION REVIEW OF A FINAL
 DEVELOPMENT PLAN.**

(d) The development complies with the current requirements set forth in the Americans with Disabilities Act (ADA) of 1990, as may be amended.

Shall be amended as follows: (New Language Bold)

1228.11 PLANNING COMMISSION REVIEW OF A FINAL DEVELOPMENT PLAN.

- (d) The development complies with the current requirements set forth in the **the City's Building Codes, The Ohio Fire Codes, Americans with Disability Act (ADA) requirements or any other governmental laws and regulations.**

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 shall take effect and be in force at the earliest date allowed by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

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
City of Avon, Ohio

Ordinance No. 43-13 (con't.)

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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