

ORDINANCE NO. 44-13

**AN ORDINANCE AMENDING §1228.17 OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON TO ADD §1228.17(f) 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 §1228.17 to clarify the significance of “Final Development Plan Approval” by adding §1228.17(f) setting forth limitations on said approval; and

WHEREAS, said amendment is designed to clearly inform 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 amendment 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 Chapter 1228 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 7:15 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 so amended.

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

Section 1 - That Section 1228.17 of the Codified Ordinances of the City of Avon currently states:

1228.17 SIGNIFICANCE OF AN APPROVED DEVELOPMENT PLAN.

- (e) No certificate of occupancy shall be issued unless all facilities and improvements that are included on the approved plans are provided, except as otherwise permitted in Section 1226.05(d).

Shall be amended as follows: (New Language in Bold)

1228.17 SIGNIFICANCE OF AN APPROVED DEVELOPMENT PLAN.

- (e) No certificate of occupancy shall be issued unless all facilities and improvements

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that are included on the approved plans are provided, except as otherwise permitted in Section 1226.05(d).

- (f) Approval of Final Development Plan does not absolve developer of responsibility for compliance with the City's Building Codes, the Ohio Fire Codes, ADA requirements or any other governmental laws and regulations.**

Section 2 - 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 3 - 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

ATTEST:

Ellen R. Young
Clerk of Council

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Posted: _____

In Five Places as
Provided by Council

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