

ORDINANCE NO. 35-17

**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 2.11 ACRE PARCEL OF LAND OWNED BY
WALTER KLINGSHIRN, JR. AND LOCATED AT 37902 CHESTER ROAD,
PERMANENT PARCEL NO. 10-04-00-009-000-120 FROM R-3 MULTI FAMILY
RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT**

WHEREAS, an application to rezone approximately 2.11 acres of land currently owned by Walter Klingshirn, Jr. located 37902 Chester Road in an R-3 Multi Family Residential District 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 April 19, 2017, held a Public Hearing on said amendment; and

WHEREAS, on April 19, 2017, Planning Commission reviewed the proposed amendment to rezone the 2.11 acres of land described herein and considered the public comments and presentations of all interested parties and by a vote of Five (5) in favor and Zero (0) opposed recommended the amendment to Ordinance No. 413-68 to rezone said land from R-3 Multi Family Residential District to C-4 General Business District; and

WHEREAS, Council on May 8, 2017 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on June 12, 2017 at 7:10 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 to, adjoining and abutting on such area, zone, or district proposed to be modified.

WHEREAS, Council finds that the recommendation of Planning Commission is reasonable and deems it desirable that Ordinance No. 413-68 be amended.

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

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, 2.11 acres of land owned by Walter Klingshirn, Jr. at 37902 Chester Road, and known as being Permanent Parcel No. 10-04-00-009-000-120 and more fully described in Exhibit A, be rezoned from R-3 Multi Family Residential District to C-4 General Business District.

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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 - 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 L. 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:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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