

ORDINANCE NO. 38-17

AN ORDINANCE TO AMEND SECTIONS 1278.02(f)(2) AND 1278.03(d) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON, LORAIN COUNTY, OHIO REGARDING PROHIBITED USES IN AN INDUSTRIAL DISTRICT AND THE SCHEDULE OF PERMITTED USES

WHEREAS, City Council recently passed Ordinance No. 23-17 on April 10, 2017 to amend Chapter 824 of the Codified Ordinances to eliminate Class IV composting in the City; and

WHEREAS, Planning Commission, in light of the amendments made to Chapter 824, considered amendments to Sections 1278.02(f)(2) and 1278.03(d) of the Codified Ordinances; and

WHEREAS, after authorizing and conducting a Public Hearing on said amendments, the Planning Commission, on April 19, 2017, by a vote of five (5) to zero (0), Planning Commission recommended approval of the amendment to Sections 1278.02(f)(2) and 1278.03(d) to eliminate Class IV composting in Chapter 1278; 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 7:15 PM; and

WHEREAS, Council, having reviewed the recommendation of Planning Commission, finds it to be reasonable and in the best interests of the safety, health and welfare of the City to prohibit Class IV composting in the Industrial District by amending Chapter 1278 to correspond to changes recently adopted in Chapter 824.

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

Section 1 - That Section 1278.02(f)(2), which presently reads as follows:

1278.02 USE REGULATIONS

(f) Prohibited Uses. Notwithstanding the above, the following uses are specifically prohibited from locating in any M-1 or M-2 District.

- (1) Automobile salvage and wrecking;
- (2) Junk, scrap paper and rag storage, dumps, landfills, incinerators, recycling centers, bailing or composting facilities, except for Class IV composting facilities as set forth in Section [1278.03\(d\)\(6\)](#);

It is hereby amended to read as follows:

(f) Prohibited Uses. Notwithstanding the above, the following uses are specifically prohibited from locating in any M-1 or M-2 District.

- (1) Automobile salvage and wrecking;
- (2) Junk, scrap paper and rag storage, dumps, landfills, incinerators, recycling centers, bailing or composting facilities. ~~except for Class IV composting facilities as set forth in Section [1278.03\(d\)\(6\)](#);~~

Section 2 - That Section 1278.03(d), which presently reads as follows:

1278.03 SCHEDULE OF PERMITTED USES.

	M-1 General Industrial	M-2 Light Industrial
(d) <u>Manufacturing, Production and Processing</u>		
(1) Assembly plants	P	P
(2) Machine shops	P	P
(3) Manufacture of products from raw materials	SU	
(4) Metal and non-metal production facilities utilizing products from previously and elsewhere prepared materials	P	P
(5) Printing, publishing, and allied industries	P	P
(6) Class IV composting facilities as defined in OAC Section 3745.560 400, et seq.	SU	

It is hereby amended to read as follows: (New Language in Bold Print)

1278.03 SCHEDULE OF PERMITTED USES.

	M-1 General Industrial	M-2 Light Industrial
(d) <u>Manufacturing, Production and Processing</u>		
(1) Assembly plants	P	P
(2) Machine shops	P	P
(3) Manufacture of products from raw materials	SU	
(4) Metal and non-metal production facilities utilizing products from previously and elsewhere prepared materials	P	P
(5) Printing, publishing, and allied industries	P	P
(6) Class IV composting facilities as defined in OAC Section 3745.560 400, et seq.	SU	

Section 3 - All other language contained in Sections 1278.02(f)(2) and 1278.03(d) not specifically amended herein 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.

Ordinance No. 38-17 (Con't)

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

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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