

ORDINANCE NO. 66-19

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF REZONING A PORTION OF A PARCEL OF LAND CURRENTLY OWNED BY SHIRE GLENN GREEN, LLC, AND CONSISTING OF APPROXIMATELY 2.7113 ACRES LOCATED SOUTH OF I-90 AND NORTH OF DETROIT ROAD ALONG THE NORTH SIDE OF AVON ROAD, PERMANENT PARCEL NO. 04-00-028-102-067 FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO O-1 PLANNED OFFICE DISTRICT PURSUANT TO ARTICLE VII, SECTION 2, SUBSECTION (e) OF THE CHARTER OF THE CITY OF AVON AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Article VII, Section 2, Subsection (e) of the Avon City Charter, any Ordinance passed by City Council rezoning any residential property south of Interstate 90 to a classification other than “residential” is not deemed effective until passed by an affirmative vote of a majority of the electors voting thereon at a regularly scheduled general election; and

WHEREAS, Council passed Ordinance No. 13-17 on April 10, 2017 to rezone a parcel of land consisting of approximately 1.8506 acres of a 4.6554 acre parcel of land, Permanent Parcel No. 04-00-028-102-067, from R-1 Single Family Residential District to O-1 Planned Office District. This land lies south of I-90 and north of Detroit Road along the north side of Avon Road; and

WHEREAS, Council passed Ordinance No. 52-19 on July 8, 2019 to rezone another .8506 acres (approximate) of the same 4.6554 acre parcel of land, Permanent Parcel No. 04-00-028-102-067, from R-1 Single Family Residential District to O-1 Planned Office District. The entire 2.7113 acres are located south of I-90 and north of Detroit Road along the north side of Avon Road; and

WHEREAS, Council, having passed Ord. No. 13-17 and Ord. No. 52-19, now desires to place this rezoning issue on the ballot at the next regularly scheduled general election set for Tuesday November 5, 2019.

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

Section 1 – That pursuant to Article VII, Section 2, Subsection (e) of the Avon City Charter, there shall be submitted to the electors of the City of Avon at the next regularly scheduled General Election to be held Tuesday, November 5, 2019 at the regular places of voting between the hours of 6:30 A.M. and 7:30 P.M., the question of whether to rezone a portion of a parcel of land currently owned by Shire Glenn Green, LLC consisting of approximately 2.7113 acres of the 4.6554 acre parcel and located South of I-90 and North of Detroit Road along the north side of Avon Road, Permanent Parcel No. 04-00-028-102-067, a map and legal description of which are identified in attached Exhibit A which is incorporated herein by this reference.

Section 2 - The ballot for said election shall, at the top thereof, be entitled "Proposed Rezoning" and the question to be submitted on said ballot shall be in a form as set forth in Exhibit “B”.

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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 is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity of Council to submit, in a timely fashion, this proposed Charter Amendment to the electors of the City of Avon; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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 Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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

PROPOSED REZONING

Shall a portion of R-1 Single Family Residential property located South of I-90 and North of Detroit Road along the North Side of Avon Road, in the City of Avon, Lorain County, consisting of approximately 2.7113 acres of a 4.6554 acre parcel of land, Permanent Parcel No. 04-00-028-102-067, be rezoned to O-1 Planned Office District?

_____YES

_____NO