

ORDINANCE NO. 51-21

AN ORDINANCE TO AMEND SECTIONS 1222.02, 1278.03, 1280.05 AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE STORAGE CONDOMINIUMS UNDER MINI SELF STORAGE ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE M-1 GENERAL INDUSTRIAL AND M-2 LIGHT INDUSTRIAL DISTRICTS

WHEREAS, section 1278.03(b)(3) of the Avon Codified Ordinances identifies “Mini/self-storage facility” as a Special Use in the M-1 General Industrial District; and

WHEREAS, the Planning Coordinator and the Zoning Enforcement Officer have generally considered requests to construct new storage facilities to be for the purpose of leasing said facilities to the general public; and

WHEREAS, in late 2020 the Planning Department was asked to consider storage condominiums; and

WHEREAS, the Administration deemed these condominiums to be prohibited under ACO §1278.03(b)(3) and set out to propose an amendment to the Code to permit storage condominiums as a special use in the M-1 and M-2 zoning districts; and

WHEREAS, amendments to sections 1222.02(b)(80), 1278.03(b)(3) and 1280.05(p) and 1280.06(t) of the Avon Codified Ordinances were prepared and submitted to Planning Commission; and

WHEREAS, Planning Commission held a public hearing on these amendments on November 18, 2020; and

WHEREAS, that same day, after hearing from the members of the public and the Administration, Planning, by a vote of five (5) to zero (0), recommended approval of the amendments to Sections 1222.02, 1278.03, 1280.05 and 1280.06 to include storage condominiums under “mini self-storage” as a Special Use in those districts;

WHEREAS, Council’s Legal Committee and City Council as a whole, conducted several public meetings over the months of January and February, 2021 with City Council finally acting to table the legislation (Ordinance No. 112-20) indefinitely on February 22, 2021; and

WHEREAS, Planning Commission addressed the issue of storage condominiums units once again at its June 16, 2021 meeting at which time a public hearing was held on the proposed amendments and after discussion, voted Five (5) in favor and Zero (0) opposed to again recommend to Council adoption of the amendments to sections 1222.02(b)(80), 1278.03(b)(3) and 1280.05(p) and 1280.06(t) of the Avon Codified Ordinances; and

WHEREAS, Council, on June 21, 2021 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on August 9, 2021 at 7:20 PM; and

WHEREAS, Council, in considering the recommendation of Planning Commission, finds that amending Sections 1222.02, 1278.03, 1280.05 and 1280.06 of the Codified Ordinances of the City of Avon to include storage condominiums under mini self storage as a special use in the M-1 General Industrial and in the M-2 Light Industrial Districts is a reasonable exercise of Council's zoning authority and is in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 - That the proposed amendments to Sections 1222.02(b)(80), 1278.03(b)(3), 1280.05(p) and 1280.06(t) to include Storage Condominiums under Mini Self-Storage as a Special Use in M-1 and M-2 is hereby adopted in its entirety as set forth in the attached Exhibit A which is incorporated herein by this reference.

Section 2 - The Codifier is hereby instructed to insert all amendments to the sections set forth in Section 1 of ordinance in the appropriate order within the existing codified ordinances, renumbering and/or re-lettering anywhere applicable. All other language contained in Sections 1222.02, 1278.03, and 1280.06 not specifically amended herein shall remain in full force and effect.

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: _____
Brian Fischer, Council President

Ordinance No. 51-21 (Con't)

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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