

**ORDINANCE NO. 3-22**

**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 THE 8.58 ACRE PARCEL OF LAND LOCATED ON  
THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGLE ROAD,  
PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY  
RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL  
BUSINESS DISTRICT OVERLAY**

**WHEREAS**, an application to rezone the 8.58 acre parcel of land located on the southwest corner of Middleton Road and Nagle Road, from R-1 Single Family Residential District to C-4 General Business District was submitted to Planning Commission pursuant to Article VII, Section 2(d) and Article VII, Section 2(e) of the Avon City Charter; and

**WHEREAS**, the Planning Commission, on June 16, 2021, held a Public Hearing; and

**WHEREAS**, on June 16, 2021, the Planning Commission reviewed the proposed amendment to rezone the 8.58 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 approval of the amendment to Ordinance No. 413-68 to rezone said land from R-1 Single Family Residential District to C-4 General Business District; and

**WHEREAS**, Council, on January 3, 2022 authorized a Public Hearing; and

**WHEREAS**, said Public Hearing was duly publicized according to law and was held on February 14, 2022 at 7:25 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; and

**WHEREAS**, said R-1 property is subject to the requirements set forth in Article VII, Section 2(e), i.e., should City Council pass this ordinance approving the rezoning, its action shall not be deemed effective without the affirmative vote of a majority of the electors of the City of Avon at a regularly scheduled general election; and

**WHEREAS**, Council finds that the recommendation of Planning Commission is reasonable and in the best interests of the safety, health and welfare of the City 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 and the 8.58 acres of land located on the southwest corner of Middleton Road and Nagel Road, shall be

and the same is hereby rezoned from R-1 Single Family Residential District to C-4 General Business District, Permanent Parcel No. 10-04-00-022-102-150 as more fully described in [Exhibit A](#), which is attached hereto and incorporated herein by this reference.

Section 2 - That the rezoning described in Section 1, above, is subject to the provisions of Article VII, Section (e) of the Charter of the City of Avon, Ohio and requires the affirmative vote of a majority of electors of the City of Avon at the next regularly scheduled general election before it can take effect.

Section 3 - That all other 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 - 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

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