

ORDINANCE NO. 42-22

**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 A PORTION OF LAND (7.89 ACRE PARCEL)
LOCATED ON THE NORTH SIDE OF CHESTER ROAD,
PERMANENT PARCEL NO. 10-04-00-009-000-181 FROM M-1 GENERAL INDUSTRIAL
DISTRICT TO R-3 MULTI-FAMILY RESIDENTIAL DISTRICT AND SUBJECT TO
THE TERMS OF THE PARTIES DEVELOPMENT AGREEMENT**

WHEREAS, an application to rezone a portion of land (7.89 acre parcel) located on the north side of Chester Road, from M-1 General Industrial District to R-3 Multi-Family Residential 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 March 16, 2022, held a Public Hearing on said amendment; and

WHEREAS, on March 16, 2022, the Planning Commission reviewed the proposed amendment to rezone a portion of land (7.89 acre parcel) described herein and relied upon and considered the Developer's Agreement with the City as well as a formal site plan that is Code compliant with R-3 Multi-Family Residential District, 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 M-1 General Industrial District to R-3 Multi-Family Residential District but subject to compliance with all the terms of the Development Agreement; and

WHEREAS, Council, on March 21, 2022 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on April 25, 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.

WHEREAS, Council finds that the recommendation of Planning Commission is reasonable and in the best interests of the safety, health and welfare of the citizens of Avon 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 subject to the provisions of Article VII, Section (e) of the Charter of the City of Avon, Ohio, from the effective date of this Ordinance a portion of land (7.89 acres) located on the north side of Chester Road, be and the same is hereby rezoned from M-1 General Industrial District to R-3 Multi-Family Residential District Permanent (Parcel No. 10-04-00-009-000-181), but subject to the terms and conditions as substantially set forth in the parties' Development Agreement which is attached hereto as [Exhibit A](#) and incorporated herein by this reference.

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 - 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