

ORDINANCE NO. 44-22

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF REZONING A PARCEL OF LAND CURRENTLY OWNED BY LIG LAND, LLC, AND CONSISTING OF APPROXIMATELY 8.58 ACRES LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGEL ROAD, PERMANENT PARCEL NO. 04-00-022-102-150 FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT PURSUANT TO ARTICLE VII, SECTION 2, SUBSECTION (e) OF THE CHARTER OF THE CITY OF AVON AND DECLARING AN EMERGENCY

WHEREAS, Council passed Ordinance No. 3-22 on February 14, 2022 to rezone a parcel of land consisting of approximately 8.58 acres located on the southwest corner of Middleton Road and Nagel Road, Permanent Parcel No. 04-00-022-102-150, from R-1 Single Family Residential District to C-4 General Business District; and

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, having passed Ord. No. 3-22, will comply with Article VII, Section 2, Subsection (e) and place this rezoning issue on the ballot at the next regularly scheduled general election set for Tuesday November 8, 2022.

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 8, 2022 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 parcel of land currently owned by LIG Land, LLC consisting of approximately 8.58 acres and located on the southwest corner of Middleton Road and Nagel Road, Permanent Parcel No. 04-00-022-102-150, from R-1 Single Family Residential District to C-4 General Business District, 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](#).

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.

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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 to the Lorain County Board of Elections this proposed Charter Amendment to the electors of the City of Avon prior to the deadline set for the November 8th General Election; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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 Brooks, Clerk of Council

POSTED:_____

In Five Places as
Provided by Council

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

PROPOSED REZONING

Shall an R-1 Single Family Residential property consisting of approximately 8.58 acres of land located on the southwest corner of Middleton Road and Nagel Road, Permanent Parcel No. 10-04-00-022-102-150 be rezoned to C-4 General Business District?

_____YES

_____NO