

ORDINANCE NO. 71-22

**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 12.71 ACRE PARCEL OF LAND LOCATED
AT 2295 NAGEL ROAD (EASTSIDE OF NAGEL ROAD, SOUTH OF MIDDLETON
ROAD AND NORTH OF DETROIT ROAD), PERMANENT PARCEL NO.
10-04-00-027-101-196 FROM R-1 SINGLE-FAMILY RESIDENTIAL
DISTRICT TO C-4 GENERAL BUSINESS DISTRICT**

WHEREAS, an application to rezone the 12.71 acre parcel of land located at 2295 Nagel Road (eastside of Nagel Road, south of Middleton Road and north of Detroit 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 March 16, 2022, held a Public Hearing on said amendment; and

WHEREAS, on May 18, 2022, the Planning Commission reviewed the proposed amendment to rezone the 12.71 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 June 6, 2022, authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on July 11, 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

12.71 acres of land located at 2295 Nagel Road (eastside of Nagel Road, south of Middleton Road and north of Detroit Road) Permanent Parcel No. 10-04-00-027-101-196, shall be and the same is hereby rezoned from R-1 Single Family Residential District to C-4 General Business District, 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 and Section 2, below.

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 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 Brooks, Clerk of Council

POSTED: _____
In five places as
provided by Council

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