

ORDINANCE NO. 40-19

**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 6.18 ACRE REMAINDER OF THE 10.53
ACRE PARCEL OF LAND LOCATED AT 37520 COLORADO AVENUE,
PERMANENT PARCEL NO. 10-04-00-010-111-096 FROM R-2 TWO-FAMILY
RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL
BUSINESS DISTRICT OVERLAY**

WHEREAS, an application to rezone the 6.18 acre remainder of the 10.53 acre parcel of land located at 37520 Colorado Avenue, from R-2 Two-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)(1) of the Avon City Charter; and

WHEREAS, the parcel in question was zoned C-4 in the front (along Colorado Ave.) prior to 2001 but back portion of the lot remained R-2; and

WHEREAS, the Planning Commission, on April 17, 2019, held a Public Hearing on said amendment; and

WHEREAS, on April 17, 2019, the Planning Commission reviewed the proposed amendment to rezone the rear portion of this parcel of land as further described herein and considered the public comments and presentations of all interested parties and by a vote of Four (4) in favor and Zero (0) opposed, recommended the amendment to Ordinance No. 413-68 to allow the 6.18 acre remainder of a the 10.53 acre lot located at 37520 Colorado Avenue to be rezoned from R-2 Two-Family Residential District to C-4 General Business consistent with Ordinance No. 95-06 adopted by the voters of the City of Avon on November 7, 2006; and

WHEREAS, Council, on May 13, 2019, authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on June 10, 2019 at 7:20 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 City and deems it desirable that Ordinance No. 413-68 be amended to rezone the 6.18 acre remainder of the 10.53 acre parcel of land located at 37520 Colorado Avenue, from R-2 Two-Family Residential District to C-4 General Business District.

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 from the effective date of this Ordinance the 6.18 acre remainder of the 10.53 acre parcel of land located at 37520 Colorado Avenue, be and the same is hereby rezoned from R-2 Two-Family Residential District to a C-4 General Business District, Permanent Parcel No. 10-04-00-010-111-096 and more fully described in Exhibit A, which is attached hereto and incorporated herein by this reference. This rezoning of residential land to commercial land is authorized by Ord. No. 95-06, a Charter Amendment passed by the voters of the City of Avon on November 7, 2006, and does not require further action by the electorate to be effective.

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: _____

Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

William D. Logan, Acting 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