

**ORDINANCE NO. 59-24**

**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 NORTHERN  
13.6414 ACRES OF LAND LOCATED AT 34440 DETROIT ROAD, PERMANENT  
PARCEL NO. 10-04-00-022-102-162 FROM R-1 SINGLE-FAMILY RESIDENTIAL TO  
C-4 GENERAL BUSINESS DISTRICT**

**WHEREAS**, an application to rezone the northern 13.6414 acres of land located at 34440 Detroit Road, Permanent Parcel No. 10-04-00-022-102-162 from R-1 Single-Family Residential 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 Planning Commission, on April 17, 2024, held a Public Hearing on said amendment; and

**WHEREAS**, on May 15, 2024, the Planning Commission reviewed the proposed amendment to rezone this parcel of land as further 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 the amendment to Ordinance No. 413-68 to allow the northern 13.6414 acres of land located at 34440 Detroit Road, Permanent Parcel No. 10-04-00-022-102-162 from R-1 Single-Family Residential to C-4 General Business District; and

**WHEREAS**, Council, on May 28, 2024, authorized a Public Hearing; and

**WHEREAS**, said Public Hearing was duly publicized according to law and was held on June 24, 2024, 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 City and deems it desirable that Ordinance No. 413-68 be amended to rezone the northern 13.6414 acres of land located at 34440 Detroit Road, Permanent Parcel No. 10-04-00-022-102-162 from R-1 Single-Family Residential 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 northern 13.6414 acres of land located at 34440 Detroit Road be, and the same is hereby rezoned from R-1 Single-Family Residential to C-4 General Business District, Permanent Parcel No. 10-04-00-022-102-162, as more fully described in Exhibit A, which is attached hereto 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 5-28-24  
Second Reading 6-10-24  
Third Reading 6-24-24

PASSED: June 24, 2024 DATE SIGNED: June 24, 2024

By: Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: June 25, 2024

[Signature]  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

Ordinance No. 59-24 (Con't.)

ATTEST:

  
\_\_\_\_\_  
Barbara Brooks, Clerk of Council

Posted: June 26, 2024  
Electronically and at City Hall as  
Provided by Council

Prepared By:

John A. Gasior, Esq.  
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 59-24, passed by the Council of said City on June 24, 2024.

IN WITNESS WHEREOF, I have on this 25th day of June 2024, affixed my signature and official seal.


  
\_\_\_\_\_  
Barbara J. Brooks, Clerk of the Council  
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 59-24

EXHIBIT A

WORDED DESCRIPTION OF LAND IN THE FOLLOWING REZONING  
REQUEST:

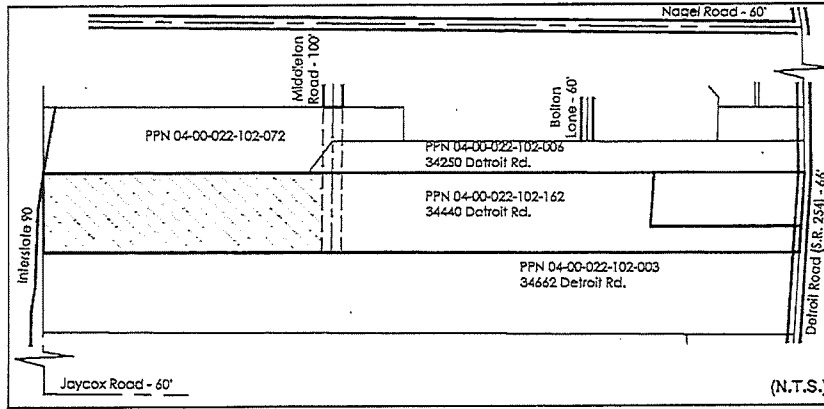
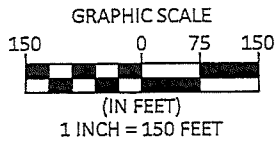
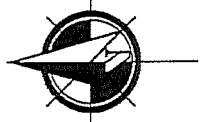
JAMES A. JR. & KAREN A. CONANT REQUEST TO REZONE A PORTION  
OF PARCEL NO. 04-00-022-102-162, INSTRUMENT NO. 2017-0652100  
FROM R-1 ZONING TO C-4 ZONING

APRIL, 2024

AREA TO BE REZONED:

Situated in the City of Avon, County of Lorain, and State of Ohio, part of Original Avon Township Section 22, being part of land conveyed to James A. Jr. and Karen A. Conant by Instrument No. 2022-0882132 of Lorain County Records (PPN 04-00-022-102-162), hereafter known as the Subject Parcel, and further described as follows:

The portion of the Subject Parcel which lies within the following boundary extents: south of Original Avon Township Section 21 & Section 22 boundary line as the northern boundary line of the Subject Parcel is parallel to and contiguous with the Original Avon Township Section 21 & Section 22 boundary line; thence extending from the Subject Parcel's western boundary line which is parallel to and contiguous with the eastern boundary of land owned by Robert J. Herbst, Richard E. Herbst, & Helen C. Herbst, Instrument No. 2007-0789573 of Lorain County Records (PPN 04-00-022-102-003); to the Subject Parcel's eastern boundary line which is parallel to and contiguous with the western boundary lines of lands owned by DJMG Properties, LLC, Instrument No. 2017-0652100 of Lorain County Records (PPNs 04-00-022-102-072 & 04-00-022-102-006); thence southward to western projection of a future Middleton Road Right-of-Way, 100-foot wide, with western projection across the Subject Parcel to be upon the same bearing as defined in the Middleton Road Dedication Plat, Volume 106, Page 26 of the Lorain County Map Records; and containing approximately 13.64 as calculated by Polaris Engineering & Surveying on March 14, 2024.



INTERSTATE ROUTE 90  
(LIMITED ACCESS)

City of Avon  
Inst# 2012-0424599  
PPN 04-00-021-000-277

Section 21  
Section 22  
Section 21  
Section 22

S 89°46'42" E 416.20'

P.O.B.

S 0°08'24" W 1430.84'

13.6414 Ac.  
To Be Re-Zoned  
From R-1  
To C-4

N 0°11'17" E 1427.32'

DJMG Properties LLC  
Inst# 2017-0652100  
PPN 04-00-022-102-072  
C-4 Zoning

James A. Jr. &  
Karen A. Conant  
Inst# 2022-0882132  
PPN 04-00-022-102-162

Robert J. Herbst,  
Richard E. Herbst, &  
Helen C. Herbst  
Inst# 2007-0789573  
PPN 04-00-022-102-003  
R-1 Zoning

N 89°17'56" W 416.42'

C-4 Zoning  
R-1 Zoning

MIDDLETON ROAD - 100'

FUTURE MIDDLETON ROAD



POLARIS ENGINEERING & SURVEYING, INC.  
34805 CHARDON ROAD  
SUITE D  
WILLOUGHBY HILLS, OH 44094  
(440) 944-4433  
(440) 944-3722 (Fax)  
www.polaris-es.com

DATE: 3/14/2024  
SCALE: 1"=150'  
FOLDER: DJMG/Survey  
FILENAME: Re-Zone Exhibit  
TAB: 01-ReZone  
DRAWN: RMK

RE-ZONING EXHIBIT  
PPN: 04-00-022-102-162  
34440 DETROIT ROAD  
CITY OF AVON - LORAIN COUNTY - OHIO

CONTRACT NO.	
19065	
SHEET	OF
01	01