

ORDINANCE NO 96-24

AN ORDINANCE TO AUTHORIZE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE CITY OF AVON AND ISOMER GROUP, INC. AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 71-22, passed by City Council on July 11, 2022, authorized the rezoning of a 12.71 parcel of land located at 2295 Nagel Road (East Side of Nagel Road, South of Middleton Road and North of Detroit Road), PPN #10-04-00-027-101-196 from R-1 Single- Family Residential District to C-4 General Business District; and

WHEREAS, attached to Ord. No. 71-22 was a Development Agreement whereby the property owner, Isomer Group, Inc., agreed to certain development parameters; and

WHEREAS, pursuant to City Charter, the rezoning was ratified by a vote of the citizens of Avon at the November 8, 2022 General election; and

WHEREAS, Isomer Group is now requesting an amendment to the Development Agreement to add two (2) additional signs – one (1) placed on Middleton Road and two (2) on the east side of Nagel Road; and

WHEREAS, Planning Commission on September 18, 2024, held a Public Hearing and by a vote of Five (5) to Zero (0) recommended approval of said amendment; and

WHEREAS, in order to go forward with the additional signage, City Council must agree to amend the Development Agreement accordingly; and

WHEREAS, Council having reviewed the Development Agreement and the General Development Plan for the site finds that the health, safety, and welfare of the community is best promoted by authorizing the amendment to the Development Agreement to increase the number of signs permitted on this site from one to three.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 – That Council hereby agrees to amend Paragraph 3(h) of the Development Agreement with Isomer Group, Inc. passed as part of Ord. No. 71-22 on July 11, 2022, which currently reads as follows:

3. Development Terms, Conditions and Deed Restrictions.

- (h) Developer shall be entitled to one (1) sign on Nagel Road, in compliance with the City's Zoning Code, and zero (0) signs on Middleton Road. The sign may be a menu board consisting of no more than 4 business trade names.

Shall be amended to read as follows:

3. Development Terms, Conditions and Deed Restrictions.

- (h) Developer shall be entitled to ~~one (1)~~ **three (3)** signs: **Two (2) sign on the east side of Nagel Road and one (1) sign on Middleton Road, all of which shall comply with the City's Zoning Code.** The signs may be a menu board consisting of no more than 4 business trade names

Section 2 – That a diagram of the proposed signage is attached hereto and marked as Exhibit A.

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.

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 to amend Paragraph 3(h) of the Development Agreement with Isomer Group, Inc. to increase the number of signs permitted on their property located at 2295 Nagel Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: October 15, 2024 DATE SIGNED: October 15, 2024

By: Brian Fischer
Brian Fischer, President of Council

DATE APPROVED BY THE MAYOR: October 16, 2024

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Posted: October 17, 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. 96-24, passed by the Council of said City on October 15, 2024.

IN WITNESS WHEREOF, I have on this 16th day of October 2024, affixed my signature and official seal.

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

Exhibit A to Ordinance No. 96-24

