

ORDINANCE NO. 65-24

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE
ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING,
OCCUPANCY, SPECIAL USE AND/OR BUILDING PERMIT APPROVALS FOR
THE ESTABLISHMENT, DEVELOPMENT AND CONSTRUCTION
OF CARWASHES AND SELF-STORAGE FACILITIES FOR A PERIOD
NOT TO EXCEED SIX (6) MONTHS FROM THE
EFFECTIVE DATE OF THIS ORDINANCE
AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety and welfare, comfort and peace of the citizens of the municipality, including restricting areas used for business and trade; and

WHEREAS, it is the opinion of the Council that the current provisions of the Zoning Code may not sufficiently address both actual and potential impacts of carwash and self-storage uses in terms of, but not limited to, access, building quality and aesthetics, lighting and noise control, available and appropriate locations, use saturation and environments; and

WHEREAS, the City's Administration, Planning Commission and City Council require time to undertake a thorough review of all applicable local ordinances relating to zoning and business regulations in order to properly regulate such uses; and

WHEREAS, this Council has determined it to be in the best interest of the community and its health, safety, and welfare to impose a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for the establishment, development and construction of carwashes and self-storage facilities and while in effect undertake a review of all applicable laws and current legislation to study whether or not amendments to the Codified Ordinances are necessary.

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

Section 1 - That the Council of the City of Avon hereby imposes a Six (6) month Moratorium on the acceptance and processing of applications for zoning, occupancy, special use and/or building permit approvals for the establishment, development and construction of carwashes and self-storage facilities. This would include the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable said activities within the City. Said Moratorium extends to the submission, consideration or approval of all applications for general development plans, final development plans, special or accessory use permits, occupancy permits, building permits or the like.

Section 2 - That this Moratorium shall become effective on the date that this Ordinance, following its passage by the Council, is approved by the Mayor, and shall remain in effect for Six (6) months following the date upon which it became effective unless extended upon a

majority vote of the Council for a period of no more than an additional Six (6) months if the Council finds such continuance is required to allow sufficient time for the Administration, Planning Commission and City Council to complete its study and recommend what action, if any, the City of Avon should take to safeguard the public health, safety and welfare through the provision of adequate planning, zoning, land- use, or other regulatory controls that are specifically applicable to carwashes and self-storage facilities anywhere within the City.

Section 3 - That this Moratorium suspends and tolls any time periods, prescribed by law, within which the Planning Commission or any other official or official body of the City of Avon, is required to take action upon an application for a special use permit, building permit, site plan approval or the like, for the development of land anywhere in Avon and that no such application shall be deemed to be approved by the failure of the Planning Commission, or any other public official or official body to approve or deny said application during the time when this Moratorium shall be in effect.

Section 4 - That the Planning Commission, at its next regular meeting, is hereby directed to begin a study to recommend what action, if any, the City of Avon should take to preserve the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to carwashes and self-storage facilities.

Section 5 - If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 7 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to impose a temporary Moratorium for planning purposes and to further the orderly development of the City with respect to carwashes and self-storage facilities, to adopt well thought-out and contemporary zoning and other regulations, and to protect the public interest and rights of property owners; 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: _____
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director