

ORDINANCE NO. 104-24

**AN ORDINANCE EXTENDING THE 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 CAR
WASHES AND SELF-STORAGE FACILITIES WITHIN THE CITY OF AVON
AND DECLARING AN EMERGENCY**

WHEREAS, Council, on May 28, 2024, passed Ordinance No. 65-24 imposing a Temporary Six-Month Moratorium, prohibiting the future development and construction of any carwashes and self-storage facilities or the like within the City of Avon; and

WHEREAS, said moratorium is set to expire on November 28, 2024; and

WHEREAS, in furtherance of the plan to review the law in this area, the Administration recommends an extension of the moratorium to May 28, 2025, to provide a sufficient amount of time for the new legislation, if necessary, to be adopted and take effect before the expiration of the moratorium period; and

WHEREAS, Council agrees with the Administration that such an extension is necessary to continue to review any applicable sections of its Codified Ordinances and any applicable state law, conduct community outreach, and to study, plan for, formulate, and draft reasonable and comprehensive regulations with respect to future development or construction of carwashes and self-storage facilities or the like within the City and therefore finds it necessary, appropriate and in the best interests of the public health, safety and welfare of the citizens of Avon to extend the current moratorium established by Ord. No. 65-24 to May 28, 2025.

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

Section 1 – That Council hereby extends the six-month 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 to May 28, 2025. Furthermore, during the period of the extended moratorium established herein, no building permits, licenses, or zoning certificates shall be granted for the purposes of future development or construction of any of these facilities.

Section 2 – That 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 3 – That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action 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 City of Avon, the immediate emergency being the necessity to extend the temporary moratorium to enable the City to responsibly study, analyze, and review regulations related to future development and construction of carwashes and self-storage facilities and the like for the reasons set forth in the recitals of this Ordinance and Ordinance No. 65-24; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: November 11, 2024

DATE SIGNED: November 11, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: November 12, 2024

[Signature]
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: November 13, 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. 104-24, passed by the Council of said City on November 11, 2024.

IN WITNESS WHEREOF, I have on this 12th day of November 2024, affixed my signature and official seal.

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