

ORDINANCE NO. 46-25

**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, Council on November 11, 2024, passed Ordinance No. 104-24 to extend the Temporary Six-Month extension of the moratorium; and

WHEREAS, said moratorium is set to expire on May 28, 2025; and

WHEREAS, in furtherance of the plan to review the law in this area, the Administration recommends an extension of the moratorium to December 23, 2025, to provide additional 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 December 23, 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 December 23, 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 Nos. 65-24 & 104-24; 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
City of Avon, Ohio

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director