

ORDINANCE NO . 5-14

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO CITY CENTRE OF AVON OUTLETS, LLC TO ALLOW FOR AN OUTDOOR PATIO SEATING AREA FOR A RESTAURANT (WINKING LIZARD) TO BE LOCATED AT 2125 CENTER ROAD AND DECLARING AN EMERGENCY

WHEREAS, the zoning regulations for the City of Avon require restaurants with outdoor seating areas in the C-2 Central Business/French Creek District to obtain a Special Use Permit pursuant to ACO §1270.03(b)(8); and

WHEREAS, City Centre of Avon Outlets, LLC, as the owner of the land being leased to its tenant “The Winking Lizard”, has submitted an application and presented plans and specifications for an outdoor seating area at that restaurant at 2125 Center Road to the Planning Commission on December 18, 2013; and

WHEREAS, the Planning Commission held a public hearing on December 18, 2013 and by a vote of Five (5) to Zero (0), recommended approval of the Special Use Permit; and

WHEREAS, this Special Use Permit requires approval of City Council; and

WHEREAS, Council, after reviewing the application, plans and specifications and the recommendation of the Planning Commission, deems it in the best interests of the health, safety and welfare of the community that the Special Use Permit be granted.

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

Section 1 - That having considered the matter of granting the Special Use Permit to City Centre of Avon Outlets, LLC to allow its tenant, The Winking Lizard, to construct a restaurant with an outdoor seating area per plans and specifications submitted to Planning Commission on December 18, 2013, Council hereby accepts the recommendation of Planning Commission and agrees to grant the Special Use Permit for the C-2 property located at 2125 Center Road subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its December 18, 2013 meeting; 2) That music will be permitted on the outdoor seating patio Sunday through Thursday until 10:00 p.m.; on Friday and Saturday evenings, music will be permitted until 11:00 p.m.; 3) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.05(aa), and 1280.06(dd) of the Codified Ordinances of the City of Avon. Any expansion, development, enlargement, improvement, change in ownership, use or the like, other than maintenance of the property in its current condition, will require an additional amendment to this Special Use Permit, with a recommendation of Planning Commission and approval by Council.

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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 grant a Special Use Permit to City Centre of Avon Outlets, LLC, for an outdoor seating areas for the restaurant to be located at 2125 Center Road (The Winking Lizard); therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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