

ORDINANCE NO. 56-16

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
BRAD J. KNOBLE TO CONSTRUCT AND OPERATE A
ROADSIDE STAND AT 2970 MOON ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, the zoning regulations for the City of Avon require roadside stands in an R-2 Residential District to obtain a Special Use Permit pursuant to ACO §1262.03(e)(4); and

WHEREAS, Brad J. Knoble owns property at 2970 Moon Road upon which he and his wife, Theresa Knoble, desire to construct a non-permanent, roadside stand for the sale of agricultural products being grown on said property; and

WHEREAS, the Planning Commission held a public hearing April 20, 2016 and by a vote of Five (5) to Zero (0), recommended approval of the Special Use Permit; 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 Brad J. Knoble, Council hereby accepts the recommendation of Planning Commission and agrees to allow for the construction and operation of a non-permanent, roadside stand for the sale of agricultural products grown on Knoble's property at 2970 Moon Road as per the plans and specifications submitted and approved by the Planning Commission on April 20, 2016, and made a part of this Special Use Permit by reference but subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That produce sales will be permitted daily from dawn to dusk, year-round; 2) That the stand will be a non-permanent in nature and unattended with minimal signage; 3) That adequate off-street parking be provided; 4) That the project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its April 20, 2016 meeting; and 4) that the Special Use Permit granted herein is conditioned upon applicant meeting these and all applicable requirements of the Avon Codified Ordinances including, but not limited to, those set forth in 1280.02, 1280.03, 1280.04(q), and 1280.06(gg). Any expansion, development, enlargement, improvement, change in ownership, tenancy, 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.

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.

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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 Brad J. Knoble for the construction and operation of a roadside stand on property he owns at 2970 Moon Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. 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