

ORDINANCE NO. 83-20

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT FOR AVON V.F.W. POST NO. 7035 TO ALLOW FOR THE CONSTRUCTION OF A 26' x 7' OUTDOOR BAR TO BE INSTALLED UNDER THE EXISTING PAVILION LOCATED AT 36950 MILLS ROAD AND DECLARING AN EMERGENCY

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

WHEREAS, the Avon V.F.W. Post No. 7035 was granted a Special Use Permit for outdoor seating on property it owns at 36950 Mills Road on August 9, 2010; and

WHEREAS, the Avon V.F.W. Post No. 7035 desires to amend their Special Use Permit to construct a 26' x 7' outdoor bar under the existing pavilion located at 36950 Mills Road; and

WHEREAS, the Avon V.F.W. Post No. 7035 submitted plans and specifications for the construction of said outdoor bar to the Avon Planning Commission on August 19, 2020; and

WHEREAS, the Planning Commission held a public hearing on August 19, 2020 and by a vote of Five (5) to Zero (0), voted to recommend to Council the granting of said amendment to the Special Use Permit; and

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

WHEREAS, Council, having reviewed the plans and specifications for the proposed improvements as submitted and the recommendation of the Planning Commission, deems it in the best interests of the health, safety and welfare of the city that the amendment to 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 amending the Special Use Permit for the Avon V.F.W. Post No. 7035 to construct a 26' x 7' outdoor bar under the existing pavilion located at 36950 Mills Road, Council hereby accepts the recommendation of Planning Commission and agrees to grant the amended Special Use Permit pursuant to plans and specifications submitted to Planning Commission on August 19, 2020 and subject to the conditions set forth in this ordinance.

Section 2 – Conditions. The amended Special Use Permit granted herein for the construction of a 26' x 7' outdoor bar under the existing pavilion is conditioned upon the owner or lessee complying with the following conditions: 1) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission on August 19, 2020; 2) *consider some restrictions on outdoor music*; 3) *consider setting hours of occupancy, e.g. the patio hours shall be open from 12:00 p.m. to 11:00 p.m. Monday through Sunday*; and 4) compliance

with all applicable requirements of the Avon Codified Ordinances, including, but not limited to those set forth in 1280.02, 1280.03, 1280.05(aa), and 1280.06(dd). 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.

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 amend a Special Use Permit for the Avon V.F.W. Post 7035 to allow construction of a 26' x 7' outdoor bar under the existing pavilion located at 36950 Mills Road; 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: _____
In Five Places as
Provided by Council

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