

ORDINANCE NO. 2-21

AN ORDINANCE PLACING A MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS IN THE CITY OF AVON AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the power vested in City Council through the Avon City Charter and the Ohio Constitution, Council has the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting or prohibiting certain business and land uses; and

WHEREAS, the Avon Planning and Zoning Code (PZC) does not contain any comprehensive regulations concerning the operation of short term (less than 30 days) residential real estate rentals (“STRs”) within the City’s residential zoning districts with the exception of the narrow zoning regulations concerning bed and breakfast special uses within the City as such uses are defined in the PZC; and

WHEREAS, over the past few years, there has been an increase in the operation of STRs in Northeast Ohio by way of online STR booking sites including in the City of Avon where residential homes have been rented and used as STRs via online booking sites; and

WHEREAS, the City has a legitimate public interest in preserving its residential neighborhoods, and the recent proliferation of STRs in Avon threatens the health, safety, welfare, comfort, and peace of the City’s neighborhoods by introducing transient guests into the City’s residential zoning districts, leading to increased noise, traffic, and occupancy of residences without sufficient owner supervision and City oversight; and

WHEREAS, the City needs additional time 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 STRs within the City; and

WHEREAS, until such time as reasonable and comprehensive regulations concerning STRs are established, this Council desires to enact a moratorium on the operation of STRs in the City’s residential zoning districts for a period of one hundred and eighty (180) days in order to prevent proliferation of these uses in the City’s residential zoning districts while also taking time to ensure that the City regulates these uses in a reasonable and practical manner so as to protect both the rights of property owners and the City’s residential neighborhoods; and

WHEREAS, the moratorium contained herein is not intended to be, and it shall not operate as, a moratorium on any currently permitted, legal bed and breakfast uses in the City where the operator of said bed and breakfast uses has previously received a zoning certificate authorizing such bed and breakfast use prior to the effective date of this moratorium. Any previously permitted, legal bed and breakfast use that is operated during the period of this moratorium shall be operated in compliance with the terms of the PZC.

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

Section 1 – That having found the above statements to be true and correct, there is hereby established a one hundred and eighty (180) day temporary moratorium prohibiting the operation of short term (less than 30 days) residential real estate rentals within any residentially zoned district in the City of Avon by a non-occupant owner. Furthermore, during the period of the moratorium established herein, no building permits, licenses, or zoning certificates shall be granted for the purposes of operating a short term (less than 30 days) residential real estate rental operation.

Section 2 - That the moratorium shall be in effect for a period of one hundred and eighty (180) days from the effective date of this Ordinance or until changes are enacted to amend the Codified Ordinances of the City of Avon to address the issues described herein or until this Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 3 - That this Council declares that bed and breakfast establishments that were lawfully operating within the City of Avon pursuant to the regulations contained within the Avon Planning and Zoning Code shall not be subject to the moratorium established herein provided that such establishments were in operation prior to the effective date of this Ordinance.

Section 4 - Whoever violates this ordinance is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in §698.02 of the Avon Codified Ordinances. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 5 - 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 meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6 - 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 of implementing this temporary moratorium at the earliest possible date so as to enable the City to quickly and responsibly begin to study, analyze, and review regulations related to short term (less than 30 days) residential real estate rentals for the reasons set forth in the recitals of this Ordinance; 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: _____
In Five Places as
Provided by Council

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