

ORDINANCE NO. 56-21

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

WHEREAS, Council, on January 11, 2021, passed Ordinance No. 2-21 imposing a one hundred and eighty (180) day Moratorium on all activity surrounding the operation of any short term residential real estate rentals anywhere within the City; and

WHEREAS, said moratorium is set to expire on July 10, 2021; and

WHEREAS, in furtherance of the plan to review the law in this area, the Administration recommends an extension of the moratorium to October 12, 2021 to provide a sufficient amount of 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 STRs 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. 2-21 to October 12, 2021; and

WHEREAS, the extension of 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 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 that is operated during the period of this moratorium shall be operated in compliance with the terms of the Avon Planning and Zoning Code.

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

Section 1 – That Council hereby extends the one hundred and eighty (180) day moratorium on all activity surrounding the operation of any short term rentals (STRs) of residential real estate located anywhere within the R-1, R-2 or R-3 zoning districts within the City to October 12, 2021. All other provisions of Ordinance No. 2-21, passed on January 11, 2021 and not in conflict with this legislation, shall remain in effect.

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 – For purposes of clarity, Avon Codified Ordinances §1262.02(e) and §1264.02(e) prohibit all uses not specifically listed in 1262.03 and 1264.03, respectively. Short term rentals (STRs) are not listed and therefore are prohibited with or without this moratorium. The procedure set forth in ACO §1230.11 is not available during the period of this moratorium.

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 meeting 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 continue 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 and Ordinance No. 2-21; 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

Ordinance No. 56-21 (Con't)

Posted: _____

In Five Places as

Provided by Council

Prepared By:

John A. Gasior, Esq.

Law Director