

ORDINANCE NO. 148-22

**AN ORDINANCE TO EXTEND A TEMPORARY MORATORIUM FOR AN
ADDITIONAL SIX (6) MONTHS ON THE KEEPING OF ANY NEW LIVESTOCK,
THE KEEPING OF ANY NEW EQUINE AND FUR-BEARING ANIMALS,
AND THE PERFORMANCE OF NEW POULTRY HUSBANDRY AS PART OF
FARM USE WITHIN THE R-1 SINGLE-FAMILY, R-2 TWO-FAMILY AND
R-3 MULTI-FAMILY RESIDENTIAL ZONES AS ADDRESSED IN PART 12
OF THE CITY OF AVON CODIFIED ORDINANCES
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon is a chartered municipal corporation organized and existing under the Constitution and laws of the state of Ohio, and as such may regulate uses within the City, including single-family dwellings, multi-family dwellings and farms; and

WHEREAS, Council passed Ordinance No. 78-22 on June 13, 2022 deeming it to be in the best interest of the health, safety and welfare of the residents of the City to declare a six (6) month moratorium on the keeping of any new livestock, the keeping of any new equine and fur-bearing animals, and the performance of new poultry husbandry in the R-1 Single-Family and the R-3 Multi-Family Residential Districts; and

WHEREAS, said moratorium is set to expire on December 31, 2022; and

WHEREAS, City officials tasked with the responsibility of reviewing all applicable laws, the City's current legislation and to study whether or not amendments to the Codified Ordinances are necessary have not yet completed their assignments and are not ready to make a recommendation to either Planning Commission or City Council; and

WHEREAS, extending the current moratorium and additional six (6) months will provide the necessary time to adequately review legislation, obtain public comment and propose reasonable amendments (if necessary) to the current Code; and

WHEREAS, Council, recognizing that the Administration has not completed its research, analysis and review of public comments deems it in the best interest of the health, safety and welfare of the residents of Avon to extend the moratorium set forth in Ordinance No. 78-22 for an additional six (6) months to June 30, 2023.

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

Section 1 – That for the reasons stated in the preamble above, City Council extends the moratorium established in Ord. No. 78-22 for a period of six (6) months from the effective date of this Ordinance, or until June 30, 2023, whichever is later, and during such time no person shall keep any new livestock, keep any new equine and fur-bearing animals, or perform new poultry husbandry in the R-1 Single-Family, R-2 Two-Family and the R-3 Multi-Family Residential Districts unless the property is located in an approved (by resolution) Agricultural District, except livestock, equine and fur-bearing animals and poultry that replace those animals in the normal course of business on farm properties existing at the time the moratorium was enacted in Ord. No.

78-22, with violations thereof enforceable as offenses under Chapter 1238 of the Planning and Zoning Code.

Section 2 – That this extension of the moratorium suspends and tolls any time periods, prescribed by law, within which City Council, any City Board or Commission, or any official is required to act upon an application or registration related to the keeping of livestock, the keeping of equine and fur-bearing animals, and the performance of poultry husbandry.

Section 3 – That wherever the provisions of this Ordinance conflict with any other ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

Section 4 – 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 5 – 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, Ohio; the immediate emergency being the necessity to extend the temporary moratorium for six (6) additional months for planning purposes and to further the orderly development of the City with respect to the keeping of any new livestock, the keeping of any new equine and fur-bearing animals, and the performance of new poultry husbandry, to adopt well thought-out and contemporary zoning and other regulations, and to protect the public interest and rights of property owners; therefore, this Ordinance shall take effect and be in full force 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: _____
Electronically and at City Hall
As provided by Council