

ORDINANCE NO. 94-23

AN ORDINANCE PLACING A TEMPORARY MORATORIUM ON THE FUTURE DEVELOPMENT OR CONSTRUCTION OF ANY HOTEL, MOTEL, EXTENDED STAYS, BOARDING HOUSES OR THE LIKE WITHIN THE CITY OF AVON THROUGH JANUARY 9, 2024 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 future development or construction of any hotel, motel, extended stay rental, boarding houses and the like within the City's zoning districts; and

WHEREAS, over the past year, there has been an increase in the interest to develop and construct hotels, motels and extended stay facilities in the City of Avon; and

WHEREAS, the City has a legitimate public interest in preserving its commercial and office districts in Avon and the development and construction of hotels, motels and extended stay facilities could threaten the health, safety, welfare, comfort, and peace of these districts by introducing short term and long term temporary guests, leading to, among other things, increased noise, traffic, and criminal behavior without sufficient City oversight; and

WHEREAS, the City needs time to review any applicable sections of its Codified Ordinances and any applicable state law, and to study, plan for, formulate, and draft reasonable and comprehensive regulations with respect to these types of uses within the City; and

WHEREAS, until such time as reasonable and comprehensive regulations concerning hotels, motels, extended stays, boarding houses and the like are established, this Council desires to enact a moratorium on their development and construction in the City's commercial and office zoning districts until January 9, 2024 in order to prevent new sightings of these uses in the City 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 citizens; and

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 temporary moratorium until January 9, 2024 prohibiting the future development and construction of any hotel, motel, extended stay, boarding house or the like within the City of Avon. For purposes of this moratorium, an Extended Stay Rental means any hotel, motel, boarding house and the like that is rented wholly or partly for a fee. "Hotel & Motel" shall have the same meanings as set forth in ACO Sections 1222.02(b)(58) & (84). Furthermore, during the period of the moratorium established herein, no building permits, licenses, or zoning certificates shall be granted for the purposes of future development or construction of any of these facilities.

Section 2 - That the moratorium shall be in effect until January 9, 2024, 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 - 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 4 - 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 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 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 future development and construction of hotels, motels, extended stay rentals, boarding houses and the like 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

Ordinance No. 94-23 (Con't)

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

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