

ORDINANCE NO. 63-14

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AVON 83, LLC TO CONSTRUCT A 800 SQUARE FOOT OUTDOOR PATIO SEATING AREA FOR PROPERTY LOCATED AT 35514 DETROIT ROAD, BUILDING #5 AND DECLARING AN EMERGENCY

WHEREAS, the zoning regulations for the City of Avon require restaurants with outdoor seating areas to obtain a Special Use Permit pursuant to ACO §1280.05(aa); and

WHEREAS, Avon 83, LLC, a.k.a. Market Place at Avon, intends to lease space to a restaurant to be located in Building No. 5 on land they own at 35514 Detroit Road; and

WHEREAS, Avon 83, LLC, as the owner of the land, has submitted an application and presented plans and specifications for a 800 sq. ft. outdoor seating area adjacent to Building No. 5 to the Planning Commission on May 21, 2014; and

WHEREAS, the Planning Commission held a public hearing on May 21, 2014 and by a vote of Five (5) to Zero (0), recommended approval of the Special Use Permit; and

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

WHEREAS, Council, after reviewing the application, plans and specifications and the recommendation of the Planning Commission, deems it in the best interests of the health, safety and welfare of the community that 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 granting the Special Use Permit to Avon 83, LLC, Council hereby accepts the recommendation of Planning Commission and agrees to allow for an 800 sq. ft. outdoor seating area adjacent to Building No. 5 on the property located at 35514 Detroit Road as per the plans and specifications submitted and approved by the Planning Commission on May 21, 2014, and made a part of this Special Use Permit by reference but subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That music will be permitted on the outdoor seating patio Sunday through Thursday until 10:00 p.m.; on Friday and Saturday evenings, music will be permitted until 11:00 p.m.; 2) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its May 21, 2014 meeting; and 3) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.05(aa), and 1280.06(dd) of the Codified Ordinances of the City of Avon. Any expansion, development, enlargement, improvement, change in ownership, tenancy, 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.

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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 grant a Special Use Permit to Avon 83, LLC, for a 800 sq. ft. outdoor seating area adjacent to Building No. 5 located at 35514 Detroit Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: June 9, 2014 DATE SIGNED: June 9, 2014

By: [Signature]
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: June 10, 2014
[Signature]
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:
[Signature]
John A. Gasior, Law Director

ATTEST:
[Signature]
Ellen R. Young
Clerk of Council

POSTED: June 12, 2014
In Five Places as
Provided by Council

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

I, Gail A. Hayden, Assistant Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 63-14, passed by the Council of said City on June 9, 2014.

IN WITNESS WHEREOF, I have on this 11th day of June, 2014, affixed my signature and official seal of the Clerk of the Council of the City of Avon, Ohio.

[Signature]
Gail A. Hayden, Assistant Clerk of the Council of the City of Avon, Ohio.