

ORDINANCE NO. 57-16

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
BRAD J. KNOBLE AND THERESA KNOBLE TO CONSTRUCT AND
OPERATE A ROADSIDE STAND ON DETROIT ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, the zoning regulations for the City of Avon require roadside stands in an R-2 Residential District to obtain a Special Use Permit pursuant to ACO §1262.03(e)(4); and

WHEREAS, Brad J. Knoble and Theresa Knoble own approximately .27 acres of property on Detroit Road across the street from 39179 Detroit Road upon which they desire to place a wagon and operate a roadside stand (from the wagon) for the sale of agricultural products being grown on said property; and

WHEREAS, Planning Commission held a public hearing on April 20, 2016. After the property owner's presentation, the Commission voted Five (5) in favor and Zero (0) opposed to suspend their rules and act on the recommendation to Council. The motion to recommend the Special Use to Council failed to achieve a second. As a result, Planning Commission has made a negative recommendation to City Council and disapproves the application for the Special Use Permit; and

WHEREAS, pursuant to Article VII, Section (2)(d) of the Avon City Charter, a negative recommendation/disapproval by Planning Commission requires a 2/3 majority of Council for adoption of the legislation; and

WHEREAS, Council, after reviewing the application, plans and specifications and the recommendation (disapproval) 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 Brad J. Knoble and Theresa Knoble, Council hereby rejects the recommendation of Planning Commission to disapprove the application and agrees to allow for the placement of a wagon to serve as a non-permanent , roadside stand for the sale of agricultural products grown on the .27 acre Knoble property across from 39179 Detroit Road as per the plans and specifications submitted to Planning Commission on April 20, 2016, 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 produce sales will be permitted daily from dawn to dusk, between July 1st and October 31st each year; 2) That the stand will consist of the wagon only, be non-permanent in nature and removed from the site between November 1st and June 30th; 3) That the stand will be unattended with minimal signage; 4) That the stand, when in place, shall be securely fastened to the ground by mean sufficient to prevent an rolling out onto Detroit Road; 5) That adequate off-street parking be provided and the flow of traffic onto the property will be along

the north side of the wagon/stand; 6) That no obstructions to the view of the right-of-way on ingress and egress will be permitted; 7) That the project proceed pursuant to plans and specifications submitted to Planning Commission at its April 20, 2016 meeting; and 8) that the Special Use Permit granted herein is conditioned upon applicant meeting these and all applicable requirements of the Avon Codified Ordinances including, but not limited to, those set forth in 1280.02, 1280.03, 1280.04(q), and 1280.06(gg). 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.

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 Brad J. Knoble and Theresa Knoble for the operation of a roadside stand on property they own across from 39179 Detroit Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, 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:

Ellen R. Young

Ordinance No. 57-16 (Con't)

Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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