

## **ORDINANCE NO. 87-23**

### **AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT FOR PROPERTY OWNED BY ACE ACQUISITIONS, LLC TO ALLOW THEIR TENANT, INN THE DOG HOUSE, INC. (dba INN THE DOGHOUSE) TO CONSTRUCT AND OPERATE A DOG AND CAT DAY CARE, ANIMAL BOARDING AND GROOMING FACILITY LOCATED AT 37525 COLORADO AVENUE AND DECLARING AN EMERGENCY**

**WHEREAS**, Ace Acquisitions, LLC are the owners of property at 37525 Colorado Avenue in the C-4 zoning district are seeking to allow their tenant, Inn the Dog House, Inc. (dba Inn the Doghouse) to construct and operate a dog and cat day care, animal boarding and grooming facility at that address; and

**WHEREAS**, ACO '1270.03(b)(12) allows animal boarding within the C-4 District but only with a Special Use Permit; and

**WHEREAS**, Ace Acquisitions, LLC, on behalf of Inn the Dog House, Inc. submitted an application, together with plans and specifications for said dog and cat day care, animal boarding and grooming facility; and

**WHEREAS**, the Planning Commission held a public hearing on June 21, 2023 and by a vote of Five (5) to Zero (0), recommended approval of the Special Use Permit; and

**WHEREAS**, having reviewed the plans and operation of the proposed facility as submitted and the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the city 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 a Special Use Permit for property owned by Ace Acquisitions, LLC located at 37525 Colorado Avenue for Inn the Dog House, Inc. to construct and operate a dog and cat day care, animal boarding and grooming facility at said location, Council hereby accepts the recommendation of the Planning Commission and agrees to grant said Special Use Permit subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its June 21, 2023 meeting; 2) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements of the Avon Codified Ordinances, including, but not limited to, those set forth in Chapter 1230, 1230.09, 1280.02, 1280.03, and 1280.05(11) of the Codified Ordinances of the City of Avon. Any expansion, development, enlargement, improvement, change in ownership, change in 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 for the construction and operation of a dog and cat day care, animal boarding and grooming facility in a C-4 zoning district located at 37525 Colorado Avenue during the current construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 10, 2023

DATE SIGNED: July 19, 2023

By: Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR July 11, 2023

Bryan K. Jensen  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

ATTEST:

Barbara Brooks  
Barbara Brooks, Clerk of Council

POSTED: July 11, 2023  
Electronically and at City Hall 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. 87-23, passed by the Council of said City on July 10, 2023.

IN WITNESS WHEREOF, I have on this 11<sup>th</sup> day of July, 2023, affixed my signature and official seal of the Clerk of Council of the City of Avon, Ohio.

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