

ORDINANCE NO. 10-25

**AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE
SECTION 1280.06(ee)(1) "SUPPLEMENTAL REGULATIONS FOR
CERTAIN USES" TO ALLOW RESTAURANTS WITH
NO INDOOR SEATING IN THE C-3 and C-4
ZONING DISTRICT, SOUTH OF I-90**

WHEREAS, Section 1270.03 provides a schedule of the Permitted and Special Uses within the Business Districts; and

WHEREAS, 1280.05 sets forth regulations governing minimum lot area and minimum lot width requirements for Special Uses in commercial, office and industrial districts (i.e., non-residential districts); and

WHEREAS, 1270.03(b)(9) currently allows for restaurants with no indoor seating only in C-3 and C-4 Districts with a Special Use Permit; and

WHEREAS, 1280.06(ee) sets forth guidelines for Special Use permits in Districts C-3 and C-4 districts and 1280.06(ee)(1) only permits restaurants with no indoor seating to be located north of I-90; and

WHEREAS, the Planning Commission authorized a Public Hearing on an amendment to 1280.06(ee)(1) that would permit restaurants with no indoor seating to be located south of I-90; and

WHEREAS, a Public Hearing on said amendment was duly publicized according to law and held on January 15, 2025, and by a vote of Zero (0) in favor and Four (4) opposed, Planning Commission issued a negative recommendation on amending Section 1280.06(ee)(1) of the Planning and Zoning Code; and

WHEREAS, Council, on February 3, 2025 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on March 10, 2025 at 7:25 PM; and

WHEREAS, Council, in considering the negative recommendation of Planning Commission and comments from the Administration finds that amending Section 1280.06(ee)(1) of the Codified Ordinances of the City of Avon would not be in the best interests of the health, safety, and welfare of the citizens of Avon.

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

Section 1 - That Section 1280.06(ee)(1) of the Avon Codified Ordinance which currently reads as follows:

1280.06 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

The following are specific conditions, standards and regulations for certain special uses and are in addition to the criteria and standards set forth in Sections 1280.02 through 1280.05.

(ee) Restaurants (with no indoor seating).

- (1) A restaurant with no indoor seating may be permitted in a C-3 or C-4 District but only where that zoning district exists north of Interstate 90.
- (2) There must be a structure on-site having indoor men's and women's restrooms.
- (3) There must be a full kitchen facility utilized in the preparation of the food for sale at the site.

(Ord. 58-01. Passed 5-29-01; Ord. 30-05. Passed 3-28-05; Ord. 77-05. Passed 6-13-05; Ord. 147-07. Passed 1-14-08; Ord. 1-08. Passed 2-11-08; Ord. 169-08. Passed 1-12-09; Ord. 26-10. Passed 5-10-10; Ord. 11-13. Passed 2-25-13; Ord. 26-15. Passed 4-13-15; Ord. 76-16. Passed 7-11-16; Ord. 29-20. Passed 4-27-20; Ord. 51-21. Passed 8-9-21; Ord. 58- 23. Passed 5-22-23; Ord. 74-24. Passed 9-23-24.)

Shall be amended to read as follows: (New language in bold print; deleted language stricken)

1280.06 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

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Section 2 – That Council, having received a negative recommendation from Planning Commission, must approve this amendment by two-thirds of its members per Article VII, Section 2(d) of the Charter.

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 shall take effect and be in force at the earliest date allowed by law.

First Reading 2-10-25
Second Reading 2-24-25
Third Reading 3-10-25

PASSED: Defeated DATE SIGNED: N/A
3-10-25

By: N/A
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR N/A

N/A
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

N/A
John A. Gasior, Law Director

ATTEST:

N/A
Barbara Brooks, Clerk of Council

POSTED: N/A
Electronically and at City Hall as
Provided by Council

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