

**ORDINANCE 2020-35
INTRODUCED BY: GRUBE**

4267

**AN ORDINANCE
AMENDING ORDINANCE 2020-20 TO EXPAND THE
MORATORIUM NOT TO ENFORCE PLANNING AND
ZONING CODE SECTIONS 1137.05(a)(1) AND 1138.05(a)(2)
TO INCLUDE FRONT YARDS IN THE MORATORIUM AND
DECLARING AN EMERGENCY.**

WHEREAS, Ordinance 2020-20 was enacted on June 3, 2020 and approved by the Mayor on June 4, 2020, declaring a moratorium and directing the Administrator not to enforce Planning and Zoning Code (“Code”) Sections 1137.05 (a)(1) and 1138.05(a)(2) to allow, on a temporary basis, outdoor dining in rear and/or side yard setbacks, but to continue to enforce front yard setbacks for outdoor dining, which moratorium was in effect though September 8, 2020, unless otherwise terminated, modified or extended by action of the Council of the Village of Chagrin Falls;

WHEREAS, the Village Council has determined that it is critical and necessary to temporarily allow for restaurants who have no ability use their rear or side yards to be able to provide outdoor service in the front yard setback where the restaurant operates on a temporary basis on the same terms and conditions that restaurants can operate in rear and side yard setbacks;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

Section 1. Sections 1, 2 and 3 of Ordinance 2020-20 are hereby amended to extend the moratorium on the enforcement of Sections 1137.05(a)(1) and 1138.05(a)(2) of the Code to front yard setbacks so that, on a temporary basis, outdoor dining in front yard setbacks will be permitted from the effective date of this Ordinance through September 8, 2020, unless otherwise terminated, modified or extended by action of the Council of the Village of Chagrin Falls, and upon the conditions set forth in Ordinance 2020-20, in order to safely and adequately allow restaurants to provide outdoor dine-in services and to permit restaurants to operate on a level where they can be economically viable during good weather conditions.

Section 2. Any restaurant operator requesting approval to operate in a front yard setback area shall also comply with Section 3 of Ordinance 2020-20.

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Section 3. This Ordinance is intended to be applicable to all restaurants lawfully operating in the retail business district and central shopping district, and any lawful nonconforming restaurant lawfully permitted to exist in such districts, subject to the conditions set forth in this Ordinance.

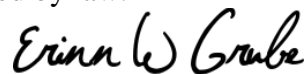
Section 4. Nothing contained in this Ordinance shall be deemed to amend, repeal or be inconsistent with the Code as it currently exists, and nothing contained in this Ordinance shall be interpreted to create a defense to any enforcement action for any violation of the Code that occurred on or before, or after the effective date of this Ordinance.

Section 5. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

Section 6. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

Section 7. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the Village and for the further reason that this Ordinance must be immediately effective so that the restaurants located in the Village of Chagrin Falls shall be able to recover from the economic devastation that has occurred as a result of the outbreak of Covid-19, and to promote and support Orders issued by the State of Ohio as herein before set forth, and in order to promote the safe dine-in options of restaurants in the Village; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force after the earliest period allowed by law.

PASSED: July 27, 2020



Council President, Erinn Grube

Submitted to the Mayor for
approval on this 28thth day of July, 2020

Approved by the Mayor this
07/28/2020

Date



Mayor, William Tomko

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I hereby certify that Ordinance No. 2020-35 was duly enacted on the 27th day of July, 2020, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

David B. Bloom

Clerk of Council, David Bloom