

**ORDINANCE 2020-39  
INTRODUCED BY: GRUBE**

**4271**

**AN ORDINANCE  
AMENDING ORDINANCES 2020-20 AND 2020-35 TO  
EXTEND THE MORATORIUM NOT TO ENFORCE  
PLANNING AND ZONING CODE SECTIONS 1137.05(a)(1)  
AND 1138.05(a)(2) IN FRONT, SIDE AND REAR YARDS,  
THROUGH DECEMBER 31, 2020, 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 through September 8, 2020, unless otherwise terminated, modified or extended by action of the Council of the Village of Chagrin Falls;

WHEREAS, Ordinance 2020-35 was enacted on July 27, 2020 and approved by the Mayor on July 28, 2020 extending the moratorium declared in Ordinance 2020-20 to include a moratorium in the enforcement of Section 1137.05(a)(1) and 1138.05(a)(2) for outdoor dining in front yards;

WHEREAS, the Village Council has determined that it is still necessary to temporarily allow for restaurants who have no ability to use their front, rear, and side yards to be able to provide outdoor food and beverage service in the front, rear and side yards where the restaurant operates on a temporary basis on the same terms and conditions that were permitted in Ordinances 2020-20 and 2020-35;

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

Section 1. Ordinance 2020-20 and Ordinance 2020-35 are hereby amended to extend the moratorium on the enforcement of Sections 1137.05(a)(1) and 1138.05(a)(2) of the Code through December 31, 2020 so that, on a temporary basis, outdoor dining in front, side and rear yard setbacks will be permitted from the effective date of Ordinance 2020-20 and 2020-35 through December 31, 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 and 2020-35, in order to safely and adequately allow restaurants to provide outdoor-dine-in services and to

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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 or to continue to operate in a front yard, rear yard or side yard setback area shall comply with Section 3 of Ordinance 2020-20.

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 and in Ordinances 2020-20 and 2020-35.

Section 4. Nothing contained in this Ordinance shall be deemed to amend, repeal or be inconsistent with the Planning and Zoning 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 continue 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.

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PASSED: September 14, 2020

*Erinn W Grube*

Erinn Grube, Council President

Submitted to the Mayor for  
his approval on this

15<sup>th</sup> day of September, 2020

Approved by the Mayor

09/15/2020

\_\_\_\_\_, 2020

*William A. Tomko*

Mayor William Tomko

I hereby certify that Ordinance No. 2020-39 was duly enacted on the 15th day of September, 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*

David Bloom, Clerk of Council