

AN ORDINANCE AMENDING AND/OR SUPPLEMENTING PART TWELVE “PLANNING AND ZONING”, TITLE SIX “ZONING CODE” OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRLAWN, OHIO TO PROVIDE FOR REGULATION OF ENTERTAINMENT DEVICE ARCADES

WHEREAS, the City of Fairlawn may legitimately regulate and license the location and operation of Entertainment Device Arcades, and/or may require that such businesses be located in particular areas and/or be separated from other land uses that may suffer negative secondary effects from the operation of one or more Entertainment Device Arcades; and

WHEREAS, the Council of the City imposed a moratorium on the establishment of Entertainment Device Arcades within the City to permit the Administration to study the impact of Entertainment Device Arcades within the City and to make recommendations to establish new regulations to address this type of business and activity; and

WHEREAS, the Administration has completed its study and now recommends that this Council adopt this ordinance amending Part Twelve “Planning and Zoning”, Title Six “Zoning Code” of the Codified Ordinances of the City of Fairlawn to provide for zoning regulations for Entertainment Device Arcades within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRLAWN, STATE OF OHIO THAT:

Section 1: Subsection 1234.05(b) of Section 1234.05 “Interpretation; Definitions” of the Zoning Code is hereby amended by adding definitions for “Entertainment Device Arcade” and “Entertainment Device” as shown on Exhibit A attached hereto and made a part thereof. All other subsections of Section 1234.05 remain unchanged.

Section 2: Schedule 1274.02 “Business Districts” within Section 1274.02 “Use Regulations” of the Zoning Code is hereby amended by adding a category under “Entertainment/Recreation” titled “Entertainment Device Arcades” as shown on Exhibit B attached hereto and made a part thereof. All other subsections of Schedule 1274.02 and Section 1274.02 remain unchanged.

Section 3: Schedule 1287.05 “Regulations for Conditional Uses in Business Districts” within Section 1287.05 “Conditional Uses in Business Districts” of the Zoning Code is hereby amended by adding a category “Entertainment Device Arcades” as shown on Exhibit C attached hereto and made a part thereof. All other subsections of Schedule 1287.05 and Section 1287.05 remain unchanged.

Section 4: Section 1287.06 “Supplemental Regulations for Certain Uses” of the Zoning Code is hereby amended by adding a subsection (dd) “Entertainment Device Arcades” as shown on Exhibit D attached hereto and made a part thereof. All other subsections of Section 1287.06 remain unchanged.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor or at the earliest period allowed by law.

Enacted: _____, 2012

Tonja K. Caldwell, Clerk of Council

Russell T. Sharnsky, President of Council

Approved: _____, 2012

Approved as to Form:

William J. Roth, Jr., Mayor

Edward J. Riegler, Director of Law

CERTIFICATION OF PASSAGE

I, Tonja K. Caldwell, Clerk of Council of the City of Fairlawn, Summit County, Ohio, do hereby certify that the foregoing Ordinance 2012-014 was duly and regularly passed at a Regular Meeting on _____, 2012.

CERTIFICATION OF POSTING

This is to certify that on _____, 2012 the within Ordinance was published by posting a true copy of the same in five public places within the City as prescribed in Section 222.03(a), Codified Ordinances of Fairlawn.

Tonja K. Caldwell, Clerk of Council

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