

ORDINANCE NO. 92-14

AN ORDINANCE AMENDING SECTION 1262.08(c) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING MINIMUM YARD REQUIREMENTS FOR ACCESSORY STRUCTURES

WHEREAS, Planning Commission, upon review of Chapter 1262 of the Codified Ordinances for the City of Avon, Lorain County, Ohio, has recommended amending §1262.08(c) as it pertains to Minimum Requirements for Accessory Structures; and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendments which was duly publicized according to law and held on July 16, 2014; and

WHEREAS, on July 16, 2014, by a vote of five (5) in favor and zero (0) opposed, Planning Commission recommended approval of the amendments to Section 1262.08(c) of the Planning and Zoning Code; and

WHEREAS, Council, on August 4, 2014 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on September 22, 2014 at 7:25 p.m.; and

WHEREAS, Council finds that this recommendation is reasonable and in the best interests of the safety, health and welfare of the City and deems it desirable that Section 1262.08(c) of the Codified Ordinances be amended.

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

Section 1 - That Section 1262.08(c) of the Codified Ordinances of the City of Avon which currently reads as follows:

Schedule 1262.08(c)

MINIMUM YARD REQUIREMENTS FOR ACCESSORY STRUCTURES

<u>Use</u>	<u>Yard in Which Structure Is Permitted</u>	<u>Setback from Lot Line:</u>		
		<u>Side</u>	<u>Rear</u>	<u>Front</u>
(1) Unenclosed entrance, deck or patio ^(a)	Front, Side, Rear	5 feet	5 feet	50 feet
(2) Supplemental paved area for parking or outdoor storage of vehicles ^(b)	Front, Side, Rear	5 feet ^(d)	5 feet	20 feet
(3) Driveway ^(c) , sidewalk	Front, Side, Rear	5 feet ^(d)	5 feet	0 feet

(4)	Swimming pools	Side, Rear	10 feet	10 feet	
(5)	Basketball Hoops (Poles/Backboards)	Front, Side, Rear	0 feet	0 feet	30 feet
(6)	Outdoor Recreational Equipment ^e	Side, Rear	10 feet	10 feet	
(7)	Ice Rinks	Side, Rear	10 feet	10 feet	
(8)	Fences, walls	Front, Side, Rear	0 feet	0 feet	0 feet
<u>Notes to Schedule 1262.08(c).</u> (a) Including but not limited to, stairs, ramps, platforms, landings, porches and patios, not extending above the first floor. Any entrance feature designed specifically to aid and assist the handicapped, as defined in Chapter 1222, shall be excluded from the requirements of this Section. (b) See also Section 1292.19 (c) In cases of side-load garages, the setback from the adjoining property line facing the garage shall be two feet. (d) Setback from adjoining property line in the area between the front lot line and the building line shall be two feet. (e) Except for basketball hoops, poles and backboards as set forth in subsection (5).					

Shall be amended to read as follows: (new language in bold print)

Schedule 1262.08(c)

MINIMUM YARD REQUIREMENTS FOR ACCESSORY STRUCTURES

<u>Use</u>	<u>Yard in Which Structure Is Permitted</u>	<u>Setback from Lot Line:</u>		
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(3) Driveway ^(c) , sidewalk	Front, Side, Rear	5 feet ^(d)	5 feet	0 feet
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(7)	Ice Rinks	Side, Rear	10 feet	10 feet	
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<u>Notes to Schedule 1262.08(c).</u> (a) Including but not limited to, stairs, ramps, platforms, landings, porches and patios, not extending above the first floor. Any entrance feature designed specifically to aid and assist the handicapped, as defined in Chapter 1222, shall be excluded from the requirements of this Section. (b) See also Section 1292.19 (c) In cases of side-load garages, the setback from the adjoining property line facing the garage shall be 2 feet. (d) Setback from adjoining property line in the area between the front lot line and the building line shall be 2 feet. (e) Except for basketball hoops, poles and backboards as set forth in subsection (5). (f) Or half the distance between the legally established front yard building line and the right-of-way whichever is greater.					

Section 2 - 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 3 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

PASSED: _____ DATE SIGNED: _____

By: _____

Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

Ordinance No. 92-14 (Con't)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director