

**ORDINANCE NO. 39-23**

**AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1228.04, 1230.02 AND 1244.06 TO MAKE PRE-APPLICATION MEETINGS WITH STAFF MANDATORY FOR ALL PROJECTS**

**WHEREAS**, Section 1228.04 provides for pre-application meeting prior to general development plan review or final development plan review; and

**WHEREAS**, Section 1230.02 provides for pre-application meeting prior to submitting an application for a Special Use Permit; and

**WHEREAS**, Section 1244.06 provides for pre-application meeting prior to submitting a preliminary plat; and

**WHEREAS**, the Planning Coordinator has recommended that these pre-application meetings, which are now optional, become mandatory and that doing so will enable the department to function more efficiently; and

**WHEREAS**, the Planning Commission authorized a Public Hearing on said amendments which were duly publicized according to law and held on February 15, 2023; and

**WHEREAS**, on February 15, 2023, by a vote of five (5) in favor and zero (0) opposed, Planning Commission recommended approval of the amendments to Sections 1228.04, 1230.02 and 1244.06 of the Planning and Zoning Code; and

**WHEREAS**, Council, on March 6, 2023 authorized a Public Hearing; and

**WHEREAS**, said Public Hearing was duly publicized according to law and was held on April 10, 2023 at 7:25 PM; and

**WHEREAS**, Council, in considering the recommendation of Planning Commission and comments from the Planning Coordinator finds that amending Sections 1228.04, 1230.02 and 1244.06 of the Codified Ordinances of the City of Avon is 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 1228.04 of the Avon Codified Ordinance which currently reads as follows:

**1228.04 PREAPPLICATION MEETING ENCOURAGED.**

The applicant is encouraged to meet with the Zoning Enforcement Officer or the Planning Coordinator prior to submitting an application for general development plan review or final development plan review. A meeting with the City Engineer to review all stormwater requirements (as set forth in Chapter 1050 of these Codified Ordinances) may be performed at the same time as the pre-application meeting. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of this Planning and Zoning Code and the

criteria and standards contained within. However, no action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be relied on by the applicant to indicate subsequent approval or disapproval of the development plan.  
(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12.)

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

**1228.04 PREAPPLICATION MEETING ENCOURAGED REQUIRED.**

The applicant is ~~encouraged~~ **required** to meet with the Zoning Enforcement Officer ~~or~~ **and** the Planning Coordinator **or his or her designee** prior to submitting an application for general development plan review or final development plan review. A meeting with the City Engineer to review all stormwater requirements (as set forth in Chapter 1050 of these Codified Ordinances) may be performed at the same time as the pre-application meeting. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of this Planning and Zoning Code and the criteria and standards contained within. However, no action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be relied on by the applicant to indicate subsequent approval or disapproval of the development plan.  
(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12.)

Section 2 – That Section 1230.02 of the Avon Codified Ordinance which currently reads as follows:

**1230.02 PREAPPLICATION MEETING ENCOURAGED.**

The applicant is encouraged to meet with the Planning Coordinator and Zoning Enforcement Officer or his/her designee prior to submitting an application for a Special Use permit. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting, and no discussions, opinion, suggestions, or recommendations of the Planning Coordinator or Zoning Enforcement Officer shall be relied upon by the applicant to indicate subsequent approval or disapproval of the application.  
(Ord. 58-01. Passed 5-29-01; Ord. 76-16. Passed 7-11-16.)

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

**1230.02 PREAPPLICATION MEETING ENCOURAGED REQUIRED.**

The applicant is ~~encouraged~~ **required** to meet with the Planning Coordinator and Zoning Enforcement Officer or his/her designee prior to submitting an application for a Special Use permit. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting, and no discussions, opinion, suggestions, or recommendations of the Planning Coordinator or Zoning Enforcement Officer shall be relied upon by the applicant to indicate subsequent approval or disapproval of the application.  
(Ord. 58-01. Passed 5-29-01; Ord. 76-16. Passed 7-11-16.)

Section 3 –That Section 1244.06 of the Avon Codified Ordinance which currently reads as follows:

**1244.06 PRE-APPLICATION MEETING ENCOURAGED.**

(a) The developer or subdivider is encouraged to meet with the Planning Coordinator prior to submitting a preliminary plat. The purpose of this meeting is to:

(1) Discuss early and informally with the applicant the locations of proposed major streets, parks, playgrounds, school sites and other planned projects which may affect the property being considered for subdivision.

(2) Review with the Planning Coordinator the minimum standards of subdivision design set forth in Chapters 1246 and 1248. Such review should prevent unnecessary and costly revisions in the layout and development of the subdivision.

(b) No action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be relied on by the applicant to indicate subsequent approval or disapproval of the development plan.

(c) A formal application or filing of a plat with the Planning Commission is not required for such informal advisory meeting. However, the applicant is encouraged to submit a sketch plan at a scale of not less than 1 inch = 100 feet, which contains the proposed name of the subdivision, location of subdivision, approximate acreage, tentative street and lot arrangement and topography lines. (Ord. 58-01. Passed 5-29-01; Ord. 80-12. Passed 9-10-12.)

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

**1244.06 PRE-APPLICATION MEETING ~~ENCOURAGED~~ REQUIRED.**

(a) The developer or subdivider is ~~encouraged~~ **required** to meet with the Planning Coordinator prior to submitting a preliminary plat. The purpose of this meeting is to:

(1) Discuss early and informally with the applicant the locations of proposed major streets, parks, playgrounds, school sites and other planned projects which may affect the property being considered for subdivision.

(2) Review with the Planning Coordinator the minimum standards of subdivision design set forth in Chapters 1246 and 1248. Such review should prevent unnecessary and costly revisions in the layout and development of the subdivision.

(b) No action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be relied on by the applicant to indicate subsequent approval or disapproval of the development plan.

(c) A formal application or filing of a plat with the Planning Commission is not required for such informal advisory meeting. However, the applicant is encouraged to submit a sketch plan at a scale of not less than 1 inch = 100 feet, which contains the proposed name of the subdivision, location of subdivision, approximate acreage, tentative street and lot arrangement and topography lines. (Ord. 58-01. Passed 5-29-01; Ord. 80-12. Passed 9-10-12.)

Section 4 – That the Codifier is hereby instructed to insert the amendments to Sections 1228.04, 1230.02 and 1244.06 in the appropriate order within the existing codified ordinances, renumbering and/or re-lettering anywhere applicable. All other language contained in Sections 1228.04, 1230.02 and 1244.06 not specifically amended herein shall remain in full force and effect.

Section 5 - 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 6 – That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading 3-13-23  
Second Reading 3-27-23  
Third Reading 4-10-23

PASSED: April 10, 2023      DATE SIGNED: April 10, 2023

By: Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: April 11, 2023

[Signature]  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director  
City of Avon, Ohio

ATTEST:

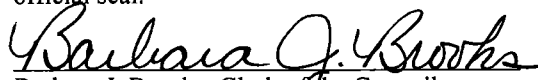
Barbara Brooks  
Barbara Brooks, Clerk of Council

POSTED: April 12, 2023  
Electronically and at City Hall as  
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 39-23, passed by the Council of said City on April 10, 2023.

IN WITNESS WHEREOF, I have on this 11<sup>th</sup> day of April, 2023, affixed my signature and official seal.

  
Barbara J. Brooks, Clerk of the Council  
of the City of Avon, Ohio