

ORDINANCE NO. 55-23

AN ORDINANCE AMENDING SECTIONS 1262.03, 1264.03, 1270.03, 1274.03 AND 1278.03 OF THE AVON CODIFIED ORDINANCES AS THEY PERTAIN TO FARMS AND LIVESTOCK IN THE CITY OF AVON

WHEREAS, the City of Avon is a chartered municipal corporation validly organized and existing under the Constitution and laws of the state of Ohio, and as such may regulate uses within the City; and

WHEREAS, the Codified Ordinances contain various regulations with respect to farm and livestock uses in each of the identified zoning districts and reflects the City’s acknowledgment that those uses are, under certain conditions, incompatible with adjoining permitted and special uses; and

WHEREAS, the current provisions of the Codified Ordinances dealing with farming and maintaining livestock, poultry, etc. should be harmonized with the permitted and special uses as set forth in the City’s Planning and Zoning Code to promote the full use and enjoyment of all property rights by all citizens of the community; and

WHEREAS, on April 19, 2023, by a vote of four (4) in favor and zero (0) opposed, Planning Commission recommended approval of the amendments to Sections 1262.03, 1264.03, 1270.03, 1274.03 and 1278.03 of the Planning and Zoning Code; and

WHEREAS, Council, on April 24, 2023, authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on May 22, 2023 at 7:05 PM; and

WHEREAS, this Council believes that this ordinance will achieve the proper balance between all interests and that passage of same will promote the health, safety and welfare of all citizens of Avon. Furthermore, the existing property owners will not be denied any economically viable use of their property because this ordinance is intended to be prospectively applied; and

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

Section 1 – That Section 1262.03, Schedule of Permitted Uses, of the Codified Ordinances of the City of Avon, Ohio, currently reading as follows:

1262.03 SCHEDULE OF PERMITTED USES.

	<u>R-1</u> Single- Family	<u>R-2</u> Two-Family
(d) <u>Agricultural Uses</u>		

(1) Farm	P	P
(2) Accessory farm building (in excess of accessory building allowance set forth in Schedule 1262.08(a)).	SU	SU
(3) Commercial farm building	SU	SU
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use Blank Cell = Use not permitted		

shall be amended as follows: (New language in bold print; deleted language stricken)

1262.03 SCHEDULE OF PERMITTED USES.

	<u>R-1</u> <u>Single- Family</u>	<u>R-2</u> <u>Two-Family</u>
(d) <u>Agricultural Uses:</u>		
(1) Farm w/o livestock	P	P
(2) Farm with livestock - Requires 2 acre minimum	SU	SU
(3) Accessory Farm Building. (in excess of accessory building allowance set forth in Schedule 1262.08(a)).	SU	SU
(4) Commercial Farm – Minimum 10 contiguous acres	SU	SU
(5) Commercial Farm Building Minimum 10 contiguous acres	SU	SU
(6) Accessory Commercial farm building Minimum 10 contiguous acres	A	A
(7) Chicken coops as permitted in Section 618.12	In excess of 2 acres	P
	Less than 2 acres	SU
(8) Rabbit hutches as permitted in Section 618.12	In excess of 2 acres	P
	Less than 2 acres	SU
(9) Non-Commercial riding stable (min. 2 acres)	SU	SU
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use Blank Cell = Use not permitted		

Section 2 – That Section 1264.03, Schedule of Permitted Uses, of the Codified Ordinances of the City of Avon, Ohio, currently reading as follows:

1264.03 SCHEDULE OF PERMITTED USES.

	<u>R-3</u> <u>Multi-Family</u>
(d) <u>Agricultural Uses</u>	
(1) Farm	P
(2) Accessory farm building (in excess of 2% of the total lot area)	SU
(3) Commercial farm building	SU
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use	

shall be amended as follows: (New language in bold print; deleted language stricken)

	<u>R-3</u> <u>Multi-Family</u>
(d) <u>Agricultural Uses:</u>	
(1) Farm w/o livestock	P
(2) Farm with livestock - Requires 2 acre minimum	SU
(3) Accessory Farm Building. (in excess of accessory building allowance set forth in Schedule 1262.08(a)).	SU
(4) Commercial Farm (Min.10 contiguous acres)	SU
Commercial Farm Building (Min.10 contiguous acres)	SU
Accessory Commercial farm building (Min.10 contiguous acres)	A
(5) Chicken coops and/or rabbit hutches	
(6) Non-Commercial riding stable (Min. 2 acres)	SU

Section 3 – That Section 1270.03, Schedule of Permitted Uses, of the Codified Ordinances of the City of Avon, Ohio, currently reading as follows:

1270.03 SCHEDULE OF PERMITTED USES.

	<u>C-1</u> <u>Neighbor</u> <u>hood</u> <u>Business</u>	<u>C-2</u> <u>Central</u> <u>Business/</u> <u>French</u> <u>Creek</u>	<u>C-3</u> <u>Planned</u> <u>Commer</u> <u>cial</u> <u>Develop</u> <u>ment</u>	<u>C-4</u> <u>General</u> <u>Business</u>
(11) Veterinary office		SU	SU	P
(12) Animal boarding				SU
(h) <u>Farms</u>	P	P	P	P
(i) <u>Accessory Uses</u>				
(1) Fences	A	A	A	A
(2) Off-street parking	A	A	A	A
(3) Signs	A	A	A	A
(4) Waste storage facilities	A	A	A	A
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use Blank Cell = Use Not permitted X = Specifically prohibited *= Must comply with ACO Section 1610.17 Refer to Ohio Fire Code for definitions. **= Must comply with ACO 1270.081. Supplemental Regulations for Sale of Used Autos. † See Chapter 861, et seq. for definition, etc.				

shall be amended as follows: (New language in bold print; deleted language stricken)

1270.03 SCHEDULE OF PERMITTED USES.

	<u>C-1</u> <u>Neighbor</u> <u>hood</u> <u>Business</u>	<u>C-2</u> <u>Central</u> <u>Business/</u> <u>French</u> <u>Creek</u>	<u>C-3</u> <u>Planned</u> <u>Commer</u> <u>cial</u> <u>Develop</u> <u>ment</u>	<u>C-4</u> <u>General</u> <u>Business</u>

(11) Veterinary office and/or hospital		SU	SU	P SU
(12) Animal boarding				SU
(h) <u>Farms or Commercial Farms</u>	P	P	P SU	P SU
(i) Pet Store	SU	SU	SU	SU
(j) Commercial dog kennels			SU	SU
(k) Commercial riding stables or riding academies			SU	SU
(†) <u>Accessory Uses</u>				
(1) Fences	A	A	A	A
(2) Off-street parking	A	A	A	A
(3) Signs	A	A	A	A
(4) Waste storage facilities	A	A	A	A
<p>P = Principal Use Permitted by Right SU = Special Use A = Accessory Use Blank Cell = Use Not permitted X = Specifically prohibited *= Must comply with ACO Section 1610.17 Refer to Ohio Fire Code for definitions. **= Must comply with ACO 1270.081. Supplemental Regulations for Sale of Used Autos. † See Chapter 861, et seq. for definition, etc.</p>				

Section 4 – That Section 1274.03, Schedule of Permitted Uses, of the Codified Ordinances of the City of Avon, Ohio, currently reading as following:

1274.03 SCHEDULE OF PERMITTED USES.

	<u>O-1</u> Planned Office	<u>O-2</u> Planned Research Office Park
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	<u>O-1 Planned Office</u>	<u>O-2 Planned Research Office Park</u>
(e) <u>Farms</u>	P	P
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use X = Specifically Prohibited Use Blank Cell = Use Not permitted *= Must comply with ACO Section 1610.17. Refer to Ohio Fire Code for definitions.		

(Ord. 58-01. Passed 5-29-01; Ord. 169-08. Passed 1-12-09; Ord. 54-09. Passed 5-26-09; Ord. 11-13. Passed 2-25-13.)

shall be amended as follows: (New language in bold print; deleted language stricken)

1274.03 SCHEDULE OF PERMITTED USES.

	<u>O-1 Planned Office</u>	<u>O-2 Planned Research Office Park</u>
	<u>O-1 Planned Office</u>	<u>O-2 Planned Research Office Park</u>
(e) Farms or Commercial Farms	P-SU	P-SU
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use X = Specifically Prohibited Use Blank Cell = Use Not permitted *= Must comply with ACO Section 1610.17. Refer to Ohio Fire Code for definitions.		

Section 5 – That Section 1278.03, Schedule of Permitted Uses, of the Codified Ordinances of the City of Avon, Ohio, currently reading as follows:

1278.03 SCHEDULE OF PERMITTED USES.

	<u>M-1 General Industrial</u>	<u>M-2 Light Industrial</u>
(e) <u>Farms</u>	P	P
(f) <u>Other</u>		
(1) Public safety facilities	P	P
(2) Public service/maintenance facilities	P	

(3) Public utility substation	P	P
(4) Sexually oriented businesses	P	P
(5) Rifle ranges, skeet shooting ranges and pistol ranges	SU	SU
(6) Commercial recreation, indoor and outdoor	SU	SU
(7) Animal boarding	P	
(8) Garden center	SU	SU
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use Blank Cell = Use Not Permitted * = Must comply with ACO Section 1610.17. Refer to Ohio Fire Code for definitions.		

shall be amended as follows: (New language in bold print; deleted language stricken)

1278.03 SCHEDULE OF PERMITTED USES.

	<u>M-1</u> <u>General Industrial</u>	<u>M-2</u> <u>Light Industrial</u>
(e) Farms or Commercial Farms †	P	P
(f) <u>Other</u>		
(1) Public safety facilities	P	P
(2) Public service/maintenance facilities	P	
(3) Public utility substation	P	P
(4) Sexually oriented businesses	P	P
(5) Rifle ranges, skeet shooting ranges and pistol ranges	SU	SU
(6) Commercial recreation, indoor and outdoor	SU	SU
(7) Raising of animals for medical experimentation; raising of fur-bearing animals for commercial purposes; commercial dog kennels; commercial riding	P SU	SU

stables or riding academies; animal Animal boarding		
(8) Garden center	SU	SU
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use Blank Cell = Use Not Permitted * = Must comply with ACO Section 1610.17. Refer to Ohio Fire Code for definitions. † Farm or Commercial Farm of less than 10 contiguous acres but more than 2 acres is a Special Use.		

Section 6 – That wherever the provisions of this Ordinance conflict with any other ordinance or any provision of the Codified Ordinances of the City, the more restrictive provision shall control.

Section 7 – 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 8 – 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: _____
 Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

 Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

 John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

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