

ORDINANCE NO. 58-23

AN ORDINANCE AMENDING SECTION 1280.06 OF THE AVON CODIFIED ORDINANCES DEALING WITH SUPPLEMENTAL REGULATIONS FOR CERTAIN SPECIAL USES APPLICABLE TO FARMS AND LIVESTOCK

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 farms, livestock, poultry, rabbits, etc. within the City; and

WHEREAS, the regulations set forth herein reflect the City's acknowledgment that farming and the keeping livestock, etc. within the City is, under certain conditions, incompatible with adjoining permitted and special uses; and

WHEREAS, the current provisions of the Codified Ordinances with regard to farming and the regulation of livestock, etc. should be harmonized with the permitted and special uses of applicable zoning district as set forth in the City's Planning and Zoning Code; 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 Section 1280.06 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 7:20 PM; and

WHEREAS, this Council believes that this ordinance will achieve the proper balance between these 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 1280.06, Supplemental Regulations for Certain Uses, of the Codified Ordinances of the City of Avon, Ohio, currently reading as follows:

1280.06 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

The following are specific conditions, standards and regulations for certain special uses and are in addition to the criteria and standards set forth in Sections 1280.02 through 1280.05.

* * *

(b) Accessory Farm Building and Commercial Farm Buildings.

(1) Accessory farm buildings and commercial farm buildings shall be located no closer to the side or rear lot line than a distance equal to the length of the building wall facing the lot line.

(2) All parking areas shall be screened from adjacent residential lots in compliance with Chapter 1294.

(3) Commercial farm building shall only be permitted on arterial and collector streets.

(4) Commercial farm buildings shall provide a sufficient number of parking spaces. The Planning Commission shall use Schedule 1292.04 as a guide in determining the number of parking spaces required.

* * *

(kk) Veterinary Office.

(1) There shall be no outside runs or kennels associated with the veterinary office.

(2) The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention.

(3) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

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

1280.06 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

The following are specific conditions, standards and regulations for certain special uses and are in addition to the criteria and standards set forth in Sections 1280.02 through 1280.05.

* * *

(b) Farms, Accessory Farm Building, Commercial Farm and Commercial Farm Buildings.

(1) Farms or Commercial Farms permitted as special uses in residential zones shall be subject to the following regulations:

A. No farms on which livestock, poultry, etc. are kept shall be permitted on lots smaller than two (2) acres.

B. Any lot on which a farm with more than one head of livestock is kept must, beyond the two (2) acre minimum lot size, have an additional half-acre of land for each additional head of livestock kept on the lot.

C. Any farm or commercial farm on which a head of livestock is kept must have a barn or stable and fenced corral as additional accessory structure(s). All stables, yards and corrals where livestock are kept shall be maintained in a sanitary condition and in good repair so as to prevent the breeding of flies, the emission of deleterious and offensive odors and other nuisance conditions, and to ensure the confinement of any such livestock being kept.

D. All livestock feed or other material intended for consumption by the livestock shall be kept in containers impenetrable by rodents, insects or predators where practicable.

E. The owner or person in charge of any livestock on any lot area less than ten (10) acres shall utilize the appropriate management practices with respect to manure to prevent rodents, the breeding of flies and the emission of harmful and offensive odors. Manure piles must be removed at least once every three (3) months, four (4) times per year, for lot sizes greater than ten (10) acres and at least once monthly for lot sizes less than ten (10) acres.

F. No accessory farm structures or commercial farm buildings, including buildings, shelters, pens, stables, and runways, shall be located within one hundred (100) feet of any dwelling and adjacent property line. Accessory farm structures must be located in the rear yard and must otherwise comply with the provisions of this Code, including but not limited to those related to lot coverage and height.

(2) Commercial Farms permitted as special uses in non-residentially zoned areas shall be subject to the following regulations:

(1) A. Accessory Commercial farm buildings and commercial farm buildings shall be located no closer to the side or rear lot line than a distance equal to the length of the building wall facing the lot line.

(2) B. All parking areas shall be screened from adjacent residential lots in compliance with Chapter 1294.

(3) C. Commercial farm buildings shall only be permitted on arterial and collector streets.

(4) D. Commercial farm buildings shall provide a sufficient number of parking spaces. The Planning Commission shall use Schedule 1292.04 as a guide in determining the number of parking spaces required.

(kk) Veterinary Office and /or hospital.

(1) There shall be no outside runs or kennels associated with the veterinary office.

(2) The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention.

(3) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

(4) All buildings shall not be less than 50 feet from any adjacent property line.

(5) Off-street parking is required for each lot including one space for each employee plus three spaces for each person authorized to schedule appointments.

(nn) Raising of animals for medical experimentation; raising of fur-bearing animals for commercial purposes; commercial dog kennels; commercial riding stables or riding academies; noncommercial riding stables; animal boarding.

(1) None of these uses may be located within 100 feet of any dwelling.

(2) All buildings, pens and runways, exclusive of pasture, for housing or keeping, animals and livestock shall meet the following setbacks:

(a) Commercial riding stables, fur-bearing animal hutches and hutches of animals for medical experimentation shall not be less than 150 feet from any street or roadway and not less than 150 feet from any adjacent property line.

(b) Noncommercial riding stables shall not be less than 150 feet from any street or roadway and not less than 25 feet from any adjacent property line.

(c) Commercial dog kennels or boarding shall not be less than 300 feet from any street or roadway and not less than 50 feet from any adjacent property line.

(3) No person shall keep any animal for commercial purposes on any lot, unless the lot has a fenced area.

(4) Off-Street parking is required for each lot subject to the following requirements:

(a) Boarding kennel or stable – one space for each employee, plus three spaces for each person authorized to admit and release animals; and

(b) Riding Academy – one space for each employee, plus two spaces for each appointment and student.

(5) All stables, pens, hutches, yards or other quarters where animals are kept shall be maintained in a sanitary condition. They shall be kept clean and in good repair so as to prevent the breeding of flies and the emission of harmful and offensive odors. Manure piles must be removed twice each year.

Section 2 – That wherever the provisions of this Ordinance conflict with any other ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

Section 3 – 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 4 – That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading 4-24-23
Second Reading 5-8-23
Third Reading 5-22-23

PASSED: May 22, 2023 DATE SIGNED: May 22, 2023

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: May 23, 2023

[Signature]

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Posted: May 24, 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. 58-23, passed by the Council of said City on May 22, 2023.

IN WITNESS WHEREOF, I have on this 23rd day of May, 2023, affixed my signature and official seal.

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