

ORDINANCE NO. 57-23**AN ORDINANCE AMENDING SECTION 1280.05 OF THE AVON CODIFIED ORDINANCES DEALING WITH LOT AND YARD REGULATIONS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS AS APPLIED 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 and livestock, poultry, rabbits, etc. within the City; and

WHEREAS, the regulations set forth herein reflect the City's acknowledgment that keeping livestock, poultry, rabbits, etc. within the City, and particularly within non-residentially zoned areas, is under certain conditions, incompatible with adjoining permitted and special uses; and

WHEREAS, the current provisions of the Codified Ordinances with regard to the regulation of livestock, poultry, rabbits, etc. should be harmonized with the permitted and special uses in non-residential districts 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 1280.05 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 7:15 PM; and

WHEREAS, 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 1280.05, Minimum Lot and Yard Regulations for Special Uses in Non-residential Districts, of the Codified Ordinances of the City of Avon, Ohio, currently reading as follows:

1280.05 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS.

Schedule 1280.05 sets forth regulations governing minimum lot area and minimum lot width requirements for special uses in commercial, office and industrial districts. Supplemental

requirements pertaining to such uses are set forth in Section 1280.06, and the specific divisions are referenced in Schedule 1280.05.

Schedule 1280.05

MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS

Special Use	Special Use in District	Minimum Lot Regulations		Also See Section:
		Area	Width	
(hh) Veterinary offices	C-2 C-3	(1) (1)	(1) (1)	1280.06(kk)
(ii) Recyclable materials containers	All Non-Residential Districts	None	None	1280.06(ll)
(jj) Congregate care/assisted living facilities	C-4	5 acres	350 ft.	1280.06(h)
(kk) Hotels/motels	C-1 C-2	(1)	(1)	—
(ll) Animal boarding	C-4	(1)	(1)	
(mm) Auto detailing	C-2 C-3	(1)	(1)	
<p><u>Notes to Schedule 1280.05:</u> (1) Shall comply with district regulations. NA Not Applicable * = Must comply with ACO Section 1610.17</p>				

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

1280.05 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS.

Schedule 1280.05 sets forth regulations governing minimum lot area and minimum lot width requirements for special uses in commercial, office and industrial districts. Supplemental requirements pertaining to such uses are set forth in Section 1280.06, and the specific divisions are referenced in Schedule 1280.05.

Schedule 1280.05

MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS

Special Use	Special Use in District	Minimum Lot Regulations		Also See Section:
		Area	Width	
(hh) Veterinary offices and/or hospitals	C-2 C-3	(1) (1)	(1) (1)	1280.06(kk)
(ii) Recyclable materials containers	All Non-Residential Districts	None	None	1280.06(ll)
(jj) Congregate care/assisted living facilities	C-4	5 acres	350 ft.	1280.06(h)
(kk) Hotels/motels	C-1 C-2	(1)	(1)	—
(ll) Raising of animals for medical experimentation; raising of fur-bearing animals for commercial purposes; commercial dog kennels; animal Animal boarding	C-4 M-1	(1) 5 acres	(1)	1280.06(nn)
(mm) Auto detailing	C-2 C-3	(1)	(1)	
(nn) Accessory commercial farm building	C-3 C-4 M-1 M-2	10 contiguous acres	(1)	1280.06(b)(2)
(oo) Commercial farm building	C-3 C-4 M-1 M-2	10 contiguous acres	(1)	1280.06(b)(2)
(pp) Commercial riding stables or riding academies	C-3 C-4 M-1 M-2	The greater of 10 contiguous acres, or one acre per horse	500 ft.	1280.06(nn)
(qq) Noncommercial riding stable and keeping of a horse or livestock	C-3 C-4 M-1 M-2	2 acres, plus an additional quarter of an acre for each additional head of livestock kept	(1)	1280.06(nn)

		thereon		
<u>Notes to Schedule 1280.05:</u> (1) Shall comply with district regulations. NA Not Applicable * = Must comply with ACO Section 1610.17				

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

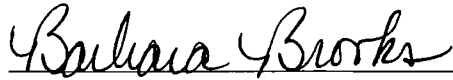
DATE APPROVED BY THE MAYOR: May 23, 2023

[Signature]
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:



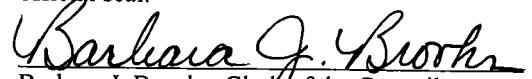
Barbara Brooks, Clerk of Council

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. 57-23, 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, Clerk of the Council
of the City of Avon, Ohio