

ORDINANCE NO. 56-23

**AN ORDINANCE AMENDING SECTION 1280.04 OF THE AVON CODIFIED
ORDINANCES DEALING WITH LOT AND YARD
REGULATIONS FOR SPECIAL USES IN RESIDENTIAL 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 farming in residential districts and the keeping of 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 residentially zoned areas, is under certain conditions, incompatible with adjoining permitted uses; and

WHEREAS, the current provisions of the Codified Ordinances dealing with this activity should be harmonized with the permitted and special uses in districts zoned R-1, R-2 and R-3 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 Section 1280.04 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 7:10 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 1280.04, Minimum Lot and Yard Regulations for Special Uses in Residential Districts, of the Codified Ordinances of the City of Avon, Ohio, currently reading as follows:

1280.04 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN RESIDENTIAL DISTRICTS.

Schedule 1280.04 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal and accessory buildings and parking areas for special

uses in residential districts. Supplemental requirements pertaining to such uses are set forth in 1280.06, and the specific divisions are referenced in Schedule 1280.04, below.

Schedule 1280.04

MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN RESIDENTIAL DISTRICTS.

Special Use	Special Use in District	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
(a) Accessory farm building	R-1 R-2 R-3	(2)	(2)	(2)	(2)	NP	20 ft.	1280.06 (b)
(b) Bed and breakfast	R-1 R-2	15,000 sq. ft.	100 ft.	(2)	(2)	(3)	5 ft.	1280.06 (d)
(c) Cemeteries	R-1 R-2 R-3	10 acres	400 ft.	100 ft.	50 ft.	50 ft.	50 ft.	1280.06 (f)
(d) Churches and places of worship	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (g)
(e) Commercial farm building	R-1 R-2 R-3	2 acres	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (b)
(f) Congregate care/assisted living facility	R-1 R-2 R-3	5 acres	350 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (h)
(g) Day care facility, child and adult	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (i)
(h) Family home for	R-1 R-2 R-3	15,000 sq. ft.	100 ft.	(2)	(2)	(3)	20 ft.	1280.06 (k)

handicapped persons								
(i) Flag lots	R-1 R-2	30,000 sq. ft. (4)	60 ft.	(2)	(2)	(2)	(2)	1280.06 (l)
(j) Golf courses	R-1 R-2	25 acres	400 ft.	50 ft.	(5)	50 ft.	(5)	1280.06 (n)
(k) Group home for handicapped persons	R-2 R-3	25,000 sq. ft.	150 ft.	(2)	20 ft.	(3)	20 ft.	1280.06 (o)
(l) Library	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (g)
(m) Public parks and public recreation facilities	R-1 R-2 R-3	None	None	(2)	50 ft.	50 ft.	20 ft.	1280.06 (z)
(n) Public safety facilities	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (aa)
(o) Public utility substation	R-1 R-2 R-3	None	None	(2)	(2)	None	None	1280.06 (bb)
(p) Public cultural institutions	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06(g)
(q) Roadside stand	R-1 R-2	None	None	5 ft.	(2)	None	None	1280.06(gg)
(r) Schools, public or private	R-1 R-2 R-3	2 acres	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (g)
(s) Recyclable materials containers	R-1 ₆ R-2 ₆ R-3 ₆	None	None	None	None	None	None	1280.06(ll)

Notes to Schedule 1280.04:

- (1) Except that special uses in an R-3 District shall comply with the parking setbacks established in Section 1264.09.
- (2) Shall comply with the regulations for the district in which the special use is located.
- (3) Parking spaces for more than 2 vehicles shall be located in the rear yard.

- (4) If the portion of the lot providing access to the street right-of-way is less than 100 feet in width, this portion shall not be included in lot area calculations.
 (5) See Section 1280.06(n) for development standards.
 (6) Only on properties designated as requiring a special use permit.
 NP = Not Permitted

(Ord. 58-01. Passed 5-29-01; Ord. 222-03. Passed 11-10-03; Ord. 249-03. Passed 12-22-03; Ord. 30-05. Passed 3-28-05.)

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

1280.04 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN RESIDENTIAL DISTRICTS.

Schedule 1280.04 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal and accessory buildings and parking areas for special uses in residential districts. Supplemental requirements pertaining to such uses are set forth in 1280.06, and the specific divisions are referenced in Schedule 1280.04, below.

Schedule 1280.04

MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN RESIDENTIAL DISTRICTS.

Special Use	Special Use in District	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
(a) Accessory farm building	R-1 R-2 R-3	(2)	(2)	(2)	(2)	NP	20 ft.	1280.06 (b)
(b) Bed and breakfast	R-1 R-2	15,000 sq. ft.	100 ft.	(2)	(2)	(3)	5 ft.	1280.06 (d)
(c) Cemeteries	R-1 R-2 R-3	10 acres	400 ft.	100 ft.	50 ft.	50 ft.	50 ft.	1280.06 (f)

(d) Churches and places of worship	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (g)
(e) Commercial farm	R-1 R-2 R-3	10 Contiguous acres	200 ft.	(7)	75 ft.	NP	20 ft.	1280.06(b)
(e f) Commercial farm building	R-1 R-2 R-3	≥ 10 Contiguous acres	150 200 ft.	(2)	75 ft.	NP	20 ft.	1280.06 (b)
(f g) Congregate care/assisted living facility	R-1 R-2 R-3	5 acres	350 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (h)
(g h) Day care facility, child and adult	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (i)
(hi) Family home for handicapped persons	R-1 R-2 R-3	15,000 sq. ft.	100 ft.	(2)	(2)	(3)	20 ft.	1280.06 (k)
(j) Farm w/livestock	R-1 R-2 R-3	2 acres minimum	150 ft.	(7)	60 ft.	NP	25 ft.	1280.06(b)
(ik) Flag lots	R-1 R-2	30,000 sq. ft. (4)	60 ft.	(2)	(2)	(2)	(2)	1280.06 (l)
(j l) Golf courses	R-1 R-2	25 acres	400 ft.	50 ft.	(5)	50 ft.	(5)	1280.06 (n)
(km) Group home for handicapped persons	R-2 R-3	25,000 sq. ft.	150 ft.	(2)	20 ft.	(3)	20 ft.	1280.06 (o)
(ln) Library	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (g)
(mo) Public parks and public recreation facilities	R-1 R-2 R-3	None	None	(2)	50 ft.	50 ft.	20 ft.	1280.06 (z)

(ap) Public safety facilities	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (aa)
(aq) Public utility substation	R-1 R-2 R-3	None	None	(2)	(2)	None	None	1280.06 (bb)
(ar) Public cultural institutions	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06(g)
(as) Roadside stand	R-1 R-2	None	None	5 ft.	(2)	None	None	1280.06(gg)
(at) Schools, public or private	R-1 R-2 R-3	2 acres	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (g)
(au) Recyclable materials containers	R-1 ₆ R-2 ₆ R-3 ₆	None	None	None	None	None	None	1280.06(ll)
(v) Non-Commercial riding stable	R-1 R-2 R-3	2 acres Min.	150 ft.	(7)	60 ft.	(7)	25 ft.	1280.06(b)

Notes to Schedule 1280.04:

- (1) Except that special uses in an R-3 District shall comply with the parking setbacks established in Section 1264.09.
- (2) Shall comply with the regulations for the district in which the special use is located.
- (3) Parking spaces for more than 2 vehicles shall be located in the rear yard.
- (4) If the portion of the lot providing access to the street right-of-way is less than 100 feet in width, this portion shall not be included in lot area calculations.
- (5) See Section 1280.06(n) for development standards.
- (6) Only on properties designated as requiring a special use permit.
- (7) **Comply with regulations for the district in which the special use is located or Section 618.12 or Chapter 668 whichever is more restrictive.**

NP = Not Permitted

(Ord. 58-01. Passed 5-29-01; Ord. 222-03. Passed 11-10-03; Ord. 249-03. Passed 12-22-03; Ord. 30-05. Passed 3-28-05.)

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 more restrictive provision 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. 56-23, 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