

ORDINANCE NO. 6-25

AN ORDINANCE AMENDING SECTION 1262.08(c) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING MINIMUM YARD REQUIREMENTS FOR ACCESSORY STRUCTURES

WHEREAS, the Board of Zoning and Building Appeals together with the City's Zoning Enforcement Officer recommended to Planning Commission that it review §1262.08(c) of the Avon Codified Ordinances dealing with accessory structures, namely, driveway extensions; and

WHEREAS, Planning Commission, took up the matter of reviewing Chapter 1262 of the Codified Ordinances for the City of Avon, Lorain County, Ohio, has recommended amending §1262.08(c) as it pertains to Minimum Requirements for Accessory Structures; and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendments which was duly publicized according to law and held on January 15, 2025; and

WHEREAS, on January 15, 2025, by a vote of four (4) in favor and zero (0) opposed, Planning Commission recommended approval of the amendments to Section 1262.08(c) of the Planning and Zoning Code; and

WHEREAS, Council, on January 21, 2025, authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on February 24, 2025, at 7:25 p.m.; and

WHEREAS, Council finds that this recommendation is reasonable and in the best interests of the health, safety, and welfare of the residents of the City and deems it desirable that Section 1262.08(c) of the Codified Ordinances be amended.

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

Section 1 - That Section 1262.08(c) of the Codified Ordinances of the City of Avon which currently reads as follows:

1262.08 ACCESSORY USE REGULATIONS.

(c) Minimum Yard Requirements for Accessory Structures. All accessory structures, other than accessory buildings regulated in division (a) and (b) of this section shall be located as set forth in Schedule 1262.08(c), provided that such accessory structure complies with all other accessory use regulations set forth in this section.

Schedule 1262.08(c) <u>MINIMUM YARD REQUIREMENTS FOR ACCESSORY STRUCTURES</u>				
Use	<u>Yard in Which Structure Is Permitted</u>	<u>Setback from Lot Line:</u>		
		<u>Side</u>	<u>Rear</u>	<u>Front</u>
(1) Unenclosed entrance, deck or patio ^(a)	Front, Side, Rear	5 feet	5 feet	50 feet
(2) Supplemental paved area for parking or outdoor storage of vehicles ^(b)	Front, Side, Rear	5 feet ^(d)	5 feet	20 feet ^(g)
(3) Driveway ^(c) , sidewalk	Front, Side, Rear	5 feet	5 feet	0 feet
(4) Swimming pools	Side, Rear	10 feet	10 feet	
(5) Basketball hoops (poles/backboards)	Front, Side, Rear	0 feet	0 feet	12 ^(f) feet
(6) Outdoor recreational equipment	Side, Rear	10 feet	10 feet	
(7) Ice rinks	Side, Rear	10 feet	10 feet	
(8) Fences, walls	Front, Side, Rear	0 feet	0 feet	0 feet
<u>Notes to Schedule 1262.08(c).</u> (a) Including but not limited to, stairs, ramps, platforms, landings, porches and patios, not extending above the first floor. Any entrance feature designed specifically to aid and assist the handicapped, as defined in Chapter 1222, shall be excluded from the requirements of this Section. (b) See also Section 1292.19. (c) In cases of side-load garages, the setback from the adjoining property line facing the garage shall be two feet. (d) Setback from adjoining property line in the area between the front lot line and the building line shall be two feet. (e) Except for basketball hoops, poles and backboards as set forth in Subsection (5). (f) Or half the distance between the legally established front yard building line and the right-of-way, whichever is greater. (g) Ten feet for houses set back less than 40 feet from right-of-way.				

Shall be amended to read as follows: (new language in bold print)

1262.08 ACCESSORY USE REGULATIONS.

(c) Minimum Yard Requirements for Accessory Structures. All accessory structures, other than accessory buildings regulated in division (a) and (b) of this section shall be located as set forth in Schedule 1262.08(c), provided that such accessory structure complies with all other accessory use regulations set forth in this section.

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(3) Driveway ^(c) , sidewalk	Front, Side, Rear	5 feet	5 feet	0 feet
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<u>Notes to Schedule 1262.08(c).</u> (a) Including but not limited to, stairs, ramps, platforms, landings, porches and patios, not extending above the first floor. Any entrance feature designed specifically to aid and assist the handicapped, as defined in Chapter 1222, shall be excluded from the requirements of this Section. (b) See also Section 1292.19. (c) In cases of side-load garages, the setback from the adjoining property line facing the garage shall be two feet. (d) Setback from adjoining property line in the area between the front lot line and the building line shall be two feet. (e) Except for basketball hoops, poles and backboards as set forth in Subsection (5). (f) Or half the distance between the legally established front yard building line and the right-of-way, whichever is greater. (g) Ten feet for houses set back less than 40 feet from right-of-way. See Appendix A to 1262.08				

Section 2 - 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 3 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

Ordinance No. 6-25 (Con't)

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