

ORDINANCE NO. 2-13

**AN ORDINANCE TO AMEND SECTION 1294.08(a)(1) OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING
REQUIREMENTS FOR FENCES AND WALLS**

WHEREAS, zoning regulations for the City of Avon require permits for fences and walls; and

WHEREAS, Planning Commission, after considering the issue and upon advice of the Chief Building Official, has recommended amending Section 1294.08(a)(1), "Permit Required" to omit reference to the "Building Code" from this section of the code; and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendment which was duly publicized according to law and held on December 19, 2012; and

WHEREAS, on December 19, 2012, by a vote of four (4) in favor and zero (0) opposed, Planning Commission recommended approval of the amendment to Section 1294.08(a)(1) of the Planning and Zoning Code; and

WHEREAS, Council, on January 7, 2013, announced a Public Hearing on said amendment to Section 1294.08(a)(1) ; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on February 11, 2013 at 7:25 PM; and

WHEREAS, Council, in considering the recommendation of Planning Commission, finds that amending Section 1294.08(a)(1) of the Code to omit reference to the "Building Code" is reasonable and in the best interests of the safety, health and welfare of the citizens of Avon.

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

Section 1 -That Section 1294.08(a)(1) which currently reads as follows:

1294.08 REQUIREMENTS FOR FENCES AND WALLS.

(a) All fences shall comply with the following general standards, except as otherwise regulated in the district regulations and fences erected principally as enclosures for swimming pools.

(1) Permit Required. A fence or any extension thereof, in either height or length, shall be deemed a structure within the purview of this Planning and Zoning Code and the Building Code of the City, and shall require a permit. A plot plan showing lot lines, the location of the fence and any other structures on the plot shall be presented before any permit is issued.

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

1294.08 REQUIREMENTS FOR FENCES AND WALLS.

- (a) All fences shall comply with the following general standards, except as otherwise regulated in the district regulations and fences erected principally as enclosures for swimming pools.
- (1) Permit Required. A fence or any extension thereof, in either height or length, shall be deemed a structure within the purview of this Planning and Zoning Code ~~and the Building Code~~ of the City, and shall require a **zoning** permit. A plot plan showing lot lines, the location of the fence and any other structures on the plot shall be presented before any permit is issued.

Section 2 - The Codifier is hereby instructed to insert the amendment to Section 1294.08(a)(1) as contained in this legislation into the Avon Codified Ordinances, renumbering and/or relettering anywhere applicable. All other language contained in Section 1294.08 not specifically amended herein shall remain in full force and effect.

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: _____

Second Reading: _____

Third Reading: _____

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

Ordinance No. 2-13 (Con't.)

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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