

ORDINANCE NO. 39-17

AN ORDINANCE TO AMEND SECTIONS 1270.11(b)(3), 1274.09(b)(3), 1278.09(m)(3) AND 1292.14(c)(2) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON, LORAIN COUNTY, OHIO REGARDING THE MAXIMUM HEIGHT OF LIGHT POSTS

WHEREAS, recent commercial and industrial developments coming into the City have proposed on site light posts for their parking facilities at 30 feet in height necessitating variances in each of those cases; and

WHEREAS, the Planning Coordinator and others in the City Administration have seen no negative effects on neighboring properties by the increased height of the light posts because technologies today are more efficient at directing the lights downward in such a way as to avoid creating a nuisance for surrounding properties; and

WHEREAS, Planning Commission had an opportunity to review of the proposed amendments to Sections 1270.11(b)(3), 1274.09(b)(3), 1278.09(m)(3) and 1292.14(c)(2) of the Codified Ordinances for the City of Avon, Lorain County, Ohio and after conducting a Public Hearing on April 19, 2017, voted five (5) to zero (0), to recommend approval of these amendment to City Council; and

WHEREAS, Council on May 8, 2017 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on June 12, 2017 at 7:20 PM;

WHEREAS, Council finds that this recommendation is reasonable and in the best interests of the safety, health and welfare of the citizens of Avon; and

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

Section 1 - That Section 1270.11(b)(3) which presently reads as follows:

1270.11 PERFORMANCE STANDARDS

(b) Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets, and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.

(1) No direct or reflected glare is permitted which is visible from any property or from any public street, road or highway.

(2) All parking areas and walkways shall be illuminated to a minimum of one foot-candle.

(3) No freestanding light post shall exceed a height of 24 feet.

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

1270.11 PERFORMANCE STANDARDS

(b) Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets, and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.

(1) No direct or reflected glare is permitted which is visible from any property or from any public street, road or highway.

(2) All parking areas and walkways shall be illuminated to a minimum of one foot-candle.

(3) No freestanding light post shall exceed a height of ~~24~~ **30** feet.

Section 2 - That Section 1274.09(b)(3) which presently reads as follows:

1274.09 PERFORMANCE STANDARDS

(b) Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.

(1) No direct or reflected glare is permitted which is visible from any property or from any public street, road or highway.

(2) All parking areas and walkways shall be illuminated to a minimum of one foot-candle.

(3) No freestanding light post shall exceed a height of 24 feet.

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

1274.09 PERFORMANCE STANDARDS

(b) Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.

(1) No direct or reflected glare is permitted which is visible from any property or from any public street, road or highway.

(2) All parking areas and walkways shall be illuminated to a minimum of one foot-candle.

(3) No freestanding light post shall exceed a height of ~~24~~ **30** feet.

Section 3 - That Section 1278.09(m)(3) which presently reads as follows:

1278.09 PERFORMANCE STANDARDS

(m) Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.

(1) No direct or reflected glare is permitted which is visible from any property or from any public street, road or highway.

(2) All parking areas and walkways shall be illuminated to a minimum of one foot-candle.

(3) No freestanding light post shall exceed a height of 24 feet.

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

1278.09 PERFORMANCE STANDARDS

(m) Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.

(1) No direct or reflected glare is permitted which is visible from any property or from any public street, road or highway.

(2) All parking areas and walkways shall be illuminated to a minimum of one foot-candle.

(3) No freestanding light post shall exceed a height of ~~24~~ **30** feet.

Section 4 - That Section 1292.14(c)(2) which presently reads as follows:

1292.14 IMPROVEMENT AND MAINTENANCE STANDARDS.

(c) Illumination in Open Areas. All parking areas shall be illuminated to a minimum of one foot-candle to protect the public safety. Light sources shall be so designed and located to shield and/or control adjoining residential districts and streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers. The maximum height of light posts shall comply with the following:

(1) Residential Districts. No freestanding light post shall exceed 12 feet in height.

(2) Nonresidential districts. No freestanding light post shall exceed 24 feet in height.

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

1292.14 IMPROVEMENT AND MAINTENANCE STANDARDS

(c) Illumination in Open Areas. All parking areas shall be illuminated to a minimum of one foot-candle to protect the public safety. Light sources shall be so designed and located to shield and/or control adjoining residential districts and streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers. The maximum height of light posts shall comply with the following:

(1) Residential Districts. No freestanding light post shall exceed 12 feet in height.

(2) Nonresidential districts. No freestanding light post shall exceed ~~24~~ **30** feet in height.

Section 5 - 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 6 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Ordinance No. 39-17 (Con't)

First Reading: _____

Second Reading: _____

Third Reading: _____

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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