

ORDINANCE NO. 62-21

**AN ORDINANCE AMENDING "SCHEDULE 1294.08(a)" OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING
REQUIREMENTS FOR FENCES AND WALLS**

WHEREAS, zoning regulations for the City of Avon mandate location, height and opacity for fences and walls; and

WHEREAS, the Planning Coordinator, after discussions with other City administrators has recommended amending "Schedule 1294.08(a)" as it pertains to fence location, height and opacity; and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendment which was duly publicized according to law and held on July 21, 2021; and

WHEREAS, on July 21, 2021, by a vote of five (5) in favor and zero (0) opposed, Planning Commission recommended approval of the amendment to "Schedule 1294.08(a)" of the Planning and Zoning Code; and

WHEREAS, Council, on August 2, 2021, announced a Public Hearing on said amendment to "Schedule 1294.08(a)"; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on September 27, 2021 at 7:25 PM; and

WHEREAS, Council, in considering the recommendation of Planning Commission, finds that amending "Schedule 1294.08(a)" of the Avon Codified Ordinances regarding maximum height and opacity for fences 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 "Schedule 1294.08(a)" which currently reads as follows:

**Schedule 1294.08(a)
FENCE LOCATION, HEIGHT AND OPACITY**

<u>Location</u>	<u>Maximum Height</u>	<u>Maximum Opacity</u> ⁽¹⁾
(a) Front yard	4 feet	70% of fence must be uniformly distributed open space

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(b) Side yard		
(1) Within required setback	6 feet	None
(2) Within required setback adjacent to street	4 feet	70% of fence must be uniformly distributed open space
(c) Rear yard		
(1) Within required setback	6 feet	None
(2) Within required setback adjacent to street	3 feet	50% of fence must be uniformly distributed open space
<u>Notes to Schedule 1294.08(a).</u> (1) Opacity requirement does not apply to living fences		

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

Schedule 1294.08(a)
FENCE LOCATION, HEIGHT AND OPACITY

<u>Location</u>	<u>Maximum Height</u>	<u>Maximum Opacity</u> ⁽¹⁾
(a) Front yard	4 feet	70% of fence must be uniformly distributed open space
(b) Side yard		
(1) Within required setback	6 feet	None
(2) Within required setback adjacent to street	4 feet	70% of fence must be uniformly distributed open space
(c) Rear yard		
(1) Within required setback	6 feet	None
(2) Within required setback	3 4 feet	50% 70% of fence must be

adjacent to street		uniformly distributed open space
<u>Notes to Schedule 1294.08(a).</u> (1) Opacity requirement does not apply to living fences		

Section 2 – That the Codifier is hereby instructed to insert the amendment to "Schedule 1294.08(a)" as contained in this legislation into the Avon Codified Ordinances, renumbering and/or re-lettering 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: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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