

CITY OF AVON LAKE, OHIO

Planning and Zoning Code



Effective Date: January 1, 2022
Revised Effective Date: December 20, 2022 (Ordinance NO. 22-195)
Revised Effective Date: March 14, 2023 (Ordinance NO. 23-46)

Table of Contents

Chapter 1210: General Provisions	1
1210.01 Purpose	1
1210.02 Short Title	1
1210.03 Scope and Authority	1
1210.04 Effective Date	2
1210.05 Applicability.....	2
1210.06 Comprehensive Land Use Plan and Other City Plans	3
1210.07 Interpretation and Conflict	3
1210.08 Relationship with Third-Party Agreements	3
1210.09 Severability	3
1210.10 Transitional Rules	4
1210.11 Restoration of Unsafe Buildings	5
1210.12 Use of Graphics, Illustrations, Figure, and Cross-References	5
1210.13 Burden of Proof	5
Chapter 1212: Administration and Decision-Making Bodies	6
1212.01 Purpose	6
1212.02 Review Authority Names, References, and Delegation	6
1212.03 City Council	6
1212.04 Review Boards	7
1212.05 Code Administrator.....	11
1212.06 Development Review Committee	13
Chapter 1214: Review Procedures	14
1214.01 Common Review Requirements.....	14
1214.02 Code Text and Map Amendments.....	21
1214.03 Conditional Uses	23
1214.04 Minor Subdivisions	26
1214.05 Major Subdivisions	28
1214.06 Site Plans	34
1214.07 Certificate of Appropriateness (COA).....	38
1214.08 Designation of Historic Landmarks and Historic Districts.....	41
1214.09 Variances.....	43
1214.10 Zoning Permit	45
1214.11 Appeals.....	48
1214.12 Interpretation of the Code.....	49
Chapter 1216: Zoning Districts and Principal Use Regulations	50
1216.01 Purpose	50
1216.02 Establishment of Zoning Districts	50
1216.03 Zoning District Map and District Boundaries	51
1216.04 Zoning District Purpose Statements.....	52
1216.05 Allowed Principal Uses	54
1216.06 Use-Specific Standards	59
Chapter 1218: Mixed-Use Overlay District (MUO)	77
1218.01 Purpose	77
1218.02 Scope and Applicability	77
1218.03 Review Procedure and Criteria	77
1218.04 Permitted Uses	79
1218.05 Development Standards	80

Chapter 1220: Planned Unit Developments (PUD)	83
1220.01 Purpose	83
1220.02 Applicability.....	83
1220.03 Changes to Approved PUDs	83
1220.04 Accessory Uses.....	84
Chapter 1222: Residential Planned Development District (RPD)	85
1222.01 Purpose	85
1222.02 Scope and Applicability	85
1222.03 RPD Review Process	85
1222.04 Review Criteria	88
1222.05 Permitted Uses	90
1222.06 Development Standards.....	91
Chapter 1224: Accessory and Temporary Use Regulations	95
1224.01 Accessory Uses and Structures	95
1224.02 Temporary Uses and Structures	110
Chapter 1226: General Development Standards	117
1226.01 Lot and Principal Building Regulations.....	117
1226.02 Performance Standards	134
1226.03 Fences and Walls	137
1226.04 Outdoor Lighting	141
1226.05 Intersection Visibility.....	143
Chapter 1228: Architectural Standards	145
1228.01 Purpose	145
1228.02 Applicability.....	145
1228.03 Architectural Standards for Multi-Family Dwellings.....	145
1228.04 Architectural Standards for Nonresidential Buildings	146
1228.05 Historic Preservation	151
Chapter 1230: Open Space and Recreation Impact Fee Requirements	153
1230.01 Purpose	153
1230.02 Applicability.....	153
1230.03 Open Space Requirement.....	153
1230.04 Ownership of Open Space	157
1230.05 Protection of Open Spaces	157
1230.06 Standards for Owners' Associations	158
1230.07 Recreation Impact Fee	159
Chapter 1232: Landscaping and Screening Standards	162
1232.01 Purpose	162
1232.02 Applicability.....	162
1232.03 Submission of Landscape and Screening Plan.....	162
1232.04 Landscaping Requirements.....	163
1232.05 Screening Requirements	163
1232.06 Maintenance.....	166
1232.07 Delayed Installation	166
Chapter 1234: Parking, Access, and Mobility Standards	167
1234.01 Purpose	167
1234.02 Off-Street Parking Required	167
1234.03 Minimum Parking Space and Driveway Aisle Standards	167
1234.04 Accessible Spaces for Automobiles and Vans	167
1234.05 Access	168
1234.06 Setback Requirements	168

1234.07	Prohibited Activities	168
1234.08	Units of Measurement	169
1234.09	Change in Use, Additions, and Enlargements	169
1234.10	Mixed Occupancies and Shared Parking	169
1234.11	Uses Not Specified	169
1234.12	Not to Exceed Requirement and Reduced Parking	170
1234.13	Deferred Construction of Parking Spaces	170
1234.14	Number of Parking Spaces Required	170
1234.15	Existing Parking to be Maintained	172
1234.16	Design, Development, and Maintenance of Parking Areas	173
1234.17	Bicycle and e-Scooter Parking	176
1234.18	Drive-In and Drive-Through Circulation and Off-Street Waiting Spaces	176
1234.19	Off-Street Loading Space	176
1234.20	Maintenance	177
1234.21	Sidewalks and Sidewalk Connections to a Right-of-Way	177
1234.22	Traffic Impact Analysis	178
Chapter 1236: Sign Standards.....		181
1236.01	Purpose	181
1236.02	Substitution and Protection Clause	181
1236.03	Reclassification of Signage	181
1236.04	Applicability	182
1236.05	Review and Permit Requirements	182
1236.06	Prohibited Signs	184
1236.07	Measurements and Computations	185
1236.08	General Requirements for All Signs	189
1236.09	Sign Illumination and Electronic Message Centers	190
1236.10	Permanent Signs	191
1236.11	Temporary Signs	196
1236.12	Nonconforming Signs	199
Chapter 1238: Subdivision Design Standards		200
1238.01	Purpose	200
1238.02	Applicability	200
1238.03	Conformity with Plans and Regulations	200
1238.04	Sale of Land in Subdivisions; Start of Construction	200
1238.05	Subdivider's Agreement	201
1238.06	Pavement Guarantee and Financial Guarantees	201
1238.07	General Design Requirements	202
1238.08	Lots	204
1238.09	Blocks	205
1238.10	Street Lighting	205
1238.11	Railroads	205
1238.12	Streets and Thoroughfares	205
1238.13	Sidewalks	208
1238.14	Utilities	208
1238.15	Green Infrastructure	209
Chapter 1240: Renewable Energy Systems		210
1240.01	Purpose	210
1240.02	Applicability	210
1240.03	Use Regulations	210
1240.04	Design and Performance Standards	210
1240.05	Insurance	213

1240.06	Maintenance	213
1240.07	Decommissioning of Wind Energy Systems	213
1240.08	Nonconforming Renewable Energy Systems.....	214
1240.09	Remedies	214
Chapter 1242: Nonconformities		215
1242.01	Purpose	215
1242.02	General Provisions	215
1242.03	Determination of Legal Nonconformity Status.....	215
1242.04	Nonconformities and Variances	215
1242.05	Nonconforming Uses.....	215
1242.06	Nonconforming Structures and Sites.....	218
1242.07	Nonconforming Lots of Record.....	218
1242.08	Nonconforming Signs	219
1242.09	Repair and Maintenance	219
Chapter 1244: Enforcement and Penalties		221
1244.01	Enforcement by the Code Administrator	221
1244.02	Sale or Transfer of Land Before Recording	221
1244.03	Public Services	221
1244.04	Nuisances.....	221
1244.05	Fees.....	221
1244.06	Voiding of Permits	221
1244.07	Penalty.....	221
Chapter 1246: Definitions.....		222
1246.01	Rules of Construction and Interpretation.....	222
1246.02	General Definitions.....	223

Chapter 1210: General Provisions

1210.01 Purpose

It is the purpose of this planning and zoning code to promote and protect the public health, safety, comfort, convenience, and general welfare of the people of Avon Lake through the establishment of minimum regulations governing the subdivision, development, and use of land. Furthermore, the more specific purpose of this planning and zoning code is to:

- (a) Implement the City of Avon Lake Comprehensive Land Use Plan, Master Thoroughfare Plan, Comprehensive Park and Recreation Master Plan, and other policies or plans adopted by the City as it relates to the development of land;
- (b) Encourage and facilitate orderly, efficient, and appropriate growth and development;
- (c) Protect the character and the values of the residential, business, industrial and recreational areas and to assure the orderly and beneficial development of these areas;
- (d) Provide adequate open spaces for light and air for all residents;
- (e) Protect private investment into properties and the resulting property values;
- (f) Establish appropriate development density and intensity in order to prevent or reduce congestion and to secure the economy in the cost of providing water supply systems, electricity, sewerage systems, streets, and highways, fire and police protection, schools, parks and recreation facilities, and other governmental services;
- (g) Manage congestion on the streets, to improve the public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements;
- (h) Provide for adequate access to all areas of the City by people of all abilities and by varied modes of transportation;
- (i) Encourage interconnectivity of developments in order to provide multiple access points in and out of developments for safety purposes and traffic dispersion;
- (j) Improve the quality of life through protection of the City's total environment, including, but not limited to, the prevention of air, water and noise pollution;
- (k) Avoid the inappropriate subdivision or development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage; and
- (l) Foster a more rational pattern of relationship between agricultural, conservation, residential, business, commercial industrial and institutional uses for the mutual benefit of all.

1210.02 Short Title

These regulations shall be known and may be cited as the "Planning and Zoning Code of the City of Avon Lake", or referred to as the "planning and zoning code" or the "code." This code may also be referred to as Part 12 of the Codified Ordinances of the City of Avon Lake, Ohio.

1210.03 Scope and Authority

(a) General Authority and Scope

- (1) The authority for the preparation, adoption, and implementation of this code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permits the adoption of uniform rules and regulations governing the zoning and subdivision of land, and by the Charter of the City of Avon Lake.

- (2) Nothing in this code shall be construed to limit City Council in the exercise of all of the powers to zone or redistrict now or hereafter authorized by the Ohio Constitution, Ohio statutes, or the Charter of the City of Avon Lake.

(b) References to the Ohio Revised Code or the Ohio Administrative Code

Whenever any provision of this code refers to or cites a section of the Ohio Revised Code (as amended) or the Ohio Administrative Code (as amended), and that section is later amended or superseded, this code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1210.04 Effective Date

This code was originally adopted by City Council on March 22, 1999 (Ordinance 52-99), as amended. This code shall become effective 30 days after the adoption by City Council.

1210.05 Applicability

(a) General Applicability

- (1) The provisions of this code shall apply to all land, buildings, structures, and uses of land, buildings, and structures, or portions thereof, located within the municipal boundaries of the City of Avon Lake. The provisions of this code are the minimum requirements adopted to meet the purposes of this code as established in Section [1210.01: Purpose](#).
- (2) The regulations established for each district in this code shall apply uniformly to each class or type of use, land, building, or structure, unless modified, varied or waived as provided herein.
- (3) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(b) Essential Services Exempted

- (1) The erection, construction, alteration, or maintenance by public utilities or municipal departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communications (except for wireless telecommunication facilities as regulated in this code), supply or disposal systems, including mains, sanitary sewers, water lines, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.
- (2) Buildings required in conjunction with an essential service identified in Subsection (1) above shall be subject to the regulations of this code and shall be reviewed as a principal use in accordance with Section [1216.05: Allowed Principal Uses](#). Utility structures, as defined in this code, shall also be reviewed as an accessory use (in the right-of-way) in accordance with Section [1224.01: Accessory Uses and Structures](#).

1210.06 Comprehensive Land Use Plan and Other City Plans

The administration, enforcement, and amendment of this code should be consistent with the most recently adopted version of a comprehensive land use plan for the City of Avon Lake, as amended and herein may be referred to as the “comprehensive plan,” “comprehensive land use plan,” or “land use plan.” Such plan, or references to such plan, shall also include other adopted plans within the City that related to development including, but not limited to, a thoroughfare plan, parks and recreation plan, etc. Amendments to this code should maintain and enhance the consistency between this code and the comprehensive land use plan.

1210.07 Interpretation and Conflict

(a) Interpretation of Provisions

The provisions of this code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, morals, convenience, and general welfare.

(b) Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This code is intended to complement other City, State, and Federal regulations that affect land use and the division of land. This code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this code shall govern.

(c) Repeal of Conflicting Ordinance

All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

1210.08 Relationship with Third-Party Agreements

(a) This code is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.

(b) Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.

(c) In no case shall the City be obligated to enforce the provisions of any easements, covenants, or other agreements between private parties, even if the City is a named party in and has been granted the right to enforce the provisions of such agreement.

1210.09 Severability

(a) If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.

(b) If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.

(c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

1210.10 Transitional Rules

(a) Purpose

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this code.

(b) Violations Continue

- (1) Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under [Chapter 1244: Enforcement and Penalties](#) unless the use, development, construction, or other activity complies with the provisions of this code.
- (2) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this code.

(c) Nonconformities Continue

- (1) Any legal nonconformity that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous code continues to exist, and shall be controlled by [Chapter 1242: Nonconformities](#).
- (2) If a legal nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

(d) Processing of Applications Commenced or Approved Under Previous Regulations

(1) Pending Projects

- A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this code, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the City.
- B. If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this code, the application shall expire and subsequent applications shall be subject to the requirements of this code.
- C. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- D. An applicant with a pending application may waive review available under prior regulations through a written letter to the City and request review under the provisions of this code.

(2) Approved Projects

- A. Approved site plans, variances, certificates of appropriateness, conditional uses, zoning permits, or other approved plans or permits that are valid on the effective date of this code shall remain valid until their expiration date, where applicable.
- B. Any building or development for which a permit or certificate was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this code, as long as the permit or certificate remains valid.
- C. If the development for which the permit or certificate is issued prior to the effective date of this code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this code.

- D. Planned unit developments that were approved prior to the effective date of this code shall conform to the approved general development plan and shall be subject to the provisions of Section [Chapter 1220: Planned Unit Developments \(PUD\)](#).

(e) Vested Rights

The transitional rule provisions of this section are subject to Ohio's vested rights laws.

1210.11 Restoration of Unsafe Buildings

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

1210.12 Use of Graphics, Illustrations, Figure, and Cross-References

- (a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- (b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (c) A table shall be considered text for the purposes of this code unless specifically identified as a figure.

1210.13 Burden of Proof

The burden of demonstrating that an application or any development subject to this code complies with applicable review and approval standards is on the applicant. The burden is not on the City or other parties to show that the standards have not been met by the applicant or person responsible for the development.

Chapter 1212: Administration and Decision-Making Bodies

1212.01 Purpose

The purpose of this chapter is to set forth the powers and duties of the City of Avon Lake City Council, Municipal Planning Commission, Historical Preservation Commission, Zoning Board of Appeals, Code Administrator, and Development Review Committee with respect to the administration and enforcement of the provisions of this code.

1212.02 Review Authority Names, References, and Delegation

(a) Review Authority Names and References

For the purposes of this code, the formal names of the administration and decision-making authorities identified above may also be referred to abbreviated names as identified below:

- (1) The City of Avon Lake City Council may be hereafter referred to as “City Council” or “Council.”
- (2) The City of Avon Lake Municipal Planning Commission may be hereafter referred to as the “Planning Commission.”
- (3) The City of Avon Lake Historical Preservation Commission may be hereafter referred to as the “Historical Preservation Commission” or “HPC.”
- (4) The City of Avon Lake Zoning Board of Appeals may be hereafter referred to as the “ZBA.”
- (5) The City of Avon Lake Code Administrator may be hereafter referred to as the “Code Administrator.”
- (6) The City of Avon Lake Development Review Committee may be hereafter referred to as the “Development Review Committee” or “DRC.”

(b) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

1212.03 City Council

In addition to any other authority granted to the City Council by charter, ordinance, or State law, the City Council shall have the following powers and duties, as it relates to this code:

- (a) Initiate, hear, review, and make decisions related to amendments to the text of this code or the zoning map;
- (b) Review and confirm or reject recommendations on conditional uses from the Planning Commission in accordance with [Section 1214.03: Conditional Uses](#);
- (c) Hear, review, and make decisions on MUO development plans in accordance with [Chapter 1218: Mixed-Use Overlay District \(MUO\)](#);
- (d) Hear, review, and make decisions related to previously approved Planned Unit Developments in accordance with [Chapter 1220: Planned Unit Developments \(PUD\)](#);
- (e) Hear, review, and make decisions related to Residential Planned Developments in accordance with [Chapter 1222: Residential Planned Development District \(RPD\)](#);
- (f) Review and accept, where appropriate, any proposed dedication of streets, utilities, and other public improvements required by this code;
- (g) Establish fees for development review procedures, certificates, and permits outlined in this code;
- (h) Initiate, hear, review, and make decision related to the designation of historic sites and districts;

- (i) Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, and the ORC.

1212.04 Review Boards

For the purposes of this code, there shall be review boards established for the administration and enforcement of this code including the Planning Commission, HPC, and the ZBA.

(a) General Rules and Regulations for All Review Boards

The following shall apply to the Planning Commission, HPC, and ZBA:

- (1) Members of a board shall serve without compensation.
- (2) With the prior approval of City Council, any expense incurred by a review board, or the members of such board, in the performance of their duties, shall be paid from the Municipal Treasury.
- (3) All members, at the date of their respective appointments, shall have been qualified electors of the City for the previous two years and shall continue to be qualified electors of the City during the terms of their office.
- (4) Except where the organizational requirements of this section mandate membership by an elected official, members of the review boards shall not otherwise be employed or appointed to any other Avon Lake municipal office.
- (5) Members of a board may be removed for misfeasance, malfeasance, or nonfeasance by City Council.
- (6) A vacancy occurring during the term of any member of the board shall be filled through the same manner as the position was originally filled, for the unexpired term in a manner authorized for the original appointment.
- (7) The Planning Commission, HPC, and ZBA may, by a majority vote of its entire membership, adopt bylaws or rules for the governance of said board, provided they are consistent with State law and with any ordinances of the City.
- (8) The boards shall keep minutes of their meetings and hearings, which shall be a public record.
- (9) All meetings of the boards shall be open to the public, except as exempted by law.
- (10) The departments, divisions and agencies of the City shall cooperate with and assist the boards in implementing the purposes for which they are formed.
- (11) Review boards may subpoena witnesses and require the production of records in accordance with Chapter 268 of the Codified Ordinances of the City of Avon Lake, Ohio.
- (12) **Alternates**
 - A. City Council may appoint up to two alternate members to each review board for a term of two years each.
 - B. An alternate member shall take the place of an absent regular member at any meeting of the applicable review board.
 - C. An alternate member shall meet the same appointment criteria as a regular member.
 - D. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
 - E. When a vacancy occurs, alternate members do not automatically become full members of the applicable review board. Alternate members have to be appointed to replace a full member upon a vacancy.

(13) Meetings

- A. Each board shall hold such meetings as it may require for conducting its business. Prior to the end of each year, the members shall, by motion, determine the dates of its regular meetings for the succeeding year.
- B. The Chairperson of each board may cancel a meeting if there is no pending business to be conducted, after consulting with the Code Administrator.
- C. Special meetings may be called by the chairperson or by two members of the individual board after consulting with the Code Administrator, or by a vote of the applicable board at its regular meeting.
- D. At either the first meeting or the last regular meeting of each year, each board shall elect a Chairperson who shall serve for one-year terms. The boards may also elect a Vice-Chairperson and Secretary. These officers shall be elected from among the members of the applicable boards. During the temporary absence of the Chairperson, the Vice-Chairperson, where elected, shall fulfill the duties of the Chairperson.

(14) Quorums and Decisions

- A. Any combination of four or more regular or alternate members of the Planning Commission shall constitute a quorum. Any combination of three or more regular or alternate members of the ZBA or HPC shall constitute a quorum.
- B. A motion made on a decision shall carry when at least four members of the Planning Commission or three members of the HPC or ZBA concur.
- C. Non-decision items, such as continuance or approval of minutes, shall only require a majority of the quorum of the individual board to concur.
- D. A member of a board shall not be qualified to vote if that member did not attend the public hearing of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing.

(b) Organization and Roles of the Planning Commission

(1) Establishment

The City of Avon Lake Municipal Planning Commission is hereby established by City Council pursuant to the Charter of the City of Avon Lake, Ohio.

(2) Membership and Terms

Membership on the Planning Commission shall be in accordance with Sections 41 and 42 of the Charter.

(3) Roles and Powers of the Planning Commission

The Planning Commission shall have the following roles and powers:

- A. Initiate, hear, review, and make recommendations to City Council for a comprehensive land use plan and other plans for the future physical development and improvement of the City, based upon utility, convenience and beauty, physical needs, density and the social welfare and physical well-being of the people;
- B. Initiate, hear, review, and make recommendations to City Council related to amendments to the text of this code or the zoning map;
- C. Hear, review, and make recommendations on MUO development plans in accordance with [Chapter 1218: Mixed-Use Overlay District \(MUO\)](#);
- D. Hear, review, and make recommendations or decisions related to Planned Unit Developments in accordance with [Chapter 1220: Planned Unit Developments \(PUD\)](#);

- E. Hear, review, and make recommendations or decisions related to Residential Planned Developments in accordance with [Chapter 1220: Planned Unit Developments \(PUD\)](#);
- F. Hear, review, and make recommendations to City Council on conditional uses in the respective zoning district;
- G. Review and make decisions on site plan applications;
- H. Review and make decisions on alternative equivalency review applications, simultaneously with an associated site plan application;
- I. Review and make decisions on the preliminary subdivision plats and final subdivision plats for major subdivisions;
- J. Review any proposed construction, alteration, opening, widening, narrowing, relocation, vacation or change in publicly owned property which is not in conformity with the approved comprehensive land use plan, or other plans adopted by the City. The Planning Commission shall act upon such a proposal within 60 days from the date of referral unless a time extension has been mutually agreed upon. If the Planning Commission fails to act it shall be deemed to have approved said proposal;
- K. Review and make decisions on requests for subdivision modifications;
- L. Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by City Council, or the administration; and
- M. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, by ordinance of City Council, and/or the ORC.

(4) Special Provisions for Planning Commission Hearings Related to Conditional Use Review

As stated in [Chapter 1214: Review Procedures](#), a conditional use shall be reviewed through an adjudication hearing that allows the Planning Commission to have the following additional powers as part of the review of any conditional use application:

- A. The Planning Commission shall make findings and conclusions which support its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps to administer and enforce the provisions of this code including the application of any review criteria for the subject application.
- B. The Planning Commission may subpoena witnesses and require the production of records in accordance with Chapter 268 of the Codified Ordinances.
- C. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the Planning Commission.

(c) Organization and Roles of the Historical Preservation Commission (HPC)

(1) Establishment

The City of Avon Lake Historical Preservation Commission is hereby established by City Council.

(2) Membership and Terms

The membership of the HPC shall be as follows:

- A. The HPC shall be composed of a total of five members, each of whom shall have demonstrated a special interest, experience or knowledge of history, architecture or a related discipline.

- B. At least two members of the HPC shall be preservation-related professional members to the extent such professionals are available in the community. Preservation-related professions shall include, but are not limited to, the professions of architecture, architectural history, history, archaeology, interior design with a specialization in historic preservation, planning, or a related discipline.
- C. City Council shall appoint three members to the HPC and the Mayor shall appoint two members to the HPC. The two members appointed by the Mayor are subject to confirmation and approval by Council.
- D. The Planning Commission shall designate one member of said commission as a non-voting liaison to the HPC.
- E. The City Council shall designate one member of Council to serve as a non-voting liaison to the HPC.
- F. The length of appointments to the HPC shall be two years with staggered terms and with no limits on the number of consecutive appointments. In the first year, two City Council appointees and one Mayoral appointee shall serve a one-year term; thereafter, all appointees shall serve two-year terms.

(3) Roles and Powers of the Historical Preservation Commission

The Historical Preservation Commission shall have the following roles and powers:

- A. Review and make decisions with respect to certificates of appropriateness regarding any change, demolition, construction, preservation, restoration, reconstruction, and rehabilitation of any structure or property within its jurisdiction;
- B. Make recommendations regarding amendments to this code as they affect historic districts or landmarks;
- C. Establish the procedures for evaluating applications for certificates of appropriateness;
- D. Conduct or cause to be conducted a continuing survey of cultural resources in the community, according to the guidelines established by the Ohio Historic Preservation Office;
- E. Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources;
- F. Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation;
- G. Conduct or encourage members to attend educational sessions at least once a year or an in-depth consultation with the Ohio Historic Preservation Office pertaining to the work and functions of the HPC or on specific historic preservation issues;
- H. Educate property owners/applicants on the benefits and possible limitations of their property being declared historic;
- I. Maintain a system for the survey and inventory of historic properties;
- J. Review applications for designation as a historic landmark or historic district according to the procedures and criteria in this chapter; and
- K. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, by ordinance of City Council, by mutual agreement with the Ohio Historic Preservation Office (OHPO), and/or the ORC.

(d) Organization and Roles of the Zoning Board of Appeals (ZBA)

(1) Establishment

The City of Avon Lake Zoning Board of Appeals is hereby established.

(2) Membership

- A. The ZBA shall be composed of a total of five members with two members being appointed by the Mayor and three members being appointed by City Council. The two members appointed by the Mayor are subject to confirmation and approval by Council.
- B. The ZBA members shall serve a term of five years each, with terms staggered so that there is an appointment every year.

(3) Roles and Powers of the ZBA

The ZBA shall have the following roles and powers to:

- A. Hear, review, and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision, or determination made by the Planning Commission, Code Administrator, or other staff member authorized to make such decisions or orders, unless another appeals board is established by this code;
- B. Hear, review, and decide on variance requests in accordance with the applicable provisions of this code;
- C. Resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of [Section 1216.03: Zoning District Map and District Boundaries](#);
- D. To permit the completion, restoration, reconstruction, expansion or extension of a nonconforming use where the enforcement of the regulations pertaining to nonconforming lots or buildings will result in unnecessary hardship; and
- E. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, or the ORC.

(4) Special Provisions for ZBA Hearings

- A. The ZBA shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.
- B. The ZBA may subpoena witnesses and require the production of records in accordance with Chapter 268 of the Codified Ordinances.
- C. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the ZBA.

1212.05 Code Administrator

(a) Establishment

The position of City of Avon Lake Code Administrator shall be established to aid in the administration and enforcement of this code. The Code Administrator may be provided with the assistance of such other persons as the Mayor may direct.

(b) Roles and Powers of the Code Administrator

The Code Administrator shall have the following roles and powers to:

- (1) Enforce the provisions of this code. The Code Administrator shall have all necessary authority on behalf of the City to administer and enforce the provisions of this code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this Code and the ability to bring legal action to ensure compliance with the provisions including injunction, abatement, or other appropriate action or proceeding. All officials and employees of the City may assist the Code Administrator by reporting to the Code Administrator any new construction, reconstruction, land uses, or violations that are observed;
- (2) Review and make decisions on zoning permits and other permits reviewed in the manner of the zoning permit as may be allowed by this code;
- (3) Review and make decisions on questions of interpretation related to this code;
- (4) Maintain in current status the “Official Zoning District Map” of the City of Avon Lake;
- (5) Accept, review for completeness, and respond to questions regarding review procedure applications established in this code;
- (6) Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;
- (7) Participate in the Development Review Committee, as established in this code;
- (8) Review and make decisions on minor subdivision applications following input from the Development Review Committee;
- (9) Develop and recommend the City of Avon Lake engineering requirements, stormwater management standards, and other documents related to subdivision improvement specifications that may be adopted or approved outside of this code;
- (10) Review and make decisions on improvement plans and construction drawings for major subdivisions;
- (11) Refer requests for appeals of decisions to the ZBA;
- (12) Provide such technical and consultation assistance as may be required by the ZBA, the Planning Commission, HPC, and City Council, in the exercise of their duties relating to this code;
- (13) Review, inspect property, and make decisions on compliance with the provisions of this code;
- (14) Maintain permanent and current records of all applications;
- (15) Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;
- (16) Inspect, or cause to be inspected, all construction or installation work related to public improvements as required by these regulations.
- (17) Order discontinuance of any illegal work being done;
- (18) Revoke a permit or approval issued contrary to this code or based on a false statement or misrepresentation on the application; and
- (19) Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code.

(c) Decisions of the Code Administrator

A decision of the Code Administrator may be appealed to the ZBA in accordance with Section [1214.11: Appeals](#) unless another appeals board is established by this code.

1212.06 Development Review Committee

(a) Establishment

- (1) The City of Avon Lake Development Review Committee shall be established to aid in the administrative review of certain review procedures as set forth in this code. The Mayor shall appoint members to the committee that will include, at a minimum, the Code Administrator, Economic Development Director, and the Law Director, along with any other administrative staff as may be appropriate to provide assistance on development applications.
- (2) The Development Review Committee shall be an administrative committee responsible for the administrative level review related to the procedures set out in this code. Meetings of the Development Review Committee are not public meetings and are not subject to public notice.

(b) Chairperson

Each year, the Development Review Committee shall select a member to be the chairperson of the committee. The Chairperson shall be responsible for organizing meetings and ensuring that members receive needed materials in a timely manner.

(c) Roles and Powers of the Development Review Committee

The Development Review Committee shall have the following powers and duties related to this code:

- (1) Review and provide comments and reports, as needed, for the various procedures where the Planning Commission, HPC, ZBA, or City Council reviews an application;
- (2) Distribute any comments, responses, or revisions made by applicants to any agency that provided initial comments on an application.
- (3) Request that the applicant revise any application materials that may be missing material information or demonstrate problems with compliance with this code; and
- (4) Participate in any pre-application meetings requested by a property owner or potential applicant in accordance with this code.

Chapter 1214: Review Procedures

1214.01 Common Review Requirements

The requirements of this section shall apply to all applications and procedures subject to development review procedures established in this code, unless otherwise stated. While most review procedures are established within this chapter, the procedures for the Mixed-Use Overlay District and the Planned Unit Development review are established in separate chapters.

(a) Summary of Review Procedures

[Table 1214-1](#) provides a list of all review procedures utilized in the administration and enforcement of this code, the applicable review authority, the type of review hearing or meeting, and the decision-making responsibility of each review authority.

TABLE 1214-1: SUMMARY OF REVIEW PROCEDURES AND MEETING/HEARING TYPE

Review Procedure	See Section	City Council	Planning Commission	Zoning Board of Appeals	Historic Preservation Commission	Code Administrator
Code Text or Map Amendment	1214.02	PH/D	PM/R			
Conditional Use	1214.03	PM/D	AH/R			
Minor Subdivision	1214.04					D
Major Subdivision: Preliminary Plat	1214.05	PM/D	PM/R			
Major Subdivision: Final Plat		PM/D	PM/R			
Site Plan	1214.06		PM/D			
Certificate of Appropriateness	1214.07				PM/D	
Designation of Landmark or Historic District	1214.08	PH/D	PH/R		PM/R	
Variance	1214.09			AH/D		
Zoning Permit	1214.10					D
Appeals	1214.11			AH/D		
Interpretation of the Code	1214.12					D
MUO Development Plan	1218.03	PH/D	PM/R			
PUD Modification	1220.03	See Section 1220.03				
RPD Development Plan	1222.03	PH/D	PH/R			
Abbreviations:						
PH = Public Hearing AH = Adjudication Hearing PM = Public Meeting		R = Recommendation D = Decision				

(b) Authority to File Applications

- (1) Unless otherwise specified in this code, applications for development review procedures defined in this code may be initiated by:
 - A. An owner of the property that is the subject of the application; or
 - B. An agent authorized in writing by the owner, which may include a lessee of the property, attorney, or other representative.
- (2) Property owners or their authorized agents of all the lots subject to the review or submittal shall be required to sign the application or provide written documentation that all property owners wish to proceed with the application.
- (3) The Planning Commission or City Council may initiate code text and map amendments under this code with or without written authorization or application from the property owner who may be affected.

(c) Application Submission Schedule for the ZBA

The schedule for the submission of applications in relation to scheduled meetings and hearings of the ZBA shall be established by the Code Administrator and made available to the public.

(d) Application Contents

- (1) Applications required under this code shall be submitted to the member of the DRC responsible for such applications, as determined by the DRC.
- (2) All applications shall be in a form and in such numbers as established by the DRC, and made available to the public.
- (3) Applications shall be accompanied by a fee as established by City Council pursuant to Section [1214.01\(g\): Fees](#).

(4) Complete Application Determination

- A. The responsible DRC member shall only initiate the review and processing of applications submitted under this chapter if such application is determined to be complete.
- B. An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application.
- C. The responsible DRC member shall make a determination of application completeness within five business days of the application filing.
- D. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
- E. If an application is determined to be incomplete, the responsible DRC member shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the responsible DRC member determines that the application is complete.
- F. The City shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.
- G. If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the responsible DRC member, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The responsible DRC member may grant one 60-day extension if just cause is shown.

- H. No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements this chapter, submit a new application, and submit a new filing fee.
- I. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

(e) Simultaneous Processing of Applications

- (1) Whenever two or more forms of review and approval are required by review boards under this code, the DRC shall determine the order and timing of review.
- (2) The DRC may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

(f) Pre-application Conferences or Meetings

- (1) Prior to filing an application, an applicant may be required to meet with the Development Review Committee or, when not required, may request a meeting with the Committee or with any individual member of the Committee.
- (2) Where a pre-application meeting is required (i.e., mandatory), such requirement may be waived if the Development Review Committee unanimously agrees that the proposed development or work subject to review is of a small-enough scale as to not warrant a preliminary meeting of the Development Review Committee or that the proposal appears to generally meet all requirements upon an initial review.
- (3) An applicant may request a pre-application meeting with a review board for any review procedure in this task. The applicant may request such meeting by submitting a written request to the Development Review Committee for placement on the agenda of the next regularly scheduled meeting or any special meeting that may be called by the applicable review board.
- (4) The purpose of the pre-application conference or meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and the comprehensive land use plan prior to the submission of an application.
- (5) No action can be taken by the staff and/or any review boards until the applicant submits an actual application and/or plan to the City pursuant to the laws and policies of the City. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or City review boards, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with City staff, review boards, any pre-application conferences or meetings, are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

(g) Fees

- (1) Any application for development review under this code shall be accompanied by such fee as shall be specified from time to time by ordinance of City Council. There shall be no fee, however, in the case of applications filed by the Mayor, City Council or the Planning Commission.
- (2) The fees shall be in addition to any other fees that may be imposed by the City, State, Lorain County, or other agency having jurisdiction.
- (3) Such fees are adopted to cover the cost to the City for investigations, legal advertising, postage, and other expenses resulting from the administration of planning and zoning activities.

- (4) Unless otherwise identified in the fee schedule adopted by City Council, no application shall be processed or determined to be complete until the established fee has been paid.
- (5) If the City determines that the costs on a particular application will exceed the filing fee as established by City Council as a result of preparation of legal descriptions, maps, studies, or other required information, or as a result of the need for professional expert review, study, or testimony, the responsible DRC member is authorized to collect such additional costs from the applicant.
- (6) Application fees are not refundable except where the responsible DRC member determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

(7) Subdivision Related Fees

All application fees established in Section [1214.01\(g\): Fees](#) are due upon submission of the application. Additional fees related to the subdivision process are due as established below or otherwise approved as part of the preliminary plat.

- A. Fees for inspections made during and upon completion of all public improvements for subdivisions shall be paid, in full, at the time the final plat is submitted to City Council.
- B. All required engineering review fees shall be paid, in full, at the time the final plat is submitted to City Council.

(h) Public Notification for Public Meetings

For all public meetings required by this code, the City shall comply with this code and all applicable State notice requirements.

(i) Public Notification for Public Hearings

- (1) Applications for development approval that require public hearings, including all adjudication hearings, shall comply with all applicable State requirements and the public meeting notice requirements established in Section [1214.01\(h\): Public Notification for Public Meetings](#), above.
- (2) The responsible DRC member shall be responsible for providing the required notice as specified in [Table 1214-2](#).

(3) Content

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

- A. Provide the name of the applicant or the applicant's agent;
- B. Indicate the date, time, and place of the public hearing;
- C. Describe the land involved by street address, Lorain County parcel identification number, or by legal description;
- D. Describe the nature, scope, and purpose of the application or proposal;
- E. Identify the location (e.g., the offices of the Code Administrator) where the public may view the application and related documents;
- F. Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application; and
- G. Include a statement describing where written comments will be received prior to the public hearing.

(4) Notice Requirements

Published and mailed notice for public hearings shall be provided as defined in [Table 1214-2](#).

TABLE 1214-2: NOTICE REQUIREMENTS

Development Review Procedure	Published Notice	Written (Mailed) Notice
Code Text Amendment		No written notice is required for a text amendment.
Zoning Map Amendment	Published notice required a minimum of 10 days before the initial public hearing.	Written notice shall be sent to all owners of property within 300 feet from the boundary of all properties subject to the rezoning application. The notice shall be required a minimum of 10 days before the initial public hearing.
RPD Development Plan		
MUO Development Plan	Published notice required a minimum of 10 days before a public hearing.	Written notice to the applicant and all property owners within 300 feet from the boundary of all properties subject to the application shall be required a minimum of 10 days prior to a public hearing.
Conditional Use		
Major PUD or RPD Modification		
Appeals		
Variance or Subdivision Modifications	No published notice is required.	Written notice to the applicant and all property owners within 300 feet from the boundary of all properties subject to the application shall be required a minimum of 10 days prior to the hearing.
Historic Landmark or Historic District Nomination	Published notice required a minimum of 10 days before a public hearing.	Written notice shall be provided to all property owners within a proposed historic district at least 10 days prior to a public hearing. Additionally, a public notice shall be posted on the property proposed for a landmark designation or on four cornering properties proposed for a historic district designation at least 10 days before a public hearing.

(5) Published Notice

- A.** Published notice shall be provided in a newspaper of general circulation and the City may also provide additional published notice by electronic media including, but not limited to, posting online at the City’s website.
- B.** The content and form of the published notice shall be consistent with the requirements of this section and State law.

(6) Written (Mailed) Notice

- A.** Written notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the applicable review board.
- B.** Written notice shall be postmarked no later than the amount of days specified in [Table 1214-2](#) prior to the hearing date at which the item will be considered.

(7) Constructive Notice

- A.** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code, and such finding shall be made available to the decision-making body prior to final action on the request.
- B.** When the records of the City document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

(j) Conduct of Public Hearing

(1) Rights of All Persons at Public Hearings

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

(2) Continuance of a Public Hearing or Deferral of Application Review

- A.** An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Code Administrator prior to the publication of notice as may be required by this code. The Code Administrator may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- B.** A request for deferral of consideration of an application received by the Code Administrator after publication of notice of the public hearing as required by this code shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- C.** The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place provide the date, time, and place is publicly announced at the time of continuance.

(k) Withdrawal of Application

Any request for withdrawal of an application shall be either submitted in writing to the Code Administrator or made through a verbal request by the applicant prior to action by the review or decision-making body.

- (1)** The Code Administrator shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this code.
- (2)** If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this code, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.

(l) Examination and Copying of Application and Other Documents

Documents and/or records may be inspected and/or copied as provided for by State law.

(m) Notification of Decisions

- (1) When City Council is responsible for making a final decision on any application, the Clerk of Council shall be responsible for providing notice of the decision to the applicant.
- (2) When Planning Commission or the Zoning Board of Appeals is responsible for making a final decision on any application, the secretary or clerk of each board shall be responsible for providing notice of the decision to the applicant. Where a secretary or clerk is not appointed, the Code Administrator may designate a staff member to provide notice to the applicant.

(n) Effect of any Approvals

- (1) The issuance of any approval or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.
- (2) All approvals shall run with the land or use and shall not be affected by change in ownership.

(o) Modifications or Amendments of Approved Applications

- (1) For any review procedure, the Code Administrator is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development or subdivision. This shall not give the Code Administrator the authority to vary the requirements of this code or any conditions of approval.
- (2) Where the Code Administrator determines that the proposed modification, amendment, or change is not minor, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.

(p) Reapplication after Denial of an Application

If an application is denied, the applicant may:

- (1) Appeal the decision in accordance with the applicable appeals procedure established in this code; or
- (2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Development Review Committee shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in Section [1214.01\(d\)\(4\)](#). If it does not, the Development Review Committee shall return the application, with reasons for their determination in writing, along with any paid fees; or
- (3) Submit the same application after a 24-month waiting period; or
- (4) Submit a new application if the proposed use and design of the site will be substantially different than the denied application.

(q) Subsequent Development

- (1) Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City's Codified Ordinances.

- (2) The granting of any approval or permit shall not guarantee the approval of any other required permit or application.
- (3) The City shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by Lorain County, the State, or other agencies having jurisdiction.

(r) Records

The City shall maintain permanent and current records of all applications and the decisions related to those applications in City Hall.

(s) Computation of Time

- (1) In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday observed by the City of Avon Lake where the City administrative offices are closed for the entire day, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- (2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- (3) When the City offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by the City of Avon Lake in which the City administrative offices are closed for the entire day.
- (4) All days shall be calendar days, including weekends, unless otherwise stated as business days, in which case the time excludes weekends.

1214.02 Code Text and Map Amendments

(a) Purpose

The purpose of the code text and zoning map amendment procedure is to provide a process for amending the zoning map and text of this code.

(b) Applicability

This section shall apply to requests to amend the text of this code or amend the Official Zoning District Map of the City of Avon Lake, Ohio, hereafter referred to as the “zoning map.”

(c) Initiation

- (1) For a zoning map amendment of a specific property, any person who has authority to file an application for such property may initiate an amendment by filing an application with the Code Administrator.
- (2) Only Members of the Development Review Committee, City Council, or the Planning Commission may initiate code text amendments.
- (3) City Council may initiate a code text or map amendment by referring a recommendation on an amendment to the Planning Commission.
- (4) The Planning Commission may initiate a code text or map amendment by adopting a motion to make such amendment.

(d) Code Text or Map Amendment Review Procedure

The review procedure for a code text or map amendment shall be as follows:

(1) Step 1 – Pre-Application Meeting (Required)

An applicant shall be required to have a pre-application meeting with the Development Review Committee to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1214.01\(f\)](#).

(2) Step 2 – Application

- A. For amendments that are not initiated by the Planning Commission or City Council, the applicant shall submit an application in accordance with Section [1214.01: Common Review Requirements](#), and with the provisions of this section.
- B. Amendments initiated by City Council shall be referred to the Planning Commission for initiation of review.

(3) Step 3 – Development Review Committee Review

- A. Upon determination that a text or zoning map amendment application is complete, the Development Review Committee shall review the application and may distribute the application to other departments or agencies for review and comment.
- B. The Development Review Committee will review the application and provide a summary report of comments to the applicant.
- C. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the Planning Commission without revisions. In all cases, the Development Review Committee will forward their report to the Planning Commission.

(4) Step 4 – Planning Commission Review and Recommendation

- A. The Planning Commission shall review the application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete. (Ord. 23-46. Passed 3-13-2023.)
- B. In reviewing the application, Planning Commission shall at a minimum, consider the review criteria of this section.
- C. Within 45 days of the initial meeting to review the application, the Planning Commission shall make a recommendation to City Council on the application. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application.
- D. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application will move forward to Step 5 with a recommendation of approval.

(5) Step 5 – City Council Review and Decision

- A. Following receipt of the recommendation from the Planning Commission (Step 4), the application shall be placed on City Council's agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or City Council shall set a time for a public hearing on the proposed amendment that is no more than 60 days from receipt of the Planning Commission's recommendation.
- B. Notification of the public hearing shall be provided in accordance with Section [1214.01\(i\)](#).
- C. City Council shall review a text or zoning map amendment application during a public hearing. In reviewing the application, City Council shall at a minimum, consider the recommendation from Planning Commission and the review criteria of this section.

- D. City Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission. Such action shall only require concurring vote of a simple majority of City Council unless the City Council votes to approve, in any form, an application where the Planning Commission recommended denial, in which case the approval shall require a three-fourths majority vote of City Council.
- E. If the City Council fails to make a decision within 180 calendar days, or an extended timeframe approved by the applicant, the application shall be deemed approved.
- F. The effective date of any amendment shall be in accordance with the applicable provisions of the Charter.

(e) Review Criteria

Recommendations and decisions on code text or map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1) The proposed amendment is consistent with the comprehensive land use plan, other adopted City plans, and the stated purposes of this code;
- (2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (3) The proposed amendment will promote the public health, safety, and general welfare;
- (4) The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;
- (5) The proposed amendment, if to the zoning map, follows lot lines or the centerlines of streets, railroads, or other rights-of-way.
- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- (7) The proposed amendment will not constitute spot zoning where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances. and/or
- (8) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

1214.03 Conditional Uses

(a) Purpose

The purpose of a conditional use procedure is to allow consideration for certain uses that due to their unique and special nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on an individual basis.

(b) Applicability

This section shall apply to all applications for establishment of a conditional use as may be identified in this code.

(c) Conditional Use Review Procedure

The review procedure for a conditional use review shall be as follows:

(1) Step 1 – Pre-Application Meeting (Required)

An applicant shall be required to have a pre-application meeting with the Development Review Committee to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1214.01\(f\)](#).

(2) Step 2 – Application

The applicant shall submit an application in accordance with Section [1214.01: Common Review Requirements](#), and with the provisions of this section.

(3) Step 3 – Development Review Committee Review

- A. Upon determination that a conditional use application is complete, the Development Review Committee shall review the application and may distribute the application to other departments or agencies for review and comment.
- B. The Development Review Committee will review the application and provide a summary report of comments to the applicant.
- C. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the Planning Commission without revisions. In all cases, the Development Review Committee will forward their report to the Planning Commission.

(4) Step 4 – Planning Commission Review and Recommendation

- A. The Planning Commission shall hold a public hearing on the conditional use application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. Notification of the public hearing shall be provided in accordance with Section [1214.01\(i\)](#).
- C. See Section [1212.04\(b\)\(4\)](#) for special provisions provided to the Planning Commission as part of a conditional use review.
- D. In reviewing the application, the Planning Commission shall at a minimum, consider the review criteria of this section.
- E. Within 60 days of the close of the public hearing, the Planning Commission shall make a recommendation on the application to City Council. In making its recommendation, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- F. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.

(5) Step 5 – City Council Review and Confirmation or Rejection

- A. City Council shall review the Planning Commission's recommendation at a regularly scheduled meeting or special meeting.
- B. By a majority vote, City Council may:
 - i. Confirm the recommendation of Planning Commission; or
 - ii. Reject the recommendation of the Planning Commission, in which case the application shall be deemed denied.
- C. Failure of City Council to act within 90 days from the date City Council receives the recommendation from the Planning Commission, shall be deemed a confirmation of the Planning Commission's recommendation.

(d) Review Criteria

Decisions on a conditional use application shall be based on consideration of the following review criteria. All conditional uses shall be subject to review under the criteria of this section, as applicable, and may be subject to additional use-specific standards.

- (1) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;
- (2) The proposed use is consistent with the spirit, purpose and intent of the comprehensive land use plan, the general purpose of this code, and the purpose of the zoning district in which the conditional use will be located;
- (3) The proposed use complies with any use-specific standards as may be established for the use;
- (4) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- (5) The proposed use will comply with all applicable development standards;
- (6) The proposed use will be harmonious with the existing or intended character of the general vicinity, and such use will not change the essential character of the same area;
- (7) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- (8) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (9) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (10) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets; and considering the proximity of access drives to street intersections relative to the anticipated volume of traffic.
- (11) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- (12) The establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;
- (13) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible; and
- (14) Wherever no specific areas, frontage, height, or setback requirements are specified for a specific conditional use, then such use shall be subject to the lot and site regulations for the applicable zoning district.

(e) Additional Criteria and Conditions

The Planning Commission may impose such conditions, guarantees, and safeguards as it deems necessary to protect the general welfare and individual property rights, and to ensure that the conditional use will meet the intent and purposes of this code.

(f) Revocation of a Conditional Use Approval

The breach of any condition, safeguard, or requirement shall automatically invalidate the conditional use approval, and shall constitute a violation of this code. Such violation shall be punishable as specified in [Chapter 1244: Enforcement and Penalties](#).

(g) Time Limit

- (1) A conditional use approval shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two years.

- (2) The applicant shall submit a completed application for a zoning permit within one year of the date the conditional use was approved or the approval shall expire.
- (3) Upon expiration of a conditional use approval, a new application, including all applicable fees, shall be required before a conditional use application will be reviewed.
- (4) Upon written request, one extension of one year may be granted by the Code Administrator if the applicant can show good cause for a delay.
- (5) As part of the conditional use approval, the Planning Commission may authorize alternative time limits for zoning permit issuance based on the scale of the proposed development.

(h) Appeals

Any person or entity claiming to be injured or aggrieved by any final action City Council shall have the right to appeal the decision the Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

1214.04 Minor Subdivisions

(a) Purpose

The purpose of the minor subdivision process is to allow for small subdivisions of land, consolidation of lots, or transfer of a portion of a lot to an adjacent lot where there will not be the creation of a new street, dedication of right-of-way, or a need for any public improvements.

(b) Applicability

- (1) For the purposes of these regulations, a minor subdivision is a lot split, lot consolidation (including combination of lots into a zoning lot), or transfer of land between adjacent property owners that complies with all of the following requirements:
 - A. The subdivision shall not result in or create more than five lots, including the remainder of the original lot (e.g., four new lots and the remainder of the original lot);
 - B. The subdivision shall be in compliance with all applicable site development standards in this code or with any approved variance from such standards;
 - C. All lots resulting from the minor subdivision shall have frontage and access on an existing street and shall not require the construction, expansion, or improvement of any street;
 - D. The subdivision shall not require any public improvements or the dedication of rights-of-way;
 - E. The property has been surveyed and a survey sheet or record plan, in the form provided for in this code, and a full legal description of the changes resulting from the split, are submitted with the application; and
 - F. No landlocking of parcels shall occur without adequate reciprocal easement agreements or common ownership arrangements that allow for all parcels to have access to a public right-of-way.
- (2) A minor subdivision also includes the recombination of land, consolidation of lots, transfer of property from one lot to an adjacent lot, and for the dedication of additional land for the widening of existing streets, where no new lots are created.

(c) Minor Subdivision Review Procedure

The review procedure for a minor subdivision shall be as follows:

(1) Step 1 – Application

- A. The applicant shall submit an application in accordance with Section [1214.01: Common Review Requirements](#), and with the provisions of this section.

- B. The application shall include a deed or other instrument of conveyance in compliance containing an accurate and current legal description based on a boundary survey, of each proposed new lot.
- C. If the minor subdivision involves the transfer of land area from one lot to an adjacent lot, both property owners shall be required to authorize the application instruments of conveyance shall be submitted for both resulting lots.

(2) Step 2 – Development Review Committee Review

Upon determination that the application for a minor subdivision is complete, the Development Review Committee shall review the application and may distribute the application to other departments or agencies for review and comment prior to the decision in Step 3.

(3) Step 3 – Review and Decision

- A. Within 30 days of the determination that the application (Step 1) is complete, the Development Review Committee shall review the application and make a recommendation to the Code Administrator who shall have the authority to make the decision to approve or deny the application for a minor subdivision based on the review criteria established below. An extension on the decision may be granted with approval from the applicant.
- B. If the Code Administrator denies an application for a minor subdivision, the Code Administrator shall provide the applicant with written finding for the denial.
- C. If the application is approved, the Code Administrator and City Engineer shall be required to sign the conveyance.

(4) Step 4 – Recording

- A. If the application is approved, the Code Administrator and City Engineer shall sign and date all required deeds in the minor subdivision, or other forms of conveyance allowed by the Lorain County Auditor.
- B. The subdivider shall then be responsible for submitting the signed conveyance with the Lorain County Auditor for the transfer of property and to the Lorain County Recorder for the recording of the lots as legal lots of record and providing a copy of said conveyance to the Code Administrator, after recording.
- C. In the case of a transfer of land between two adjacent lots, the recording of the revised lots shall take place simultaneously.
- D. If the application includes a consolidation of lots to create a zoning lot, then the applicant shall be required to conduct a legal survey of the consolidated lot to submit to the county. See Section [1226.01\(b\)\(2\)](#).
- E. Within 30 days after all required deeds are recorded in the office of the County Recorder, the applicant shall provide the Code Administrator with all new permanent parcel numbers assigned to the new lots by Lorain County.

(d) Review Criteria

In order for a minor subdivision to be approved, the Development Review Committee shall review and make recommendations, and the Code Administrator must determine the following:

- (1) The Development Review Committee unanimously agrees on a recommendation to approve the application;
- (2) That the minor subdivision complies with all applicable provisions of this code including, but not limited to, the development standards of Section [1226.01: Lot and Principal Building Regulations](#);
- (3) That the minor subdivision complies with all other applicable regulations of the City; and

(4) That all valid objections to the minor subdivision raised by the departments of the City have been or will be satisfactorily resolved by the applicant.

(e) Variances

If the proposed subdivision requires a deviation from the minimum site development standards (e.g., lot area, lot width, etc.) or other standards mandated by this code in Section [1226.01: Lot and Principal Building Regulations](#), the applicant will be required to apply for and receive variance approvals (See Section [1214.09: Variances](#).) prior to approval of the minor subdivision.

(f) Time Limit

The minor subdivision approval shall expire one year after the Code Administrator signs and dates the minor subdivision unless the minor subdivision is recorded in the office with the Lorain County Recorder during said period.

(g) Appeals

Any person or entity claiming to be injured or aggrieved by any final action with respect to the proposed minor subdivision shall have the right to appeal the decision to the ZBA as established in Section [1214.11: Appeals](#).

1214.05 Major Subdivisions

(a) Purpose

The purpose of the major subdivision process is to provide a method of review for any subdivision that exceeds the scope of a minor subdivision.

(b) Applicability

Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a minor subdivision in Section [1214.04\(b\)](#), shall be subject to the requirements of this section.

(c) Major Subdivision Review Procedure

The review procedure for a major subdivision shall be as follows:

(1) Step 1 – Pre-Application Meeting (Required)

An applicant shall be required to have a pre-application meeting with the Development Review Committee to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1214.01\(f\)](#).

(2) Step 2 – Application and Filing of the Preliminary Plat

- A. The applicant shall submit an application, including a preliminary plat, in accordance with Section [1214.01: Common Review Requirements](#), and with the provisions of this section.
- B. The preliminary plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.

(3) Step 3 – Development Review Committee Review

- A. Upon determination that the application for a major subdivision is complete, Development Review Committee shall review the application and may distribute the application to other departments or agencies for review and comment.
- B. The Development Review Committee will review the application and provide a summary report of comments to the applicant.

- C. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the Planning Commission without revisions. In all cases, the Development Review Committee will forward their report to the Planning Commission.
- (4) Step 4 – Review and Recommendation on the Preliminary Plat by the Planning Commission**
- A. The Planning Commission shall review the preliminary plat application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
 - B. In making its recommendation, the Planning Commission shall approve, approve with conditions, or deny the preliminary plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.
 - C. The Planning Commission shall make a recommendation within 60 days of the filing of the preliminary plat (Step 2) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within the 60 days or there is no agreement for an extension of time, the application for a preliminary plat will be considered approved.
- (5) Step 5 – Review and Decision on the Preliminary Plat by City Council**
- A. The City Council shall review the preliminary plat application at its next regularly scheduled meeting, or at a special meeting, following the receipt of recommendation from the Planning Commission
 - B. In making its decision, the City Council shall approve, approve with conditions, or deny the preliminary plat. The City Council may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.
 - C. The City Council shall make a decision within 60 days of the filing of the preliminary plat (Step 2) unless the City Council and subdivider agree to an extension of this time frame. If the City Council fails to act within the 60 days or there is no agreement for an extension of time, the application for a preliminary plat will be considered approved.
 - D. If the City Council denies the preliminary plat, the applicant shall not move forward in the review process until a preliminary plat is approved by the City Council.
 - E. In the event the City Council denies the preliminary plat or approves with conditions, the Code Administrator, on behalf of the City Council shall provide the subdivider with a statement in writing setting forth the reasons for the denial or the conditions of approval.
 - F. Approval of the preliminary plat by the City Council does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and improvement plans.
- (6) Step 6 – Submission of Improvement Plans and Final Plat**
- A. The applicant shall submit the final plat and related improvement plans and specifications in accordance with [Section 1214.01: Common Review Requirements](#), and with the provisions of this section. The submission of the improvements plans may occur prior to the final plat or simultaneously. Such improvement plans must be approved prior to the final plat’s review by Planning Commission.

- B. The submission shall also include a subdivider's agreement in conformance with Section [1238.05: Subdivider's Agreement](#). Such agreement shall be considered a part of the improvement plans and must be approved with such improvement plans.
 - C. If a preliminary plat has been previously approved, the final plat shall have incorporated all changes required in the preliminary plat approval.
 - D. The applicant shall submit all necessary improvement plans, subdivider's agreement (See Section [1238.05: Subdivider's Agreement](#).), and a final plat for review within two years of the decision on the preliminary plat unless an alternative schedule is approved as part of the preliminary plat approval or the subdivider can show just cause for extending the deadline. For phased subdivisions, the deadline shall apply to the first phase of the subdivision. Failure to submit the final plat within this time frame shall void the preliminary plat approval and the subdivider will be required to submit a new application in accordance with these regulations.
 - E. If the applicant proposes to provide a financial guarantee for the public improvements in lieu of installing all public improvements prior to approval of the final plat, the applicant shall be required to provide all information required as part of Section [1238.06: Pavement Guarantee and Financial Guarantees](#).
 - F. Upon determination by the Code Administrator that the improvement plans and final plat has been properly submitted, the final plat shall be accepted as being filed.
 - G. In cases where the applicant proposes to develop the subdivision in phases, the final plat and improvement plans shall be submitted for each individual phase.
 - H. The final plat and improvement plans shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.
- (7) Step 7 – Development Committee Review on the Final Plat and Improvement Plans**
- A. Upon determination that the submission of the final plat and improvement plans, including the subdivider's agreement, is complete, the Development Review Committee shall review the application and plans, and may distribute the application and plans to other departments or agencies for review and comment.
 - B. The Development Review Committee will review the application and provide a summary report of comments to the applicant.
 - C. Upon receipt of comments, the applicant shall have the option to make revisions to the final plat and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the Planning Commission without revisions. In all cases, the Development Review Committee will forward their report to the Planning Commission.
 - D. The Director of Public Works shall have the authority to make a decision on the improvement plans and subdivider's agreement prior to review of the final plat by Planning Commission and City Council based on comments and revisions suggest by the Development Review Committee and other agencies having jurisdiction.
 - E. **Construction of Improvements**
All improvements shall be constructed in accordance with the subdivider's agreement in Section [1238.05: Subdivider's Agreement](#).
- (8) Step 8 – Review and Recommendation on the Final Plat by the Planning Commission**
- A. The Planning Commission shall review the final plat at its next regularly scheduled meeting, or at a special meeting, after the final plat is submitted and determined to be complete.

- B. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the final plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily answered by the applicant.
- C. The Planning Commission shall make a recommendation within 60 days of the filing of the final plat (Step 6) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within the 60 days or there is no agreement for an extension of time, the application for a preliminary plat will be considered approved.
- D. If the Planning Commission denies the final plat, the applicant shall not move forward in the review process until a final plat has a recommendation for approval by the Planning Commission.

(9) Step 8 – City Council Review and Decision on Final Plat and Acceptance of Improvements by City Council

- A. The City Council shall review the final plat at its next regularly scheduled meeting, or at a special meeting, following the review and recommendation from the Planning Commission (Step 8).
- B. The City Council shall make a decision within 60 days of the receiving the final plan and recommendation from the Planning Commission unless the City Council and subdivider agree to an extension of this time frame. If the City Council fails to act within the 60 days or there is no agreement for an extension of time, the application for a preliminary plat will be considered approved.
- C. If City Council denies the final plat, the applicant shall not move forward in the review process until a final plat and the improvement plans are approved by City Council.
- D. The City, through action by the City Council, may approve the final plat and accept public improvements made by a subdivider that meet the following conditions:
 - i. The public improvements have been made in accordance with the requirements of this code, and any other manuals or documents referenced in [Section 1238.03: Conformity with Plans and Regulations](#) ;
 - ii. Installation of the public improvements has been completed in accordance with the applicable design standards;
 - iii. All final inspections required by these regulations have been carried out by the City, and said public improvements were found to be acceptable by the Code Administrator; and
 - iv. After all public improvements have been installed to the satisfaction of the City, the subdivider shall submit an original copy of as-built improvement plans (showing how all public improvements were actually installed) to the Code Administrator in a format acceptable to the Code Administrator.
- E. After all public improvements have been installed in accordance with the subdivider's agreement and these regulations and the subdivider has complied with this section, the City Council may, by ordinance, accept the public improvements for maintenance with any applicable financial guarantee.

(10) Step 9 – Disposition of Approved Plat and Recordation

- A. All required deeds, agreements, and other required legal instruments shall be submitted to the Code Administrator within 45 days from the date of the Planning Commission's approval or such approval shall thereafter be rendered null and void.

- B. Before an approved plat can be recorded, it shall be signed by the Code Administrator, the Clerk of Council and the Law Director only provided that all conditions imposed by the Planning Commission and Council, as applicable, have been met. Any plat recorded which has not been approved according to the regulations in this chapter shall be considered invalid.
- C. The subdivider shall then be responsible for submitting the signed plat to the Lorain County Recorder for the recording of the lots as legal lots of record and providing a copy of said plat to the City after recording.
- D. The approval of a plat shall expire within 120 days after City Council approval is effective unless the plat has been duly filed and recorded, by the applicant as required by law.

(d) Review Criteria

In order to approve a major subdivision, the Planning Commission and City Council, as appropriate, shall determine the following:

- (1) That the major subdivision complies with all applicable provisions of this code;
- (2) That the major subdivision does not conflict with other regulations, plans, or policies of the City;
- (3) That the proposed subdivision is designed to be harmonious with the existing immediate or surrounding area or in keeping with the intended character of such area;
- (4) That the proposed streets are in accordance with the Master Thoroughfare Plan and have been coordinated with existing streets and that adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion in public streets;
- (5) That the proposed subdivision will not adversely affect the delivery of governmental services;
- (6) That any comments from applicable review agencies been adequately considered and addressed by the applicant; and
- (7) That the final plat and improvement plans conform to the approved preliminary plat, if submitted and approved.

(e) Amendments and Withdrawal of Application

- (1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning Commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission.
- (2) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plat, if submitted, is not workable and changes in layout are required, the applicant shall inform the Code Administrator. The Code Administrator may require that a revised preliminary plat be submitted for re-approval following the review procedure in Section [1214.05\(c\)](#), above if the changes significantly alter the design of the subdivision. If the proposed changes are technical or minor and do not substantively alter the approved preliminary plat, the Code Administrator may approve the revisions. Failure to submit and receive approval of a revised preliminary plat shall void approval of the preliminary plat and any new submission shall be subject to a new application.
- (3) During the final plat process, the Code Administrator are authorized to allow minor changes related to the public improvements or design where there is minimal impact to the overall design of the subdivision. This shall not give the Code Administrator the authority to vary the requirements of this code.

- (4) Before approval of the final plat, the submitted plat may be withdrawn or modified. If modified, the review process shall be repeated. If the application is withdrawn, any application fees shall be forfeited.
- (5) If during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved improvement plans, the subdivider shall submit the modified improvement plans (which have now become as-built drawings) to the Code Administrator, who, if in agreement with such modifications, shall sign these drawings to indicate approval of the modifications. If the Code Administrator does not approve the modifications, the applicant shall be required to bring the improvements into compliance with the approved improvement plans or the City may utilize the financial guarantee to correct the issue.

(f) Subdivision Modifications

(1) Purpose

The purpose of a subdivision modification is to provide limited relief from standards that apply to the subdivision of land including standards for improvements. Subdivision modifications are intended for those cases where strict application of a particular requirement will create a practical difficulty or extraordinary hardship prohibiting the use of land in a manner otherwise allowed under these regulations. It is not intended that modifications be approved merely to remove inconveniences or financial burdens that the requirements of these regulations may impose on property owners or subdividers in general.

(2) Applicability

- A. If the proposed subdivision requires a deviation from the minimum site development standards (e.g., lot area, lot width, etc.) or other standards identified in [Section 1226.01: Lot and Principal Building Regulations](#), the applicant will be required to apply for and receive all the necessary variance (See [Section 1214.09: Variances](#).) approvals prior to approval of a preliminary plat.
- B. If the applicant seeks a modification of standards required by [Chapter 1238: Subdivision Design Standards](#), then the request for a modification shall be accomplished through the procedure outlined in this section.

(3) Subdivision Modification Review

- A. A request for a subdivision modification shall be reviewed as part of the preliminary plat review procedure.
- B. The Planning Commission shall review the subdivision modification application at a public hearing that shall be noticed in accordance with [Section 1214.01\(i\)](#).
- C. In reviewing the application, the Planning Commission shall at a minimum, consider the review criteria of this section.
- D. The Planning Commission shall review the request and may approve, approve with conditions, or deny the request to modify any or all of the modifications.
- E. In approving a modification, the Planning Commission may impose conditions on the approval as it determines are required to ensure compliance with the provisions and purpose of these regulations.
- F. If the preliminary plat is denied or if the approval of the preliminary plat expires, so does the approval of the subdivision modification. Any future request for preliminary plat approval that includes the same modifications shall require a new review and decision on the request for modifications.

(4) Review Criteria

The review criteria for a subdivision modification shall be the same as those for a variance as established in Section [1214.09\(c\)](#).

(g) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the ZBA as established in Section [1214.11: Appeals](#).

1214.06 Site Plans

(a) Purpose

The purpose of the site plan review procedure is to ensure that multi-family residential development and all nonresidential developments comply with the development and design standards of this code. Zoning permits for any building, structure, expansions, or use of land subject to this section, shall not be issued without an approved site plan.

(b) Applicability

The following forms of development shall require site plan review by the Planning Commission in accordance with this section:

- (1) New construction, structural alterations, and site improvements of all uses in nonresidential zoning districts and in R-2 and R-3 Districts;
- (2) All conditional uses, in all zoning districts;
- (3) Improvements to public property;
- (4) Any proposal to alter, reconstruct, or otherwise modify any existing or previously approved site plan for a permitted use, conditional use, or similar use that increases the number of dwelling units in a multi-family development; or changes the use in a manner which requires an increase in the amount of parking or a change in the site's circulation.

(5) Exemptions

The following forms of development within the above zoning districts shall be exempt from site plan review:

- A. Single-family dwellings; and
- B. Re-occupancy of an existing building or the internal construction or change in floor area of a building or structure that does not increase the gross floor area, increase the intensity of use, or affect parking or landscaping requirements on a site that meets all of the development standards of this code; and
- C. Accessory and temporary uses as established in [Chapter 1224: Accessory and Temporary Use Regulations](#).

(c) Site Plan Review Procedure

The site review procedures shall proceed as follows:

(1) Step 1 – Pre-Application Meeting (Required)

An applicant shall be required to have a pre-application meeting with the Development Review Committee to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1214.01\(f\)](#).

(2) Step 2 – Application

The applicant shall submit an application in accordance with Section [1214.01: Common Review Requirements](#), and with the provisions of this section.

(3) Step 3 – Development Review Committee Review

- A. Upon determination that a site plan application is complete, the Development Review Committee shall review the application and may distribute the application to other departments or agencies for review and comment.
- B. The Development Review Committee will review the application and provide a summary report of comments to the applicant.
- C. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the Planning Commission without revisions. In all cases, the Development Review Committee will forward their report to the Planning Commission.

(4) Step 4 – Planning Commission Review and Decision

- A. The Planning Commission shall review the site plan application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete. If the site plan application includes an application for alternative equivalency review (See Section [1214.06\(e\)](#).), then such applications shall be simultaneously reviewed as part of this procedure.
- B. In reviewing the application, the Planning Commission shall at a minimum, consider the review criteria of this section.
- C. Within 60 days of the Code Administrator determining that the application is complete, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- D. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.

(d) Review Criteria

In order to approve a site plan, the Planning Commission shall determine that:

- (1) The proposed development is consistent with all the requirements of this code, and other related codes and ordinances of the City;
- (2) The proposed development is in compliance with the applicable zoning district regulations;
- (3) The proposed development complies with any established standards or requirements in the approved comprehensive land use plan or thoroughfare plan;
- (4) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., previously approved planned developments, conditional use approvals, variance approvals, etc.);
- (5) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;
- (6) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
- (7) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- (8) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- (9) Upon review and recommendation of the Code Administrator, points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;

- (10) Adequate provision is made for emergency vehicle access and circulation; and
- (11) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

(e) Alternative Equivalency Review

(1) Purpose

Alternative equivalency review is a procedure that allows applicants to propose unique design options as an alternative to a development standard established in this code provided it meets or exceeds the intent of the design-related provisions. It is not a variance, waiver, or weakening of regulations; rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this code. Alternative equivalency review shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

(2) Applicability

- A. The alternative equivalency review procedure shall be available only for the following sections of this code:
 - i. Setbacks and yards as established in Section [1226.01: Lot and Principal Building Regulations](#) provided the adjustment to the setback or yard is less than 20 percent of the applicable requirements.
 - ii. Section [1226.03: Fences and Walls](#)
 - iii. Section [1226.04: Outdoor Lighting](#)
 - iv. [Chapter 1228: Architectural Standards](#)
 - v. [Chapter 1232: Landscaping and Screening Standards](#)
 - vi. [Chapter 1234: Parking, Access, and Mobility Standards](#)
- B. Where an applicant is seeking a variance of standards that is not an alternative equivalency review, such application shall comply with Section [1214.09: Variances](#).

(3) Review Timing and Decisions

- A. A request for alternative equivalency review shall be made concurrently with the applicable site plan application.
- B. The Planning Commission shall have the authority to work with an applicant on an alternative equivalency approach to meeting the applicable standards as part of site plan review, regardless if a formal application is made.
- C. The Planning Commission shall have the authority to approve, approve with conditions, or deny the alternative equivalency review application. Such action shall be separate from the decision on the applicable site plan application.

(4) Review Criteria

Decisions on an alternative equivalency review application shall be based on consideration of the following criteria:

- A. That the proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;
- B. That the proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;
- C. That the proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; and
- D. That the proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this code.

(5) Conditions

The Planning Commission may impose conditions on an approval for alternative equivalency review provided such conditions are related to ensuring the performance of the alternative equivalency review to meet or exceed the subject standard. Such conditions may include, required timeframes, amendments or revisions to the proposal, or the ability to revoke an approval for alternative equivalency review.

(6) Decisions

Any decision on an alternative equivalency review application shall not be binding on the City related to future applications requesting an alternative to any of the applicable standards. Each case shall be reviewed and decided upon based on the individual circumstances.

(7) Time Limit

- A. An approval of an alternative equivalency review application shall expire if the site plan approval or zoning permit approval such alternative equivalency review application is associated with expires.
- B. Upon expiration of an alternative equivalency review approval, a new application, including all applicable fees, shall be required before a new application will be reviewed.

(8) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the ZBA as established in Section [1214.11: Appeals](#).

(f) Significance of an Approved Site Plan

- (1) An approved site plan shall become, for the proposed development, a binding commitment of the specific elements approved for development. The approved site plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit.
- (2) All construction and development under any zoning permit and building permit shall be in accordance with the approved site plan. Any departure from such plan shall be cause for revocation of the zoning permit and/or building permit, and the property owner or other responsible parties are subject to penalties as prescribed by this code.

(g) Time Limit

- (1) The applicant shall submit a completed application for a zoning permit within one year of the date the site plan was approved or the site plan approval shall expire.
- (2) Upon expiration of a site plan approval, a new application, including all applicable fees, shall be required before a new site plan will be reviewed.
- (3) Upon written request, one extension of six months may be granted by the Code Administrator if the applicant can show good cause for a delay.
- (4) The Planning Commission may authorize alternative time limits for zoning permit issuance, as part of its approval, based on the scale of the proposed development.

(h) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the ZBA as established in Section [1214.11: Appeals](#).

1214.07 Certificate of Appropriateness (COA)

(a) Purpose

The purpose of the COA is to provide a procedure by which to review construction, renovation, expansion, and demolition projects within a locally or nationally designated historic district or for locally or nationally designated historic properties. In an effort to preserve the character of these properties and districts, the City has established reasonable development standards and design guidelines for buildings and structures and this procedure allows for a comprehensive review of the activities against the adopted standards and guidelines.

(b) Applicability

- (1) No person shall make any exterior construction, reconstruction, alteration, or demolition of a structure on any property within a locally or nationally designated historic district or on a locally or nationally designated historic property unless a COA has been approved by the HPC and a zoning permit, if required, has also been issued.
- (2) Minor site improvements such as the establishment of a paved surfaces with less than 200 square feet of surface areas, landscaping, or other minor site work or changes to components of a property not specifically identified by the ordinance that applies to the historic district or property, shall not require a COA.
- (3) Projects and activities that are exempt from the COA review procedure include:
 - A. The reconstruction, alteration or demolition of a structure or feature which has been ordered by the Chief Building Official upon certification of an unsafe condition constituting an emergency
 - B. Painting or general maintenance of a structure that does not alter exterior architectural features including not altering the materials or color of such architectural features;
 - C. Changes in occupancy not involving structural or exterior work; and
 - D. Any interior renovations which will not alter and/or affect the exterior elevations and facade of the building or structure or any architectural features that are visible from the outside.

(c) COA Review Procedure

The review procedure for a COA shall be as follows:

(1) Step 1 – Pre-Application Meeting (Optional)

An applicant may request to have a pre-application meeting with the HPC to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1214.01\(f\)](#).

(2) Step 2 - Application

- A. The applicant shall submit an application in accordance with Section [1214.01: Common Review Requirements](#), and with the provisions of this section.
- B. In making application, the Code Administrator or the HPC may request that the applicant provide exhibits, sketches, examples of materials, renderings, or other documentation to assist in their decision.

(3) Step 3 - Staff Review

Upon determination that a COA application is complete, the Code Administrator shall refer the application to the HPC.

(4) Step 4 – HPC Review and Decision

- A. The HPC shall review the COA application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. The HPC shall at a minimum, consider the review criteria of this section.
- C. Notification of the public meeting shall be provided in accordance with Section [1214.01\(h\)](#).
- D. Within 60 days after the COA application is determined to be complete or is forwarded to them by the Code Administrator, the HPC shall hold a public meeting to review the application and make a decision on the application. In making its decision, the HPC may approve, approve with modifications, or deny the application. The HPC shall make every effort to work with the applicant within this time period to develop a proposal that the HPC can approve or approve with modifications.
- E. If a COA is denied, the City shall not issue any permits that would allow modifications for which the COA was denied. In cases where the HPC has denied a COA, the HPC shall state the reasons for such disapproval in writing and transmit the written statement to the applicant together with any recommendation the HPC may have made for appropriate changes.
- F. If the HPC fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.
- G. If a zoning permit is required for the subject work, the applicant may proceed with applying for the zoning permit following approval of the COA. Such zoning permit applications shall comply with the COA approval and any related modifications.

(d) Determining the Significance of a Structure

- (1) When making decisions or recommendations about changes to structures in the applicable historic districts or on historic properties, the HPC shall have the authority to make a determination of the historical or architectural significance of the structure based on this section.
- (2) For structures that the HPC finds are not historically or architecturally significant, the HPC may relax or waive the standards or guidelines that apply to the project.
- (3) If the HPC finds that the structure is historically or architecturally significant, the standards and guidelines of this code shall be fully applied as determined by the HPC.
- (4) The HPC shall determine whether a structure or site is significant based on the structure's:
 - A. Value as a reminder of the cultural, historical, or archaeological heritage of the City, State, or nation;
 - B. Location as a site of a significant local, State, or national event;
 - C. Identification with a person or persons who significantly contributed to the development of the City, State, or nation;
 - D. Identification as the work of a master builder, designer, or architect whose individual work has influenced the City, State, or nation;
 - E. Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;
 - F. Example of an architectural style or period; and/or
 - G. Character as a contributing element in a locally or nationally designated historic district.

(e) Review Criteria

Decisions on a COA application shall be based on consideration of the following criteria:

- (1) The proposed development is in compliance with all the requirements of this code and other related codes and ordinances enforced by the City;
- (2) The proposed development incorporates any applicable standards or guidelines (See Section [1228.05\(b\)](#)), to the maximum extent feasible;
- (3) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., PUD approvals, RPD approvals, conditional use approvals, variance approvals, etc.); and
- (4) There is no feasible and prudent alternative alteration or change which would conform to the guidelines, and adhering to the guidelines would deny the owner a reasonable rate of return on the real property or amount to a taking of property without just compensation.

(f) Denial of a COA Application for Demolition

In the case of a denial of a COA for demolition:

- (1) The HPC and applicant shall undertake meaningful and continuing discussion to find a means of preserving the property.
- (2) If the applicant fails to meet with the HPC in good faith and at specified times, then denial of the application will stand.
- (3) After meeting with the applicant, if the HPC determines that denial would create a substantial hardship to the applicant, it shall propose a compromise which relieves the hardship, if it exists.
- (4) If, after meeting with the applicant, the HPC has not reached a compromise with the applicant that relieves substantial hardship, then the applicant may appeal the decision, within 30 days of the said meeting, directly to the City. City Council may affirm, modify or reverse the HPC's decision.
- (5) In the specific cases of demolition, the HPC may delay a decision for up to 180 days upon finding that a structure is of such importance that alternatives to demolition should be actively pursued by both the HPC and the applicant. Alternate steps to be investigated include, but are not limited to:
 - A. Consultation with civic groups, public agencies and interested citizens;
 - B. Recommendations for acquisition of the property by public or private bodies; and
 - C. Exploration of the possibility of moving one or more structures or other features.

(g) Compliance and Modifications of a COA

- (1) The Code Administrator shall review the construction drawings, final plans, and other similar documents for compliance with an approved COA, any conditions attached thereto, and any approved or required modifications thereof.
- (2) If it is determined that a deviation from an approved COA is planned or constructed, a stop work order shall be issued by the Code Administrator.
- (3) The Code Administrator and the HPC Chair together shall determine the impact of the modification with regard to the intent of an approved COA. Such determination shall be made within 72 hours following the issuance of a stop work order, if possible.
- (4) Any modification may be approved administratively and the stop work order lifted if the Code Administrator and the HPC Chair determine that it is a minor modification to the approved COA.
- (5) Any modification that is determined to be a major modification or that does not satisfy the intent of the approved COA will require a new application for a COA. The stop work order shall not be lifted until the new application has been heard and approved by the HPC.

(h) Time Limit

- (1) The applicant shall submit a completed application for a zoning permit within one year of the date the COA was approved or the approval shall expire. The date of approval shall be the date the Code Administrator issues the COA.
- (2) Upon expiration of a COA, a new application, including all applicable fees, shall be required before a new application will be reviewed.
- (3) Upon written request, one extension of one year may be granted by the HPC if the applicant can show good cause for a delay.
- (4) The HPC may authorize alternative time limits for zoning permit issuance based on the scale of the proposed development.

(i) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the HPC shall have the right to appeal the decision to the City Council in a manner similar to the appeals process established for the ZBA in Section [1214.11: Appeals](#).

1214.08 Designation of Historic Landmarks and Historic Districts**(a) Purpose**

The purpose of this designation procedure is to provide a clear method by which certain sites, buildings, and larger districts are considered for formal designation as a historic landmark or historic district within the City of Avon Lake, subject to enhanced review to ensure that the sites, buildings, or districts retain their historic significance.

(b) Historic Landmark and Historic District Designation Procedure

The review procedure for the designation of a historic landmark or historic district shall be as established in this section.

(1) Step 1 – Nomination

- A. The nomination for a single property, structure, landscape, site element or object in the City for historic landmark designation may be initiated by any of the following with written consent from all property owners specified in the nomination:
 - i. The owner of any property included in the nomination;
 - ii. One or more HPC members;
 - iii. One or more City Council members;
 - iv. The Mayor; or
 - v. An organization or individual with a stated interest.
- B. The nomination for an area to in the City for historic district designation may be initiated by a petition signed by the owners of no less than 75 percent of the total square footage of the area to be included in the district and shall include verification of such requirements with reference to the Lorain County Auditor's real property records.

(2) Step 2 – HPC Review and Recommendation

- A. The HPC shall review the nomination at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. Within 60 days after the nomination is determined to be complete, the HPC shall consider the nomination and forward the nomination and the HPC's recommendation to the Planning Commission.

(3) Step 3 – Planning Commission Review and Recommendation

- A. The Planning Commission shall hold a public hearing on the nomination at its next regularly scheduled meeting, or at a special meeting, after the HPC’s recommendation.
- B. Notification of the public hearing shall be provided in accordance with Section [1214.01\(i\)](#).
- C. The applicant(s) shall be exempt from the Planning Commission agenda fee.
- D. Within 60 days after HPC makes its recommendation (Step 2), the Planning Commission shall consider the nomination and the HPC recommendation and recommend to City Council that the nomination be approved, approved with some modification, or denied.

(4) Step 4 – City Council Review and Decision

- A. The City Council shall hold a public hearing on the nomination at its next regularly scheduled meeting, or at a special meeting, after the Planning Commission’s recommendation.
- B. Notification of the public hearing shall be provided in accordance with Section [1214.01\(i\)](#).
- C. Within 60 days after the Planning Commission makes a recommendation (Step 3), City Council shall consider the nomination, the HPC’s recommendation, and the Planning Commission’s recommendation and make one of the following decisions:
 - i. Approve the nomination as requested and designate the landmark or district as a historic property. Approval shall require a two-thirds majority to override a proposal previously denied by the Planning Commission; or
 - ii. Deny the proposal.
- D. After a decision by City Council, the Clerk of Council shall notify all persons known to have a legal or equitable interest in said property. The Planning Commission, the Code Administrator, and HPC shall also be notified.
- E. The Clerk of Council shall notify any appropriate county, State or Federal offices after a designation is approved. The Clerk of Council shall cause to be recorded in the office of the Lorain County Recorder a copy of each ordinance designating a preservation district or landmark.
- F. Designation of a historic district or landmark shall be considered a district overlay with the regulations of the underlying zoning district remaining in effect for any property designated as a landmark or included in a historic district.
- G. Following the designation of the landmark property, the HPC may place or cause to be placed on such landmark an official City plaque, indicating that such property or part thereof has been designated a landmark in the City. In case of designation of a district, the HPC may place or cause to be placed official City plaques at appropriate location(s) near all entranceways to the new district. Plaques shall be installed subject to the provisions of [Chapter 1236: Sign Standards](#). These official plaques shall remain the property of the City.

(c) Review Criteria

In considering the designation of any building, structure, site, work of art or object as a landmark or any area which contains within definable geographic boundaries, buildings, structures or sites of historic architectural or archaeological significance as a historic district, the HPC shall apply the following criteria:

- (1) The character, interest or value of the area, property, or site as part of the development, heritage or cultural characteristics of the city, state, or nation;

- (2) The location as a site of a significant historic event;
- (3) The identification with a person or persons significant in our past;
- (4) The exemplification by the area, property, or site of the cultural, economic or social heritage of the city, state, or nation;
- (5) The portrayal of a group of people in an era of history, characterized by a distinctive architectural style;
- (6) The embodiment of distinguishing characteristics of a building type or architectural style;
- (7) The embodiment of elements of architectural design, detail, materials or craftsmanship, which represent architecture of significant character;
- (8) The identification as the work of an architect or master builder whose work has influenced the city, state, or nation;
- (9) The potential to yield information important in prehistory or history; and
- (10) A unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood or of the City.

1214.09 Variances

(a) Purpose

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

(b) Variance Review Procedure

The review procedure for a variance shall be as follows:

(1) Step 1 – Application

The applicant shall submit an application in accordance with Section [1214.01: Common Review Requirements](#), and with the provisions of this section.

(2) Step 2 – Staff Review

- A. Upon determination that a variance application is complete, the Code Administrator shall distribute the application, and all related plans, to applicable city departments for internal review.
- B. The Code Administrator will provide the ZBA with a summary of comments received from the city departments.
- C. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the ZBA or may request that the application be forwarded to the ZBA without revisions.

(3) Step 3 – ZBA Review and Decision

- A. The ZBA shall hold a public hearing within 45 days of the filing of the variance application provided adequate notification is provided pursuant to Section [1214.01\(i\)](#).
- B. In reviewing the application, the ZBA shall at a minimum, consider the review criteria of this section.
- C. The ZBA may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for a variance.

- D. In making its decision, the ZBA may approve, approve with modifications or supplementary conditions, or deny the application.
- E. In making its decision, the ZBA shall make specific findings of fact based directly on the particular evidence presented that the reasons set forth in the application and as presented by the applicant during the public hearing, justify the approval, approval with modifications or supplementary conditions, or denial of the variance application that will make possible a reasonable use of the land, building, or structure.
- F. Within 60 days of the close of the public hearing, the ZBA shall render a decision on the variance application. The Code Administrator shall notify the appellant in writing of the decision of the ZBA.
- G. If the ZBA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.
- H. The decision of the ZBA shall become effective immediately.
- I. In approving a variance, the ZBA may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as it determines are required to be ensure compliance with the standards of this section and the purpose of this code. Any conditions established by the ZBA shall relate directly to the requested variance.
- J. Any violation of the conditions of approval shall be a violation of this code, subject to the enforcement and penalties of [Chapter 1244: Enforcement and Penalties](#).

(c) Review Criteria

(1) Area or Dimensional Variance

Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the ZBA to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

- A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or proximity to non-conforming and inharmonious uses, structures or conditions;
- B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- F. Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);
- G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

- H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;
- I. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and
- J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

(2) Use Variance

In order to grant a use variance, the ZBA shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- C. The hardship condition is not created by actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);
- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- E. If there is an existing building on the lot, such building, due to its design, cannot be reasonably reused for a permitted use in the district;
- F. The granting of the variance will not adversely affect the public health, safety or general welfare;
- G. The variance will be consistent with the general spirit and intent of this code; and
- H. The variance sought is the minimum that will afford relief to the applicant.

(d) Time Limit

- (1) The applicant shall submit a completed application for a zoning permit and start work within one year of the date the variance was approved or the approval shall expire.
- (2) Upon expiration of a variance approval, a new application, including all applicable fees, shall be required before a variance application will be reviewed.
- (3) Upon written request, one extension of one year may be granted by the Code Administrator if the applicant can show good cause for a delay.
- (4) As part of the variance approval, the ZBA may authorize alternative time limits for zoning permit issuance based on the scale of the proposed development.

(e) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the ZBA shall have the right to appeal the decision the Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

1214.10 Zoning Permit

(a) Purpose

A zoning permit shall be required in accordance with the provisions of this section in order to ensure that proposed development complies with the standards of this code, and to otherwise protect the public health, safety, and general welfare of the citizens of the City.

(b) Applicability

- (1) No building or other structure shall be erected, moved, altered or added to, nor shall any building, structure or land be used without a zoning permit issued by the Code Administrator.
- (2) Any change in use within an existing building shall require a zoning permit with the exception that a change in tenancy or ownership of a residential dwelling unit shall not be required to receive a zoning permit.
- (3) A zoning permit may be required for the establishment of certain temporary or accessory use as established in [Chapter 1224: Accessory and Temporary Use Regulations](#).
- (4) The use of vacant land shall require the issuance of a zoning permit.
- (5) Unless otherwise specifically exempted in Section [Chapter 1236: Sign Standards](#), signs shall require a zoning permit.
- (6) Zoning permits shall be issued only in conformity with the provisions of this code unless the application is subject to an approval by the ZBA or Planning Commission providing for additional standards, conditions, or modifications, in which case, the zoning permit shall be issued in conformity with the provisions of those approvals, as applicable.
- (7) Failure to obtain a zoning permit shall be a violation of this code subject to the provisions of [Chapter 1244: Enforcement and Penalties](#).

(c) Terminology

For the purposes of this code, the zoning permit review shall be an administrative review that may be applied to permits or certificates of other names (e.g., sign permits, temporary use permits, zoning occupancy permit, etc.) if stated in this code. In such cases, the procedure of this section shall still apply.

(d) Zoning Permit Review Procedure

The review procedure for a zoning permit shall be as follows:

(1) Step 1 – Application

The applicant shall submit an application in accordance with Section [1214.01: Common Review Requirements](#), and with the provisions of this section.

(2) Step 2 – Code Administrator Review and Decision

- A. The Code Administrator may distribute the application to other staff members and other City departments to solicit comment on the zoning permit application.
- B. For any zoning permit application for development or applicable activities in a special flood hazard area, the Code Administrator shall be required to also review and make a decision on the zoning permit application as it relates to any flood-related regulations.
- C. Within 30 days after the application is determined to be complete, the Code Administrator shall make a decision either approving or denying the permit application. An extension on the decision may be granted with approval from the applicant. Where the proposed development is within a special flood hazard area, the Code Administrator shall be required to make a decision within the same timeframe.

- D. Prior to finalizing approval of the application, the Code Administrator shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance. The application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the Code Administrator.

(e) Review Criteria

In order to approve any zoning permit, the Code Administrator shall determine the following:

- (1) The application complies with all applicable provisions of this code and the applicable zoning district; and
- (2) The application complies with all approved plans, conditions, or other development approvals.

(f) Time Limit and Abandoned or Suspended Work

- (1) The applicant shall obtain an approved building permit, and begin construction, within one year of the date the zoning permit is approved or the approval shall be revoked. The date of approval shall be the date the Code Administrator provides a signed copy of the permit to the applicant.
- (2) For activities that do not require a building permit, the activity shall have been substantially begun within one year of approval and is thereafter pursued to completion, as determined by the Code Administrator.
- (3) The deadlines in paragraph (1) or (2) may be reduced if the work is mandated by this code or by order of the Code Administrator or ZBA. In such cases, the deadline for construction shall be noted on the zoning permit.
- (4) Time limits for permitted temporary uses and structures shall be as authorized in [Section 1224.02: Temporary Uses and Structures](#). An approval of a zoning permit for a temporary use shall include the approved start and end dates for the proposed temporary use.
- (5) If construction activities for which a zoning permit has been issued are abandoned or suspended for a period of six months after the time of commencing the work, the zoning permit approval shall be revoked. Abandonment shall be defined as the lack of building activity or progress towards achieving the scope of work defined in the zoning permit.
- (6) Upon written request, up to two extensions of six months may be granted by the Code Administrator if the applicant can show good cause for a delay.
- (7) The Code Administrator shall notify the application of the revocation of a zoning permit including notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.
- (8) Upon revocation of a zoning permit approval, a new application, including all applicable fees, shall be required before a new zoning permit application will be reviewed.
- (9) The above time limits shall not apply if alternative time limits have been approved by Planning Commission or City Council as part of a site plan or Planned Unit Development approval.
- (10) For the purposes of this section, construction is deemed to have begun when all necessary excavation and piers or footings for one or more principal buildings included in the plan shall have been completed.

(g) Revoking a Zoning Permit

A zoning permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the ZBA in accordance with Section [1214.11: Appeals](#), of this code.

(h) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the Code Administrator shall have the right to appeal the decision to the ZBA as established in Section [1214.11: Appeals](#).

1214.11 Appeals

(a) Purpose

This section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this code.

(b) Applicability

- (1) An appeal may be made regarding any administrative decision made in the administration and enforcement of this code including administrative decisions by the Planning Commission or Code Administrator.
- (2) An appeal may not be made to the ZBA when the Planning Commission is making a recommendation to City Council as part of a legislative action such as a code text or map amendment.

(c) Initiation

Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.

(d) Appeals Review Procedure

The review procedure for appeals shall be as follows:

(1) Step 1 – Submission of Appeal

Within 30 days of the administrative order, decision, determination, or interpretation, the person appealing the decision or their authorized agent shall submit all required information to the Code Administrator in accordance Section [1214.01: Common Review Requirements](#).

(2) Step 2 – Forwarding of the Record to the ZBA

Upon receiving the written appeal of an administrative decision or determination, the Code Administrator shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the ZBA. This material shall constitute the record of the appeal.

(3) Step 3 – ZBA Review and Decision

- A. The ZBA shall hold a public hearing within 45 days of the filing of the appeal provided adequate notification is provided pursuant to Section [1214.01\(i\)](#).
- B. In reviewing the appeal, the ZBA shall at a minimum, consider the review criteria of this section.
- C. Within 60 days of the close of the public hearing, the ZBA shall render a decision on the appeal. The Code Administrator shall notify the appellant in writing of the decision of the Board.

- D. If the ZBA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.
- E. The decision of the ZBA shall become effective immediately.

(e) Review Criteria

A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

(f) Stay

A properly submitted appeal shall stay all administrative proceedings by the City in furtherance of the action appealed, unless the Code Administrator certifies to the ZBA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the ZBA or by a court of competent jurisdiction, for good cause shown.

(g) Appeals of ZBA Decisions

Any person or entity claiming to be injured or aggrieved by any final action of the ZBA shall have the right to appeal the decision the Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

1214.12 Interpretation of the Code

It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the Code Administrator, and that such questions shall be presented to the ZBA only on appeal from the decision of the Code Administrator. Such appeals shall be in accordance with Section [1214.11: Appeals](#).

Chapter 1216: Zoning Districts and Principal Use Regulations

1216.01 Purpose

The purpose of this chapter is to set out the individual purpose statements for each of the City’s zoning districts as well as the list of uses that are allowed within each zoning district. The uses are either prohibited or allowed, and where they are allowed, they may be permitted, permitted with additional standards, or conditionally permitted with additional review. Finally, this chapter includes use-specific standards for a variety of uses that apply to the those uses alone in addition to all other applicable standards of this code.

1216.02 Establishment of Zoning Districts

(a) Districts Established

The City hereby establishes the following zoning districts to carry out the purposes of this code, and to assist in the implementation of the comprehensive land use plan.

TABLE 1216-1: ZONING DISTRICTS	
Abbreviation	District Name
Residential Zoning Districts	
R-1A	Single-Family Residence District
R-1B	Single-Family Residence District
R-1C	Single-Family Residence District
R-1D	Cottage District
R-2	Multi-Family Residence District
R-3	Multi-Family Residence District
Nonresidential Zoning Districts	
B-1	Limited Business District
B-2	General Commerce District
B-3	Special Commerce District
I-1	Light Industrial District
I-2	General Industrial District
Special Districts	
P-I	Public and Institutional District
PUD	Planned Unit Development District
RPD	Residential Planned Development District
MUO	Mixed-Use Overlay District

(b) References to Previous Zoning Districts

Some of the district classifications and names established within this code differ from previous versions of this code. [Table 1216-2](#) identifies how each of the previous district classifications was renamed for this code. This table shall be used for comparison purposes only.

TABLE 1216-2: DISTRICT TRANSITION TABLE			
Zoning Districts in the Planning and Zoning Code Effective Prior to January 1, 2022		Zoning Districts in the Land Development Code Effective January 1, 2022	
Abbrev.	District Name	Abbrev.	District Name
R-1	Single-Family Residence District	R-1A	Single-Family Residence District
R1A	Single-Family Residence District	R-1B	Single-Family Residence District
R1B	Single-Family Residence District	R-1C	Single-Family Residence District
R1C	Cottage District	R-1D	Cottage District
R2	Multi-Family Residence District	R-2	Multi-Family Residence District
R3	Multi-Family Residence District	R-3	Multi-Family Residence District
O1	Office District	B-1	Limited Business District
B1	Limited Business District		
B2	General Commerce District	B-2	General Commerce District
B3	Special Commerce District	B-3	Special Commerce District
LI	Light Industrial District	I-1	Light Industrial District
I	Industrial District	I-2	General Industrial District
	No Previous District	P-I	Public and Institutional District
	No Previous District	PUD	Planned Unit Development District
	No Previous District	RPD	Residential Planned Development District
	No Previous District	MUO	Mixed-Use Overlay District

1216.03 Zoning District Map and District Boundaries

(a) Zoning District Map

All land within the City of Avon Lake shall be placed into at least one of the zoning districts established in [Table 1216-1](#), and such zoning shall be shown on the Zoning District Map of Avon Lake, Ohio. The Zoning District Map, together with all explanatory data thereon, including all changes thereof as hereinafter provided, shall be incorporated and made a part of this code, thereby having the same force and effect as if fully described in writing.

(b) Interpretation of Zoning District Boundaries

The boundaries of the zoning districts are shown upon the Zoning District Map. When uncertainty exists with respect to the boundaries of zoning districts as shown on the Zoning District Map, the following rules shall apply:

- (1) Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.
- (2) Where zoning district boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement, or other right-of-way, or a river, creek, or other watercourse, such centerline shall be the zoning district boundary. In the event of a natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.
- (3) Where zoning district boundary lines are indicated as approximately following City limits, such City limits shall be the zoning district boundary.

- (4) When the actual street, right-of-way, property line boundary or other existing ground condition is in conflict with that shown on the Zoning District Map, the ZBA shall provide the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the City and to submit technical evidence if so desired pursuant to the appeals process as established in Section [1214.11: Appeals](#).

(c) Vacation of Public Rights-of-Way

Whenever any street, alley or other public way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

1216.04 Zoning District Purpose Statements

In addition to the overall purpose of this code as established in Section [1210.01: Purpose](#), the following are the purpose statements for the individual zoning districts in the City of Avon Lake.

(a) Single-Family Residential Districts (R-1A, R-1B, and R-1C)

The purpose of the R-1A, R-1B, and R-1C residential zoning districts is to provide for the development and use of land for primarily single-family, detached residential uses reflective of the primary residential land uses in the City of Avon Lake. These districts are intended to establish standards for the design, use, and location of principal and accessory buildings to maintain high-quality neighborhoods.

(b) Cottage District (R-1D)

The purpose of the R-1D residential zoning district is similar to the R-1A, R-1B, and R-1C Districts in that it is intended to allow for the use of land primarily for single-family, detached residential uses. The R-1D District recognizes that parts of the City have site characteristics reflective of denser development patterns that were common among the cottage developments along Lake Erie. Development in these areas is far more compact than in other single-family residential districts and the purpose of this district is to protect the characteristics of these dense neighborhoods in Avon Lake.

(c) Multi-Family Residential Districts (R-2 and R-3)

The purpose of the R-2 and R-3 multi-family residential districts is to provide for residential areas in the City that provide for attached housing options, which in turn promote more diverse housing choices and that may serve as a transitional use between lower-density residential uses and the City's business activity areas. The purpose of the regulations in these districts is to ensure the long-term viability of uses that are designed in a manner that will contribute to the community aesthetic.

(d) Limited Business District (B-1)

The purpose of the B-1 District is to provide areas for small-scale business development, a limited range of office uses, as well as convenience goods and services to serve the day-to-day needs of those living in the City. The design of uses is focused on small-scale developments on large parcels while specifically excluding outdoor storage activities and automotive-related uses.

(e) General Commerce District (B-2)

The purpose of the B-2 District is to accommodate professional offices, general commercial uses, and larger scale businesses that sell goods and provide services to the general public in the City and to the greater region. While pedestrian level activity and access is highly encouraged, the City recognizes that vehicular access is also important to the businesses in the City's large-scale business areas.

(f) Special Commerce District (B-3)

The purpose of the B-3 District is to accommodate the unique development characteristics of special business areas within the City including the Lear/Electric and Lake/Moore (Old Avon Lake Shopping Center) areas by tailoring site development standards to the predominant urban form and refining design requirements to address the compact building areas. This district is intended to allow for a broad range of professional offices and small-scale commercial uses that sell goods and provide services to residents of the City. Pedestrian-scale design is highly encouraged with a recognition for the need to accommodate vehicular access.

(g) Light Industrial District (I-1)

The purpose of the I-1 District is to provide an area to accommodate manufacturing, general businesses, offices, service and repair businesses, and warehousing uses in a form that largely takes place within enclosed buildings to allow for quiet and clean industrial areas. It is the intent of this district to allow for a broad range of these light industrial type uses.

(h) General Industrial District (I-2)

The purpose of the I-2 District is to provide for industrial and other uses that, by virtue of their external effects, noise, glare, fumes, smoke, dust, odors and truck and/or rail traffic, should be isolated from residential uses. These uses perform essential functions for the City, including employment, and should be provided for in areas that are best suited for industrial development by reason of location, topography, soil conditions and the availability of adequate utilities and transportation systems.

(i) Public and Institutional District (P-I)

The purpose of the P-I District is to establish sites for various governmental, institutional, educational, or other public or quasi-public uses that are integral parts of the community while also ensuring compatibility with the surrounding neighborhoods.

(j) Mixed-Use Overlay District (MUO)

The purpose statement and district-specific standards for Mixed-Use Overlay District (MUO) district is located in [Chapter 1218: Mixed-Use Overlay District \(MUO\)](#).

(k) Planned Unit Developments (PUD)

The purpose statement and district-specific standards for the Planned Unit Development (PUD) district is located in [Chapter 1220: Planned Unit Developments \(PUD\)](#).

(l) Residential Planned Developments (RPD)

The purpose statement and district-specific standards for the Residential Planned Development (RPD) district is located in [Chapter 1222: Residential Planned Development District \(RPD\)](#).

1216.05 Allowed Principal Uses

- (a) [Table 1216-3](#) lists the principal uses allowed within the various zoning districts, except for uses allowed in RPD Districts. [Chapter 1222: Residential Planned Development District \(RPD\)](#) identifies the uses that are allowed in RPDs.
- (b) **Explanation of Table of Permitted Uses**
- (1) **Permitted Uses**
- A. A “P” in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.
 - B. Permitted uses are approved administratively by the Planning Commission through the site plan review process or by the Code Administrator through the zoning permit procedure, unless subject to additional reviews (e.g., variance, etc.).
- (2) **Permitted Uses with Standards**
- A. A “PS” in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 1216-3](#). Permitted uses with standards are subject to all other applicable standards of this code.
 - B. Uses permitted with standards are approved administratively by the Planning Commission through the site plan review process or by the Code Administrator through the zoning permit procedure, unless subject to additional review (e.g., variance, etc.).
- (3) **Conditional Uses**
- A. A “C” in a cell indicates that a use may be permitted if approved by the Planning Commission through the conditional use review procedure. Conditional uses may be subject to use-specific standards as identified in the last column of [Table 1216-3](#). Conditional uses are subject to all other applicable standards of this code.
 - B. The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in Section [1214.03\(d\)](#).
 - C. Where a use is listed as P/C or PS/C, there may be certain circumstances in which a conditional use approval may be required rather than the use being permitted or permitted with standards. The specific approval required shall be as established in the use-specific standards.
- (4) **Prohibited Uses**
- A. A blank indicates that a use is prohibited in the respective zoning district.
 - B. Any use not specifically listed shall be considered prohibited unless allowed in accordance with Section [1216.05\(d\)](#), below.
- (5) **Use-Specific Standards**
- A. The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.
 - B. Use-specific standards shall only apply if the use is permitted with standards (PS) or a conditional use (C). If the use is permitted with standards in some districts and conditional in other districts, the use-specific standards shall apply to both the districts where it is permitted with standards and where it is conditionally permitted.

- C. This section provides site planning, development, and/or operating standards for certain land uses that are permitted with standards or conditionally permitted in [Table 1216-3](#).
- D. The land uses and activities covered by this section shall comply with the applicable use-specific standards in all districts unless otherwise specified, in addition to all other applicable provisions of this code.

(c) Multiple Uses

If multiple uses are proposed on a single lot or in a single building then each of the individual uses has to be allowed in the applicable zoning district and reviewed in accordance with how the individual use is allowed in the district (i.e., permitted, permitted with standards, or conditional use).

(d) Use Determination and Unlisted Uses

- (1) The Code Administrator shall make the determination if a proposed use is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section.
- (2) The Code Administrator may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, or a conditional use established in [Table 1216-3](#) based on the proposed use activities, character of the business, similarity to existing uses within the City, or information on the use as may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations. If the Code Administrator finds that the proposed use is substantially similar to a use established in [Table 1216-3](#), the application shall be processed in the same manner as the similar use.
- (3) In finding that a proposed use is similar to a use established in [Table 1216-3](#), the Code Administrator shall make a note of the similar use in the approved application form.
- (4) If the Code Administrator makes the determination that a use is prohibited, the application shall not be processed and the application fee shall be returned.
- (5) If the applicant disagrees with the Code Administrator's determination regarding the proposed use, the applicant may choose to take one of the following actions:
 - A. The applicant may appeal the determination of the Code Administrator to the ZBA pursuant to Section [1214.11: Appeals](#); or
 - B. The applicant may present their case to the Planning Commission and/or City Council to request that the City initiate a text amendment to address the proposed use and applicable standards.

TABLE 1216-3: PRINCIPAL USES

Land Uses P=Permitted Use PS=Permitted Use with Standards C=Conditional Use	R-1A	R-1B	R-1C	R-1D	R-2	R-3	MUO	B-1	B-2	B-3	I-1	I-2	P-1	Use-Specific Standards See Section:
Agricultural Uses														
Agricultural	C	C												1216.06(a)
Residential Uses														
Bed and Breakfast Establishments	C													1216.06(b)
Dwellings, Multi-Family					P	P	P							
Dwelling, Single-Family	P	P	P	P										
Residential Facilities	PS	PS	PS	PS	C	C	C							1216.06(c)
Skilled Nursing or Personal Care Facilities					C	C	C	C	PS	C			PS	1216.06(d)
Public, Institutional, and Recreational Uses														
Active Recreational Facilities	C	C	C	C	C	C	C	C	C	C	C	C	PS	1216.06(e)
Cemeteries	C	C	C	C	C	C							P	
Cultural Facilities	C	C	C	C	C	C	P	P	P	P			P	
Educational Institutions (Higher Education)									P				P	
Educational Institutions (Preschool and K-12)	C	C	C	C	C	C					C		P	1216.06(f)
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fraternal, Charitable, and Service Oriented Clubs							C	C	C	C			PS	1216.06(g)
Government Offices and Buildings (No Outdoor Activities)	C	C	C	C	C	C	P	P	P	P	P	P	P	
Hospitals								C	C				PS	1216.06(h)
Passive Parks, Open Space, and Natural Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	
Places of Worship	C	C	C	C	C	C	P	P	P	P			P	
Public Utility Buildings and Facilities	C	C	C	C	C	C	C	C	C	C	P	P	P	
Residential Community Centers	C	C	C	C	C	C	P							1216.06(i)
Wireless Telecommunication Facilities	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	1216.06(j)

TABLE 1216-3: PRINCIPAL USES

Land Uses P=Permitted Use PS=Permitted Use with Standards C=Conditional Use	R-1A	R-1B	R-1C	R-1D	R-2	R-3	MUO	B-1	B-2	B-3	I-1	I-2	P-I	Use-Specific Standards See Section:
	Commercial, Office, and Mixed Uses													
Administrative, Business, or Professional Offices							P	P	P	P	P	P	PS	1216.06(k)
Adult Entertainment Business												PS		1216.06(l)
Animal Boarding, Training, or Daycare Facilities								C	C		PS			1216.06(m)
Animal Hospital/Clinics and Animal Grooming							P	P	P	P				
Assembly Halls or Conference Centers							C		C	C				
Automobile, Motorcycle, Recreational Vehicle Sales and Leasing									C					1216.06(n)
Automotive Repair and Service (Minor)								C	PS	C	PS			1216.06(o)
Automotive Repair and Service (Major)									C		PS	PS		1216.06(p)
Boat Rental and Charter									C	C				
Commercial and Business Support Services							P	P	P	P	P			
Commercial Recreational Facilities (Indoors)									C		C			
Commercial Recreational Facilities (Outdoors)											C	C		1216.06(e)
Financial Institutions							P	P	P	P				
Fuel Stations								C	PS	C				1216.06(o)
Funeral Homes								PS	PS	PS	PS	PS	PS	1216.06(q)
Hotels and Motels							C		C	C				1216.06(r)
Medical/Dental Clinics							P	C	P	C				
Microbrewery, Microdistillery, or Microwinery							PS	PS	PS	PS	PS	PS		1216.06(s)
Mixed Use Buildings							P							
Multi-Tenant Use							P	P	P	P				

TABLE 1216-3: PRINCIPAL USES

Land Uses P=Permitted Use PS=Permitted Use with Standards C=Conditional Use	TABLE 1216-3: PRINCIPAL USES													Use-Specific Standards See Section:
	R-1A	R-1B	R-1C	R-1D	R-2	R-3	MUO	B-1	B-2	B-3	I-1	I-2	P-I	
Nursery Schools and Day Care Centers	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			PS	1216.06(t)
Parking Lot							C	C	C	C	C	C		1216.06(u)
Personal Services							P	P	P	P	PS	PS		1216.06(v)
Restaurants							P	P	P	P				1216.06(v)
Retail Businesses							P	P	P	P	PS	PS		1216.06(v)
Taverns or Bars							P	C	P	P				
Vehicle Washing Establishments									C					1216.06(w)
Industrial Uses														
Contractor Equipment and Storage Yards											P	P		
Industrial Service Uses											P	P		
Industrial Uses, Heavy												P		
Industrial Uses, Light											P	P		
Metal Salvage and Junk Storage												C		1216.06(x)
Recycling Center											P	P		
Research and Development Facilities											P	P		
Self-Storage Facilities (Indoor)											PS	PS		1216.06(y)
Self-Storage Facilities (Outdoor)									C		C	C		1216.06(y)
Truck and Heavy Equipment Sales											P	P		
Truck Terminals											PS	PS		1216.06(z)
Warehouses											P	P		
Wholesale Establishments											P	P		

1216.06 Use-Specific Standards

(a) Agricultural

- (1) Agricultural uses shall be restricted to the raising of crops and the raising livestock limited to those animals identified in [Table 1216-4](#) and excluding roosters.
- (2) The minimum lot area for the use shall be five acres.
- (3) There shall be a maximum of nine animal units permitted for every five acres of land. Animal units are a unit of measure used to compare the differences in the production of animal wastes, the standard of which is the amount of waste produced on a regular basis by a slaughter steer or heifer. Slaughter steers and heifers are assigned the base unit of 1.0 animal unit. [Table 1216-4](#) identifies the multipliers used to determine animal units for other types of animals. For all other animals, the Code Administrator shall have the authority to consult outside source information on the appropriate animal unit multiplier.

TABLE 1216-4: ANIMAL UNITS	
Animal	Animal Unit Multiplier
Slaughter Steers and Heifers	1.0
Cow-Calf	1.3
Dairy Cattle	1.4
Horse	0.75
Swine	0.4
Sheep	0.4
All Fowl and Rabbits	0.05

- (4) All structures designed to house livestock, either permanently or temporarily, shall be set back a minimum of 100 feet from all lot lines. All other structures related to the agricultural use of the property shall be set back a minimum of 50 feet from all lot lines.
- (5) Fence enclosures that are designed to corral animals or enclose pasture areas shall be located in the side or rear yard, and set back a minimum of 20 feet from all lot lines.
- (6) Off-street parking related to agricultural uses shall be located as far from existing, adjacent residential uses as practicable.
- (7) Outdoor displays of products offered for sale or activities associated with processing or marketing or the indoor sale of products, including the serving of food or drink produced on site, may be approved by the Planning Commission and Council when they determine that such display area is consistent with the purposes of this section and will have no deleterious impact on surrounding properties.

(b) Bed and Breakfast Establishments

- (1) The minimum lot area shall be one-half of an acre.
- (2) The building utilized for the bed and breakfast establishment shall have been originally designed as a single-family dwelling structure prior to 1960.
- (3) The dwelling shall have frontage on Lake Road, Walker Road, Moore Road, Miller Road, Avon Belden Road, or Lear Road.
- (4) The facility must be operated and managed by the property owner or leaseholder, who must reside on the premises while the bed and breakfast establishment is in operation.
- (5) Only overnight guests shall be served meals unless otherwise authorized as part of the conditional use approval.

- (6) All activities related to the establishment shall take place within the principal dwelling and not within a garage or accessory building. Furthermore, all access to rooms shall be from within the principal building.
- (7) The facility shall be limited to no more than four guestrooms with a maximum guest capacity as determined by fire and building regulations.
- (8) There shall be no exterior evidence of the use except that the owner may provide one wall-mounted sign with a maximum sign area of one square foot in addition to any other signs allowed for single-family dwellings in [Chapter 1236: Sign Standards](#).
- (9) No building additions or alterations may be undertaken for the sole purpose of expanding the bed and breakfast use unless approved as part of the conditional use review.
- (10) A minimum of one off-street parking space for each guestroom and two off-street parking spaces for the resident owner-manager shall be required. All parking areas for five or more vehicles shall meet the applicable standards of [Chapter 1234: Parking, Access, and Mobility Standards](#).

(c) Residential Facilities

- (1) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the R-1A, R-1B, R-1C, and R-1D Districts. Such facilities must comply with the site development standards (See Section [1226.01: Lot and Principal Building Regulations](#).), and any other standards in this code that apply to all single-family dwellings within the applicable district.
- (2) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be deemed a conditional use (See Section [1214.03: Conditional Uses](#).) in any the R-2 and R-3 Districts. Such facilities must comply with the site development standards (See Section [1226.01: Lot and Principal Building Regulations](#).), architectural standards (See [Chapter 1228: Architectural Standards](#).), and any other standards in this code that apply to all multi-family dwellings within the applicable district.

(d) Skilled Nursing or Personal Care Facilities

- (1) The principal building shall be set back a minimum of 50 feet from any adjacent residential zoning district or lot that contains a single-family dwelling.
- (2) The maximum density of these facilities varies based on the specific type of facility as established below:
 - A. If the proposed facility includes an independent living component (no skilled or personal care services provided), the independent living component shall be limited to the uses and maximum density permitted by the applicable zoning district. In a nonresidential zoning district, that maximum density shall be six units per acre. In no case shall the independent living component comprise more than 50 percent of the dwelling units or rooms in the proposed development or the use shall be subject to the maximum lot size and densities established in the zoning district.
 - B. The maximum density of congregate housing or assisted living facilities shall be 12 units per acre in the R-2, R-3, B-1, and B-3 Districts and 20 units per acre in the B-2 and P-I Districts regardless if the unit is a complete dwelling unit with separate kitchen facilities.
 - C. All other types of skilled nursing or personal care facilities shall comply with the maximum height and setback requirements of the applicable zoning district and any conditions or requirements set forth as part of the conditional use approval.

D. The Planning Commission may set maximum density or intensity requirements as part of the conditional use approval based on the density or character of surrounding uses.

(3) Skilled nursing or personal care facilities shall be located so as to provide access from a major or minor arterial.

(e) Active Recreational Facilities and Commercial Recreational Facility (Outdoors)

(1) The minimum lot area shall be at least one acre.

(2) All structures, viewing areas or seating areas shall be set back at least 200 feet from any residential zoning district. Such setback may be reduced by Planning Commission and City Council within the MUO or RPD Districts if approved through the applicable procedures.

(3) All parking areas shall meet the minimum parking area setbacks as established in [Chapter 1234: Parking, Access, and Mobility Standards](#).

(4) All outdoor lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets. See Section [1226.04: Outdoor Lighting](#) for additional information on cutoff lighting.

(5) The hours of operation may be regulated by the Planning Commission, if necessary, to mitigate adverse impacts on adjacent residential uses.

(6) No motorized equipment is permitted.

(7) No uses that involve the discharge of firearms is permitted.

(f) Educational Institutions (Preschool and K-12)

Preschool and K-12 educational institutions may be considered as a conditional use in the I-1 District only if there is an existing building on the site that was designed to accommodate a similar educational institution.

(g) Fraternal, Charitable, and Service Oriented Clubs

Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools and similar activities, shall be permitted if they comply with the applicable standards in Section [1224.01: Accessory Uses and Structures](#). However, such uses where the conduct of business is the principal activity shall be prohibited.

(h) Hospitals

(1) New hospitals shall be on a lot with primary vehicular access on an arterial street without going through a residential neighborhood to minimize the impact on less intense residential uses.

(2) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas.

(3) The areas devoted to the outdoor storage of such vehicles shall be enclosed with a fence having a minimum height of six feet.

(4) Access drives shall be located no less than 100 feet from an intersection.

(i) Residential Community Centers

(1) One residential community center shall be allowed within an individual subdivision or for a multi-family dwelling development with more than 12 dwelling units.

(2) Additional residential community centers may be approved as part of a development that is approved as a planned unit development.

(3) The residential community center shall only be for the use of residents and their guests.

(j) Wireless Telecommunication Facilities

(1) Purpose

- A.** The purpose of this section is to provide for the common good and preserve the enjoyment of private property through the regulation of the construction, placement and modification of wireless telecommunications facilities, including telecommunications towers and associated facilities, while ensuring the ability of the consumer to use and enjoy telecommunications services of all types, and to protect the right of private and public enterprise to exercise free trade.
- B.** To the extent permitted by law, the City shall apply the regulations set forth in this section to specifically accomplish the following:
 - i. Accommodate the need for wireless telecommunications towers and facilities to meet the public's demand for the use and convenience of wireless personal cellular telecommunications service and wireless internet access, while regulating their location and number in the City;
 - ii. Encourage the location of towers and facilities on nonresidential land;
 - iii. Minimize the total number of towers and facilities;
 - iv. Ensure that towers and antennas are configured in such a way as to minimize adverse visual impact by design, careful siting, landscape screening, camouflaging and innovative techniques brought about through the advance of science and technology;
 - v. Avoid damage to adjacent properties from tower failure through competent engineering, construction and erection of towers;
 - vi. Ensure that a competitive and broad range of wireless personal communications services and high-quality telecommunications infrastructures are provided to serve the residents, businesses, public sector and visitors to the City;
 - vii. Create and preserve a wireless telecommunications facilities system which will serve as an effective part of the City's emergency response network; and
 - viii. Accommodate the public's demand for present day wireless personal communications services through these standards, so that changing technologies will continue to serve these needs, while concurrently preserving the City's aesthetic and ecological integrity, so that residents of the future may continue to enjoy the comfortable living standards of the Avon Lake community.

(2) Application Requirements

- A.** All persons planning to construct a wireless telecommunication facility to which the provisions of this section apply shall provide the information required for the applicable type of application pursuant to Section [1214.01: Common Review Requirements](#).
- B.** The City may charge a fee in addition to the Planning Commission agenda fee for site plan review to process an application to locate a tower, antenna or related wireless telecommunications facility in the City for the purpose of reimbursing the public for the time incurred and the skills employed by officials, employees and agents in processing applications in the amount as set forth in Chapter 208 of the Administration Code.
- C.** The following shall be exempt from the provisions of this section:

- i. A single ground or building-mounted receive-and-transmit-only radio or television antenna, including any mast, for the sole use of the occupant of a residential and business parcel on which the radio or television antenna is located;
- ii. A ground, building, or tower-mounted antenna allowed in conformance with Section [1224.01: Accessory Uses and Structures](#), operated by a federally licensed amateur radio operator as part of the amateur radio service;
- iii. A ground or building receive-only radio or television satellite dish antenna allowed in conformance with Section [1224.01: Accessory Uses and Structures](#), for the sole use of the resident occupying a parcel on which the satellite dish is located;
- iv. Mobile services providing public information coverage of a news event of a temporary nature; and
- v. Government owned and operated receive-and/or-transmit telemetry station antennas for supervisory control and data acquisition systems for water, flood alert, traffic control devices and signals, stormwater, pump stations and/or irrigation systems and similar uses.

(3) Approvals Required

- A.** A zoning permit may be issued for the following activities and installations when in compliance with the other applicable use-specific standards of this section:
 - i. Co-location of telecommunication antennas on an existing telecommunication tower;
 - ii. Telecommunication antennas attached to existing commercial, office, industrial, public, institutional, or other nonresidential buildings, or attached to any multi-family (apartment building); or
 - iii. Replacement telecommunication towers or antennas in the same manner as the original tower or antenna.
- B.** A conditional use approval shall be required for the installation of any new wireless telecommunications tower including those in the districts identified in [Table 1216-3](#), or on any publicly owned land in the City.
- C.** In addition to meeting the review criteria established in [Section 1214.03: Conditional Uses](#), any application subject to a conditional use approval must also demonstrate that a newly constructed tower is necessary because co-location on an existing tower is not feasible in accordance with Section [1216.06\(j\)\(10\)](#). The following steps must be taken for the application to be considered for review in this category:
 - i. The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area and that co-location is not feasible.
 - ii. Where the telecommunication tower is located on a property with another principal use, vehicular access is provided to the facility.
 - iii. The applicant shall present signed statements indicating that:
- D.** The applicant agrees to allow for the potential co-location of additional telecommunication antennas by other providers on the applicant's structure or within the same site location; and
- E.** The applicant agrees to remove the telecommunication tower and accessory facilities/structures in accordance with Section [1216.06\(j\)\(11\): Removal of Abandoned Facilities](#).

(4) Demonstration of Necessity

- A.** To assure that the City's and the public's objectives are achieved, the wireless telecommunications service provider requesting permission to locate a tower and related wireless telecommunications facility shall produce written evidence of contact with all wireless telecommunications service providers who supply service within the distribution sphere of the proposed facility. The applicant-provider shall inquire about potential collocation opportunities at all technically feasible locations in, or which could service, the City.
- B.** To adequately demonstrate the need at a particular location the applicant-provider shall provide following information as part of the demonstration of necessity:
 - i. Coverage areas of existing sites within 2.5 miles;
 - ii. Propagation maps from proposed site at increments of 25 feet starting at 50 feet in height up to proposed height;
 - iii. List of existing structures within 2.0 miles of proposed site that are at least 40 feet in height along with anticipated signal strengths from those structures;
 - iv. In-building and in-vehicle coverage areas in relation to Paragraph [1216.06\(j\)\(4\)B.ii](#), above;
 - v. Description of anticipated coverage areas and coverage signal strengths in dBm;
 - vi. Written proof of contact with existing wireless telecommunication sites within one mile of proposed site. Contact shall request availability of collocation at exiting site. The application shall include written responses from the contacted sites. Propagation maps from existing sites within the one-mile radius shall be included to show the differences in coverage areas;
 - vii. Frequency, modulation and class of service of radio or other transmitting equipment;
 - viii. The number, type and design of the proposed tower and antennas and any calculations used to determine the proposed number of collocations available at the proposed site;
 - ix. List of other service providers contacted in good faith that may be willing to locate at the proposed site;
 - x. Certification that the NEIR levels at the proposed site are within the permitted threshold levels as established by the FCC;
 - xi. Name, address, phone number and accreditation of person submitting maps and report;
 - xii. Fall zone map identifying all existing structures within the fall zone (a.k.a. total height) of the proposed tower; and
 - xiii. Line of site drawings which will provide approximate views from adjacent properties.
- C.** The City shall contract with a competent expert to assist in evaluating the need for a new tower, antenna and related wireless telecommunications facilities at a particular location. This evaluation shall be completed prior to the application being considered by Planning Commission. The applicant shall be afforded an opportunity to provide rebuttal to the expert's review and re-review prior to the formal departmental review and submission to Planning Commission in accordance with the Planning Commission Rules and Regulations. This study shall not be required for collocations or antenna systems being proposed for attachments to existing buildings and structures unless the tower is proposed to extend beyond 25 feet in height over the attachment point.

- D. An applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of a competent expert for the evaluation and consultation to the City in connection with the review of any application. The initial deposit shall be \$8,000. The placement of the \$8,000 with the City shall precede the application to Planning Commission. The City will maintain a separate escrow account for all such funds. The City's expert shall invoice the City for its services in reviewing the application. If at any time during the process this escrow account has a balance less than \$3,000, the applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least \$5,000. Such funds shall be deposited with the City before any further action or consideration is taken on the application. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. The total amount of the funds needed as set forth in this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification. The maximum fee associated with the consultant review shall be \$17,000.

(5) Certification of a Registered Structural Engineer

Prior to approval of a site plan to construct and locate a wireless telecommunications tower or related facility, an independent certified structural engineer shall be engaged by the City, whose services shall be paid for in total by the applicant pursuant to the direction of the Planning Commission. The City may pay for such services in advance for the purpose of timeliness and invoice the applicant for charges. The applicant shall reimburse the City in full within 30 days of receipt of such invoice. The applicant may also be responsible for obtaining independent opinions of other technical experts for the purpose of verifying the safety and structural integrity of towers and other wireless telecommunications facilities, including, but not limited to, representatives of the FCC, the FAA and a person qualified to certify the safety of and comment upon radio frequency emission, in a manner as determined acceptable to the City, as directed by the Planning Commission.

(6) Wireless Telecommunications Providers – Application Requirements

All wireless telecommunications services providers, including governmental, public and quasi-public providers, who operate or propose to operate within the corporate limits of the City, shall submit the following information, at a minimum, as part of their application:

- A. The identity and legal status of the provider, including business affiliations;
- B. The name, address, telephone number, fax number and electronic mail address (if available), of the officer, agent or employee responsible for the accuracy of the registration statement. It shall be the responsibility of the provider to keep this information up to date;
- C. A narrative and map description of all the provider's existing or proposed wireless telecommunications facilities in the City and elsewhere;
- D. A description of the wireless telecommunication facilities in the City and elsewhere;
- E. Written information sufficient into the opinion of the Planning Commission to verify that the provider has applied for and received certification and approval as a licensed wireless telecommunications provider by the FCC to operate in the State; and
- F. Any other information reasonably related to the application and the probable, substantive effects of locating a wireless telecommunications facility in the City, as may be required by the Planning Commission.

(7) General Standards for All Facilities

- A.** The following requirements apply to all wireless telecommunication facilities regardless of the zoning district in which they are to be located. These general standards are in addition to the specific regulations set forth elsewhere in this section:
- i. The telecommunication tower and accessory facilities/structures shall be enclosed either completely or individually by a six-foot high fence in residential zoning districts or eight-foot fence in nonresidential zoning districts. The fence shall only be accessed through a locked gate with reasonable access given to the City of Avon Lake and co-locators. Security railing or fencing is required along the edge of a building roof if the wireless telecommunication facility or antenna is not set back at least 10 feet from the edge of the roof top.
 - ii. The City shall not be responsible for any damage to the tower or other auxiliary structures, and shall be held harmless from any liability of any kind relating to damage, destruction, misfeasance of the tower or auxiliary structures, and from any personal injury to any party whomever.
 - iii. If a provider proposes to add additional antenna to an existing tower, building or structure, such antenna shall be reviewed as the addition of a new antenna in accordance with this section regardless if the antenna will be used by the owner of the tower or another provider. Such additional shall be considered a co-location.
 - iv. Existing on-site vegetation shall be maintained to the maximum extent possible and vegetation that will be preserved must be identified on the site plan. In addition, the perimeter of the site shall be planted with at least one row of evergreen shrubs capable of forming a continuous hedge.
 - v. Neither the owner(s) of the property on which the wireless telecommunication facilities are located, nor the service provider in charge of the facility, shall permit such facility, including the grounds on which it is constructed, to fall into a state of disrepair. All towers, antennas, equipment, related structures and grounds shall be maintained in accordance with the requirements of this code and as well as any other applicable ordinances or regulations.
 - vi. All applications to install wireless telecommunication facilities shall comply with the co-location requirements set forth in [Section 1216.06\(j\)\(10\)](#).
 - vii. Underground wireless telecommunications equipment buildings are especially encouraged, especially on zoning lots in or abutting residential zoning districts where a tower is placed.
 - viii. All wireless telecommunication towers shall be a non-contrasting gray or similar color minimizing their visibility, unless otherwise required by the FCC or the Federal Aviation Administration (FAA). All appurtenances and accessory facilities/structures shall be aesthetically and architecturally compatible with the surrounding environment and the use of camouflage or architectural treatment that enhances the appearance of the facility and its environment is encouraged.
 - ix. No advertising is permitted anywhere upon or attached to any wireless telecommunication facility, including equipment shelters and fencing, unless required by an applicable governmental agency. Signs shall not be illuminated in any manner. Luminous paint may be used on signs if approved by the Code Administrator and/or the Planning Commission.

- x. No tower shall be artificially lit except as required by the FAA. Security lighting shall be permitted for the wireless telecommunications equipment building and other auxiliary structures, if any, and such lighting shall be subject to the requirements of Section [1226.04: Outdoor Lighting](#).
- xi. “No Trespassing” signs shall be posted around the wireless telecommunication facility and any accessory facilities/structures. In addition, each facility shall be identified with a two-square foot sign showing the telephone number of the person to be contacted in the event of an emergency, the longitude and latitude, the base elevation, the tower height and the facility owner. The owner of the facility shall provide the City’s emergency dispatch operators with a list of emergency contact numbers.
- xii. The City of Avon Lake reserves the right to require the installation of a decorative City nameplate on the tower as a camouflaging technique and this shall be at the expense of the provider.
- xiii. Access and Parking
 - a. All zoning lots on which are located towers and related wireless telecommunications facilities shall abut a public right-of-way.
 - b. Existing or new roads shall be used for access. The type and construction of such roads shall be regulated by [Chapter 1238: Subdivision Design Standards](#).
 - c. If available, existing parking shall be used and not expanded.
 - d. If the wireless telecommunications facility is fully automated, a maximum of two parking spaces shall be required for maintenance workers. If the site is not fully automated, a maximum of three parking spaces shall be permitted. Parking specifications shall be as regulated in [Chapter 1234: Parking, Access, and Mobility Standards](#).
- xiv. The City may lease or rent at prevailing market rates the use of existing or new towers and related wireless telecommunications facilities to private or public service providers for collocation of antennas. A private or public service provider, or the City, may be the sole user of a tower, antenna or related wireless telecommunications facility. The City may itself lease or rent, or construct, place, modify and/or maintain, towers and related wireless telecommunications facilities on public or private property for exclusive or shared operations with other private or public service providers, and may charge any reasonable leases, fees or permits in a manner as would a private wireless telecommunications service provider under similar business circumstances.

B. Additional Standards for Historic Places or Districts

- i. Any application to locate a wireless telecommunication antenna on a building or structure that is listed on the Register of Historic Places, or is in an historic district, shall be subject to review by the Historic Planning Commission for appropriate design guidelines.

- ii. In any historic district, wireless telecommunications towers and related facilities shall not be located, unless it is proven that in order to provide wireless telecommunications service, such towers or facilities may not be located elsewhere within the City. Any tower and related wireless communications facility, including the equipment building, shall be camouflaged in such districts as herein described. Prior to approval, the provider shall demonstrate by clear and convincing evidence that if towers and related wireless telecommunications facilities are located in a historic district, they shall not adversely affect the natural or man-made environment or the architectural setting, and that their location shall not pose any reasonable risk to the health and safety of residents within 300 feet of the boundaries of the historic district.

C. Additional Standards for Accessory Antenna Attached to Structures

The following standards shall be applicable to wireless telecommunication antennas not attached to a tower and which are built as accessory uses in business, industrial, institutional and multi-family structures.

- i. The height of the telecommunication antenna support structure and accessory facilities/structures shall not exceed the structural height limitations in the zoning district in which they are permitted by more than 60 feet.
- ii. The telecommunication antenna and accessory facilities/structures shall be designed with camouflaging techniques or will be side-mounted to an antenna support structure in order that the wireless telecommunication facilities harmonize with the architecture of the building/structure on which they are mounted and the character and environment of the area in which they are located.
- iii. The applicant shall be required to submit information to demonstrate that a study was completed and it was determined that the building or structure on which the antenna is to be attached is structurally capable of supporting the additional antenna.

(8) Standards Applicable to Wireless Telecommunication Towers

- A.** Towers shall be of the free-standing lattice or monopole type.
- B.** Telecommunication tower setbacks shall be set back a minimum of 50 percent of the total height of the tower, or 50 feet, whichever is more, from any adjacent property line as measured from the base of the tower. Any guy wires associated with a tower shall only be placed on the same property as the tower.
- C.** Telecommunication towers shall be set back a minimum of 200 feet from any residential district.
- D.** The maximum height of a tower shall be 200 feet unless a technically logical reason for locating a higher tower is demonstrated to the satisfaction of the Planning Commission and Council to be in order, on a case-by-case basis, by the wireless telecommunications service provider making the request. When a higher tower is required by provision of law consistent with the Telecommunications Act of 1996, as may from time to time be amended, the provider shall submit written verification of such fact. Towers less than 200 feet in height are especially encouraged.
- E.** Equipment shelters and other accessory facilities shall comply with any setback requirements in the applicable zoning district.
- F.** A wireless telecommunication tower may be approved where there is already an existing principal use, regardless of whether it is associated with the wireless telecommunication provided, subject to the following additional conditions:

- i. The existing use on the property is a permitted use in the district. The wireless telecommunication facility shall not infringe upon the required parking access and yard requirements, easements, drainageways, and basin of the main structure and/or site.
- ii. Service access to the equipment shelter shall, whenever feasible, be provided along existing circulation of the existing use of vehicular areas, which can be roadways, parking areas and driveways.
- iii. The tower shall comply with all setback and height requirements of this subsection.

(9) Standards Applicable to Wireless Telecommunication Facilities in Residential Districts

- A.** The installation of a new wireless telecommunications tower in any residential district is prohibited except when installed on a property owned by the City, township, Lorain County, or State. In such cases, a conditional use approval shall be required and shall also comply with the following:
 - i. The tower shall not be located in any conservation easements or on a site with historical or natural landmarks.
 - ii. The Planning Commission may establish a maximum height for the tower based on the proximity to surrounding lots and the use of such lots. The Planning Commission may also take into account how the site is used by the City, township, Lorain County, or the State.
 - iii. A free-standing telecommunication tower or pole may be required to be disguised as a tree if its presence is deemed to have a negative impact on the environment in which it is proposed to be located.
 - iv. The City of Avon Lake may lease municipally-owned property for wireless and cellular telecommunication antennas, monopole and lattice towers and associated facilities if they meet the requirements of this subsection.
- B.** Wireless telecommunication antennas attached to existing nonresidential buildings or multi-family dwellings (apartment buildings) are permitted with the issuance of a zoning permit when such antennas are in compliance with the standards of this subsection including:
 - i. The wireless telecommunication antenna may be a maximum of 60 feet above the structure or building to which it is attached; and
 - ii. If the applicant proposes to locate the wireless telecommunication accessory facilities/structures or equipment in a separate equipment shelter, the equipment shelter shall comply with the accessory building standards for the zoning district in which it is located in addition to the following:
 - a. Vehicular access to the accessory facilities/structures or equipment shelter shall not interfere with the parking or vehicular circulation on the site for the principal use, and the access path shall be paved with asphalt or concrete; and
 - b. The shelter must be designed to be compatible with the residential design character of the neighborhood or immediate area of location. This design compatibility shall be reviewed by the following: roof style and material, building wall material and landscaping.

(10) Co-Location Requirements

- A. The City of Avon Lake encourages the location of wireless and cellular telecommunication facilities on publicly-owned properties, thereby reducing the visual impact of such facilities. Persons desiring to construct a telecommunication antenna and tower shall consider publicly-owned land first.
- B. No new telecommunication tower shall be constructed in the City of Avon Lake unless such tower is capable of accommodating at least one additional wireless telecommunication antenna owned by another person if the height of the tower will be at least 60 feet tall, or two additional antenna owned by other people if the height of the tower will be at least 100 feet tall.
- C. The applicant shall list the location of every tower, building and structure within such area that could support the proposed telecommunication antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure irrespective of the City, township and county jurisdictional boundaries. If another telecommunication tower is technically suitable, the applicant must show that an offer was made to co-locate an antenna on that tower and that the offer was not accepted. The applicant shall provide documentation containing a list of the telecommunication facility site locations and owners of telecommunication towers, buildings and structures which were contacted, the date of such contact, any offers of reciprocal rights to install antennas on the applicant's locations, and the reason why the proposed antennas cannot be located on the existing structures.

(11) Removal of Abandoned Facilities

Any license renewal requires that all providers utilizing telecommunication towers present a report to the City of Avon Lake of any tower and accessory facilities/structures located in the City of Avon Lake whose use will be discontinued and the date this use will cease. If at any time the use of the telecommunication tower and accessory facilities/structures is discontinued for a continuous period of 180 days, the Code Administrator may declare the telecommunication tower and accessory facilities/structures abandoned. The owner/operator of the telecommunication tower and accessory facilities/structures will receive written notice from the Code Administrator and be instructed to either reactivate use of the telecommunication tower and accessory facilities/structures within 180 days or dismantle and remove the telecommunication tower and accessory facilities/structures.

(12) Nonconforming Facilities

Except as provided in this chapter, any use being made of an existing tower or antenna support structure on the effective date of this code and any amendment thereto shall be allowed to continue, even if it is in conflict with this section. Any change or improvement made to an existing telecommunication tower shall comply with this section.

(k) Administrative, Business, or Professional Offices

Business and professional offices are permitted within the P-I District when the offices serve or are an integral part of a principally permitted public and institutional use. Such office space shall not occupy more than 25 percent of the total floor area of buildings on the same lot.

(I) Adult Entertainment Businesses

(1) Purpose and Findings

- A.** It is the purpose of this section to regulate adult entertainment businesses in order to promote the health, safety, morals and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment businesses within the City. The provisions of this chapter do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment of their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.
- B.** City Council has received substantial evidence concerning the adverse secondary effects of adult uses on a community findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young V. American Mini Theaters*, 426 U.S. 50 (1976) and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities, including, but not limited to Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington.

(2) Classification

Adult entertainment businesses shall be classified as follows:

- A.** Adult arcades;
- B.** Adult bookstores, adult novelty stores or adult video stores;
- C.** Adult cabarets;
- D.** Adult motion picture theaters; and
- E.** Adult theaters.

(3) Locational Requirements

All adult entertainment businesses shall meet the following location requirements.

- A.** No adult entertainment business shall be established within 1,000 feet of any area zoned for residential use or any lot on which is located a residential use.
- B.** No adult entertainment business shall be established within a radius of 1,000 feet from any educational institution or cultural institution, whether public or private, governmental or commercial, which educational institution or cultural institution is attended by persons under 18 years of age.
- C.** No adult entertainment business shall be established within a radius of 1,000 feet from any commercial recreational facility (indoor or outdoor) which is primarily advertised for families and/or children where such facility is attended by persons under 18 years of age.
- D.** No adult entertainment business shall be established within a radius of 1,000 feet from any active recreational facility or a passive park, open space, or natural area.
- E.** No adult entertainment business shall be established within a radius of 1,000 feet from any business licensed pursuant to the alcoholic beverage control regulations of the State of Ohio.

- F. No adult entertainment business may be established, operated or enlarged within 1,000 feet of another adult entertainment business.
- G. Not more than one adult entertainment business shall be established or operated in the same building, structure or portion thereof.
- H. No adult entertainment business shall be established within a radius of 1,000 feet from any place of worship.
- I. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the premises in which the proposed adult entertainment business is to be established to the nearest property line of a use or zoning classification listed above or another adult entertainment business. The presence of a City, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(4) Nonconforming Adult Entertainment Business

Any adult entertainment business lawfully operating on April 27, 1998, that is in violation of any of the provisions of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use.

(5) Development Standards

Sexually oriented businesses are subject to the following standards:

- A. No adult entertainment business shall be located in any temporary or portable structure.
- B. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
- C. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.
- D. All entrances to an adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.
- E. The adult entertainment business shall not conduct or sponsor any activities, which created a demand for parking spaces beyond the number of spaces required by the business.
- F. No adult entertainment business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to specified sexual activities or specified anatomical areas, inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any merchandise, display, decoration, sign, show window or other opening.

(m) Animal Boarding, Training, or Daycare Facilities

- (1) All structures and outdoor run areas designed to house or accommodate animals, either permanently or temporarily, shall be set back a minimum of 200 feet from all lot lines. All other structures related to the use of the property shall be set back in accordance with the applicable zoning district.
- (2) Care and boarding of animals shall be limited to domestic animals and may not include cattle, horses, swine, or other similarly sized animals.

- (3) A solid wood fence or masonry wall with a minimum height of six feet shall be constructed where a kennel or animal boarding facility is located adjacent to a residential zoning district.

(n) Automobile, Motorcycle, Recreational Vehicle Sales and Leasing

- (1) The sale of used vehicles, including the display, offering for sale and dealing of used vehicles, shall only be permitted as an accessory use to an establishment that sells new vehicles and such sale at retail, display, offering for sale and dealing of used vehicles shall be operated in conjunction with, on the same lot as, and under the same ownership and management of, the new vehicle sales or leasing establishment. Sales may take place on a separate lot if that lot is under the same ownership as the new vehicle sales or leasing establishment and is within 500 feet of walking distance along a legal path, including any crosswalks.
- (2) Display of vehicles for sale shall be located on a paved surface and shall comply with the parking requirements of [Chapter 1234: Parking, Access, and Mobility Standards](#).
- (3) The storage of any boats to be repaired or in dry-dock shall be located in the rear yard and shall not occupy more than 60 percent of the rear yard.
- (4) All work on vehicles, including, but not limited to, cleaning, servicing, and repair, shall be done only in an enclosed building and shall be subject to same standards as an automotive repair and service establishment (See Section [1216.06\(o\)](#).) or automotive repair and service (major) establishment (See Section [1216.06\(p\)](#).), as applicable.

(o) Automotive Repair and Service (Minor) and Fuel Stations

- (1) Fuel pumps shall be set back a minimum of 40 feet from all lot lines and 100 feet from all adjacent lot lines of lots in residential zoning districts.
- (2) Canopies shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent lot lines of lots in residential zoning districts.
- (3) All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.
- (4) Activities shall be limited to:
 - A. The sale of automotive fuel;
 - B. The servicing of motor vehicles with minor repair work;
 - C. Hand washing of vehicles within an enclosed building;
 - D. The retail sale of vehicle parts and products relating to minor repair work, such as, but not limited to, oil, grease, tires, antifreeze, batteries, windshield wipers.
- (5) Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.
- (6) Any major repair work, including but not limited to, automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as “automotive repair and service (major)” and shall be subject to Section [1216.06\(p\)](#).
- (7) Vehicles being serviced or awaiting same shall be stored for no longer than 14 days on the site if in unenclosed areas.
- (8) All repair work must be performed in a fully enclosed building.
- (9) There shall be no more than two driveway openings along any frontage.
- (10) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements.

- (11) Outdoor solid waste and recyclable storage areas shall be screened in accordance with Section [1232.05: Screening Requirements](#).

(p) Automotive Repair and Service (Major)

- (1) A major automotive repair and service establishment shall be subject to the same requirements as an automotive repair and service establishment as established in Section [1216.06\(o\)](#).
- (2) The principal structure shall be set back a minimum of 150 feet from any residential zoning district. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent lot in a residential district.
- (3) The storage of non-operational vehicles for longer 14 days shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet.
- (4) The use may be subject to additional screening requirement in accordance with [1232.04: Landscaping Requirements](#).
- (5) Vehicle service and repair shall be done in an enclosed building. A temporary zoning permit shall be obtained for outside repair of oversized vehicles that would take longer than five consecutive days. Temporary zoning permits can only be granted under the following conditions:
 - A. The vehicle exceeds the height and width of the service repair garage.
 - B. The temporary outside repair shall not involve the construction of permanent lift or repair apparatus.
 - C. Temporary outside repair shall only be allowed for a period not exceeding 30 days in a calendar year.
 - D. The outdoor repairs shall not be conducted in the required setback yards, loading spaces, parking spaces, aisles and/or drives.
- (6) Vehicles awaiting repair shall be parked in designated parking spaces and shall not encroach on driving aisles, landscaped areas and drive approaches. No part of the street right-of-way shall be used for parking of vehicles awaiting service.
- (7) Damaged or inoperable vehicles shall not be used for storage purposes.

(q) Funeral Homes

- (1) Vehicular use areas shall be designed to allow for the queuing of vehicles if funeral processions are intended to originate or terminate at the establishment.
- (2) All funeral homes shall be located so as to provide access from an arterial street.
- (3) Cremation services shall be permitted only in the I-1 and I-2 Districts.

(r) Hotels and Motels

- (1) Principal buildings shall be set back a minimum of 150 feet from all adjacent lot lines of lots in residential zoning districts.
- (2) The use shall only be permitted on lots with frontage along a collector or arterial road.

(s) Microbrewery, Microdistillery, or Microwinery

- (1) A microbrewery, microdistillery, and microwinery shall be allowed in the B-1, B-2 and B-3 Districts when the majority of the floor area is dedicated to being used for restaurant service or for the serving of drinks made on site so that the use fits into the retail character of the districts. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

- (2) A microbrewery, microdistillery, and microwinery in the I-1 District may include a taproom area to serve customers drinks made on site provided the floor area of the taproom does not exceed 65 percent of the total footprint of the use. Food service may be included within the 65 percent total footprint. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

(t) Nursery Schools and Day Care Centers

- (1) Day care facilities shall only be allowed in residential zoning districts when it is accessory, and on the same lot, as an approved or permitted educational institution or place of worship.
- (2) Day care facilities in any residential district shall only be allowed when access to the use is from a collector or arterial street.
- (3) Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.

(u) Parking Lot

A parking lot may be permitted as the principal use of a lot if the parking lot is associated with another principal use on a lot that is within 500 feet of the lot line that contains the parking lot.

(v) Personal Services, Retail Businesses, and Restaurants

Personal services, retail businesses, and restaurants may be permitted in the I-1, I-2, or P-1 districts provided that the total square footage of space dedicated to all of these uses is limited to a maximum of 20 percent of the total floor area.

(w) Vehicle Washing Establishments

- (1) All structures shall be set back a minimum of 50 feet from any adjacent lot lines of lots in residential zoning districts. Any self-service washing establishment or portion of a building used for self-service washing shall be set back a minimum of 150 feet from any adjacent lot lines of lots in residential zoning districts.
- (2) In order to prevent excessive pooling of water in the street right-of-way, the facility must be equipped with a dryer or must demonstrate adequate drainage on-site to accommodate all water used for cleaning.
- (3) There shall be adequate provision for the disposal of waste water and the prevention of surface runoff.
- (4) Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the yard adjoining a residential zoning district. Such areas shall be set back a minimum of 150 feet from any adjacent lot lines of lots in residential zoning districts.
- (5) The use shall be subject to the vehicle waiting space requirements of Section [1234.18](#).

(x) Metal Salvage and Junk Storage

- (1) The storage of any metal salvage, scrap iron or junk, including inoperative or wrecked vehicles, containers, secondhand building materials, or other salvageable materials, shall be within a solid wall or fence, including solid gates, having a minimum height of 10 feet. Materials shall not be piled or stored higher than one foot below the top of the fence or wall.
- (2) All fences or walls required in this section shall be constructed of uniform materials painted or otherwise preserved and approved by the Planning Commission. Additional fences, walls or evergreen hedges may be required by the Commission if necessary, to adequately screen the materials from adjoining residential zoning districts or public streets.
- (3) Any buildings or structures associated with the use shall be set back a minimum of 200 feet from the property line of any residential lot or zoning district.

- (4) Exterior junk piles shall be arranged in a manner (with drives for accessibility) for the purposes of fire protection and access.
- (5) No burning of junk or other materials shall be permitted.

(y) Self-Storage Facilities – Indoor and Outdoor

- (1) The leases for all self-storage units shall include clauses related to the following:
 - A. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials is prohibited;
 - B. That the tenant shall be required to provide access to the Fire Department up to three times per calendar year for inspections related to the fire code; and
 - C. The property may not be used for any uses other than dead storage.
- (2) There shall be no retail sales on the property with the exception that the owner or their designee may hold an auction on the site up to four times a year for the purpose of selling goods stored in units.
- (3) The Avon Lake Fire Department shall be provided with 24-hour access to the grounds and buildings. A lockbox shall be provided for its use.
- (4) The maximum size of individual storage compartments shall be 500 square feet.
- (5) The outdoor storage of inventory, materials, vehicles or merchandise is prohibited, unless specifically approved by the Planning Commission as part of a conditional use approval for a self-storage facility (outdoor).
- (6) Sale, repair, fabrication or servicing of goods, motor vehicles, appliances, equipment, or materials or similar activities shall be prohibited in or from self-service storage facilities.
- (7) Self-storage facilities may not be used for residential purposes.
- (8) Except for sinks and restroom facilities provided solely for the use of the managers or security personnel of self-storage facilities containing more than ten individual storage units, neither sinks nor restroom facilities shall be permitted within self-storage facilities.
- (9) No storage unit door opening in a self-storage facility (outdoor) shall face a residential district.

(z) Truck Terminals

- (1) Truck routes shall be established and approved by the Planning Commission.
- (2) All buildings shall be set back a minimum of 100 feet from a residential zoning district.
- (3) There shall be no outside storage of materials, goods, and products, etc.

(aa) Vehicle Storage

Storage areas shall be located in the side or rear yard within the off-street parking areas and shall meet the minimum parking setback requirements in [Section 1234.06: Setback Requirements](#).

Chapter 1218: Mixed-Use Overlay District (MUO)

1218.01 Purpose

The Mixed-Use Overlay District (MUO) is established to promote high quality development in areas of the City that are designated for mixed-use in the Avon Lake Comprehensive Land Use Plan. Such areas are intended to be designed to encourage a range of commercial, office, service, and residential uses in walkable development. This district is designed to encourage high-quality development in alignment with the plan while also providing for the continued operation of existing uses in the base zoning district. The MUO is designed to provide for clear and predictable standards allowing for a streamlined review process.

1218.02 Scope and Applicability

The MUO District is an overlay district that applies as a secondary zoning district over base zoning districts.

- (a) Property owners that are subject to the MUO District may continue to use their property in accordance with the requirements of the applicable base zoning district.
- (b) At the election of the property owner, the owner may choose to develop pursuant to the MUO District, in accordance with this section, without requiring the rezoning of the base zoning district.

1218.03 Review Procedure and Criteria

(a) Review Procedure

The review procedure for development under the MUO District shall be as follows:

(1) Step 1 – Pre-Application Meeting (Required)

An applicant shall be required to have a pre-application meeting with the Development Review Committee to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1214.01\(f\)](#).

(2) Step 2 – Application

The applicant shall submit an application in accordance with Section [1214.01: Common Review Requirements](#), and with the provisions of this section.

(3) Step 3 – Development Review Committee Review

- A. Upon determination that a MUO development plan application is complete, the Development Review Committee shall review the application and may distribute the application to other departments or agencies for review and comment.
- B. The Development Review Committee will review the application and provide a summary report of comments to the applicant.
- C. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the Planning Commission without revisions. In all cases, the Development Review Committee will forward their report to the Planning Commission.

(4) Step 4 – Planning Commission Review and Recommendation

- A. The Planning Commission shall review the MUO development plan application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. In reviewing the application, the Planning Commission shall at a minimum, consider the review criteria of this section.

- C. Within 60 days of the Code Administrator determining that the application is complete, the Planning Commission shall make a recommendation to City Council on the application. In making its recommendation, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- D. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.

(5) Step 5 – City Council Review and Decision

- A. Following receipt of the recommendation from the Planning Commission (Step 4), the application shall be placed on City Council’s agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or City Council shall set a time for a public hearing on the proposed amendment that is no more than 60 days from receipt of the Planning Commission’s recommendation.
- B. Notification of the public hearing shall be provided in accordance with Section [1214.01\(i\): Public Notification for Public Hearings](#).
- C. City Council shall review a MUO development plan application during a public hearing. In reviewing the application, City Council shall at a minimum, consider the recommendation from Planning Commission and the review criteria of this section.
- D. City Council shall approve, approve with some modification, or deny the recommendation of the Planning Commission. Such action shall only require concurring vote of a simple majority of City Council unless the City Council votes to approve, in any form, an application where the Planning Commission recommended denial, in which case the approval shall require a three-fourths majority vote of City Council.
- E. If the City Council fails to make a decision within 90 calendar days, or an extended timeframe approved by the applicant, the application shall be deemed approved.

(b) Review Criteria

In order to approve a MUO development plan, the Planning Commission and City Council shall determine that:

- (1) The proposed development is consistent with all the requirements of this code, and other related codes and ordinances of the City;
- (2) The proposed development complies with any established standards or requirements in the approved comprehensive land use plan, thoroughfare plan, or other adopted plans of the City;
- (3) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., conditional use approvals, variance approvals, etc.);
- (4) The development will result in a harmonious grouping of buildings within the proposed development and will create a more walkable development;
- (5) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
- (6) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- (7) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;

- (8) Upon review and recommendation of the Code Administrator, points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;
- (9) Adequate provision is made for emergency vehicle access and circulation; and
- (10) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

(c) Significance of an Approved MUO Development Plan

- (1) An approved MUO development shall become, for the proposed development, a binding commitment of the specific elements approved for development. Such development plan shall be considered an approved site plan for the development and after approval, the applicant may seek approval of zoning and building permits without returning to Planning Commission for further approvals. (Ord. 23-46. Passed 3-13-2023.)
- (2) All construction and development under any zoning permit and building permit shall be in accordance with the approved MUO development plan. Any departure from such plan shall be cause for revocation of the zoning permit and/or building permit, and the property owner or other responsible parties are subject to penalties as prescribed by this code.

(d) Time Limit

- (1) The applicant shall submit a completed application for a zoning permit within one year of the date the MUO development plan was approved or the MUO development plan approval shall expire.
- (2) Upon expiration of a MUO development plan approval, a new application, including all applicable fees, shall be required before a new MUO development plan will be reviewed.
- (3) Upon written request, up to two extensions of six months may be granted by the Code Administrator if the applicant can show good cause for a delay.
- (4) The City Council may authorize alternative time limits for zoning permit issuance, as part of its approval, based on the scale of the proposed development.

(e) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the City Council shall have the right to appeal the decision the Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

1218.04 Permitted Uses

- (a) Only those uses listed as allowed in the MUO District in [Table 1216-3](#) shall be permitted in a MUO development plan.
- (b) If [Table 1216-3](#) identifies a use as a conditional use in the MUO District, the conditional use application must be reviewed prior to, or simultaneously with, the MUO development plan.
- (c) Uses that are solely residential are permitted within the MUO District but they must be located behind nonresidential buildings. Such uses shall not have frontage along any major arterial or collector road in the MUO District unless such uses are proposed in an area identified as “R” for medium to high density residential or “T” for townhomes uses in the focus area concepts of the comprehensive land use plan. (Ord. 23-46. Passed 3-13-2023.)
- (d) Residential-only uses shall not occupy any more than 40 percent any site subject to an application. Such uses shall be required to be multi-family dwellings. The applicant may identify a site containing multiple contiguous parcels. (Ord. 23-46. Passed 3-13-2023.)
- (e) Accessory and temporary uses shall be permitted as allowed in [Chapter 1224: Accessory and Temporary Use Regulations](#).

- (f) As part of any approval, the Planning Commission and/or City Council may restrict the uses permitted within an individual MUO development plan by adopting a list of uses permitted within the approved MUO development plan.
- (g) All uses shall be subject to the performance standards of Section [1226.02: Performance Standards](#).
- (h) Any change of use or tenancy, excluding residential changes in tenancy, may be approved through the zoning permit process provided the use complies with this code and the approved MUO development plan.

1218.05 Development Standards

(a) General Design Principles

- (1) The design of any development under the MUO District should reflect the mixed-use recommendations of the comprehensive land use plan with a focus on the creation of a pedestrian friendly mixed-use area that includes a mixture of residential, office, retail, services, public, and institutional uses.
- (2) Where this section does not address certain requirements of this code (e.g., landscaping or parking, etc.), then the application shall be subject to those regulations, unless otherwise stated.

(b) Setbacks

- (1) For nonresidential or mixed-use buildings in the Town Center or Lake Road concept areas (See the Avon Lake Comprehensive Land Use Plan.) that will have frontage along an arterial or collector street, or any major street as determined by the Planning Commission and City Council, a minimum of 70 percent of the front facade of the main building shall be set along the sidewalk. The remaining 30 percent of the front facade may be set back a maximum of 15 feet to create entrances, courtyards and open spaces.
- (2) For nonresidential or mixed-use buildings in the Lear Road concept areas (See the Avon Lake Comprehensive Land Use Plan.), the façade of the building shall be set back a maximum of 30 feet.
- (3) In all other instances, where the subject lot does not have frontage along the streets identified above, the development may be set back to a distance approved by the Planning Commission and City Council. However, parking should be located to the rear of the building, to the maximum extent practicable.
- (4) The Planning Commission and City Council may approve an alternative setback if the predominant development adjacent to the subject site reflects the character envisioned by the comprehensive land use plan and will make the subject development more compatible with existing development.
- (5) Residential-only uses shall be set back no more than 25 feet from the front lot line.

(c) Density, Building Height, and Open Space

- (1) [Table 1218-1](#) sets out the density and building height requirements for the different mixed-use areas in Avon Lake.

TABLE 1218-1: MUO DISTRICT REQUIREMENTS		
Concept Area	Density	Maximum Building Height
Town Center	Up to 25 Units per Acre	50
Lake Road	Up to 18 Units per Acre	40
Lear Road	Up to 12 Units per Acre	40

- (2) The Planning Commission and City Council shall have the authority to restrict densities based on the compatibility of the development with surrounding development, the scale of the overall project, traffic impacts, and recommendations from the comprehensive land use plan.
- (3) Higher density developments shall require additional open space set-asides. The application shall comply with the requirements of [Chapter 1230: Open Space and Recreation Impact Fee Requirements](#).
- (4) All principal buildings shall have a minimum height of two stories except in the Lear Road concept area where there shall be no minimum building height.
- (5) All residential-only uses shall have a minimum density of eight units per acre.

(d) Lot Coverage

The maximum lot coverage of all buildings, on any lot, shall be 50 percent. See Section [1226.01\(i\)\(1\)](#) for method of calculation.

(e) Building Orientation

- (1) Buildings shall be oriented toward the street unless adjacent to a common open space, in which case the Planning Commission and City Council may approve an alternative orientation to face the open space.
- (2) Buildings located near the intersection of two street may be oriented toward a corner. If the building is oriented toward one of the streets, any facade facing other streets shall have similar architectural styles.

(f) Signs

- (1) Signs shall be integrated into the building and landscaping plans to enhance the overall appearance while providing adequate identification of the development.
- (2) The requirements of [Chapter 1236: Sign Standards](#), may only be waived as part of the approval of the MUO development plan when the applicant submits a master sign plan for an MUO development plan application with a minimum acreage of five acres. In such cases, the master sign plan shall not allow for more than a 10 percent increase in the total sign area allowed in [Chapter 1236: Sign Standards](#).

(g) Building Design

The general architectural of any building shall comply with any applicable standards of [Chapter 1228: Architectural Standards](#). Additionally:

- (1) For any building that is not residential-only, the ground floor of the building shall be restricted to retail businesses, personal services, offices, restaurants, or other nonresidential uses.
- (2) Offices, other permitted nonresidential uses, and residential uses should be developed on the upper floors of the buildings.
- (3) The ground floor of the building should be designed to be at least 60 percent transparent, through the use of glass.
- (4) Open spaces between buildings that create courtyards or walkways to the rear of the property or parking areas are strongly encouraged.

(h) Pedestrian Connections

- (1) Pedestrian connections linking individual buildings within the MUO District to sidewalks and/or paths are required.
- (2) Pedestrian connections between the MUO District and adjacent neighborhoods or developments are strongly encouraged.

(i) Parking

Any development in the MUO District shall comply with the minimum parking requirements of this code however, Planning Commission and City Council shall have the authority to modify the parking requirements of this code if the applicant can demonstrate adequate availability of public parking, shared parking, or other alternatives that will meet the intent of the requirements of [Chapter 1234: Parking, Access, and Mobility Standards](#).

(j) Utilities and Service Equipment

All industry standard grade utilities shall be located underground. All manholes, utility boxes, entry fixtures and other service equipment shall be located in side or rear yards and away from walkways. These fixtures shall be adequately screened as provided in Section [1232.05: Screening Requirements](#).

Chapter 1220: Planned Unit Developments (PUD)

1220.01 Purpose

The purpose of the PUD District is to protect all PUDs that were approved by the City of Avon Lake prior to January 1, 2022. It is the purpose of this chapter to allow for the continuance of previously approved PUDs in accordance with approved plans in a manner that the approved PUDs will be considered conforming with this code and will not be deemed nonconforming. Furthermore, the purpose of this chapter is to provide some guidance for future modifications of these PUDs and the establishment of accessory uses and structures that may not have been addressed by previous plan approvals.

1220.02 Applicability

- (a) This chapter will apply to all PUDs identified on the zoning map that were approved prior to the date established in Section [1220.01](#) above.
- (b) After such date, no new PUD Districts may be established. As an alternative, applicants may seek approval of a residential planned development under [Chapter 1222: Residential Planned Development District \(RPD\)](#).

1220.03 Changes to Approved PUDs

- (a) Where a property owner on a lot in a PUD seeks a variance from the approved plan for an individual property that will not apply to any other property in the PUD, the property owner shall request such variance in accordance with Section [1214.09: Variances](#).
- (b) Any request to change or otherwise modify an approved PUD after January 1, 2022, as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

(1) Major Change Reviewed by Planning Commission and City Council

Where an applicant proposes any of the following, the applicant shall submit a revised plan that conforms with the review requirements for an RPD in Section [1222.03\(c\): RPD Submission and Review Procedure](#):

- A. Expansion of an existing PUD beyond the limits of the approved PUD (only the new expansion will be subject to review); or
- B. Proposed changes to the uses or density that will result in an increase in residential dwelling units of more than five percent of the total dwelling units approved as part of the original PUD.

(2) Major Change Reviewed by Planning Commission Only

The following changes shall require approval by the Planning Commission following a public hearing unless the Code Administrator determines that changes are not significant enough to substantially alter the originally approved plan:

- A. Changes in the development plan relative to the arrangement of lots, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PUD; and
- B. Amendments to the conditions that were attached to the PUD approval.

(3) Minor Changes Reviewed by the Code Administrator

- A.** Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PUD approval, and which are essentially technical in nature, as determined by the Code Administrator, shall be reviewed administratively by the Development Review Committee. The Development Review Committee shall make a recommendation to approve or deny the change to the Code Administrator who shall have the authority to make a final decision.
- B.** The Code Administrator shall have the authority to forward the action to the Planning Commission in the case that the recommendation is to deny the change.
- C.** Examples of minor changes include, but are not limited to, changes in the intensity of lighting, changes to individual floor plans, changes to the siting of an individual building on a lot within approved setbacks, changes in the size and location of water and sewer lines within approved easements, engineering changes that do not alter street or lot layouts, and changes in the location and number of fire hydrants.
- D.** The Code Administrator shall notify the Planning Commission of all such approved minor changes.

1220.04 Accessory Uses

Unless otherwise allowed for in the approved plans, accessory uses associated with development in a PUD shall be allowed in accordance with the following:

- (a)** Accessory uses permitted in the R-1, R-1A, R-1B and R-1C districts shall be allowed for any single-family dwelling.
- (b)** Accessory uses allowed in the R-2 and R-3 districts shall be allowed for any two-family, three-family, or multi-family dwelling.
- (c)** Any allowed accessory use or structure may only be located in the yards as stated in Section [1224.01\(e\)](#) and are subject to any allowance for encroachments into those applicable yards.

Chapter 1222: Residential Planned Development District (RPD)

1222.01 Purpose

The purpose of the Residential Planned Development (RPD) District is to provide a means for encouraging ingenuity, open space preservation, imagination and flexibility in the planning and designing of residential land areas. The RPD regulations provide a controlled flexibility by utilizing objectives and performance standards rather than rigid design requirements, the intent being to encourage developments that possess greater amenities and/or provide greater environmental protection than standard zoning district requirements. It is not the intent of the RPD to allow applications to circumvent the intent of this code to permit residential density, housing types, or street and utility layouts which conflict with the Comprehensive Land Use Plan of the City or the character of the area. It is furthermore the purpose of the RPD regulations to:

- (a) Encourage creative and high-quality developments that are compatible with surrounding land uses, achieve a high degree of pedestrian-vehicular separation; and contribute to the overall quality of Avon Lake;
- (b) Protect natural features such as wetlands, topography, trees, and drainage ways in their existing natural state as much as possible;
- (c) Provide for adequate and usable open space;
- (d) Provide for a flexible arrangement of buildings, densities and a variety of housing types to meet the needs of the residential market;
- (e) Ensure that there are adequate services and infrastructure to serve the proposed development; and
- (f) Promote a harmonious design amongst the various elements and uses within the development while mitigating any potential negative impact on surrounding properties.

1222.02 Scope and Applicability

- (a) The intent of the RPD regulations is to provide a means for applying comprehensive and flexible planning and design techniques on properties substantially sized to accommodate such a plan. As such, the minimum size of any RPD project or plan shall be 15 acres. RPD proposals should not be applied to small areas as a means of bypassing traditional district regulations.
- (b) An RPD of less than 15 acres may be considered for medium or high-density residential areas as defined by the Comprehensive Land Use Plan. Planning Commission and City Council must approve such reduction in size.

1222.03 RPD Review Process

(a) Ownership

In order to submit an application for RPD review, the tract or tracts of land included within the proposed RPD shall be in one ownership or control, or shall be subject to a joint application by the owners of all properties included within the proposal.

(b) Review Procedure Options

- (1) All applications shall be preceded by a pre-application conference pursuant to this chapter.
- (2) All applications shall be subject to relevant sections of the common review requirements in Section [1214.01: Common Review Requirements](#).
- (3) All applications that are not already within an RPD District shall include a separate application for a zoning map amendment to an RPD District. Such amendment shall be reviewed as part of the RPD Development Plan.

(c) RPD Submission and Review Procedure

(1) Step 1 – Pre-Application Meeting (Required)

An applicant shall be required to have a pre-application meeting with the Development Review Committee to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1214.01\(f\)](#).

(2) Step 2 – Application

The applicant shall submit an application in accordance with Section [1214.01: Common Review Requirements](#), and with the provisions of this section.

(3) Step 3 – RPD Development Plan and Zoning Map Amendment

- A.** The RPD Development Plan approval procedure involves a zoning map amendment to rezone the subject property to an RPD with an approved RPD Development Plan.
- B.** The procedure for this stage shall comply with the requirements of Section [1214.02: Code Text and Map Amendments](#), including review by the Development Review Committee.
- C.** In accordance with the zoning map amendment review procedure, the Planning Commission shall hold a public hearing to review the RPD Development Plan and make a recommendation to City Council to approve, approve with modifications, or deny the application. The recommendation shall be made based on review of the application using the criteria contained in Section [1222.04: Review Criteria](#).
- D.** In accordance with the zoning map amendment review process, City Council shall hold a public hearing on the RPD Development Plan and zoning map amendment and decide to approve, approve with modifications, or deny the application using the criteria contained in Section [1222.04: Review Criteria](#), of this chapter. If the application is approved, the area of land involved in the application shall be rezoned as an RPD with a related, approved RPD Development Plan.
- E.** Such action of City Council shall only require concurring vote of a simple majority of City Council unless the City Council votes to approve, in any form, an application where the Planning Commission recommended denial, in which case the approval shall require a three-fourths majority vote of City Council.
- F.** In making its recommendations or decisions, the Planning Commission and/or City Council may impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards of this zoning code and with the Comprehensive Land Use Plan. In so doing, the Planning Commission and/or City Council may permit the applicant to revise the plan and resubmit it as an RPD Development Plan within 60 days of such action.
- G.** Preliminary subdivision plat approval may occur concurrently with the RPD Development Plan approval if permitted by the Code Administrator. If submitting plats for subdivision review simultaneously with the RPD Development Plan, the plats shall be subject to all applicable subdivision standards and requirements including the applicable review process.

(4) Step 4 – Site Plan Review and/or Zoning Permit Issuance

- A.** Zoning permits shall not be issued until the lot or applicable subdivision has been fully recorded in the office of the Lorain County Recorder's Office and public improvements have been installed in accordance with the applicable subdivision regulations.
- B.** For development activities where site plan review is required, the applicant shall be required to received site plan review prior to issuance of a zoning permit.

(d) Time Limit

- (1) Any RPD Development Plan shall be valid for a period of two years after the date of approval by City Council. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the approved RPD Development Plan for one or more phases of the project) within two years from the date of approval, such approval shall lapse and be of no force and effect.
- (2) Two one-year extensions of the time limit set forth in Paragraph (1), above, may be granted by the Planning Commission if such extension is not in conflict with the most current comprehensive land use plan and that such extension is in the best interests of the entire community. The developer/owner shall apply for an extension and shall state the reason for the extension.
- (3) If an approved RPD Development Plan lapses as provided in this section, the RPD Development Plan shall be considered void. Notice of such lapse shall be filed by the Planning Commission and forwarded to the City Council.
- (4) Voiding of the RPD Development Plan shall not rezone the property. After such plans are voided, the Planning Commission, City Council, or property owners may initiate a rezoning to a base zoning district in accordance with Section [1214.02: Code Text and Map Amendments](#), or the property owner, or their agent, may resubmit an RPD Development Plan in accordance with the procedures of this chapter.

(e) Changes to Approved RPDs

- (1) An RPD shall be constructed and completed in accordance with the approved RPD Development Plan including all supporting data and conditions. The RPD Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the RPD as set forth therein.
- (2) Where a property owner on a lot in an RPD seeks a variance from the applicable standards for an individual property that will not apply to any other property in the RPD, the property owner shall request such variance in accordance with Section [1214.09: Variances](#).
- (3) Any request to change or otherwise modify the approved RPD Development Plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

A. Major Changes Reviewed by Planning Commission and City Council

Where an applicant proposes any of the following, the applicant shall submit a revised RPD Development plan that will be subject to the same review as a new RPD, in accordance with Section [1222.03: RPD Submission and Review Procedure](#):

- i. Expansion of an existing RPD beyond the limits of the RPD Development plan approval; or
- ii. Proposed changes to the uses or density that will result in an increase in residential dwelling units of more than five percent of the total dwelling units approved as part of the original RPD Development Plan.

B. Major Changes Reviewed by Planning Commission Only

The following changes shall require approval by the Planning Commission following a public hearing unless the Code Administrator determines that changes are not significant enough to substantially alter the originally approved plan:

- i. Changes in the development plan relative to the arrangement of lots, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the RPD; and
- ii. Amendments to the conditions that were attached to the RPD Development Plan or RPD Development Plan approval.

C. Minor Changes Reviewed by the Code Administrator

- i. Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved RPD Development Plan, and which are essentially technical in nature, as determined by the Code Administrator, shall be reviewed administratively by the Development Review Committee. The Development Review Committee shall make a recommendation to approve or deny the change to the Code Administrator who shall have the authority to make a final decision.
- ii. The Code Administrator shall have the authority to forward the action to the Planning Commission in the case that the recommendation is to deny the change.
- iii. Examples of minor changes include, but are not limited to, changes in the intensity of lighting, changes to individual floor plans, changes to the siting of an individual building on a lot within approved setbacks, changes in the size and location of water and sewer lines within approved easements, engineering changes that do not alter street or lot layouts, and changes in the location and number of fire hydrants.
- iv. The Code Administrator shall notify the Planning Commission of all such approved minor changes.

(f) Revocation

- (1) In the event of a failure to comply with the approved plan or any prescribed condition or approval, including failure to comply with the stage development schedule, the Planning Commission may, after notice and hearing, revoke the approval of the RPD Development Plan. The Planning Commission shall at the same time recommend whether to maintain the RPD zoning district or the rezoning of the properties to another zoning district.
- (2) The revocation shall become final 30 days after City Council passes an ordinance to rezone the property to a non-RPD zoning category or a decision by the Planning Commission to revoke the approved plans but retain the RPD zoning.
- (3) Where the RPD zoning remains without an approved RPD Development Plan, the property owner or agent shall be required to submit a new RPD Development Plan in accordance with the review procedures of this chapter.

(g) Recording

The recording of the subdivision related to the RPD approval shall be done in the same manner as outlined in Section [1214.05: Major Subdivisions](#).

1222.04 Review Criteria

All RPD applications shall be reviewed based on the following general criteria and the applicable review body shall consider such criteria in the creation of their specific findings when making recommendations and decisions regarding RPD applications:

- (a) The proposed development is in conformity with the goals, policies, and any applicable recommendations of the Avon Lake Comprehensive Land Use Plan;
- (b) The proposed development meets the intent and spirit of this code and all other applicable City ordinances or adopted plans;

- (c) The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate buffers where necessary;
- (d) The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;
- (e) The proposed development maximizes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses;
- (f) The proposed development, while compatible with its surroundings, provides a more diverse environment for living, shopping and/or working than would be possible under strict application of the standard minimum design requirements of other districts provided within this code;
- (g) The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, public works, schools, water supply and wastewater disposal due to excessive population densities;
- (h) The proposed development is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- (i) The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which will be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement and densities of land uses;
- (j) The proposed development minimizes pedestrian, bicycle, and vehicle conflicts;
- (k) The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning and subdivision requirements;
- (l) The proposed development contains such proposed covenants, easements, association by-laws and other such provisions as may reasonably be required for the public health, safety, and welfare;
- (m) The proposed development is designed in such a way that each individual section of the development as well as the total development, can exist as an independent section capable of creating an environment of sustained desirability and stability or that adequate assurance has been provided that such an objective shall be attained;
- (n) Where common open space is required, appropriate arrangements with the applicant have been made which will ensure the reservation of common open space as identified on the RPD Development. If deemed necessary by City Council during the RPD Development Plan review process, City Council may require the applicant to hold bond to ensure the successful and proper reservation of open space. Furthermore, the RPD Development Plan shall demonstrate how the open spaces shall be duly transferred to a legally established homeowner's association or has been dedicated to the City or another public or quasi-public agency for preservation and maintenance;
- (o) Appropriate agreements with the applicant have been made to ensure the proper completion of public improvements in compliance with Title Four, Platting and Subdivisions, of the Codified Ordinances of Avon Lake, Ohio;
- (p) The proposed development can be substantially completed within the time specified in the schedule of development submitted by the developer; and
- (q) The RPD plans have been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been considered and reasonably addressed by the applicant.

1222.05 Permitted Uses

(a) Principal Uses

- (1) Only those uses listed as a permitted residential use or public, institutional, and recreational use in this code (See Section [1216.05: Allowed Principal Uses](#).) may be considered in the application of an RPD. A use shall be considered permitted use in an RPD if is permitted as-of-right, permitted with standards, or permitted as a conditional use in Section [1216.05: Allowed Principal Uses](#).
- (2) The permitted uses within the RPD shall be established for the subject property in the comprehensive land use plan. Any request for alternative land uses shall require the approval of the Planning Commission and City Council as part of the RPD review process.
- (3) In general, any standards that applies to a specific use in this code shall also apply to those same uses in an RPD. However, the Planning Commission and City Council may adjust or waive any of those use-specific standards based on unique circumstances.
- (4) As part of any approval, the Planning Commission and/or City Council may restrict the uses permitted within an individual RPD by adopting a list of uses permitted within the RPD.
- (5) All uses shall be subject to the performance standards of Section [1226.02: Performance Standards](#).

(b) Accessory Uses

- (1) Unless otherwise allowed for in the approved plans, accessory uses associated with development in an RPD shall be allowed in accordance with the following:
 - A. Accessory uses permitted in the R-1, R-1A, R-1B and R-1C districts shall be allowed for any single-family dwelling.
 - B. Accessory uses allowed in the R-2 and R-3 districts shall be allowed for any two-family, three-family, or multi-family dwelling.
- (2) Any allowed accessory uses shall still comply with the applicable accessory use-specific standards established in this code in Section [1224.01: Accessory Uses and Structures](#).
- (3) As part of any approval, the Planning Commission and/or City Council may restrict the accessory uses permitted within an individual RPD.
- (4) For residential uses, the maximum gross floor area of accessory buildings shall be as established in [Table 1222-1](#). The table also establishes the maximum lot coverage, of the rear yard, by all accessory structures, including accessory buildings. The accessory structures that count toward lot coverage are identified in [Table 1224-2](#). The maximum rear yard lot coverage requirements shall not be waived as part of the RPD process.

TABLE 1222-1: MAXIMUM FLOOR AREA AND REAR YARD COVERAGE FOR ACCESSORY STRUCTURES

Lot Area (Square Feet)	Maximum Sq. Ft. of Any One Accessory Building	Maximum Sq. Ft. of All Accessory Buildings	Maximum Coverage of Rear Yard by All Accessory Structures
15,000 or More	500	1,000	40%
12,000 to 14,999	500	1,000	45%
6,500 to 11,999	250	500	65%
Under 6,500	250	500	65%

1222.06 Development Standards

(a) Lot and Density Regulations

- (1) [Table 1222-2](#) sets out the density, total lot coverage, and building height requirements for the different areas of Avon Lake based on the future land use categories of the comprehensive land use plan. See Section [1226.01: Lot and Principal Building Regulations](#) for methods of calculation.

TABLE 1222-2: RPD DENSITY, LOT COVERAGE, AND BUILDING HEIGHT STANDARDS				
Future Land Use Plan Category	Maximum Density	Maximum Lot Coverage	Maximum Front Yard Setback	Maximum Building Height
Low-Density Residential	2 Units per Acre	40%	30 Feet	35 Feet
Medium-Density Residential	15 Units per Acre	50%	20 Feet	45 Feet
High-Density Residential	Up to 25 Units per Acre	50%	15 Feet	50 Feet

- (2) The Planning Commission and City Council shall have the authority to restrict densities based on the compatibility of the development with surrounding development, the scale of the overall project, traffic impacts, and recommendations from the comprehensive land use plan.
- (3) The Planning Commission and City Council may waive requirements to lessen the density or intensity of uses but an increase in density or intensity shall require an amendment to the comprehensive land use plan.
- (4) Each principal building shall have its own private yard.
- (5) The RPD Development Plan shall illustrate lot areas and setbacks (e.g., building area for each lot) for each lot.
- (6) Every building in an RPD shall have access either to a street, walkway, or other area dedicated to common use.
- (7) In RPDs with residential dwelling units, the privacy of future residents shall be assured by yards, creative building arrangements, screening and other design elements. At a minimum, residential dwellings shall meet the following standards in an RPD:
- A. The minimum distance between principal buildings shall not be less than 10 feet.
 - B. For multi-family dwellings, principal buildings should be oriented in a manner that will provide the most privacy to individual dwellings through creative placement and increased separation.
 - C. Driveways may be located along a lot line but on lots where there is a side-loading garage or access to a garage where a vehicle backs out of the garage toward an adjacent lot line instead of a street and where a zero-foot setback is proposed, a curb shall be installed along the entire driveway to prevent the overhang of any vehicles across lot lines and to direct drainage to approved drainage systems.

(b) Open Space

All RPD applications shall incorporate open space as required in [Chapter 1230: Open Space and Recreation Impact Fee Requirements](#) based on the density of residential development.

(c) Design and Development Standards

Where this code provides for design and development standards not specifically addressed in this chapter, development within an RPD shall comply with the applicable standard.

(1) Illumination

All development shall comply with the outdoor lighting standards of Section [1226.04: Outdoor Lighting](#) unless the Planning Commission and City Council

(2) Off-Street Parking and Loading

All development shall comply with the requirements of [Chapter 1234: Parking, Access, and Mobility Standards](#) unless waived by the Planning Commission and City Council where shared parking, on-street parking, or other arrangements will not necessitate as much parking.

(3) Landscaping and Buffering

- A.** All RPDs shall comply with the applicable landscaping and buffering requirements of [Chapter 1232: Landscaping and Screening Standards](#), which shall be established as the minimum landscaping and buffering requirements. To the maximum extent possible, applicants should make efforts to preserve large areas of mature tree stands in areas that will provide natural landscaping and buffering between uses, in which case, the opacity requirements of Section [1232.05\(b\)](#) may be waived.
- B.** All development and common open space shall be landscaped according to all overall coordinated plan, utilizing a variety of trees, including evergreen type whenever possible to maximize screening potential year-round. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances.
- C.** The percentage of retained and proposed landscaped areas to the total area shall not be less than 20% of the entire lot.
- D.** In general, all unpaved areas of a lot shall be landscaped, or a bond or irrevocable letter of credit submitted to guarantee the installation of landscaping prior to occupancy of a principal building.
- E.** The amount of landscaping shall be comparable to the intensity of the development proposed to soften the developed areas. Particular care shall be taken to introduce trees and other landscaping into parking and other paved areas that are sustainable given the proximity to large expanses of pavement.
- F.** Outdoor areas or containers holding or storing trash, garbage, recycled or reused materials shall be screened on three sides from adjoining properties, streets and other public areas. Such areas or containers shall be screened in accordance with this Code and shall include a decorative gate for access.
- G. Project Buffer**
 - i.** RPDs that contain residential uses of a higher density than of adjacent residential uses shall be required to provide a permanent open space buffer consisting of mounding and vegetative plantings sufficient to protect the privacy and amenity of such adjoining areas. The buffer area shall be a minimum of:
 - a.** 20 feet in width if the gross density of the RPD is more than one unit per acre higher than adjacent residential development; or
 - b.** 50 feet in width if the gross density of the RPD is more than five units per acre higher than adjacent residential development
 - c.** Planning Commission and City Council may reduce the required buffer based on the presence of adjacent open space or landscaping areas that provides a pre-existing buffer or the presence of other design elements that will help mitigate the need for such buffer.

- ii. The buffer area shall be maintained by the land owner or owner association in such a manner as to insure its effectiveness.
- iii. The project buffer area shall not be included in the calculation for the lot area of any private lot.

(4) Signs

- A. Signs shall be integrated into the building and landscaping plans to enhance the overall appearance while providing adequate identification of the development.
- B. The requirements of [Chapter 1236: Sign Standards](#), may only be waived as part of the approval of the preliminary RPD plan when the applicant submits a master sign plan for the entire RPD. In such cases, the master sign plan shall not allow for more than a 10 percent increase in the total sign area allowed in [Chapter 1236: Sign Standards](#).

(5) Development Layout

Dwelling units shall be grouped or clustered to provide interest and diversity in the arrangement, maximize privacy, collect and maximize the common open space and promote the individual character and coordinated layout of each lot, cluster and grouping. Streets and cul-de-sacs shall be laid out so as to discourage through and high-speed traffic unless such through street is needed to be in compliance with the approved City plans.

(6) Vehicular Access Points

- A. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.
- B. Topography, landscaping and existing vegetative clusters shall be utilized as necessary to make the project attractive and provide buffers between areas of substantially different character.
- C. The street and thoroughfare network shall be designed to minimize truck and through traffic passing through residential areas of the development, especially where dwelling units with two or more bedrooms are common.
- D. A minimum of two ingress and egress points shall be provided for any RPD. If an RPD is phased, each phase shall have a minimum of two ingress and egress points at the time of construction . Planning Commission and City Council may approve one ingress and egress point for the RPD or individual phase if the establishment of two access points is determined not to be feasible.
- E. Where an RPD is located adjacent to a vacant lot, connections shall be planned for the future connection to the future development of the vacant lot unless waived by the Planning Commission and City Council. Where such connections are made, a temporary turnaround may be established and the future connection shall be noted on the RPD Development Plan and the final subdivision plat. An easement shall be provided on the final plat of the subdivision to keep the land open in perpetuity for the connection.

(7) Vehicular Circulation

The circulation system and parking facilities shall be designed to fully accommodate the automobile with safety and efficiency. Any driveway to arterial and collector streets shall be placed at locations where the traffic can be controlled and operated effectively with the minimum interference with the capacity and flow of the existing streets.

(8) Pedestrian Circulation

An interconnecting walkway system shall be designed to promote easy and direct barrier free access, using accepted criteria, to all areas of the development in a carefully conceived total service plan while also considering the security of the residents in the design. Wherever possible, the vehicular and pedestrian circulation patterns shall be completely separate and independent of one another.

(9) Bicycle Plan

A planned unit development shall consider bicycle plans adopted by the City and/or a regional agency, where applicable, on or adjacent to the site. A component of the bike plan which is proposed within a planned unit development shall be assured for public access by easements, agreements or covenants as may be appropriate after review by appropriate departments, acceptance by the Law Director and approval by Council.

(10) Solid Waste Storage and Disposal

All solid waste rubbish, garbage and receptacles shall be stored in enclosed areas acceptable to and regulated by the City.

(d) Improvement Standards

(1) Subdivision Compliance

Unless alternative standards are approved as part of a subdivision modification, all RPDs shall comply with the applicable subdivision improvement and design standards established in [Chapter 1238: Subdivision Design Standards](#).

(2) Streets

All streets proposed within an RPD shall be public streets, dedicated to the City of Avon Lake in accordance with the applicable subdivision regulations, unless otherwise approved by Planning Commission and City Council as part of the RPD Development Plan approval. In considering the approval of any application that proposes the use of private streets, the Planning Commission and City Council shall consider the following:

- A.** All private streets shall be designed in accordance with the standards of Section [1238.12\(f\)](#).
- B.** Adequate provision shall be made for storm drainage, guest parking and for access by emergency vehicles and trash collection trucks.
- C.** Private streets are discouraged for use with developments of over 20 dwelling units and shall not be used solely to avoid the construction of public streets. Planning Commission and City Council may approve the use of private streets for more than 20 dwelling units if the design of such streets can sufficiently accommodate emergency service vehicles.
- D.** Any development proposed containing private streets shall also contain a description of the method by which such streets are to be maintained, such as the by-laws of a homeowners' association.

(3) Pedestrian Walkways

In addition to any sidewalk requirements required by the applicable subdivision standards, any RPD that contains residential uses shall provide for adequate pedestrian walkways connecting residences to existing and proposed recreational facilities, schools, neighborhood shopping, other residential areas, and adjoining sidewalk systems.

Chapter 1224: Accessory and Temporary Use Regulations

1224.01 Accessory Uses and Structures

(a) Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

(b) General Provisions

- (1) An accessory use or structure shall be incidental to the primary use of the lot, and shall not alter the character of the principal use.
- (2) Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.
- (3) No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced.

(4) Demolitions

- A. In cases where the main or principal structure is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the main structure to which it is supposed to be an accessory on the following conditions:
 - i. Up to 12 months consistent with that allowed by [Chapter 1242: Nonconformities](#).
 - ii. A zoning permit and building permit is obtained for the reconstruction of the principal structure, the construction of which shall take place within 12 months. Failure to complete reconstruction of the principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense unless cause is given, in which case the Code Administrator may approve an extension of up to 12 months.
 - B. If the main or principal structure is demolished, all paved areas shall be demolished in accordance with Section [1234.05\(a\)](#).
- (5) Small accessory structures such as doghouses, benches, garden decorations, barbeque equipment, etc. shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 24 square feet.
 - (6) Gardens and the raising of crops for the personal use of the residents, tenants, or property owners, may be grown in the side or rear yard, without a permit.
 - (7) Maintaining or harboring of livestock is prohibited unless approved as an agricultural use in accordance with this code. Maintaining or harboring roosters may not be approved as a conditional use.
 - (8) An accessory building that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards and all other development standards of the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
 - (9) The accessory use regulations of this chapter shall not apply to any public park lands owned by the City, Lorain County, or the State of Ohio.
- #### (10) Height Limit
- A. Unless otherwise stated, the maximum height of a detached accessory building in residential zoning districts shall be 20 feet.

- B. Unless otherwise stated, the height of a detached accessory building in nonresidential zoning districts shall not exceed the height of the principal building.
- C. In no case shall any accessory structure exceed the height of the principal building in a residential zoning district.

(11) Number and Size Requirements

- A. There shall be no more than two accessory buildings located on a single zoning lot in a single-family residential district (R-1A, R-1B, R-1C, and R-1D).
- B. For the purposes of this code, accessory buildings shall include detached garages and carports, detached storage/utility sheds, and other detached accessory buildings that are completely enclosed by a roof and walls constructed of permanent materials (including screened-in porches where the majority of materials is permanent), as determined by the Code Administrator.
- C. [Table 1224-1](#) establishes the maximum gross floor area of accessory buildings as well as the maximum lot coverage, of the rear yard, of all accessory structures (including accessory buildings) for single-family residential districts. [Table 1224-2](#) includes a column that identifies what accessory buildings and structures count toward this lot coverage.

TABLE 1224-1: MAXIMUM FLOOR AREA AND REAR YARD COVERAGE FOR ACCESSORY STRUCTURES					
Zoning District	Lot Containing a Dwelling with an Attached Garage		Lot Containing a Dwelling without an Attached Garage		Maximum Lot Coverage of Rear Yard by All Accessory Structures
	Maximum Sq. Ft. of Any One Accessory Building	Maximum Sq. Ft. of All Accessory Buildings	Maximum Sq. Ft. of Any One Accessory Building	Maximum Sq. Ft. of All Accessory Buildings	
R-1A	500	1,000	1,250	1,400	40%
R-1B	500	1,000	1,250	1,400	45%
R-1C	250	500	500	650	65%
R-1D	250	500	500	500	65%

NOTE: Sq. Ft. = Square feet

D. Accessory Buildings on Large Lots

In any residential district on lots of 1.5 acres or greater, an accessory building larger than permitted by the regulations set forth in [Table 1224-1](#) may be permitted in compliance with the following:

- i. The accessory building shall have an area not to exceed 4 percent of the area of the rear yard, or 3,000 square feet, whichever is lesser.
- ii. On lots with an area of three acres or more, such accessory building shall be permitted in the side or rear yard.
- iii. Such accessory building shall be located no less than 150 feet from a public right-of-way and no less than 50 feet from a side or rear lot line.
- iv. Such accessory building shall not exceed 24 feet in height but in no case shall the height of the accessory building exceed the height of the principal building.

(12) Setback and Location Requirements

- A. Accessory structures shall be located in the yards established in [Table 1224-3](#).
- B. Accessory structures in residential districts shall be setback a minimum distance as established in [Table 1224-2](#) below.

- C. Accessory structures in nonresidential districts shall be setback a minimum of 10 feet from the side and rear lot lines unless such lot lines share a boundary with a residential district in which case, the accessory structures shall be set back a minimum of 25 feet from the adjacent residential zoning district.
- D. [Table 1224-2](#) also establishes the minimum setback for all paved surfaces, including driveways in residential districts.

TABLE 1224-2: MINIMUM SETBACKS FOR ACCESSORY STRUCTURES AND USES IN RESIDENTIAL DISTRICTS					
Accessory Structure or Use	R-1A and R-1B Districts		R-1C and R-1D Districts		R-2 and R-3 Districts
	Side Yard Setback	Rear Yard Setback	Side Yard Setback	Rear Yard Setback	Side and Rear Yard Setback
Accessory Buildings	3	3	3	3	10
Swimming Pool	6	10	3	5	10
Driveways [1] [2]	0	0	0	0	0
Other Paved Surfaces	0	2	0	0	0
Fences	See Section 1226.03 .				
All Other Accessory Structures	3	3	3	3	10

NOTE:
 All setback numbers are in feet.
 [1] On lots where there is a side-loading garage or access to a garage where a vehicle backs out of the garage toward an adjacent lot line instead of a street and where a zero-foot setback is proposed, a curb shall be installed along the entire driveway to prevent the overhang of any vehicles across lot lines and to direct drainage to approved drainage systems.
 [2] See additional driveway standards in Section [0](#) and [1234.06](#).

- E. Accessory buildings that are permitted in the rear yard only, as established in [Table 1224-3](#), may be permitted in the side yard if there is a 50-foot setback from the side lot line.
- F. Additional setbacks may be required from the principal building, adjacent structures, or streets based on the applicable building or fire code regulations.
- G. Accessory structures shall be separated from the principal building a minimum of ten feet or the distance required by the fire code, whichever is greater. If the separation of the accessory and main structure is less than required, the accessory structure shall be protected with a fire-resistant material and shall conform to the same yard requirements as the principal building.

(c) Prohibited Structures for Accessory Uses

- (1) Unless approved as a temporary use pursuant to this code, accessory structures that are constructed with fabric, canvas, tarpaulin, or other similar materials shall be prohibited. Inflatable garages or storage structures shall also be prohibited
- (2) Portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning district.

(d) Accessory Uses in the Residential Planned Developments

- (1) The types of accessory uses allowed in a RPD shall be considered as part of the PRD review. Generally:
 - A. Accessory uses for single-family residential dwellings shall be those allowed in the R-1A District.

- B. Accessory uses for multi-family residential dwellings shall be those allowed in the R-2 District.
 - C. Accessory uses for commercial uses shall be those allowed in the B-3 District.
 - D. Accessory uses for industrial uses shall be those allowed in the I-1 District.
- (2) The Planning Commission and City Council may approve alternative accessory uses and structures within an RPD if allowed as part of the RPD Development Plan approval process.

(e) Permitted Accessory Uses

The following is an explanation of [Table 1224-3](#).

- (1) The symbols for permitted uses (P), permitted uses with standards (PS), and conditional uses (C) are defined in the same manner as Section [1216.05\(b\)](#).

(2) Prohibited Uses

A blank cell indicates that a use is prohibited in the respective zoning district.

(3) Yards Permitted

This column identifies within which yards the use may be permitted. See the use-specific standards for any restrictions related to placement in individual yards.

(4) Floor Area and Yard Calculation

- A. This column identifies when the accessory structure is “included” in the calculation of maximum lot coverage requirements of [Table 1222-1](#) and [Table 1224-1](#).
- B. Where accessory buildings and structures are placed on risers, posts, or other unpaved surfaces, such buildings and structures shall still count toward any floor area and coverage requirements of this section if they are included in the calculation according to [Table 1224-2](#).

(5) Zoning Permit Required

A “Yes” in the “Zoning Permit Required” column shall mean that the applicable accessory structure requires a zoning permit in order to be constructed.

(6) Use-Specific Standards

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.

(7) Use Determination and Unlisted Uses

The determination of whether a proposed accessory use or structure is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section shall be made in the same manner as principal uses. See Section [1216.05\(d\)](#).

Chapter 1224: Accessory and Temporary Use Regulations
 Section 1224.01: Accessory Uses and Structures

TABLE 1224-3: PERMITTED ACCESSORY USES AND STRUCTURES

Use Category and Use Type P = Permitted Use PS = Permitted Use with Standards C = Conditional Use	R-1A, R-1B, R-1C, and R-1D	R-2 and R-3	MUO	B-1, B-2, and B-3	I-1, and I-2	P-1	Yards Permitted F = Front S = Side R = Rear	Yard Coverage Calculation	Zoning Permit Required	Use-Specific Standards in Section:
Accessibility Ramps	PS	PS	PS	PS	PS	PS	F, S, or R	Not Included	Yes	1224.01(f)(1)
Amateur Radio Towers and Antennae	PS	PS	PS	PS	PS	PS	S or R	Not Included	Yes	1224.01(f)(2)
Basketball Hoops	PS	PS	PS	PS	PS	PS	F, S, or R	Not Included	No	1224.01(f)(3)
Bike and Skateboard Ramps	PS	PS		PS		PS	R	Included	Yes	1224.01(f)(4)
Detached Garages and Carports	PS	PS	PS	PS	PS	PS	R	Included	Yes	1224.01(f)(5)
Detached Storage/Utility Sheds and other Detached Buildings	PS	PS	PS	PS	PS	PS	R	Included	Yes	1224.01(f)(6)
Drive-Through Facility				PS	PS		See Section 1224.01(f)(7)	Not Included	Yes	1224.01(f)(7)
Gazebos and Pergolas	P	P	P	P	P	P	R	Included	Yes	
Generators and HVAC Equipment	PS	PS	PS	PS	PS	PS	F, S, or R	Not Included	Yes	1224.01(f)(8)
Home Occupations	PS	PS	PS				Not Applicable	Not Included	Yes	1224.01(f)(9)
Nursery Schools or Day Care Centers (Children or Adults)	PS	PS	PS	PS	PS	PS	Not Applicable	Not Included	Yes	1224.01(f)(10)
Outdoor Dining			PS	PS	PS		F, S, or R	Not Included	Yes	1224.01(f)(11)
Outdoor Displays and Sales			PS	PS	PS		F, S, or R	Not Included	Yes	1224.01(f)(12)
Outdoor Storage and Bulk Sales				PS	PS		R	Not Included	Yes	1224.01(f)(13)
Outdoor Vending Machines and Drop-Off Boxes	PS	PS	PS	PS	PS	PS	F, S, or R	Not Included	No	1224.01(f)(14)
Patios, Porches, and Decks	PS	PS	PS	PS	PS	PS	F, S, or R	Included	Yes	1224.01(f)(15)
Playsets, Treehouses, and Trampolines	PS	PS	PS			PS	R	See Section 1224.01(f)(16) .	No	1224.01(f)(16)
Renewable Energy Systems	See Chapter 1240: Renewable Energy Systems .									
Retail Commercial Uses			PS	PS	PS		Not Applicable	Not Included	No	1224.01(f)(17)
Satellite Dishes	PS	PS	PS	PS	PS	PS	Not Applicable	Not Included	No	1224.01(f)(18)
Swimming Pools	PS	PS	PS	PS		PS	R	Included	Yes	1224.01(f)(19)

TABLE 1224-3: PERMITTED ACCESSORY USES AND STRUCTURES

Use Category and Use Type P = Permitted Use PS = Permitted Use with Standards C = Conditional Use	R-1A, R-1B, R-1C, and R-1D	R-2 and R-3	MUO	B-1, B-2, and B-3	I-1, and I-2	P-1	Yards Permitted F = Front S = Side R = Rear	Yard Coverage Calculation	Zoning Permit Required	Use-Specific Standards in Section:
Tennis and Other Recreational Courts	PS	PS	PS	PS	PS	PS	R	Included	Yes	1224.01(f)(20)
Type-B Day Care Home	PS	PS	PS	PS		PS	Not Applicable	Not Included	No	1224.01(f)(21)
Type A Day Care Homes	C						NA	Not Included	Yes	1224.01(f)(22)
Utility Structures	PS	PS	PS	PS	PS	PS	See Section 1224.01(f)(23) .			

(f) Standards for Specific Accessory Uses and Structures

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of Section [1224.01\(b\)](#).

(1) Accessibility Ramps

Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.

(2) Amateur Radio Towers and Antenna

- A. No more than one amateur radio tower and/or antenna shall be permitted on each lot.
- B. Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.
- C. Building-mounted amateur radio towers and antennas must be located to the rear of the centerline of the principal building.
- D. Such tower shall not exceed 65 feet in height or the maximum height of the applicable zoning district, whichever is greater. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.
- E. Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.
- F. When an amateur radio tower and antenna is no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer or property ownership or lease to an individual without an FCC license.
- G. Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval (See Section [1214.03: Conditional Uses](#)). The application for a conditional use approval for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to him or her by the FCC or the State of Ohio by license or law. If the Planning Commission determines that expertise beyond that of City staff is necessary to determine compliance with this criterion, then the applicant shall reimburse the City for any expenses necessary for hiring a third-party consultant to make this determination.

(3) Basketball Hoops

- A. Basketball courts shall be reviewed as “tennis and other recreational courts.”
- B. Movable basketball hoops shall not be located in rights-of-way or be so located as to require play in any right-of-way.

(4) Bike and Skateboard Ramps

Bike ramps and skateboard ramps shall be set back at least 15 feet from all lot lines.

(5) Detached Garages and Carports

- A. Detached garages and carports shall be served by a paved driveway.
- B. Detached garages and carports shall be constructed of materials that are similar to the materials used for the principal building.

(6) Detached Storage/Utility Sheds, and other Detached Buildings

Detached storage/utility sheds, and other detached buildings that exceed 100 square feet in floor area shall not be constructed with metal or plastic facades.

(7) Drive-Through Facilities

The following standards shall apply to businesses that contain a drive-through facility regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

A. General Standards

- i. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 250 feet of any residential dwelling unit.
- ii. All drive-through areas, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- iii. If the drive-through window, drive-through signage, or any audio equipment are located in the front yard, they shall be screened with an opaque, landscaped screen of with a height that will fully screen the window, signage, or audio equipment. Such screening shall not be required for waiting spaces that are located in a front yard.

B. Waiting Space and Lane Requirements

Drive-through facilities shall be required to include vehicle waiting spaces as established in Section [1234.18](#).

(8) Generators and HVAC Equipment

- A.** All generators must be located on a paved surface and shall be set back a minimum of three feet from all lot lines. HVAC equipment may be located on a paved surface or attached to the principal building.
- B.** Generators and HVAC equipment shall be located in the rear yard, to the maximum extent feasible and shall be set back a minimum of three feet from all lot lines.
- C.** If generators or HVAC equipment are located in the side yard, such equipment shall be screened from view of adjacent properties along the side lot line at a minimum distance of three feet.
- D.** Generators or HVAC equipment may be permitted in the front yard if approved as a conditional use with the following considerations:
 - i. The generators or HVAC equipment must be screened by a solid wall that is architecturally compatible with the principal building in color and materials, that is connect to the principal building, and that does not exceed four feet in height.
 - ii. The generators or HVAC equipment shall not extend more than six feet from the front façade of the principal building and the screening wall shall not be located more than seven feet from the front façade.
 - iii. The wall shall not be wider than six feet and shall screen the entirety of the equipment.
- E.** Such screening requirements shall not apply when the HVAC system is to be located in a side yard adjacent to a lot in a nonresidential zoning district.

(9) Home Occupations

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.

- A.** The home occupation shall be clearly secondary to the full-time use of the property as a residence.
- B.** Any home occupation that provides services where members of the public visit or enter the premises may be permitted if designed to accommodate one customer at a time and which meets all other applicable requirements for home occupations.

C. Permitted Home Occupations

The following uses, and other uses determined by the Code Administrator to be similar in nature and impact, may be approved as a home occupation when in compliance with this section:

- i. Art and craft work including, but not limited to ceramics, painting, photography, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, and sculpting;
- ii. Office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, consultant, counselor, insurance agent, planner, tutor, or writer;
- iii. Personal service establishments including, but not limited to, fitness/health facilities, beauty parlors, barber shops, animal grooming (no overnight boarding), or licensed massage or physical therapy;
- iv. Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.); and
- v. Other similar uses as determined by the Code Administrator.

D. Prohibited Home Occupations

The following are business activities that are prohibited as home occupations:

- i. Animal hospitals and boarding facilities;
- ii. Automotive and other vehicle repair and service, except when such repair or service is within an attached garage and the vehicle is owned or leased by the occupant of the dwelling units.
- iii. Construction, landscaping, or similar contractor facilities and storage (an office-only use is allowed in compliance with the above section) and other outdoor storage;
- iv. Fitness/health facilities that provide group activities or services;
- v. Medical clinics, laboratories, or doctor's offices;
- vi. Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation (e.g., landscaping services, taxi services, construction, etc.) with the exception of a vehicle owned and operated by the home owner or tenant;
- vii. Uses that require explosives or highly combustible or toxic materials;
- viii. Welding and machine shop operations;
- ix. Retail uses where there is stock-in-trade on site;
- x. Wood cutting businesses; or
- xi. Other similar uses as determined by the Code Administrator.

E. Operating Standards

- i. Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties.
- ii. All home occupation activities shall take place in the dwelling and there shall be no use of an outdoor area or accessory structures for the home occupation.
- iii. The sale of goods or services shall be limited to:
 - a. Products that are produced or processed on the premises; or,
 - b. The sale of goods as part of a mail order, online business, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) where there is no stock-in-trade on the site.
- iv. No equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot.
- v. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- vi. All storage of materials, goods, supplies or equipment related to the operation of a home occupation shall be inside the dwelling.
- vii. The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.
- viii. At least one resident of the dwelling shall operate the home occupation and there may be up to one employee on-site who does not reside at the dwelling.
- ix. The operator of a home occupation in a rental unit shall be able to demonstrate that the property owner has authorized the use of the unit for a home occupation.
- x. No more than 20 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupations. Such space for a home occupation shall only be located in the principal dwelling and is prohibited from being located in any accessory building or structure.
- xi. No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.
- xii. There shall be no signs other than the wall signs allowed on a dwelling in accordance with this code.
- xiii. Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.
- xiv. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
- xv. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the Code Administrator.

(10) Nursery Schools or Day Care Centers (Children or Adults)

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses. Such use shall be located within the principal building.

(11) Outdoor Dining

- A. Outdoor dining areas shall be located along a sidewalk adjacent to the principal building the dining is connected with or between the principal building the dining is connected with and an adjacent parking area. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service area and the principal building.
- B. Outdoor dining areas shall not be located within 10 feet of a fire hydrant, fire department standpipe connection, fire escape, bus stop, loading zone, mail boxes, or traffic signal stanchions.
- C. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
- D. Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device shall not be permitted in any outside dining area if the noise from such entertainment is of such a volume so as to cause a disturbance to abutting property owners. The addition of this activity to an existing use shall require approval through site plan review.
- E. If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of five feet of clearance adjacent to the dining area to allow for safe pedestrian circulation. Furniture or elements of the outdoor dining shall also not block any areas of ingress or egress from the principal building.
- F. Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions. Such umbrellas shall not contain signage but awnings may include signage in compliance with [Chapter 1236: Sign Standards](#).
- G. Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning permit.
- H. Where an outdoor dining area is located in a right-of-way, the permittee shall hold harmless, indemnify, and defend the City of Avon Lake from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the granting of a zoning permit which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.
- I. The City shall have the right and power, acting through the Code Administrator to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area.

(12) Outdoor Displays and Sales

Seasonal and permanent facilities for outdoor display and sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

- A. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with the vision clearance requirements.

- B. Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
- C. Outdoor displays and sales areas shall not cover an area more than 25 percent of the ground floor area of the principal building.
- D. Outdoor displays and sales areas shall be shown on the plan approved as part of the applicable zoning permit application.
- E. Outdoor display and sales areas may be permitted in the front yard provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building. Outdoor display and sales areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.
- F. In all cases, any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent lot lines of lots in residential zoning districts.
- G. The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- H. The outdoor display and sales areas shall be maintained in good order and appearance.
- I. The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can pick up and carry into the building for purchase. Larger items may be displayed for sale if in compliance with the outdoor storage requirements of Section [1224.01\(f\)\(13\)](#).

(13) Outdoor Storage and Bulk Sales

- A. Outdoor storage and bulk sales shall comply with the standards of outdoor displays and sales unless otherwise modified by this section.
- B. Outdoor storage and bulk sales in a parking lot shall be prohibited unless allowed as a temporary use pursuant to Section [1224.02: Temporary Uses and Structures](#).
- C. The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed 15 percent of the ground floor area of the principal building.
- D. Outdoor storage and bulk sales areas shall be shown on the plan approved as part of the applicable zoning permit application.
- E. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust. Outdoor storage may be located on areas paved with gravel in the industrial districts if the storage is set back a minimum of 200 feet from any adjacent lot lines of lots in residential zoning districts.
- F. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- G. Areas devoted to outdoor storage or bulk sales shall be located in a rear yard so that it is behind the principal building and not visible from any public street, unless the storage is located on a corner lot. The enclosed area shall be setback 25 feet from any property boundary that abuts a single-family residential district and in no case shall the side and rear setback of the enclosed area be less than 10 feet. On corner and through lots, the enclosed area shall be setback 20 feet from any street right-of-way.

H. Screening

- i. All aspects of outdoor storage and bulks sales of goods and materials shall be screened in accordance with Section [1232.05: Screening Requirements](#).
- ii. If the wall or fence needs to exceed eight feet in height to conceal the storage of materials, such wall or fence shall be constructed of materials similar to the principal building so that it appears to be an extension of the principal structure.
- iii. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.

(14) Outdoor Vending Machines and Drop-Off-Boxes

Outdoor vending machines and drop-off boxes for recycled goods, books, donations, etc., may be permitted when they comply with the following regulations.

- A. No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required site vision clearance requirements in Section [1226.05: Intersection Visibility](#).
- B. The facility or equipment shall be maintained in good operating order and appearance.
- C. Vending machines and drop-off boxes shall only be permitted in the MUO, B-1, B-2, I-1, and I-2 zoning districts. They may be permitted in residential districts only when accessory to a permitted nonresidential use.
- D. Vending machines shall only be placed along the façade of the principal building with a maximum of one machine for every 50 feet of building frontage, with any machine separated from another vending machine by 50 feet. See [Figure 1224-A](#).



Figure 1224-A: The above is an image of a single vending machine that is appropriately located along the façade of the building.

- E. Drop-off boxes shall only be permitted in the side or rear yard.
- F. The container shall be emptied at least once every week. Containers that result in the overflow of donated goods shall be declared a nuisance and shall be removed immediately upon notification by the Code Administrator at the expense of the property owner or business owner.
- G. The City shall have the authority to place more than one drop-off box on a single lot when providing recycling services to the general public.

(15) Patios, Porches, and Decks

- A. Patios without a roof, building, or structure are permitted in any yard. Where a building or structure is placed on a patio, such building or structure may only be located in the yards where those buildings or structures are permitted.

- B. Patios, decks, and porches may have built-in grills, kitchen areas, living areas, or dining areas (e.g., table, chairs, umbrellas, etc.) but such activities shall only be permitted in the rear yard only and provided such use complies with any applicable building code requirements.
- C. Patios, decks, and porches may have seating areas in any yard the patio, deck, or porch is permitted and located.
- D. Porches may be located in any yard.
- E. An unenclosed porch or deck attached to a single-family dwelling may be erected within the required front yard or required rear yard, but shall not exceed 35 percent of the required rear yard area (regardless of the yard it is located within) and shall be subject to the encroachment limitations of Section [1226.01\(e\)\(4\)](#).
- F. An unenclosed porch or deck attached to a multi-family dwelling may be erected within the required front yard or required rear yard and shall be subject to the encroachment limitations of Section [1226.01\(e\)\(4\)](#).
- G. An unenclosed porch or deck shall be defined as a porch or deck that is not enclosed by four permanent walls and could include a roof structure overhanging the front entry that is open on three sides or a screened-porch or similar, non-weatherproofed or non-conditioned space (e.g., no heat or air-conditioning), where the screening covers more than 75 percent of the wall surface.
- H. Rooftop decks in nonresidential districts shall be regulated as part of the principal building.

(16) Playsets, Treehouses, and Trampolines

- A. If a playset or treehouse has more than 100 square feet of enclosed play area, the use shall be reviewed in the same manner as a “detached storage/utility sheds, gazebos, pool houses, and other similar building.” As such, any playset or treehouse that has more than 100 square feet of enclosed play area shall also count toward the maximum floor area and lot coverage standards of [Table 1222-1](#) and [Table 1224-1](#). Such area shall be measured by the smallest square or rectangle around the bottom of the playset or treehouse.
- B. Treehouses, trampolines, enclosed play areas, and playsets that are anchored into the ground (i.e., not portable) shall be located in the rear yard only. Portable playsets may be located in any yard but are encouraged to be located in the side or rear yard.

(17) Retail Commercial Uses

Retail commercial uses are permitted in the I-1 and I-2 Districts provided:

- A. Such uses are an accessory use;
- B. The uses are located completely within a principal building of a nonresidential use;
- C. The retail use is for the sale of goods and products manufactured on site; and
- D. The total floor area of accessory uses shall not exceed 15 percent of the total gross floor area of the footprint of the principal building.

(18) Satellite Dishes

- A. Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning permit.
- B. To the maximum extent feasible, the dish should be located in the side or rear yard.
- C. Satellite dishes larger than one meter in diameter may be permitted if approved by the Planning Commission as a conditional use.

(19) Swimming Pools

- A.** Any constructed or manufactured pool, both permanent and temporary, not located within an enclosed building and which is used or intended to be used as a swimming pool in connection with residential dwellings and is available only to the residents and their private guests shall be classified as a private swimming pool and shall be regulated by this subsection. This includes community pools that are restricted to use by residents of a subdivision or residential development and their guests as well as outdoor pools that serve guests of a hotel or similar nonresidential use.
- B.** For the purposes of this subsection, swimming pool shall include pools, spas and hot tubs and shall be defined as any in-ground, on-ground, or above-ground pool intended for swimming, wading or recreational bathing capable of containing in excess of two feet of water at its deepest point as determined by manufacturer's specifications.
- C.** A swimming pool shall not exceed 54 inches in height, above ground, and shall comply with the setback requirements set forth in [Table 1224-2](#). Slides associated with pools shall be exempt from this height requirement.
- D.** Usual and customary pool equipment and accessories (such as a pool deck a diving board or a filtration house), not exceeding five feet in height, shall only be located in the rear yard and shall be set back a minimum of three feet from all lot lines.
- E.** All swimming pool construction and operation shall be in accordance with standards and regulations established by the Board of Health having jurisdiction within the City, the Building Code and any other governmental regulations governing the construction and operation of such facilities.
- F.** Any outdoor swimming pool, as defined in this subsection, shall be surrounded by a barrier which shall comply with the following:

 - i. Every swimming pool shall be completely enclosed by a fence and/or structure of sturdy construction at least 48 inches in height, measured from the ground level at each point along the boundary of such enclosure. The enclosure may surround the pool area or the entire yard. The enclosure shall be of such design as to prevent young children from crawling or otherwise passing through, under or over such enclosure without the use of a ladder or other implement. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
 - ii. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
 - iii. Access gates into such enclosure shall be self-closing and have a self-latching device. The fence/barrier shall be equipped with at least one such access gate.
 - iv. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access.
 - v. The required barrier must be installed prior to filling the pool with water.
 - vi. Automatic pool covers are permitted but the barrier requirements of this section shall still apply.
 - vii. A spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.
- G.** A zoning permit application for a pool shall contain either information that demonstrates a barrier is already in place or shall include the simultaneous application for fencing or barrier construction.

- H. If the proposed barrier utilizes fencing on the property line that is owned by the neighboring property owner, the pool owner shall be required to build or replace that length of the barrier if it is ever removed by the neighboring property owner.
- I. Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- J. Lighting shall be shaded so as not to be a disturbance to adjacent properties.
- K. Any sound of motor or pumps in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants shall be shielded to prevent such disturbances.

(20) Tennis and Other Recreational Courts

Outdoor tennis courts and courts for other sports, including basketball and racquetball, that are accessory to a residential or nonresidential use shall comply with the following requirements:

- A. Tennis courts or other full-size recreational courts shall only be permitted on lots with a minimum lot area of one acre.
- B. The court shall be set back a minimum of 10 feet from all lot lines.
- C. All fencing shall be subject to the fence regulations in Section [1226.03: Fences and Walls](#) except that fencing that surrounds a tennis or recreational court may exceed the maximum fence height of this code provided that the fencing is located adjacent to the edge of the court.
- D. Any lighting for the court shall not exceed 20 feet in height and shall be directed downward and only illuminate the court. All outdoor lighting shall comply with Section [1226.04: Outdoor Lighting](#).

(21) Type B Family Day Care Home (1-6 Children)

Type B family day care homes are permitted when accessory to any residential dwelling unit, regardless of the applicable residential zoning district.

(22) Type A Family Day Care Home

Type A family day care homes may only be considered for a conditional use on lots with a minimum lot size of 20,000 square feet.

(23) Utility Structures

- A. Utility structures shall be located to the rear of the lot, to the maximum extent feasible, or otherwise located to create the least amount of visibility.
- B. If the applicant demonstrates to the Code Administrator that the utility structure can only be located in a front yard, the structure shall be landscaped in a manner that will allow access to the unit but otherwise buffer the view of the structure. The applicant shall be required to provide a landscaping plan as part of the subject application.
- C. Utility structures in the I-1 and I-2 districts shall not be subject to this screening requirement.

1224.02 Temporary Uses and Structures

(a) Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

(b) General Standards for Temporary Uses and Structures

Temporary uses or structures shall:

- (1) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (2) Be compatible with the principal uses taking place on the site;
- (3) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (4) Not include permanent alterations to the site;
- (5) Not maintain temporary signs associated with the use or structure after the activity ends;
- (6) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (7) Not interfere with the normal operations of any permanent use located on the property; and
- (8) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

(c) Permitted Temporary Uses and Structures

(1) Construction Structures

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

- A. The use of such structures shall be limited to offices; buildings for the storage of lumber, equipment, and other building material, and construction dumpsters.
- B. Such construction structures shall be located in a landscaped setting approved by the Planning Commission except that construction dumpster shall be located on a paved surface.
- C. All temporary structures shall be set back a minimum of 25 feet from the nearest occupied residential dwelling.
- D. A temporary structure for a sales trailer and/or construction office may be approved by the Code Administrator and placed on the site no sooner than two weeks before the start of grading or construction and shall be permitted for a period of one year after issuance of the zoning permit unless an alternative time limit is approved by the Code Administrator based on the scale of the project. (Ord. 23-46. Passed 3-13-2023.)
- E. The structure shall not be located within a floodplain or in a location that will obstruct drainage flow.
- F. The structure shall not block or prevent access to any fire hydrant.
- G. All temporary structures for construction operations shall be removed within 14 days after the completion of work on the premises for which an occupancy permit has been issued or if construction is not pursued diligently. For residential subdivisions, the temporary construction structures shall be removed after the zoning permit has been issued for the final dwelling.

(2) Farmers Market

- A. Farmers markets are permitted in nonresidential districts and on lots used for public and institutional uses in residential districts.
- B. Farmers markets shall not operate more than one day of each week on any one lot. Farmers markets may operate only during the months of April through October and only between the hours of 9:00 a.m. and 8:00 p.m.

- C. In a farmers market, no person may display or offer for sale any items that were purchased directly or indirectly from any other person or any item that was not produced upon land either owned or leased by the person displaying or offering such item.
- D. All electrical connections, temporary structures, stands, tents, etc. shall comply with all applicable codes and regulations and all permits and licenses required for such connections and erections and by the persons making same must be obtained.
- E. The farmers market operator shall be responsible for cleanup of the farmers market site at the end of each day of operation including removal of trash, temporary structures, stands, tents, signage, and banners.
- F. Sanitary facilities for vendors of the farmers market must be provided by the host property.
- G. The farmers market shall not be operated or conducted in a way that is a nuisance or disturbance to the occupants of neighboring properties.
- H. The farmers market operator or his designated representative authorized to direct the operations of all vendors participating in the market shall be on the site of the market during all hours of operation.
- I. The farmers market and every vendor must comply fully with all applicable federal, state, county and local health codes and be registered with the Ohio Department of Agriculture, Division of Food Safety.
- J. Adequate parking for the farmers market must be provided. Required on-site parking spaces of the host property may be used for the farmers market provided such arrangement does not render the host property deficient in its parking requirement or that there is no parking demand associated with the use of the host property for the same parking spaces during the hours of the farmers market operation.
- K. One temporary free-standing sign not to exceed 10 square feet in area and six feet in height may be permitted for the farmers market provided that a temporary zoning permit is obtained. The temporary sign authorized by this subsection shall not be installed sooner than the day before the farmers market and shall be removed by the end of the day of the farmers market.
- L. Musicians may perform at the farmers market, subject to such conditions imposed as part of the zoning permit.
- M. **Approval Process**
Approval of a farmers market shall be through the zoning permit process as established in Section [1214.10: Zoning Permit](#). Such zoning permit shall require the additional requirement that the Mayor, the Building Inspector, the Fire Chief, the Police Chief, and the Code Administrator find that the proposed use is a farmers market and complies with all the requirements and standards of this section. The zoning permit for a farmers market shall expire on the 31st of October of the calendar year the permit was issued.

N. Documentation

Prior to the first day of the farmers market, the person responsible for coordinating the farmers market shall provide to the Code Administrator a list of vendors who will be participating in the farmers market. The list shall contain the name, address and contact number of each vendor, products to be sold, dates of participation in the farmers market and any other information required by the Code Administrator. Along with the above referenced list, a copy of any required food service licenses or other applicable licenses for each vendor must be provided. Said licenses (or copies) shall be in the possession of the farmers market operator and the vendor as applicable, on the site of the farmers market during all hours of operation.

(3) Gravel Surface Parking Lot

- A.** A gravel surface parking lot may be permitted while a site is under construction but shall only be permitted in areas for parking as established in the approved plans associated with the zoning permit.
- B.** The gravel parking area must be paved in accordance with Section [1234.16\(b\)](#) prior to final occupancy of the building.
- C.** The applicant may also remove the temporary gravel surface parking lot as an alternative to paving but in such case, the area that was used as a gravel lot shall be returned to its previously state or as a landscaped area.
- D.** A solid surface or gravel driveway shall be provided so vehicles may access the parking lot from a public street.

(4) Temporary Events

A temporary event may be permitted in compliance with the following:

- A.** The following activities shall be exempt from these temporary use regulations but may still be subject to other sections of this code.
 - i. Any event sponsored in whole or in part by the City, Lorain County, State of Ohio, or United States government or the school district.
 - ii. Any organized activities conducted at sites or facilities typically intended and used for such activities including, but not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities and religious services, wedding services, activities at rented event or community spaces, and funeral services conducted at places of worship.
- B. Garage or Estate Sales**
 - i. Garage or estate sales are permitted up to four times per calendar year on any single lot with a maximum of four days per each occurrence.
 - ii. A zoning permit shall not be required for a garage or estate sale but the sales shall be subject to the general standards applicable to all temporary uses and the time restrictions.
- C. Temporary Seasonal Sales**

Temporary outdoor sales of seasonal agricultural items, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

 - i. If the proposed temporary outdoor sale is intended to be seasonal, in the same area, on an annual basis, the use shall be considered an accessory use and shall be regulated in accordance with Section [1224.01: Accessory Uses and Structures](#).

- ii. Temporary outdoor sales shall be limited to a maximum of 60 days in any one calendar year, on any single lot.
- iii. Temporary outdoor sales are prohibited on lots occupied with residential uses unless there is an approved agricultural use on the lot.
- iv. The property contains an area not actively used by another use that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing open space, landscaping, traffic movements, or parking space availability.
- v. The sale of goods shall not occur within the public right-of-way, or within 100 feet of a dwelling.
- vi. The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.
- vii. The hours of operation of the seasonal sale of agricultural products shall be from 7:30 A.M. to 10:00 P.M., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

D. Temporary Event with Limited Impact

- i. A temporary event with limited impact may be permitted with a zoning permit for a maximum of two times per calendar year on any single lot. Such events shall be subject to the general standards for all temporary uses.
- ii. The authorization of a temporary event with limited impact shall not exceed seven consecutive days per occurrence.
- iii. Any temporary event that involves the sale of alcoholic beverages, attendance of over 50 people at one time, overnight stays, that exceeds two times per calendar year, or that exceeds seven consecutive days in length for any one occurrence shall only be permitted if approved as a temporary use with extensive impact.

E. Temporary Event with Extensive Impact

Any temporary event that is not classified as a temporary event with limited impact or that is not specifically exempted or prohibited by this code, shall be classified as a temporary event with extensive impact and shall require a conditional use approval in accordance with [Section 1214.03: Conditional Uses](#) and the following standards:

- i. The temporary event shall not create an unreasonable risk of significant:
 - a. Damage to public or private property, beyond normal wear and tear;
 - b. Injury to persons;
 - c. Public or private disturbances or nuisances;
 - d. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
 - e. Additional and impracticable or unduly burdensome on police, fire, trash removal, maintenance, or other public services demands; and
 - f. Other adverse effects upon the public health, safety, or welfare.
- ii. The temporary event shall not be of such a nature, size, number, or duration that the particular location requested cannot reasonably accommodate the event.

- iii. The temporary event shall not occur at a time and location that has already been permitted or reserved for another permitted temporary event.
- iv. In approving the temporary event, the Planning Commission is authorized to impose such conditions as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area. Such conditions may include, but are not limited to, conditions that address the following:
 - a. Provision of adequate vehicular ingress and egress;
 - b. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
 - c. Regulation of number of occurrences, operational hours, or other timing limits to mitigate impacts on surrounding uses;
 - d. Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards; and
 - e. Modification or elimination of certain proposed activities.
- v. Sunset Provision
 - a. In any approval of a temporary event (extensive impact), the Planning Commission may impose a requirement that the conditional use expires within a time set by the Planning Commission in its reasonable discretion, unless, prior to the expiration of the conditional use approval, the Planning Commission extends the time in which the conditional use is valid.
 - b. Where such approval incorporates a sunset provision, the Planning Commission shall hold hearings to determine whether to extend the time period for the validity of the conditional use. Notice of said hearings shall be given in the manner required for conditional uses (See [Section 1214.03: Conditional Uses](#).) shall be held with sufficient time for the Planning Commission to hear, consider, and make a decision on the extension of the conditional use and for conditional use extension to become effective prior to the cessation or expiration of the conditional use approval. The Planning Commission may only extend the effectiveness of the conditional use if it finds that the conditional use continues to meet the criteria set forth in the in this code.
 - c. If Planning Commission extends a conditional use as set forth above, Planning Commission may impose requirements reasonably related to implementing the provisions of this code and to achieving the City's purpose and intent in enacting this code, the purpose of this section on temporary uses, and the Comprehensive Land Use Plan in effect at the time of extension.
 - d. In the event a conditional use is not extended, all signs, related fixtures, or other special features allowed by the applicable conditional use approval shall be removed and the areas of the buildings or land where such signs, fixtures, or features are located shall be repaired to the condition prior to establishment of the proposed conditional use.
 - e. If there is a transfer of ownership of the property and related approved event, such transfer shall trigger a review of the temporary event approval by Planning Commission. Such review shall take place as in the same as that established in Paragraph [1224.02\(c\)\(4\)E.v.b](#) above.

(5) Temporary Sales Office and Model Homes

If a temporary sales office/model home is to be located in a subdivision, its location shall be indicated on the improvement plans and approved by the Planning Commission. The following provisions shall be met:

- A.** Up to four temporary real estate sales offices or model dwelling units shall be permitted in an individual section or phase of a new residential subdivision.
- B.** The dwelling shall comply with all of the applicable standards of this code for the final residential use regardless of the temporary use as a sales or leasing office;
- C.** The sales office/model homes shall be operated by a developer or builder active in the same phase or section where the use is located; and
- D.** The sales office/model homes shall be converted into a permanent residential use upon completion of construction and issuance of the permit for the last dwelling in the same subdivision.

(6) Portable Storage Units

Temporary storage containers may be placed on a property for the purpose of loading or unloading the container under the following conditions:

- A.** Only one contain shall be placed at any property at one time.
- B.** Portable storage units must be located on an improved surface outside the City right-of-way and shall not obstruct or hinder vehicular or pedestrian traffic. Such units shall be a minimum of three feet from any property line and ten feet from the City right-of-way.
- C.** Not more than one unit per zoning lot is permitted. Stacking of portable storage units on top of each other is prohibited.
- D.** Portable storage units shall not exceed a size of 1,200 cubic feet on the interior and shall be free from visible forms of deterioration such as rust or peeling paint.
- E.** Portable storage containers are permitted as a temporary use for a period not to exceed ten consecutive days up to a maximum of 30 days in any one 12-month period.
- F.** When necessary to facilitate cleanup and/or restoration activities resulting from a major catastrophe (e.g., fire, flood, water leak, sewage back-up, or other event where there is significant property damage) the Code Administrator may extend the time period to a maximum of 90 days within anyone 12-month period.
- G.** Portable storage units may be used in conjunction with construction or alteration when a building permit has been issued provided the following conditions are met:
 - i.** The unit may be located on-site for duration of construction but not to exceed three months for new construction, remodeling, renovation, or expansion work. The Code Administrator may extend this time for a reasonable period.
 - ii.** For construction of a new residential house the container may be located in an unpaved driveway provided all other placement requirements are met.
 - iii.** The unit must be removed from premises after construction is complete prior to issuance of a certificate of occupancy.

Chapter 1226: General Development Standards

1226.01 Lot and Principal Building Regulations

(a) Number of Principal Buildings Per Lot

- (1) In the R-1A, R-1B, R-1C, and R-1D, only one dwelling shall be permitted on any single lot.
- (2) There can be more than one principal building on an individual lot in the R-2 and R-3 Districts as well as on an individual lot in all nonresidential districts.

(b) Minimum Lot Area

(1) Measurements

- A. The area of a lot includes the total horizontal surface area within the lot's boundaries (lot lines) with the exception of the following:
 - i. If the lot is deeded into the right-of-way, the boundaries for calculating lot area shall be all area of the lot excluding any area within the right-of-way.
 - ii. For the purposes of measurements, the lot line along Lake Erie shall be the point where the natural shoreline intersects the ordinary high-water elevation as determined by the Ohio Department of Natural Resources, Division of Geological Survey.
- B. No lot shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this code; and, if already less than the minimum required by this code, said area or dimensions shall not be further reduced. Exceptions to this standard shall only be granted if a reduction is approved as part of a planned unit development or variance approval.

(2) Zoning Lots

- A. Where a person proposes to combine two or more platted lots to meet the lot area requirements, such person shall be required to replat the combined lots as a single zoning lot.
- B. A person may also split two lots to combine portions of an existing lot with adjacent lots.
- C. Such lot splits and replats shall be recorded with Lorain County after approval by the City in accordance with the minor subdivision procedure. See Section [1214.04: Minor Subdivisions](#).
- D. A principal building may be located across two lots of record without creating a zoning lot.

(3) Lot Area Requirements

- A. [Table 1226-1](#) and [Table 1226-2](#) establish the minimum lot area requirements for residential districts.
- B. There are no minimum lot area requirements for nonresidential districts, however, such lots shall be of a size large enough to allow for all proposed buildings and required setbacks, off-street parking, loading, and waiting spaces, and all landscaping and screening requirements established in this code.

TABLE 1226-1: LOT AREA REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS	
Residential Zoning District	Minimum Lot Area Required
R-1A	15,000 square feet
R-1B	12,000 square feet [1] [2]
R-1C	6,500 square feet
R-1D	4,800 square feet [2] [3]
R-2	30,000 square feet [4]
R-3	30,000 square feet [4]

NOTES:

[1] The minimum lot area shall be 12,000 square feet unless the lot is located within a subdivision identified in [Table 1226-2](#), in which case, the minimum lot area established in [Table 1226-2](#) shall apply.

[2] In areas where the prevailing lot areas are smaller than the minimum required according to this table, then the minimum lot area of a newly created lot shall not be less than the average of the four nearest lots on the same block face. See [Figure 1226-A](#).

[3] The minimum lot sizes in the R-1D District are to be in accordance with subdivision plat for the original subplot. Parcel splits and combinations recorded on Lorain County Tax Maps subsequent to the original plat recording shall take precedence if the original parcels have been enlarged. Buildable lots shall not be smaller than original subdivision plat.

[4] Development in the R-2 and R-3 Districts may include fee simple lots and condominium lots that do not comply with the minimum lot area but there shall be a minimum project site of 30,000 square feet.

TABLE 1226-2: MINIMUM LOT AREA FOR ESTABLISHED SUBDIVISIONS IN THE R-1B DISTRICT	
Subdivision	Minimum Lot Area (Square Feet) [1]
Avon Center Estates Subdivision No. 1	9,000
Avon Center Estates Subdivision No. 2	10,000
Avon Center Estates Subdivision No. 3	11,000
Avon Lake Harbor Estates Subdivision	8,000
Avon Point Allotment	11,000
Avon Vineyard Subdivision	11,500
Belden Park Subdivision	10,500
Belmar Beach Subdivision	8,500
Glen Arden Beach Subdivision No. 3	8,500
Lake Breeze Allotment	8,000
Woodhaven Beach Subdivision No. 2	10,000

NOTE:

[1] The minimum lot area requirement shall only apply to lots in the applicable subdivision if zoned R-1B.

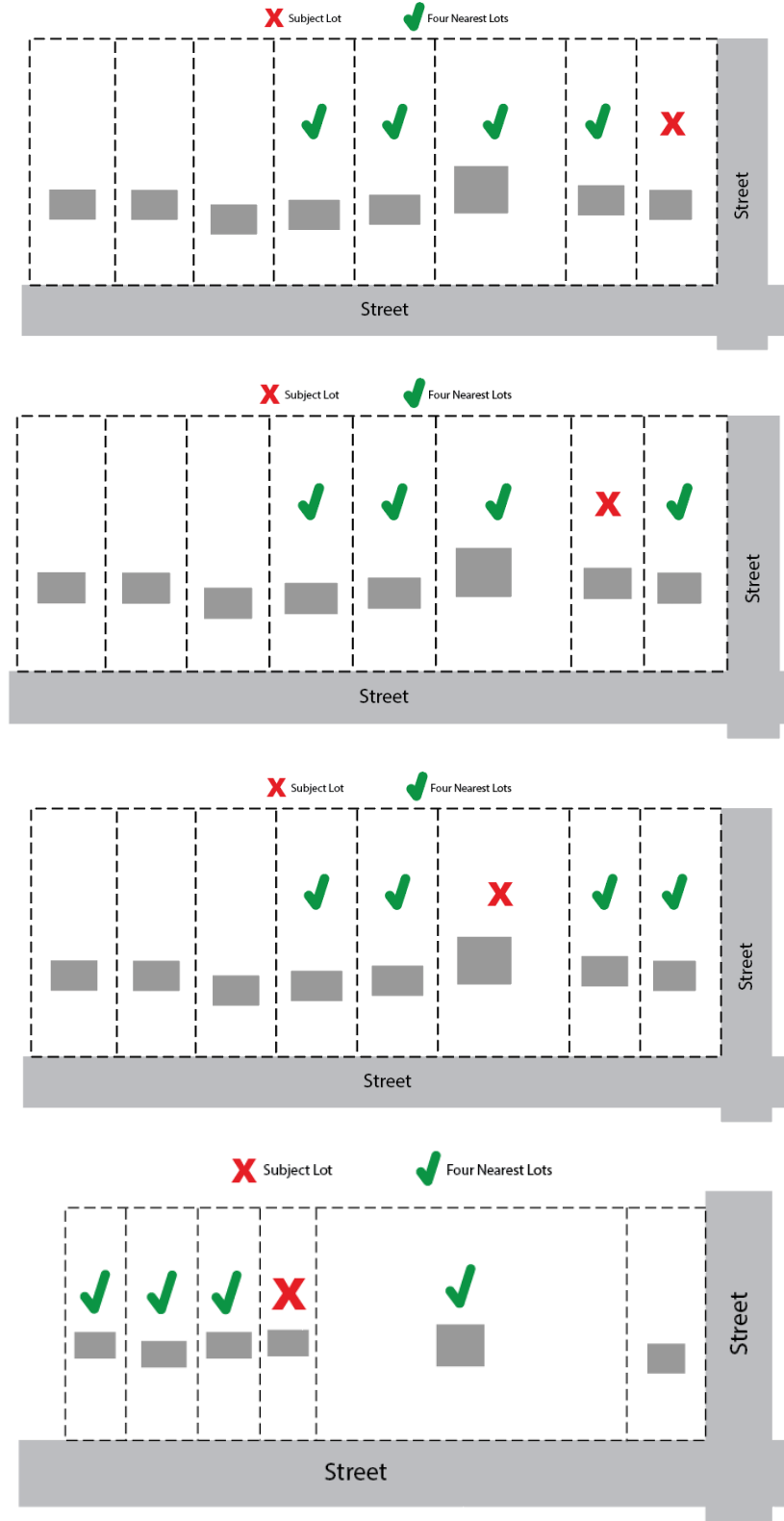


Figure 1226-A: The above are various applications of how lots, along the same block face, are considered when averaging the four nearest lots. The bottom image illustrates an example of a block face where the width of the lots impacts the proximity of the four lots used for averaging.

(c) Maximum Density

(1) Calculation

- A. The maximum net density of a development with residential uses shall be calculated as the total number of dwelling units located on any single acre.
- B. The maximum gross density of a development with residential uses shall be calculated as the total number of dwelling units per acre, across the entire lot (i.e., total number of dwelling units on the lot divided by the total number of acres of the lot).

(2) Maximum Density Standards

- A. The maximum gross density of residential uses in the R-2 District shall be five units per any single acre when no open space is required.
- B. The maximum gross density of residential uses in the R-3 District shall be 12 units per any single acre when no open space is required.
- C. The Planning Commission shall have the authority to limit the concentration (net density) of dwelling units on portions of the site based on:
 - i. The density of adjacent residential dwelling units;
 - ii. The provision of open space; and
 - iii. The overall design of the project and compatibility with goals as established in the comprehensive plan.

(d) Minimum Lot Width

(1) Measurements

- A. Unless otherwise stated, the lot width is the distance between the side lot lines measured along the minimum front yard setback line.
- B. The lot width at the street shall be measured along the street frontage except for lots located on a curved street (e.g., curved or cul-de-sac lot). In such cases, the lot width at the street shall be measured along a line tangent to the curve that is at a 90-degree angle from the lot width.

(2) Lot Width Requirements

- A. [Table 1226-3](#) and [Table 1226-4](#) establish the minimum lot area requirements for all zoning districts.

TABLE 1226-3: MINIMUM LOT WIDTH REQUIREMENTS FOR ALL DISTRICTS

Zoning District	Minimum Lot Width (Feet)		
	At the Front Yard Setback Line	At the Street	On Corner Lots at the Street [1]
R-1A	100	100 [2]	120
R-1B [3]	80 [4]	50	100
R-1C	50 [5]	50	60
R-1D	40 [5]	40	60
R-2 and R-3	100 [6]	100 [6]	100 [6]
B-1, B-2, B-3, and P-1	None		
I-1 and I-2	200 on Primary Streets and 100 on all Other Streets [7]		

NOTES:

- [1] On corner lots, at least one street frontage shall have a lot width equal to the larger lot width requirement for corner lots and the second street frontage shall meet the minimum lot width requirement for all lots in the applicable district.
- [2] In the R-1A District, except in the case of a corner lot, the minimum lot frontage shall not be less than 100 feet, except on curvilinear streets and cul-de-sacs, which shall have a minimum lot frontage of 60 feet. This reduction shall not be permitted for corner lots.
- [3] The minimum lot width shall be as established in this table unless the lot is located within an established subdivision identified in [Table 1226-4](#), in which case, the minimum lot width requirements of [Table 1226-4](#) shall apply.
- [4] Where a person proposes to combine two or more platted lots to increase the lot width in the R-1B District, the combined lots may have a reduced lot width at the minimum front building setback line of 60 feet. Such combined lots shall be subject to the zoning lot replatting requirements of Section [1226.01\(b\)\(2\)](#).
- [5] In areas where the prevailing lot widths are larger or smaller than the minimum required according to this table, then the minimum lot width of a newly created lot shall not be less than the average of the four nearest lots on the same block face, adjacent to the subject lot. See [Figure 1226-A](#).
- [6] Development in the R-2 and R-3 Districts may include fee simple lots and condominium lots that do not comply with the lot width requirements but the minimum lot width shall apply to the overall project site.
- [7] Primary streets are Lake, Walker, Electric, Miller, Moore, Avon-Belden, Jaycox, and Lear.

TABLE 1226-4: MINIMUM LOT WIDTH FOR ESTABLISHED SUBDIVISIONS IN THE R-1B DISTRICT

Subdivision	Minimum Lot Width at the Front Yard Setback Line (Feet)
Avon Center Estates Subdivision No. 1	75
Avon Center Estates Subdivision No. 2	80
Avon Center Estates Subdivision No. 3	80
Avon Lake Harbor Estates Subdivision	80
Avon Point Allotment	80
Avon Vineyard Subdivision	75
Belden Park Subdivision	75
Belmar Beach Subdivision	80
Glen Arden Beach Subdivision No. 3	80
Lake Breeze Allotment	80
Woodhaven Beach Subdivision No. 2	80

NOTE:

- [1] Where a person proposes to combine two or more platted lots to increase the lot width in the R-1B District, the combined lot may have a reduced lot width at the front building setback line of 60 feet. Such combined lots shall be subject to the zoning lot replatting requirements of Section [1226.01\(b\)\(2\)](#).

(e) Minimum Setbacks and Yards

(1) Measurements

- A. Setbacks refer to the unobstructed, unoccupied open area between the foundation or base of a structure and the property line (lot line) of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code.
- B. A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this code (e.g., nonconforming structures or by variances).
- C. Setbacks are measured from the right-of-way line or lot line, as may be applicable. Where a right-of-way line does not exist (e.g., private streets), such setback shall be measured from the edge of the street pavement.

(2) Yards Required for Buildings

- A. A yard is the open area created by the required setbacks. Where required, a yard for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.
- B. While a yard is defined as an open area, certain structures and uses may be permitted in required yards as specified in this code.
- C. Where the term “required” is used before any yard type, that required yard shall be the area of the yard between the applicable lot line and the required yard setback distance from the applicable lot line, regardless of the presence of a building. See [Figure 1226-B](#).

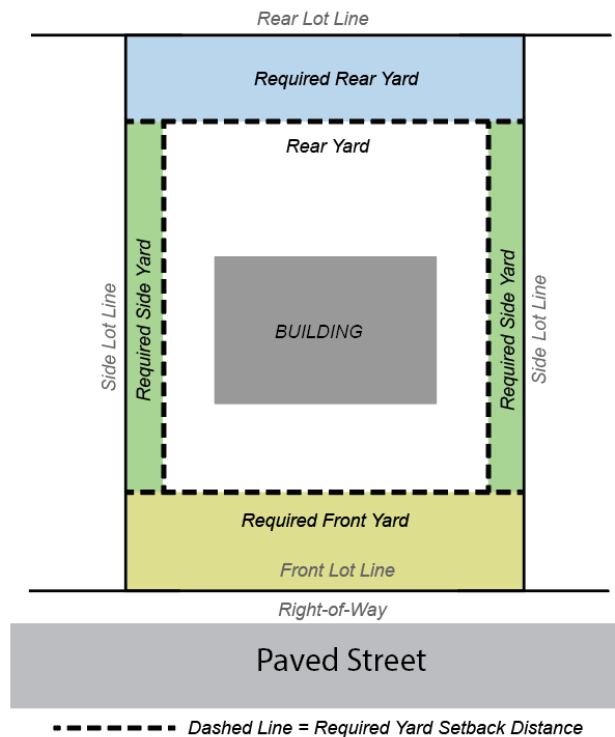


Figure 1226-B: The above image illustrates the use of the term “required yards” on a typical interior lot versus the location of the full front, side, and rear yards as defined in the next sections of this code.

(3) Setback Exceptions

- A. In cases where the side lines of a lot are not perpendicular to the street line, the Code Administrator may average dimensions in measuring the width of side yards.
- B. In cases where the rear line of a lot is not parallel with the street line, average dimensions may be used in determining the depths of rear yards.

(4) Projections into Required Yards

Every part of a required yard shall be open to the sky and unobstructed except:

- A. As otherwise provided in this section;
- B. For accessory and temporary uses as allowed in [Chapter 1224: Accessory and Temporary Use Regulations](#);
- C. For landscaping as allowed in [Chapter 1232: Landscaping and Screening Standards](#);
- D. For parking and circulation as allowed in [Chapter 1234: Parking, Access, and Mobility Standards](#);
- E. For signage as allowed in [Chapter 1236: Sign Standards](#);
- F. For the ordinary projections of architectural features including, but not limited to, eaves, gutters, downspouts, flues, skylights, sills, belt courses, cornices and ornamental features, not extending more than 16 inches into the required yard;
- G. Chimneys, not extending more than 24 inches;
- H. Window air conditioner units;
- I. Walls and fences as permitted in accordance with Section [1226.03: Fences and Walls](#);
- J. Unenclosed steps, including fire escapes, may be allowed in the required front, rear, or side yard setbacks, provided, however that steps and/or fire escapes shall be no closer than two feet from the side lot line;
- K. Unenclosed platforms, porches, landings, steps, terrace, decks, terraces or other similar features not extending above the first-floor level of a building, or any combination thereof, may extend six feet into the required front yard setback and three feet into the required side yard setback. Such encroachment shall not cover more than 50 percent of the applicable façade width; and
- L. Fixed and retractable awnings and canopies, not extending more than two feet into a required setback.

(5) Interior Lots

- A. Unless otherwise stated, the required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See [Figure 1226-C](#).
- B. The lot line located directly behind the rear of the structure, as determined by the Code Administrator, shall be the rear lot line and the rear yard setback shall be applied. See [Figure 1226-C](#).
- C. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 1226-C](#).

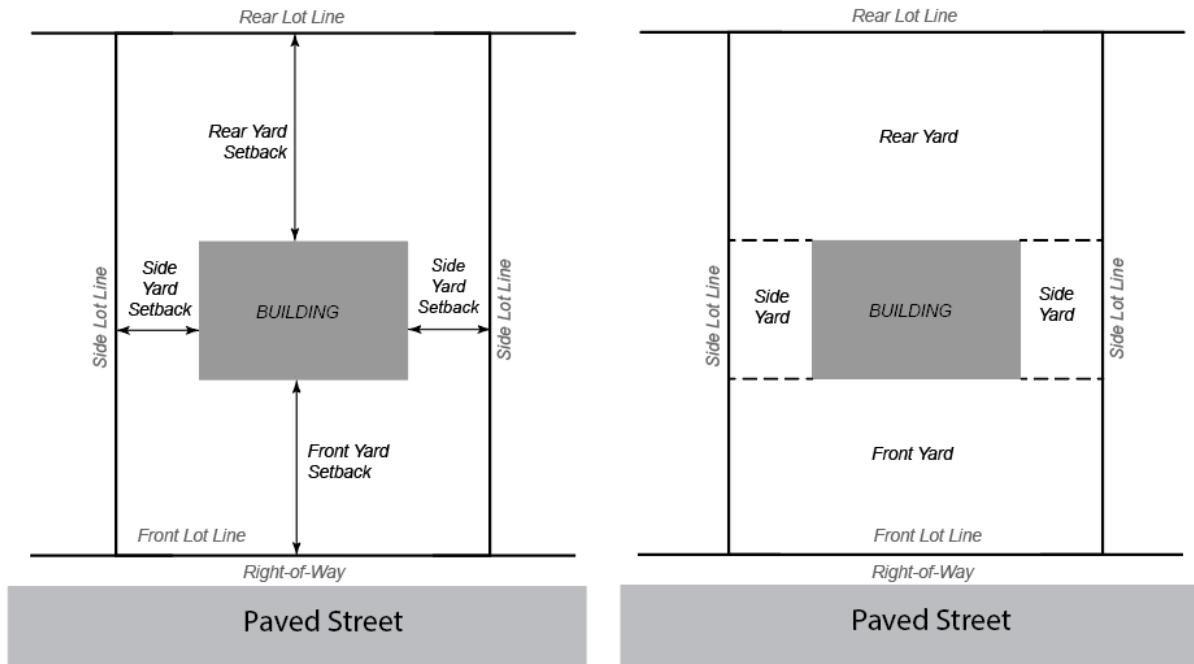


Figure 1226-C: Typical setback and yard locations for an interior lot.

(6) Corner Lots

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

- A. For corner lots, there shall be one street frontage with a longer lot width, at the street, as required by [Table 1226-3](#). The second street frontage shall have a lot width, at the street, equal to that of all other lots in the applicable zoning district as set forth in [Table 1226-3](#).
- B. The required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See [Figure 1226-D](#). An alley shall not be considered a street for the purposes of determining a corner lot.
- C. The lot line that runs parallel with the lot line along the narrowest street frontage shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure 1226-D](#).
- D. All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure 1226-D](#).
- E. Such setbacks and yard locations shall apply, regardless of the orientation of the building.
- F. Buildings on corner lots may also be oriented toward the corner of the lot, in which case, the setbacks and yard locations shall be as illustrated in [Figure 1226-E](#).

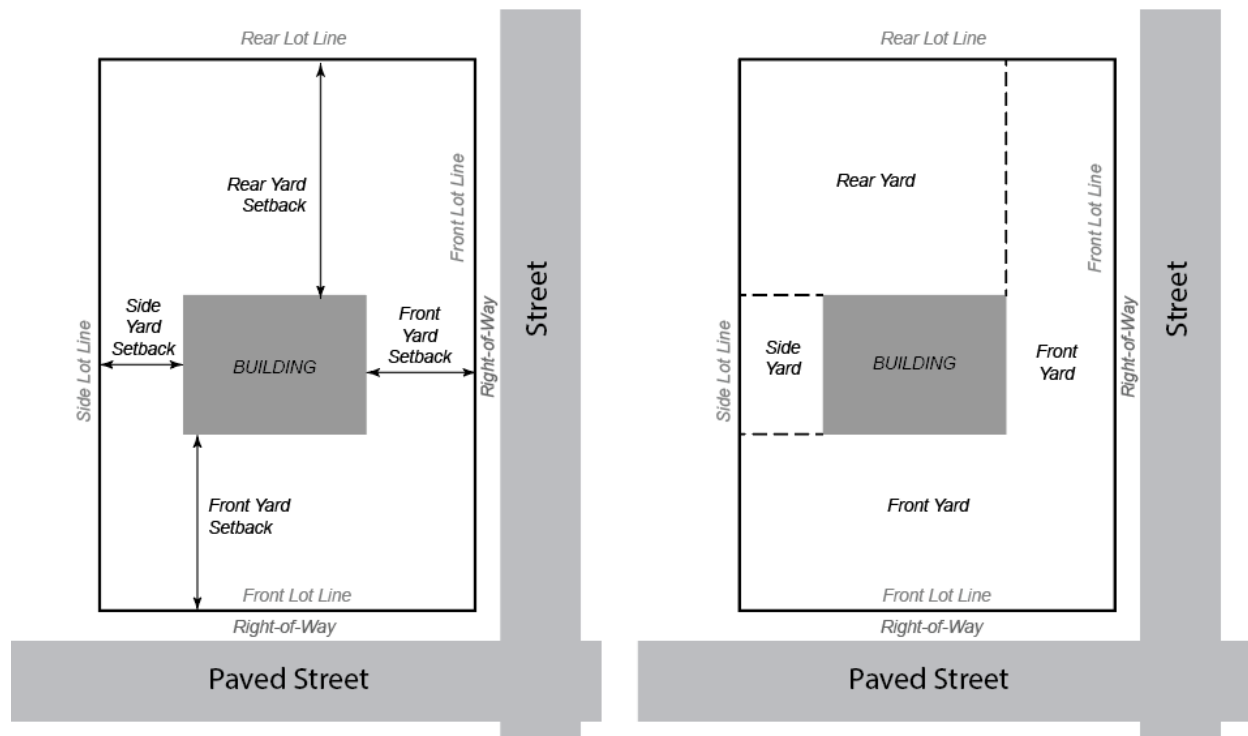


Figure 1226-D: Typical setback and yard locations for a corner lot.

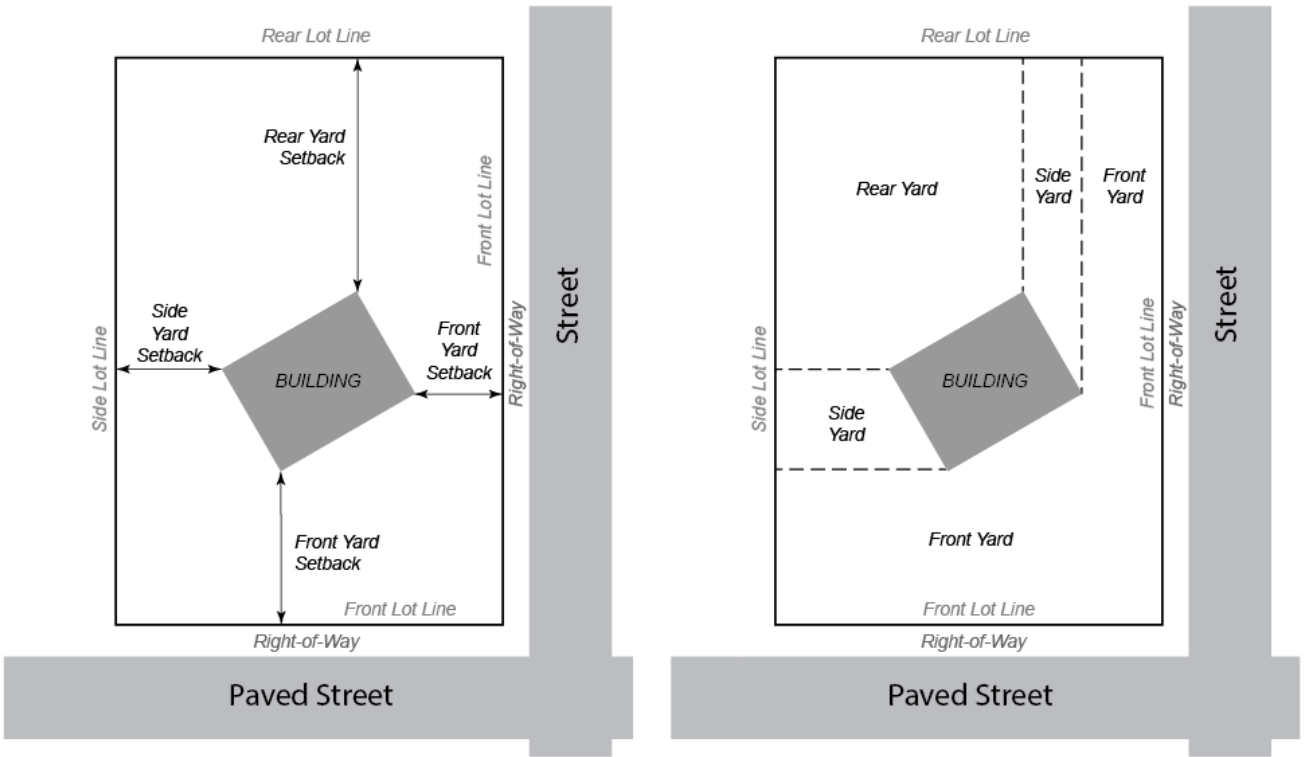


Figure 1226-E: Typical setback and yard locations for a corner lot where the building is oriented toward the corner of the lot.

(7) **Double Frontage (Through) Lots**

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Double frontage lots shall be subject to the following regulations:

- A. Where a lot is considered a double (through) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 1226-F](#).

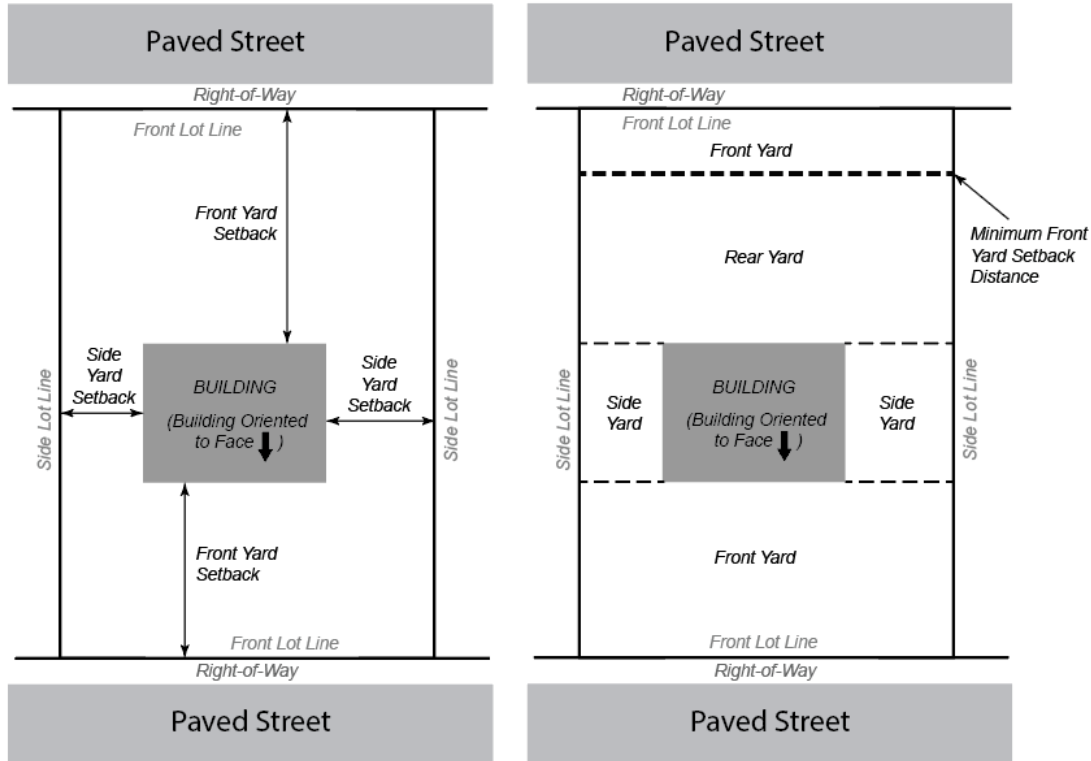


Figure 1226-F: Typical setback and yard locations for a double frontage (through) lot.

- B. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 1226-F](#).
- C. For the purposes of allowing accessory uses, including fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard and the setbacks of Section [1224.01\(b\)\(12\)](#), shall apply to all accessory uses or structures. Such accessory uses or structures shall not be permitted in the required front yard areas adjacent to each street.
- D. Where alleys exist in the City, any lots that have frontage along the alley shall be not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

(8) Flag (Panhandle) Lots

Panhandle lots (flag) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Panhandle (flag) lots shall be subject to the following regulations:

- A. Panhandle (flag) lots shall not be used to avoid the construction of a street.
- B. The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
- C. The stacking of panhandle (flag) lots shall be prohibited. See [Figure 1226-G](#).

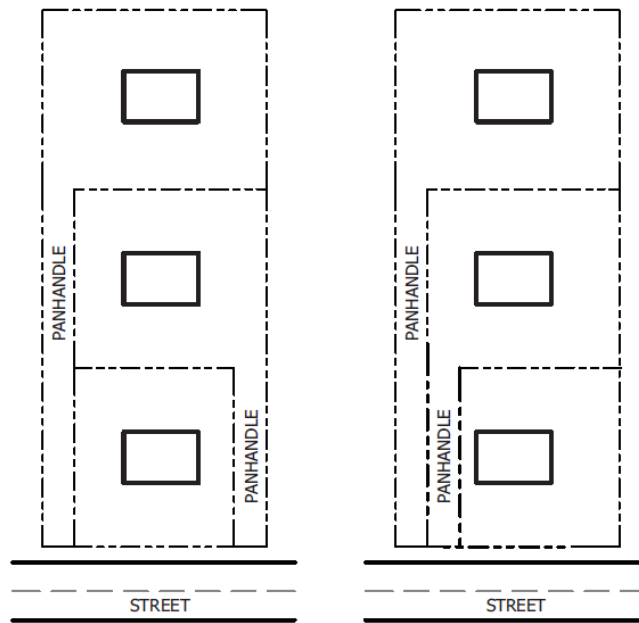


Figure 1226-G: The above illustration shows the stacking of panhandle lots, which is prohibited.

- D. The panhandle shall have a minimum width of 20 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be consider an interior, corner, or double frontage lot as may be applicable.
- E. No structures, except for fences and walls allowed by this code, shall be permitted in the panhandle portion of the lot.
- F. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 1226-H](#).



Figure 1226-H: Typical setback and yard locations for a panhandle lot.

(9) Cul-de-Sac or Curved-Street Lot

For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See [Figure 1226-I](#).

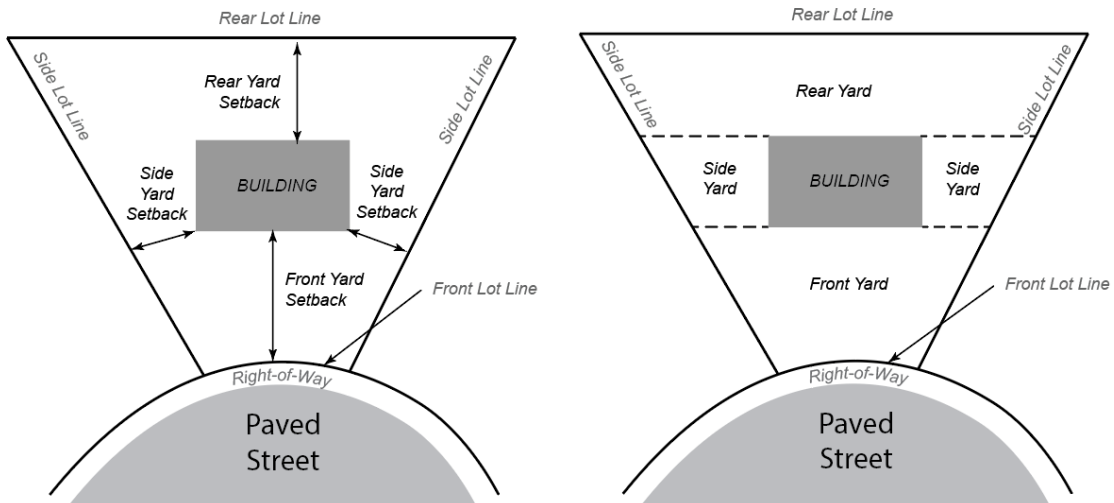


Figure 1226-I: Typical setback and yard locations for a curved street or cul-de-sac.

(10) Other Lot Configurations

Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, panhandle, etc.), or where there is an atypical building orientation on any lot, the Code Administrator shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.

(11) Minimum Setback Requirements

- A. Setbacks required for accessory uses are established in Section [1224.01: Accessory Uses and Structures](#).
- B. Tables [Table 1226-5](#), [Table 1226-6](#), and [Table 1226-7](#) establish the minimum setback requirements for principal buildings in the residential zoning districts.

TABLE 1226-5: MINIMUM SETBACK REQUIREMENTS FOR RESIDENTIAL DISTRICTS					
Required Setback	Minimum Setback in Feet				
	R-1A	R-1B	R-1C	R-1D	R-2 and R-3
Front Yard Setback	50	50 [1] [2]	20 [3]	20[3]	30
Side Yard Setback	10	10 [4]	4	4	35 [5]
Rear Yard Setback	35	35	20	20	35 [5]

NOTES:

[1] For corner lots in the R-1B District, the minimum front yard setback from the street to the side of the principal structure may be reduced to 15 feet provided it does not reduce the buildable width of the lot to less than 25 feet.

[2] The minimum front yard setback shall be as established in this table unless the lot is located on designated streets within a subdivision identified in [Table 1226-6](#), in which case, the minimum front yard setback established in [Table 1226-6](#) shall apply unless the prevailing front yard setbacks are larger than the minimum required according to [Table 1226-6](#). then the minimum front yard setback shall not be less than the average of the four nearest lots on the same block face. See [Figure 1226-A](#).

[3] The front yard setback for lots fronting on Lake Road, Walker Road, Avon-Belden Road, Lear Road, Jaycox Road, Moor Road, Miller Road, and Electric Avenue shall be increased to 30 feet.

[4] In areas where the prevailing side yard setbacks are smaller than the minimum required according to this table, then the minimum side yard setback shall not be less than the average of the four nearest lots on the same block face. See [Figure 1226-A](#).

[5] Where the R-2 or R-3 District is adjacent to any other R-2 or R-3 District, or any nonresidential zoning district, the side and rear yard setbacks may be reduced to 20 feet.

TABLE 1226-6: MINIMUM FRONT YARD SETBACKS FOR ESTABLISHED SUBDIVISIONS IN THE R-1B DISTRICT	
Subdivision	Minimum Front Yard Setback as measured from the established centerline of the street
Avon Center Estates Subdivision No. 1	70
Avon Center Estates Subdivision No. 2	70
Avon Center Estates Subdivision No. 3	80
Avon Lake Harbor Estates Subdivision	55
Avon Point Allotment	70
Avon Vineyard Subdivision	80
Belden Park Subdivision	70
Belmar Beach Subdivision	60
Glen Arden Beach Subdivision No. 3	60
Lake Breeze Allotment	70
Woodhaven Beach Subdivision No. 2	65

TABLE 1226-7: MINIMUM SETBACK REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS						
Required Setback	Minimum Setback in Feet					
	B-1	B-2	B-3	I-1	I-2	P-1
Front Yard Setback for Lots with Frontage on Lear Road	40	40	0	60	60	20
Front Yard Setback	30	30	0	60	60	20
Side and Rear Yard Setbacks Adjacent to a Residential Zoning District	35	35	20	75	75	10 Side 20 Rear
Side and Rear Yard Setbacks Adjacent to a Nonresidential Zoning District	10	10	5	25	25	10 Side 20 Rear

(Ord. 23-46. Passed 3-13-2023.)

(f) Minimum Building Separation in the R-2 and R-3 Districts

In order to ensure adequate privacy for each dwelling unit, the minimum spacing between buildings shall be determined by the types of walls facing each other and shall be the greater of the distances required below:

- (1) When neither of the two walls facing each other contains windows, patios or decks, or the windows are in non-living areas, the two dwellings shall be separated by a minimum of 15 feet for single-family dwellings and a minimum of 10 feet for multi-family dwellings.
- (2) When one or both of the walls facing each other contain windows, other than primary windows of living areas, the two dwellings shall be separated by a minimum of 20 feet for single-family dwellings and a minimum of 15 feet for multi-family dwellings.
- (3) When one or both of the walls facing each other contain primary windows of living areas or the rear yard area where patios or decks are or could be located, the two dwellings shall be separated by a minimum of 25 feet for single-family dwellings, a minimum of 20 feet for multi-family dwellings.
- (4) For the purposes of this section, the following definitions shall apply: "living areas" shall include living rooms, family rooms, great rooms, bedrooms, dining rooms and kitchens; "primary window" means any window in a living space having a sill height of 60 inches or less above the floor.
- (5) The Planning Commission, however, may consider the use of vision-obscuring landscaping or other site, building, or design features between adjacent walls as providing adequate privacy for each dwelling unit and thus approve lesser spacing between walls than required above.

(g) Maximum Height

(1) Calculation

- A. Building height shall be measured as the vertical distance from average elevation of the finished grade to the mid-point between the eaves and the peak line of the highest roof for any sloped roof or to the highest point of a flat roof, excluding architectural features (e.g., vents, cupolas, weather vanes, chimneys, etc.), roof embellishments, or chimney extensions.

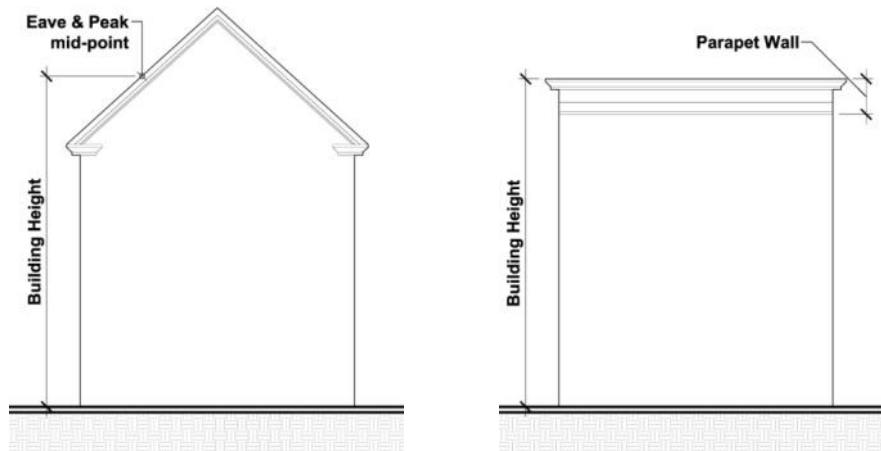


Figure 1226-J: Measurement of building or structure height

- B. Where specified fencing and wall height shall be measured in accordance with Section [1226.03: Fences and Walls](#).
- C. The height of all other structures shall be measured from the lowest grade adjacent to the structure to the highest point of the structure.

(2) Exceptions to Height Limits

The maximum height limits established in this code shall not apply to:

- A. Barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision) provided they are setback from all lot lines a distance equal to the structure’s height provided the Planning Commission approves such additional height as part of the conditional use approval;
- B. Spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, towers, water tanks, radio or television antennae, monuments and other permitted mechanical appurtenances located upon or constructed as an integral part of the principal building;
- C. Governmentally-owned freestanding water tanks, towers, radio or television antennae and flag poles;
- D. Special industrial or utility structures such as a cooling tower, grain elevator and other similar structure where the industrial process requires a greater height may be erected above the maximum height allowed in the applicable district, provided that:
 - i. Any such structure shall not occupy more than 15 percent of the lot area;
 - ii. The structure shall be set back a distance equal to its height from any adjacent lot line; and
 - iii. The Fire Department shall be required to approve the increased height based on firefighting capacity.

(3) Maximum Height Standards

- A. [Table 1226-8](#) establishes the maximum building height for principal buildings.
- B. The maximum height of accessory structures is established in Section [1224.01\(b\)\(10\)](#).

TABLE 1226-8: MAXIMUM HEIGHT OF PRINCIPAL BUILDINGS	
Zoning District	Maximum Height in Feet
R-1A, R-1B, and R-1C	35
R-1D	26
R-2 and R-3	45
B-1 and B-2	45
B-3	35
I-1 and I-2	45
P-I	45

(h) Minimum Floor Area for Dwelling Units

(1) Calculation

- A. The minimum floor area of a dwelling unit shall include all finished and habitable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building.
- B. Garages, outdoor patios, porches, or decks, and accessory buildings shall not be included in the minimum floor area of a dwelling.

- C. Such requirements shall only apply to single-family dwellings and multi-family dwellings. shall not apply to hospitals, nursing homes, or similar types of residential uses that are institutional in nature.

(2) Minimum Floor Area Requirements

- A. In the R-1A, R-1B, and R-1C Districts, the minimum floor area for dwellings shall be 1,000 square feet.
- B. In the R-1D District, the minimum floor area for dwellings shall be 750 square feet.
- C. For multi-family dwellings in the R-2 and R-3 District, there shall be a minimum floor area of 700 square feet for all units that have internal entries (e.g., apartment buildings) and a minimum of 1,000 square feet for all units that have exterior entries (e.g., townhomes or rowhouses).

(i) Maximum Lot Coverage

(1) Calculation

Where used, lot coverage is that portion of a lot, or a specified yard, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water. Such surfaces shall also include any material that provides a significant barrier to the absorption of stormwater into the ground located directly below the material such as, but not limited to: asphalt, concrete, roofed structures, etc. Decks, pervious paver blocks, and other materials that are designed with adequate openings to allow stormwater to pass through the material into the ground shall not count as an impervious surface. The Code Administrator shall have the final determination of what structures and materials are considered impervious surfaces.

(2) Maximum Lot Coverage Standards

- A. The maximum lot coverage in the R-1A District shall be 40 percent of the total lot.
- B. The maximum lot coverage in the I-1 and I-2 Districts shall be 75 percent.

(j) Building Orientation

The main entrance of any building shall be oriented toward a public street. For corner lots in residential zoning districts, a dwelling unit may be oriented toward the intersection of the two streets.

1226.02 Performance Standards

No land or structure in any zoning district shall be used or occupied in any manner to create a dangerous or objectionable condition, substance or element, in such a manner or in such amount to adversely affect the adjoining premises or surrounding area. If any existing use or building is extended, enlarged or reconstructed, the performance standards for the district involved shall apply to such extended, enlarged or reconstructed part or parts of such building or use as well.

(a) Compliance with State and Federal Regulations

All uses shall comply with all applicable state and federal Environmental Protection Agency, Occupational Safety and Health Administration (OSHA), Americans with Disabilities Act, and all other state and federal regulations that pertain to the applicable use.

(b) Enclosures

- (1) The repainting, rebuilding, overhauling or dismantling of a vehicle or the storage of tires, motor, or body parts in a right-of-way or an open yard is prohibited.

- (2) All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings in all districts except the I-1 or I-2 Districts, unless specifically permitted otherwise.

(c) Air Pollution

- (1) The emission of smoke, soot, fly ash, fumes and dust shall be controlled by precipitation devices, height of stack, rate of emission or other manner so that the quantity deposited in any zoning district shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values. In addition, no use shall emit fly ash, dust, vapors or other substances that are harmful to health, animals, vegetation or other property or which can cause excessive soiling. Any such activities shall only be allowed as permitted and approved by the Ohio EPA Division of Air Pollution Control.
- (2) Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas, or yards shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable treatment.

(d) Fire and Explosive Hazards

- (1) The storage, utilization and manufacture of materials, goods or products ranging from free to active burning is permitted, provided the materials or products shall be stored, utilized or produced within completely enclosed structures having incombustible exterior walls, and such structure shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association. Such activities shall be restricted to the I-1 and I-2 Districts only.
- (2) Materials which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in any district except such materials as are used or required in emergency equipment or in secondary processes which are accessory to the main use.

(e) Heat

- (1) In all zoning districts except the I-2 District, no use shall generate heat that is perceptible without the aid of instruments at any point beyond the lot occupied by the use.
- (2) In the I-2 District, no use shall generate heat or glare that is perceptible without the aid of instruments at any point beyond the zoning district boundary.

(f) Odor

- (1) In all zoning districts except the I-2 District, the emission of odorous matter in such quantities as to produce a public nuisance or hazard outside the building is prohibited.
- (2) In the I-2 District, the emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be detectable beyond the lot occupied by the use generating the emission.

(g) Toxic or Noxious Matter

The discharge of toxic or noxious matter across the lot lines wherein such a use is located is prohibited for any period of time and in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property.

(h) Noise

The sound pressure level of any individual operation or operations on a lot in any Industrial District, other than the operation of auto calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the nearest residential district or business district.

(i) Vibration

Operations creating intense earth-shaking vibrations in the shall be set back from and controlled in such a manner as to prevent transmission of vibrations which would be perceptible without the aid of instruments at the lot line of the applicable property.

(j) Industrial Wastes

Pollution control standards as required by this section shall be those which are set forth in Chapter 1472 of the Building and Housing Code and the rules and regulations of the Board of Municipal Utilities regarding discharge of waste waters.

(k) Solid and Liquid Waste

- (1) Solid waste, including empty packing crates and other excess materials, shall be regularly disposed of, stored in buildings, screened by solid walls or fences, or completely enclosed in containers or dumpsters, and shall not be permitted to accumulate on any lot.
- (2) Containers and dumpsters shall be located in a side or rear yard on a paved surface in compliance with the minimum parking setbacks established in [Section 1234.06: Setback Requirements](#) and the screening requirements set forth in [Chapter 1232: Landscaping and Screening Standards](#).
- (3) If liquid wastes are disposed of in containers, they shall be appropriate containers, and the wastes shall be removed from the site on a regular basis.

(l) Radioactive or Electrical Disturbances

- (1) No activity shall emit dangerous radioactivity at any point or electrical discharges affecting the operation, at any point, of any equipment other than that of the creator of such disturbances.
- (2) Such disturbances shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- (3) The handling of radioactive materials, the discharge of such materials into the air and water, and the disposal of radioactive wastes shall be in conformity with the applicable regulations of the Nuclear Regulatory Commission and the Ohio Environmental Protection Agency.

(m) Infectious and Medical Waste Materials

The storage, incineration or disposal of infectious or medical waste materials in such a manner or in such quantities as to produce a public nuisance or a hazard to the public health and welfare of the community shall not be permitted.

(n) Soil Removal

No mining, extracting, filling or soil-stripping operations shall be conducted in such a manner as to leave unsightly or dangerous excavations or soil banks, or in such a manner as to increase erosion.

(o) Stormwater Facilities

Detention/retention facilities that are visible from a public street shall landscaped and maintained as part of the site's required landscaping areas. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.

(p) Enforcement

Where determinations can be made by the Code Administrator or other authorized City employee, using equipment normally available or obtainable without extraordinary expense, such determinations or evaluation shall be made whenever possible before a notice of violation is issued. Where technical complexity or extraordinary personnel or equipment is required to make the determination, the Code Administrator may, in the case of the offenses under this section, require the owner to either obtain and pay for an independent survey or share in the cost of an independent survey from a professional engineer experienced in the particular specialty.

1226.03 Fences and Walls

(a) Zoning Permit Required

- (1) No person shall construct or erect a fence or wall without first obtaining an approved zoning permit.
- (2) Zoning permits are not required for repairs of existing fences or walls, or for invisible fences. However, such work or structures are still subject to the applicable standards of this section. Zoning permits are also not required for the replacement of a previously permitted and conforming fence or wall. Replacement of nonconforming fences or walls shall be subject to Section [1226.03\(b\)\(13\)](#).
- (3) A zoning permit is not required for fence or wall structures that are less than two feet in height,
- (4) A zoning permit shall not be required for short sections of fencing or walls that are designed as an architectural feature or utilized for decorative purposes and are not intended to enclose an area of land. Such sections shall not exceed 25 feet in length and shall comply with the vision clearance requirements of this code.
- (5) Hedges, shrubbery, trees, bushes and plantings shall be excluded from classification as fences but shall be subject to the vision clearance requirements of this code.
- (6) Retaining walls required and/or approved by the Public Works Department shall not be subject to the requirements of this section.

(b) General Requirements

- (1) Unless a specific distinction is made in this section, any regulation that applies to fences shall apply to walls and vice versa.
- (2) All fences and walls shall be subject to the vision clearance requirements of Section [1226.05: Intersection Visibility](#).
- (3) All fences and walls, including invisible fences, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences or walls on adjoining properties.
- (4) A zoning permit shall be required for each property on which a fence or wall is being placed, including connection of existing fences or walls. Such applications shall also include written documentation of agreement between property owners.
- (5) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.
- (6) All diagonal or supporting members shall face the property on which the fence or wall is constructed.
- (7) All sides of a decorative wall shall have an equal finish.

- (8) All fences and walls shall be maintained in a neat and orderly manner.
- (9) Walls shall be prohibited within all utility easements. Fences that are placed in utility easements shall require the written permission from the applicable utility and without such permission, are subject to removal without notice by utility companies or the City when work is being done in the utility easements. Fences shall not be placed in any City easement unless the plat specifically permits the placement of such fence. Replacement of fences removed by the City or utility company shall be at the property owner's expense.
- (10) Fences and walls shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district. Fences or walls may be permitted to include outlets at the bottom of the fence or wall to eliminate the possibility of the accumulation of water and allow for natural drainage past the wall or fence.
- (11) Fences and walls for conditional uses shall be comply with the standards of this section unless otherwise approved by the Planning Commission as part of the conditional use review procedure.
- (12) It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Code Administrator issuing the zoning permit, and that the fence does not encroach on another lot or existing easement. The issuance of the zoning permit and any inspection by the City shall not be construed to mean that the City has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.

(13) Nonconforming Fences and Walls

- A. Where a nonconforming fence or wall is to be maintained or repaired, such nonconforming fence or wall may continue to exist. Repair or maintenance shall include any general maintenance of a fence or wall while still in place or a portion of a fence or wall may be removed temporarily for repair or maintenance work provided the same fence or wall is replaced in the same position.
- B. If 50 percent or more of the length of a nonconforming fence or wall is to be removed and replaced, even as part of maintenance, such replacement shall conform with the requirements of this code and shall require the issuance of a new zoning permit.

(c) Measurement

- (1) The maximum fence or wall height shall be measured from the lowest point within three feet on either side of the fence to the top most portion of the fence between posts. See [Figure 1226-K](#). The structure posts or finials may exceed the maximum height allowed in this section by up to six inches.

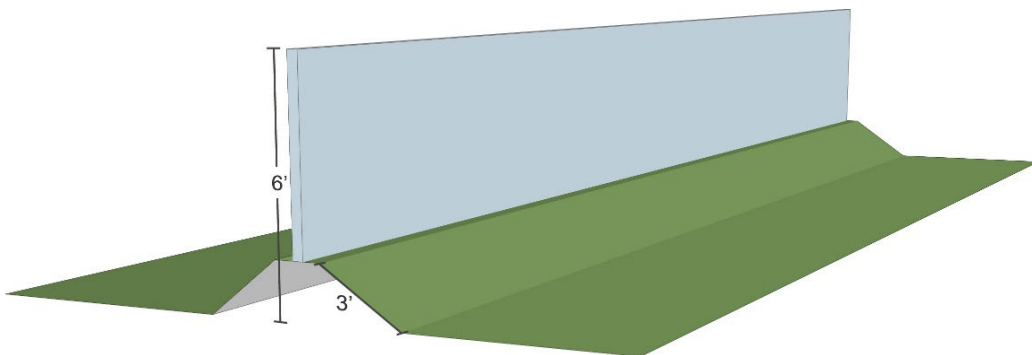


Figure 1226-K: Illustration of the measurement of the height of a fence based on the grade.

- (2) Fencing or walls should follow the natural contour of the land on which it is located. See [Figure 1226-L](#).

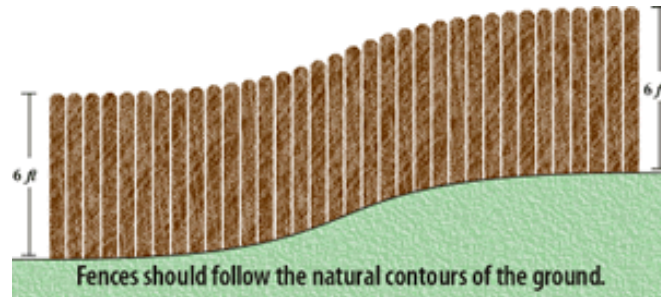


Figure 1226-L: This illustrates how fencing is measured along a natural contour.

- (3) A grading permit may be required in cases where the applicant proposes altering the natural contour.
- (4) A fence may be erected on top of a wall but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall. Fences or walls located on top of a retaining wall shall be measured from the top of the finished grade at the top of the retaining wall.

(d) Fences and Walls in Residential Districts

The following standards apply to fences and walls in residential districts.

- (1) Only one single fence or wall shall be constructed, erected and/or maintained on any individual lot when located within ten feet of any of the lot lines.
- (2) [Table 1226-8](#) establishes the maximum height, location, and types of fences and walls permitted in residential districts.
- (3) For the purpose of these regulations, an “open fence” shall be any fence intended for decorative purposes having at least 50 percent of its vertical surface area open as viewed at right angles and uniformly distributed.
- (4) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this section.
- (5) Where the side lot line of one residential property is also the rear lot line of another property, that portion of the fence along the side lot line that abuts the adjoining property’s rear lot line, and that is installed at such property line, shall be permitted rear yard regulations of this section.

TABLE 1226-9: FENCES AND WALLS IN RESIDENTIAL DISTRICTS		
Type of Fence or Wall	Yard in Which Permitted	Maximum Height Permitted
Vinyl Coated Chain Link Fence	Side and Rear	4 Feet
Open Fence	Front	3 Feet [1]
	Side	4 Feet
	Rear	6 Feet [2]
Solid Fence or Wall	Side	4 Feet
	Rear	6 Feet
NOTES: [1] A four-foot open fence may be constructed in front of a dwelling provided that the length of such fence does not extend past the side walls of the house or across a driveway and provided it is set back from the right-of-way line a minimum of 75% of the minimum front building setback for the district. [2] Trellises up to 16 feet in total length may exceed the maximum permitted height when located in the rear yard adjacent to, and between the side walls, of the dwelling.		

(e) Fences and Walls in Nonresidential Districts

The following standards apply to fences and walls in nonresidential districts.

- (1) No fence or wall shall be, in any way, electrified or topped with any sharp-edged materials with the exception of fences in the I-1 and I-2 Districts where fences may be topped with barbed wire. Such barbed-wire shall be placed on a 45-degree angle- arm away from the side of the fence that fronts a property or right-of-way line. Such barbed wire shall only be located along the top of a fence and shall not extend below the top of the fence more than 12-inches.
- (2) No fence shall exceed 8 feet in height in any rear or side yard, or exceed 3 feet in height in any front yard. In the I-1 and I-2 Districts, any fence in a front yard that is set back a minimum of 60 feet shall be permitted to have a maximum height of eight feet.
- (3) Any proposed fence shall be approved as part of the site plan review in accordance with this code.

(f) Temporary Fences

Fences erected for a specific function and limited time duration, including deer, snow, or construction fencing, are permitted as follows and in compliance with the following requirements.

- (1) Temporary fences shall be maintained in good condition and shall not require a zoning permit.
- (2) No temporary fencing material shall be used for permanent fencing.

(3) Snow Fencing

- A. Snow fencing shall be permitted between November 1 of any year and April 1 of the following year.
- B. Snow fencing shall not exceed four feet in height.
- C. Fencing materials shall be limited to burlap, plastic mesh fabric of a neutral or dark color, any clear plastic material or wood slat fencing (traditional snow fence) with wood or metal supports.

- D. Snow fencing shall be erected on private property only and positioned on the site so as not to obstruct the view of pedestrians or vehicular traffic or be detrimental to public safety.
- E. Snow fencing shall not cause an artificial or unnatural accumulation of snow or drifting to accumulate on the property of another in excess of that which would otherwise accumulate in the absence of such fence.

(4) Construction Fencing

Construction fencing to enclose an active construction site for the duration of the construction period.

1226.04 Outdoor Lighting

(a) Purpose

The purpose of this section is to control the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare and to preserve, protect, and enhance the character of the City and the lawful nighttime use and enjoyment of property located within the City. Appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to provide safety, utility and security; control light trespass and glare on adjacent properties and public roadways.

(b) Applicability

The standards of this section shall apply to all development activities, subject to review under this code, with the following exceptions:

- (1) Lighting related to single-family dwellings are exempt, however, all lighting for these uses, with the exception of low-voltage landscaping lighting, shall be completely shielded from adjacent properties.
- (2) Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt from the requirements of this section.
- (3) Fully shielded decorative lighting attached to a building or placed in landscaping and directed onto a building shall be exempt from the requirements of this section, provided direct light emissions are not intended to be visible above the building's roof line. This shall not include decorative lighting used to illuminate a sign, which is regulated by [Chapter 1236: Sign Standards](#).
- (4) Light fixtures used to illuminate flags, statutes, and any other objects mounted on a pole, pedestal, or platform shall be exempt from the requirements of this section, provided these objects are illuminated using a narrow cone beam or light fixtures designed to minimize light spillage beyond the illuminated object.
- (5) Lighting for certain outdoor recreational uses because of their unique requirements for nighttime visibility and their limited hours of operation. However, such uses, which includes, but is not limited to, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses shall be required to meet the following standards:
 - A. Cutoff from a lighting source that illuminates an outdoor recreational use may exceed an angle of 90 degrees from the pole, provided that the luminaries are shielded to prevent light and glare to spill over to adjacent residential properties.
 - B. The maximum permitted illumination at the lot lines shall be two footcandles.
 - C. Exterior lighting for an outdoor recreational use shall be extinguished no later than 11:00 p.m.

- (6) Temporary construction or emergency lighting is exempt from the requirements of this section. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
- (7) Nothing in this chapter shall apply to lighting required by the FAA or any other federal regulatory authority.
- (8) Nothing in this chapter shall apply to street lighting installed in rights-of-way.

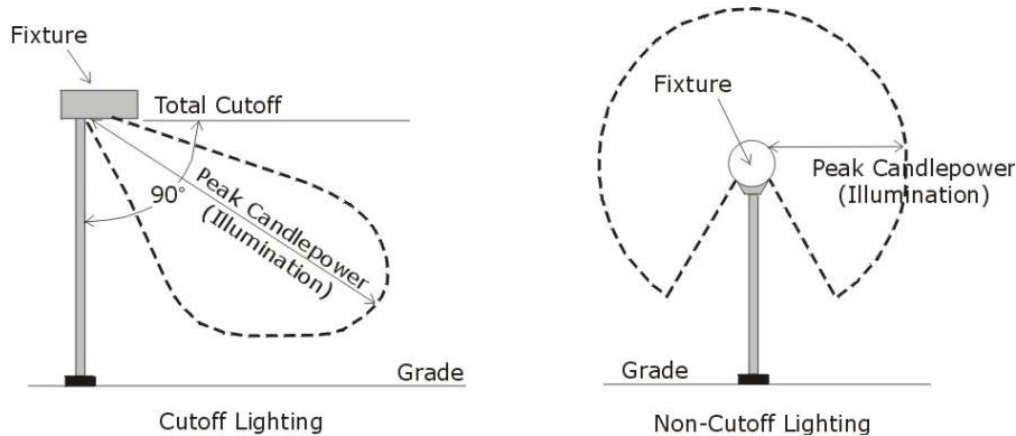


Figure 1226-M: Cutoff or shielded lighting fixtures (left) as compared to non-cutoff lighting fixtures (right).

(c) Exterior Lighting Plan

- (1) A lighting plan is required for all uses that are required to file for site plan review and shall be approved according to the procedures set forth in Section [1214.06: Site Plans](#). The lighting plan shall demonstrate compliance with the requirements of this section. However, a photometric study of the illumination shall only be required when a multi-family dwelling with 10 or more units or a nonresidential use is proposed to be located adjacent to a lot in a residential district or that is occupied by an existing residential use.
- (2) All existing uses on which outdoor lighting is installed or changed shall conform to these standards.
- (3) The lighting plan shall demonstrate compliance with the outdoor lighting standards of this section.

(d) General Requirements

- (1) All outdoor lighting fixtures regulated according to this section, including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, displays and landscaping, shall be full-cutoff type fixtures, unless exempted per Section [1226.04\(b\)](#).
 - A. Any use that has a canopy with lighting fixtures attached to the bottom of the canopy shall utilize recessed ceiling fixtures.
 - B. Signs that are wholly illuminated from within and freestanding signs that are externally illuminated with an exposed incandescent lamp not exceeding 40 watts shall not require shielding.
- (2) All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent residential property or building, or to cause glare onto any public street or vehicle thereon.
- (3) Illumination is required consistently across the site shall be designed so as not to create dark spots that may create safety issues in such areas as vehicular use areas and connecting pedestrian paths.

- (4) For all nonresidential uses in any residential district, all outdoor lighting fixtures, including parking, display, and aesthetic lighting, shall be turned off after business hours. Only that lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.
- (5) There shall be a maximum illumination of 0.5 footcandles at the lot line in all residential districts and for any nonresidential use that abuts a lot in a residential zoning district or lot occupied by an existing residential use.
- (6) **Measurement**
 - A. Light levels shall be measured in foot-candles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
 - B. Measurements shall be taken at the property line, along a horizontal plane at a height of 3.5 feet above the ground.
- (7) **Maximum Height of Light Poles**
 The total height of exterior lighting poles shall not exceed the following height regulations. Height shall be measured from the average grade surrounding each light pole:

TABLE 1226-10: MAXIMUM HEIGHT OF LIGHT POLES	
Districts:	Maximum Height
All Residential Districts	20 feet
B-1, B-2, B-3, and P-I Districts	24 feet
I-1 and I-2 Districts	30 feet
Planned Unit Developments	To be determined during plan review.

1226.05 Intersection Visibility

- (a) In order to provide a clear view to the motorist there shall be a triangular area of clear visibility that is free of any obstructions where there is an intersection of two or more streets and/or where a driveway intersects with a street.
- (b) Where a street intersects with another street, the triangular areas shall be defined by measuring 25 feet from the intersection of the extension of the front and side street curb lines (or the edge of pavement where there is no curb) and connecting the lines across the property. See [Figure 1226-N](#).
- (c) Where a driveway intersects a street, the triangular areas shall be defined by measuring 20 feet from the edge of the driveway along the street and 10 feet along the driveway, perpendicular from the street. See [Figure 1226-N](#).
- (d) These standards shall not apply to driveways for single-family dwellings or multi-family dwellings with six or fewer dwelling units.
- (e) The Code Administrator may reduce the distance requirement where it is determined that a narrow lot frontage would excessively reduce buildable area.
- (f) No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the area established above, unless approved by the Director of Public Works. Trees may be located within these areas provided they are pruned and/or the canopy is trimmed to provide clear visibility (with the exception of the tree trunk) up to eight feet above the top of the curb.
- (g) Where no curb exists, the height shall be measured from the top of the pavement.
- (h) The Ohio Department of Transportation may impose additional restrictions along state or federal routes.

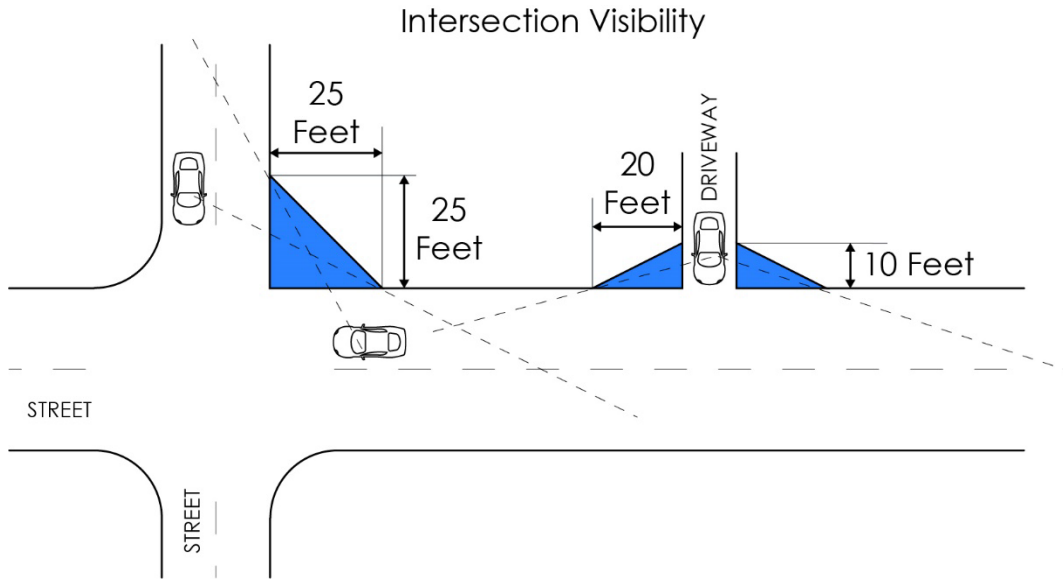


Figure 1226-N: Intersection visibility area for two intersecting streets.

Chapter 1228: Architectural Standards

1228.01 Purpose

The purpose of this chapter is to encourage development that contributes to the City of Avon Lake's sense of place, reflecting the community's vision for high-quality development. The standards of this chapter are intended to ensure that development and redevelopment contribute to the character and attractiveness of core districts, major uses, gateways, and corridors in the City.

1228.02 Applicability

The following principal buildings shall be subject to the standards of this chapter unless otherwise stated:

- (a) New multi-family dwellings in all R-2, R-3, MUO, and RPD Districts;
- (b) New principal buildings in the B-1, B-2, B-3, I-1, I-2, and P-I Districts; and
- (c) New nonresidential, principal buildings in any MUO District, including mixed-use buildings that contain residential uses. (Ord. 23-46. Passed 3-13-2023.)

1228.03 Architectural Standards for Multi-Family Dwellings

The standards of this subsection shall apply to all multi-family dwellings.

- (a) All siding shall be either horizontal or vertical in placement.
- (b) Front facades shall incorporate variation in mass through one or more of the following methods every 50 feet of façade frontage:
 - (1) Wall offsets in the form of projections and/or recesses in the façade plane; Wall offsets shall have a minimum depth of two feet;
 - (2) Bay windows;
 - (3) Façade color changes;
 - (4) Use of pilasters, columns, or other detailing to articulate the facades; or
 - (5) Roofline changes when coupled with correspondingly aligned façade material changes.
- (c) In addition to wall offsets, front facades and side facades on buildings on corner lots shall provide a minimum of three of the following design features for each residential unit fronting onto the street:
 - (1) One or more dormer windows or cupolas;
 - (2) A recessed entrance;
 - (3) A covered porch;
 - (4) Pillars, posts, or pilasters;
 - (5) One or more bay windows with a minimum of 12-inch projection from the façade plane;
 - (6) Eaves with a minimum of six-inch projection from the façade plane;
 - (7) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
 - (8) Multiple windows with a minimum of four-inch-wide trim.



Figure 1228-A: Illustrative example of acceptable architectural design for multi-family dwellings



Figure 1228-B: Illustrative example of unacceptable architectural design for multi-family dwellings

- (d) To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street. See Section [1228.04\(e\)](#) and Section [1232.05: Screening Requirements](#).

1228.04 Architectural Standards for Nonresidential Buildings

Any nonresidential principal building in the B-1, B-2, B-3, MUO, I-1, I-2, and P-I Districts shall be subject to the following standards, including mixed-use buildings that contain residential uses. Where a building or structure is considered a Landmark or is located within a historic district, such buildings or structures shall be subject to the standards of this section and Section [1228.05: Historic Preservation](#). (Ord. 23-46. Passed 3-13-2023.)

(a) Building Orientation

- (1) Buildings shall generally be parallel to the street they front unless an alternate orientation is consistent with adjacent development.
- (2) The primary entrances of buildings shall be oriented towards a public street.
- (3) If the primary entrance is located on the side or rear of the building due to the location of parking, the façade located along the street frontage shall be identified and designed as the primary façade.

(b) Building Materials

- (1) The structural frame of a building shall not be exposed to the exterior of a building.
- (2) A combination of materials, textures, colors, and finishes shall be utilized to create visual interest.
- (3) Materials within three feet of the finished grade or sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic.
- (4) No stucco (commonly known as “dry vit” or E.F.I.S.) or similar materials shall be permitted within three feet of the finished grade.
- (5) All rooftop equipment shall match the color of the structure or be visually compatible with the structure.

(c) Building Facades

- (1) Blank building walls, whether the primary or secondary façade, that are visible from public or private streets (including alleys adjacent to residential or mixed-use buildings) are prohibited. These requirements shall not apply to those walls that are not visible from a street or are completely hidden due to topography or natural features preserved as open space.
- (2) Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings that are visible from a public street or an adjacent building shall incorporate architectural detailing on all facades that is consistent with the front façade and the requirements of the applicable zoning district. Any façade of a building that will be screened from view due to the buffering requirements of Section [1232.05: Screening Requirements](#) shall be exempt from this requirement.



Figure 1228-C: This figure shows two methods of using architectural features to create wall surface relief on wall elevations that are not the primary elevation.

(3) Ornamentation

All visible elevations shall include decorative features such as cornices, pilasters, and friezes. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls. See [Figure 1228-D](#).



Figure 1228-D: The above image illustrates a building that contains pilasters, cornices, and a series of façade setbacks (recesses) to visually break up the appearance of the large facade.

(4) Façade Offset Required

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See [Figure 1228-E](#).

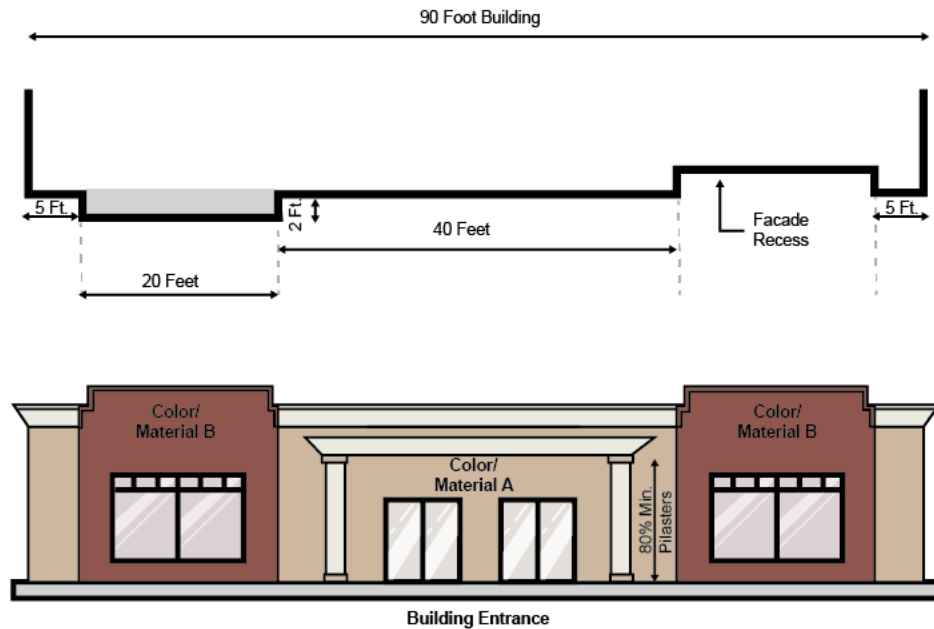


Figure 1228-E: Illustration of how the façade offset provisions may be applied.

(5) Offset Alternatives

The following alternatives can be used in place of the required front façade offsets as shown in [Figure 1228-E](#):

- A. Façade color changes following the same dimensional standards as the offset requirements;
- B. Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height; and/or
- C. Roofline changes when coupled with correspondingly aligned façade material changes.

(d) Roof Styles

(1) The height of any pitched roof shall not exceed one-half of the overall building height.

(2) Roof Line Changes

- A. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
- B. When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.



Figure 1228-F: Roofline changes shall be aligned with corresponding wall offsets and/or material or color changes.

(3) Flat Roofs

- A. When flat roofs are used, parapet walls, three-dimensional cornices, fascia, or other architectural features should be used to conceal them, particularly if mechanical equipment is located on the roof.
- B. Thin parapets that extend more than two feet above the roof and have a depth of less than two feet from the façade surface, are prohibited.

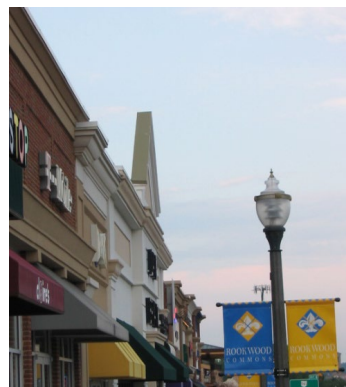


Figure 1228-G: Parapet walls with cornice treatments are used to disguise flat roofs. The image on the right illustrates a tall, thin parapet wall that is prohibited.

(4) Asymmetric or Dynamic Roofs

- A. Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings.
- B. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings provided the criteria for flat roofs in Section [1228.04\(d\)\(3\)](#) above are met.



Figure 1228-H: Examples of dynamic or asymmetric roof lines

(e) Mechanical Equipment

- (1) Wall mounted mechanical, electrical, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures, shall be painted and maintained to match the building or be screened from view.
- (2) Mechanical equipment such as transformers and HVAC units shall not be located in front yards.
- (3) All mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public and private rights-of-way, as well as from all property zoned or used for residential purposes.

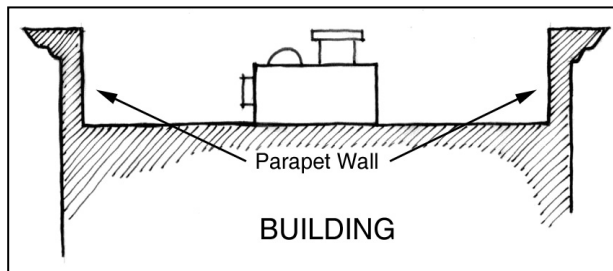


Figure 1228-I: Example of how parapet walls are utilized to screen roof mounted mechanical equipment.

- (4) Screening elements shall include walls (same material and color as principal structure), landscaping, mounds, parapets or enclosures constructed of the same materials used on the majority of the principal structure or any combination or as otherwise approved or required during site plan review (See Section [1214.06: Site Plans](#)).
- (5) The screening of mechanical equipment will be reviewed as part of site plan review based upon the following determinations:
 - i) Site location relative to adjacent properties and public rights-of-way;
 - ii) Topography of the subject site relative to adjacent properties and public rights-of-way;

- iii) Whether the subject screening creates visual inconsistencies with surrounding areas; and
- iv) Whether the screening substantially meets the overall intent of these district architectural guidelines.

b) Mechanical equipment is also subject to Section [1232.05: Screening Requirements](#).

1228.05 Historic Preservation

(a) Purpose

- (1) The City hereby declares as a matter of policy the importance of safeguarding the architectural integrity of historic sites, buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value in the interest of the health, prosperity, safety and welfare of the residents of the City.
- (2) It is the intent of this chapter to establish procedures whereby certain areas, places, sites, buildings, structures and objects shall be allowed the measure of protection afforded by a thorough study of alternatives to incompatible alterations or demolition before such acts are performed, so that the following objectives are achieved:
 - A. To promote the use and preservation of historic buildings, structures, and sites which reflect the cultural, social, economic, political, or architectural heritage of the City for the education and general welfare of the people of Avon Lake.
 - B. To protect and enhance the attractiveness of the City as it relates to residents, tourists and visitors, serving as a support and stimulant to business, and thereby strengthening the economy of the Municipality and its residents.
 - C. To stabilize and increase the property values within the City.
 - D. To facilitate the reinvestment in and the revitalization of certain older districts and neighborhoods.
 - E. To enhance the visual and aesthetic character, diversity and interests of the City.
 - F. To preserve and further enhance the civic pride of the residents of Avon Lake in the beauty of the City and in the notable accomplishments of its past.
 - G. To protect the property rights of owners whose properties lie within areas of historic architectural significance.

(b) Standards and Guidelines

The HPC shall utilize the *Secretary of the Interior's Standards for the Treatment of Historic Properties* developed by the U.S. Department of the Interior, and any other adopted guidelines related to historic preservation, when considering construction, expansion, or demolition (partial or complete) of all new or existing buildings and structures subject to COA review.

(c) Emergency Remedies and Routine Maintenance

Nothing in this chapter shall be construed to prevent or delay the reconstruction, alteration or demolition of a structure or feature which has been ordered by the Code Administrator upon certification of an unsafe condition constituting an emergency. Similarly, nothing in this chapter shall be construed to govern or restrict routine maintenance activities which do not represent an alteration to the specified historical features or exterior appearance.

(d) Enforcement Provisions and Penalties

- (1) If it is found that any of these provisions or standards are being violated, all work shall cease upon notification, and no work shall be performed except to correct the violations. All work shall be corrected within a reasonable period of time and any violations not corrected within the specified time may be prosecuted.

- (2)** Whoever constructs, reconstructs, or alters any exterior architectural feature or demolishes a substantial part or all of any building or structure within the historic district or any historic landmark not authorized by a certificate of appropriateness shall be deemed to be in violation of this section, the provisions of which are specifically intended to impose strict liability, and shall be punishable for a minor misdemeanor offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. Whoever violates this section shall be required to restore and reconstruct such features in full detail. Restoration or reconstruction shall be in addition to any criminal penalty and not in lieu thereof.
- (3)** Whoever receives a certificate of appropriateness from the HPC and constructs, reconstructs, or alters any exterior architectural feature or demolishes a substantial part or all of any building or structure within the historic district or any historic landmark other than in accordance with the requirements of the certificate of appropriateness shall be deemed to be in violation of this section, the provisions of which are specifically intended to impose strict liability, and shall be punishable for a minor misdemeanor offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. Whoever violates this section shall be required to make all changes needed to comply with the COA. These changes shall be in addition to any criminal penalty and not in lieu thereof.

Chapter 1230: Open Space and Recreation Impact Fee Requirements

1230.01 Purpose

This section addresses the character and design of those portions of development that are not occupied by platted lots or streets and that are reserved for open space, public parks, and greenways. The purpose of this section is to:

- (a) Establish the standards and criteria under which portions of land associated with development shall reserve and dedicate land to the City for the purposes of development as private open space, public parks, greenways, or other recreational spaces; and
- (b) Establish minimum ownership and maintenance standards for homeowner and property owner associations related to private formal and informal open space areas associated with development.

1230.02 Applicability

- (a) This chapter shall apply to all zoning districts, concept areas, and densities as identified in [Table 1230-1](#) after the effective date of this code.
- (b) The Code Administrator shall not grant a zoning permit for any building or structure shown in a subdivision or development subject to the provisions of this chapter unless the open space allocated to that phase have been conveyed under one of the options established in this chapter.

1230.03 Open Space Requirement

(a) Amount of Open Space Required

- (1) [Table 1230-1](#) Identifies the minimum amount of open space that must be established for certain types of developments allowed by this code.

TABLE 1230-1: OPEN SPACE REQUIREMENTS			
Zoning District and Concept Area	Proposed Gross Density	Required Open Space Set-Aside	
		Minimum % of Improved Open Space	Total % of Open Space
RPD	Under 4 Units per Acre	None Required	20%
	4 to 12 Units per Acre	5%	25%
	Over 12 Units per Acre	10%	30%
MUO – Town Center	Up to 12 Units per Acre	5%	5%
	12 to 18 Units per Acre	7%	7%
	18 to 25 Units per Acre	10%	10%
MUO – Lake Road	Up to 12 Units per Acre	5%	5%
	12 to 18 Units per Acre	7%	7%
MUO – Lear Road	4 to 12 Units per Acre	3%	3%

- (2) Where a minimum percentage of open space is required to be improved open space, that percentage shall be based on the gross site area of the proposed project, including all rights-of-way.
- (3) The area of improved open space may also count toward the total percentage of open space for the entire project, which shall also be based on the gross site area of the proposed project, including all rights-of-way.

(4) Areas Counted as Improved Open Space

For the purposes of complying with this subsection, the following features shall be credited towards the improved open space requirements, if approved as such by City Council in review of the open space:

- A. Land occupied by active recreational uses such as pools, ball fields, playgrounds, tennis courts, jogging trails, and residential community centers used primarily for recreation purposes.
- B. Formally planned and regularly maintained open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculpture, and other forms of public art.



Figure 1230-A: Formally planted areas and gardens can be credited toward improved open space requirements.

- C. Squares, forecourts, plazas, parks, public art, sculpture or fountains or other water features designed in accordance with the standards in this subsection.
- D. Where such features provide a clear community benefit, City Council may credit plazas and sidewalk areas exceeding the minimum sidewalk width requirements that contain at least four of the following features towards the improved open space area requirements:
 - i. Seating elements;
 - ii. Specialized or decorative paving features;
 - iii. Pedestrian lighting beyond that required to illuminate public rights-of-way;
 - iv. Arcades, canopies, awnings, or overhangs to shield pedestrians;
 - v. Street furnishings, including but not limited to planters, waste receptacles, bicycle racks, drinking fountains, or shelters for persons utilizing public transit; or
 - vi. Community informational kiosks.



Figure 1230-B: Features such as planters, seating elements, and sidewalk arcades or overhangs can be credited towards improved open space.

(5) Regulations for General Open Space

- A. Beyond any open space areas defined as improved open space, the open space may include fields, landscaped areas, natural areas, etc. that are not specifically excluded from the calculation by this chapter (See Section [1230.03\(a\)\(6\)](#), below). Such spaces shall still comply with all general requirements for open space as established in this chapter.
- B. Stormwater management devices, including retention ponds, and other bio-retention devices, can be counted towards the overall open space requirement when such features are treated as a site amenity and to qualify, they shall support passive recreation uses by providing access, gentle slopes less than three-to-one (3:1), and pedestrian elements such as paths, benches, and similar aspects.



Figure 1230-C: Illustrative example of a stormwater pond designed as a project amenity.

(6) Areas and Uses Not Counted as Open Space

The following areas shall not be counted toward compliance with open space requirements:

- A. Private and public roads, and associated rights-of-way;

- B. Public or private parking spaces, access ways, driveways, and other vehicular use areas;
- C. Required minimum spacing between buildings and required yard setbacks;
- D. Land that is subject to pre-existing conservation easements or other similar protected open spaces;
- E. Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;
- F. Substations or public utility easements;
- G. Dry stormwater detention basins or facilities;
- H. Leftover slivers of land that has no value for development, that is not part of a larger improved open space set aside, and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by Planning Commission and City Council.

(b) Permitted Uses in Open Spaces

The following uses may be permitted in required open space:

- (1) Areas preserved in their natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented areas;
- (2) Outdoor active or passive recreational uses for the use and/or enjoyment of the residents of the proposed development. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, recreation areas shall be provided with sufficient parking and appropriate access;
- (3) Utilized for the raising of crops when authorized in a conservation easement or in the association's covenants and restrictions; and
- (4) Any other similar uses approved by the Planning Commission during the applicable review procedure.

(c) Design Standards for Open Spaces

Land set-aside as open space shall comply with the following standards:

- (1) All areas of open space shall be accessible to residents or users of the development by providing at least 10 feet of frontage on a public street.
- (2) All areas of the open space shall have a minimum width of 50 feet with the exception of trails and sidewalks that may provide access to the required open space, in which case, those areas of sidewalks and trails may be as narrow as 10 feet in width.
- (3) The open space shall be located and designed to the satisfaction of the Planning Commission and shall be sufficiently aggregated to create large areas of planned open space.
- (4) The open space shall conserve significant topographic and landscape natural features to the extent practicable.
- (5) Any area within the open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
- (6) All open space required by this chapter, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on all approved plans.

- (7) Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.
- (8) **Provision of Open Space in Multi-Phase Developments**
 - A. Development proposed in phases shall be considered as a single development for the purposes of applying the open space set-aside standards required in this chapter.
 - B. The open space set-aside for the entire project shall be reviewed and approved as part of the preliminary plat process.
 - C. Development shall not be phased solely as a method to avoid the minimum open space set-aside standards in this chapter.
 - D. In cases where less than 100 percent of the total amount of open space set-aside is provided within the first phase of a multi-phase development, the open space set-aside required shall, at a minimum, be apportioned into each of the remaining development phases. At any point, the applicant may fulfill the open space set-aside requirements prior to completion of the development or subdivision.

1230.04 Ownership of Open Space

- (a) The first priority of the open space requirement is to provide for a community wide network of parks, open spaces, greenways, or other recreational areas. As such, all open space required by this chapter shall first be offered to the City for potential public land dedication.
- (b) Such offer for public land dedication shall be made during the applicable review procedure and the Planning Commission shall include a recommendation on whether to recommend that the land should be considered by City Council for public dedication.
- (c) The City shall consider any recommendation from Planning Commission regarding the proposed land and shall make a decision on whether to accept any land offered for dedication. City Council shall not be required to accept any land offered for dedication.
- (d) Where the City chooses not to accept the open space for public dedication, the developer shall retain the open space as private open space, protected in perpetuity in accordance with [Section 1230.05: Protection of Open Spaces](#).

1230.05 Protection of Open Spaces

- (a) Any further subdivision of the open space for uses other than those prescribed in this chapter and the approved RPD Development Plan or subdivision plat shall be prohibited.
- (b) In all cases, the long-term control and protection of the open space shall be accomplished through the use of a conservation easement.
- (c) The applicant may seek to dedicate the open space to the City of Avon Lake; however, the City is not required to accept such dedication. If the open space is not dedicated to, and accepted by, the City, the long-term control and protection of the open space shall be accomplished through the use of a conservation easement in accordance with this section.
- (d) **Conservation Easements**
 - (1) At the time when an applicant records the plat for the approved subdivision or submits for a zoning permit where no plat is required, a conservation easement shall be placed on all lands and private waters used to satisfy the open space requirements of this chapter. The conservation easement shall:
 - A. Run with the land, regardless of ownership;
 - B. Provide for protection of the land in perpetuity;

- C. Be granted and deeded to the City, Lorain County, State of Ohio, park district, a City approved land trust, or other qualified organization approved by the Planning Commission and Law Director; and
 - D. Be solely for the purpose of ensuring the land remains undeveloped other than development of uses permitted by Section [1230.03\(b\)](#).
- (2) While the City, Lorain County, State, park district, City approved land trust, or other qualified organization may hold the conservation easement, the property itself shall still be owned by the original property owner, the developer (applicant of the subdivision), or a homeowners' or property owners' association. If it is to be owned by an association, the association's documents shall be recorded with the subdivision plat and a copy submitted to the Code Administrator to be maintained as part of the City's records.
- (3) The conservation easement shall include information on how the property will be maintained by the property owner and shall also state that failure to maintain the property in accordance with the conservation easement agreements shall be considered a violation of this code. In addition, the holder of the easement may pursue any remedy provided by law or equity, including, but not limited to, the remedies in Section 5301.70 of the Ohio Revised Code.

1230.06 Standards for Owners' Associations

- (a) A homeowners' association or property owners' association shall be established to permanently maintain all open space and common areas if such areas are not transferred and accepted by the City, Lorain County, State, park district, City approved land trust, or other qualified organization.
- (b) All homeowners' association or property owners' association agreements shall be submitted to the Code Administrator as part of the site plan review, subdivision application review, or RPD review, whichever is applicable. No set of proposed covenants, articles of incorporation, or bylaws of a homeowner's association or property owners' association shall permit the abrogation of any duties set forth in this section.
- (1) All homeowners' associations or property owners' associations shall guarantee the maintenance of all open space and common areas within the boundaries of the development through the deed restrictions or covenants.
 - (2) Membership in the association shall be mandatory for all purchasers of lots in the development.
 - (3) The association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.
 - (4) In the event that the homeowners' association or property owners' association no longer maintains the common areas and open space in a neat and orderly manner, or if the homeowners' association or property owners' association goes defunct, the City may take over maintenance and assess a fee to cover the costs of such maintenance. The fee shall be assessed to each of the benefitting property owners within the subdivision.
 - (5) The association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without:
 - A. An affirmative vote of 75 percent of its members;
 - B. Establishing a successor entity to take over said property pursuant to this code; and
 - C. The approval of the City Council.
 - (6) Whenever the association adopts an amendment to any approved agreements that pertain to maintenance obligations or access to common areas, the revisions shall be provided to the Code Administrator for confirmation that the amendment is in compliance with all applicable standards of this code and any conditions of approval that applied to the original development or subdivision.

- (7) The association shall convey to the City and other appropriate governmental bodies, after proper notice, the right to enter to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the City shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses, and vacant building lots.

1230.07 Recreation Impact Fee

(a) Purpose

- (1) This section is intended to impose an impact fee for the acquisition and improvement of public recreation facilities on the development of single-family dwelling subdivisions and multiple-family dwellings. In enacting this code, City Council acknowledges that the City is responsible for and will meet, through the use of general City revenues, the reasonable capital improvements and maintenance requirements of the City's existing recreation facilities.
- (2) The recreation impact fees authorized by this section will be used solely for the acquisition and improvement of the additional public recreation facilities required to meet the need for such facilities created by new development and
- A. Such fees shall not exceed the cost of acquisition and improvement of those public recreation facilities the need for which is reasonably attributable to those developments that pay the fees; and
 - B. The fees shall be spent solely for the acquisition and improvement of additional public recreation facilities that substantially benefit those developments that pay the fees.

(b) Fee Required

The recreation impact fee is required prior to the issuance of a zoning permit for any dwelling erected on a lot situated within a development subject to approval, or which has previously received approval as a major subdivision, or its predecessors, or which was subject to the subdivision provisions of the Ohio Revised Code. The applicant shall pay to the Recreation Trust Fund the amount of any applicable recreation impact fee specified in Section [1230.07\(c\)](#) of this code, and no zoning permit shall be issued by the Building Department without submission of a written receipt from the Director of Finance indicating that any applicable recreation impact fee has been paid.

(c) Fee Amount and Administration

- (1) In addition to any other fee or fees described in the Codified Ordinances of the City of Avon Lake, persons who are seeking, or who have in the past received, approval from the Planning Commission of a plat as part of a major subdivision, or its predecessors, or which was subject to the subdivision provisions of the Ohio Revised Code, and persons seeking approval from the Building Inspector or Planning Commission for a multiple-family or attached single-family residential development in the City of Avon Lake, shall pay to the Recreation Trust Fund a recreation impact fee as follows:
- A. \$535.00 for each lot in a subdivision upon which a single-family dwelling is to be constructed.
 - B. \$390.00 for each dwelling unit to be constructed in a multi-family dwelling.

- (2) For developments subject to approval, or which have previously received approval, as a major subdivision, or its predecessors, or which was subject to the subdivision provisions of the Ohio Revised Code, such recreation impact fees shall be due and payable following approval of a plat, but prior to the issuance of a zoning permit, and no zoning permit shall be issued by the Building Department without submission or a written receipt from the Director of Finance indicating that any applicable recreation impact fee has been paid.
- (3) For multi-family dwellings subject to approval under Section [1214.06: Site Plans](#), such recreation impact fees shall be due and payable following approval of a zoning permit, but prior to the issuance of a building permit, and no building permit shall be issued by the Building Department without submission of a written receipt from the Director of Finance indicating that any applicable recreation impact fee has been paid.
- (4) The amount of any applicable recreation impact fee due and payable under this section as a condition precedent to the issuance of a zoning permit under Subsection [1230.07\(c\)\(3\)](#) hereof, or a building permit under Subsection [1230.07\(c\)\(4\)](#) hereof, shall be waived:
 - A. For any single-family dwelling unit for which a recreation impact fee assessed under this code has paid prior to the zoning permit or building permit application; or
 - B. For any multi-family dwelling unit for which a recreation impact fee assessed under this code has paid prior to the zoning permit or building permit application.
- (5) It shall be the responsibility of the Director of Finance to:
 - A. Credit all recreation impact fees received by the Director of Finance to the Recreation Trust Fund, which the Director shall administer separately from the General Fund of the City of Avon Lake, and to deposit funds received by the Recreation Trust Fund in one or more interest-bearing accounts in a bank or other savings institution authorized to receive deposits of City funds. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for the Recreation Trust Fund.
 - B. Maintain and keep accurate financial records for each account into which funds of the Recreation Trust Fund have been deposited, that show the source and disbursement of all revenues; that shall account for all moneys received; that shall ensure that the disbursement of funds from each acquisition and improvement of additional public recreation facilities as specified in the Capital Improvements Plan, is recorded; and that shall provide an annual accounting for each account showing the source and amount of all funds collected and the projects that were funded.
- (6) All funds currently in the Recreation Trust Fund and all funds collected pursuant to this section shall be used solely and exclusively for the acquisition and improvement of additional public recreation facilities as specified in the Capital Improvements Plan and as authorized by the City Council.
- (7) The City is hereby authorized to issue bonds, bond anticipation notes, revenue certificates or other obligations of indebtedness as may be provided by law in furtherance of the acquisition and improvement of additional public recreation facilities as specified in the Capital Improvements Plan and as authorized by the City Council. The funds pledged towards the retirement of any such indebtedness may include recreation impact fees and any other City revenues that may be allocated by Council, provided that recreation impact fees paid pursuant to this section shall be restricted solely and exclusively to financing directly, or as a pledge against indebtedness, for the acquisition and improvement of additional public recreation facilities as specified in the Capital Improvements Plan and as authorized by the City Council.
- (8) Refunds of recreation impact fees paid to the Recreation Trust Fund shall be made under the following circumstances:

- A.** If a zoning permit for a lot in a subdivision upon which a single-family dwelling is to be constructed expires without commencement of construction, then the person who paid any applicable recreation impact fee required as a condition for the issuance of the zoning permit may request a refund of the fees paid. To obtain a refund, the applicant must submit a written request to the Planning Commission within 30 days of the expiration of the zoning permit. The Planning Commission shall, within 60 days of the receipt of a refund request, authorize the Director of Finance to refund to the applicant, without interest, the impact fees paid, less five percent of the refund (to offset a portion of the costs of collection and refund), within 10 days of receipt of such authorization.
 - B.** If a building permit for a multi-family development expires without commencement of construction, then the person who paid any applicable recreation impact fee required as a condition for the issuance of the building permit may request a refund of the fees paid. To obtain a refund, the applicant must submit a written request to the Planning Commission within 30 days of the expiration of the building permit. The Planning Commission shall, within 60 days of the receipt of a refund request, authorize the Director of Finance to refund to the applicant, without interest, the impact fees paid, less five percent of the fees paid to offset a portion of the costs of collection and refund, within 10 days of receipt of such authorization.
 - C.** If the principal amount, not including interest, of all funds paid into the Recreation Trust Fund from recreation impact fees is not expended or encumbered by the end of the calendar quarter immediately following six years from the date the recreation impact fee was paid, the then current owner of the land may apply to the Director of Finance for refund of any amount not expended or encumbered, plus interest actually earned. Such application must be submitted to the Director of Finance within 180 days of the expiration of the six-year period.
- (9)** The fee schedule contained in Section [1230.07\(c\)](#) hereof, shall be reviewed by the Planning Commission at least once each two years.

Chapter 1232: Landscaping and Screening Standards

1232.01 Purpose

It is the purpose of the landscape and screening regulations to:

- (a) Promote attractive development and preserve the appearance and character of the surrounding area through landscaping and screening;
- (b) Minimize or eliminate conflicts between potentially incompatible, permitted land uses on adjoining lots through screening; and
- (c) Ensure safe pedestrian and vehicular circulation when landscaping and screening is installed.

1232.02 Applicability

(a) General

No construction, reconstruction, enlargement, extension or exterior alterations of any building or structure, or the occupancy of a new building or structure occur, until the required landscaping and/or screening has been provided according to this chapter. This chapter shall not apply to single family dwellings or their respective lots.

(b) New Development or Redevelopment

Any new development or redevelopment of land must fully comply with the standards and regulations of this chapter.

(c) Additions and Enlargements

(1) Renovations or Repairs

A building or lot may be repaired or renovated without providing additional landscaping or screening, unless there is an increase in gross floor area or improved lot area (e.g., expanded parking lot or building addition).

(2) Additions and Increases in Gross Floor Area

- A. When a building, accessory building, parking lot or structure, or lot is increased in gross floor area or improved lot area up to 25 percent (aggregate from the area as of the effective date of this code), landscaping and/or screening is required for the addition.
- B. When there is an increase in the gross floor area or lot improvement by more than 25 percent (aggregate from the area as of the effective date of this code), the entire lot must conform to the landscaping and screening requirements of this chapter.

(d) Change in Use

Any change in use that increases development intensity and results in increased traffic or processes, must fully comply with this chapter. For the purposes of this chapter, a change in use includes:

- (1) A residential use to a commercial use; or
- (2) A commercial use to a manufacturing use.

1232.03 Submission of Landscape and Screening Plan

As part of a site plan review application or conditional use application, whichever may come first, the applicant shall be required to submit a plan setting forth the proposed method of landscaping and/or screening. The plan shall take into consideration the space required to be landscaped and/or screened, the planting area available, the density of the foliage required to adequately protect abutting properties and the height of screening necessary to provide the desired protection.

1232.04 Landscaping Requirements

- (a) The planted area shall be free of structures (other than a fence or wall), dumpsters, material storage or display, manufacturing or processing activity, loading and unloading areas or vehicle parking or outdoor display. No new driveways or streets shall be permitted in areas unless otherwise approved by the city.
- (b) All areas not covered by plants, shrubs and trees shall be well maintained by an all-season vegetative ground cover and shall be kept free of debris and trash.
- (c) Ground cover must be installed appropriate to the surface conditions of the area. Grass is the default landscaping material for ground, although other alternative ground covers may be used, if approved as part of a site plan review, for areas such as parking lot islands, where physical conditions may warrant more tolerant ground cover. In all cases, ground cover should be some form of natural vegetation. Small areas of decorative gravel or rock may also be utilized in the ground cover areas when approved as part of the site plan review.
- (d) All plantings must be suitable for the City of Avon Lake's soils and climatic conditions and:
 - (1) Shall be distributed so as to provide a relatively uniform planting. Where the planting is along a street and some visibility into the development is desired, the plant material may be arranged to provide view corridors.
 - (2) The landscaped areas shall be entirely pervious except for barrier structures and walks that provide pedestrian access. No more than 25% of the required area may consist of impervious materials such as gravel, stones, or paving.
 - (3) A mix of hardwood and ornamental tree species shall be provided.
 - (4) Native grasses and plants that are pollinator friendly shall be provided.
- (e) If an applicant demonstrates to the satisfaction of the city that an existing healthy tree line, attractive thick vegetation, natural earth berm and/or slopes will be preserved and serve the same landscaping or screening purposes that would otherwise be required by this chapter, then such preserved existing screening may be permitted to be used, in part or whole, in place of new ground cover, grading and plantings. If this existing natural screen is removed at any time, the applicant or property owner shall be required to plant landscaping or establish screening that will meet the ground cover, grading, screening and planting requirements of this chapter.

1232.05 Screening Requirements

Screening is intended to eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots. Screening may include a combination of setbacks and visual buffers or barriers.

(a) Screening Plan

A screening plan must be submitted and must incorporate a landscaping plan. The screening plan must show the location of all screened areas on the site, location of utility easements, roads and drives, emergency access, walkways and existing and proposed structures on the site.

(b) Required Screening

(1) Screening of Development

Screening is required in the following scenarios and are required to be erected by the more intensive use in order to properly visually buffer the use or activity of the more intensive use:

TABLE 1232-1: SCREENING REQUIREMENTS

		Adjacent Development or Zoning District			
		Single-Family Residential	Multi-Family Residential	Commercial, Office, and Mixed Use	Industrial
Proposed Development	Single-Family Residential				
	Multi-Family Residential	Screening Required			
	Commercial, Office, and Mixed Use	Screening Required	Screening Required		
	Industrial	Screening Required	Screening Required	Screening Required	

(2) Location

- A. Required areas for screening must be developed along the perimeter of the lot and extend inward from the property line of the development site. Screening may not be located within any dedicated public or private street right-of-way, utility easement or encroach on adjacent property.
- B. An area used for screening may be included in the calculation of setback requirements.

(3) Minimum Standards

Screening may include a mix of trees, berms, plantings, fences and walls to achieve a solid screen of a minimum of 75 percent of the length of the building, structure and/or activity requiring screening on the more intensive property.

- A. No structure or off-street parking or loading area shall be located in the area dedicated for screening.
- B. Fences or walls shall be six feet in height and shall be landscaped along the base.
 - i. All structures and hardware used for landscaping or screening, such as walls or fences, shall be constructed of weatherproof or weather resistant materials such as treated wood, PVC or composite materials such as Trex, brick, natural stone or pre-cast stone or other material approved by the city.
 - ii. The finished side of the fence or wall shall face the adjacent property or right-of-way.
- C. Berms shall be a minimum of four feet in height.
 - i. Berms must be formed with a gradual slope with a rounded top to allow for planting and stabilized slopes.
 - ii. Berms shall include trees and shrubs at or near the crown to extend the vertical height of the screening.
- D. If no fence, berm or wall is erected as a part of the screening, a minimum of 30 feet of open space shall be provided on which to plant screening materials.
- E. Evergreen trees and shrubs shall be included for effective screening if a wall or fence is not installed. All trees and shrubs used as screening materials shall reach the minimum screening requirement within 2 years of planting.

(c) Screening of Equipment

In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intense uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

(1) Screened Items

The following areas shall be screened in accordance with this section:

- A. Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
- B. Any use or activity where screening is required by a use-specific standards in Section [1216.06: Use-Specific Standards](#);
- C. Off-street loading areas;
- D. Outdoor service areas that are necessary to support common business operations (e.g., outdoor freezer or refrigeration units, storage units, etc.);
- E. Ground-level or façade-mounted mechanical equipment and utility structures; and
- F. Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.
- G. Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent residential lots.
- H. All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access while screening the item when access is not necessary.

(2) Screening Methods

- A. The following items are permitted for use as screening materials, and more than one method may be used on a lot or site:
 - i. Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views (See [Figure 1232-A](#).); or
 - ii. An opaque fence or wall; or
 - iii. Integration into the building design (e.g., false walls or other architectural screening). See [Figure 1232-A](#).
- B. The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this code including, but not limited to, Section [1226.03: Fences and Walls](#).
- C. To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building façade to further reduce visibility.



Figure 1232-A: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster (left image) and the use of a wall and fencing for screening that is architecturally compatible with the principal building (right image).

(3) Configuration of Vegetative Materials

In cases where vegetative materials are used for screening in accordance with this subsection, the vegetative materials shall:

- A. Be planted around the perimeter of the site feature to be screened in a manner that screens the site feature from all off-site views;
- B. Be configured in two staggered rows or other arrangement that provides maximum screening;
- C. Be upright, large evergreen shrubs or a hedge and be capable of reaching at least six feet in height within three years of planting; and
- D. Be spaced no farther than necessary to create an opaque screen when the shrubs or trees are fully grown. In no case shall trees used for screening be spaced further than 12 feet apart on center.

1232.06 Maintenance

- (a) All plantings identified on the approved plan must be permanently maintained in good growing condition and replaced with new plant materials, as necessary, to ensure continued compliance with applicable landscaping and/or screening requirements.
- (b) All structures and hardware used for landscaping or screening, such as walls or fences, shall be maintained in good working and shall be constructed of weatherproof or weather resistant materials or treated as such.

1232.07 Delayed Installation

In cases where plantings cannot be completed due to weather or other conditions prior to building occupancy, the city may require a financial guarantee to be provided in the amount of 120 percent of the estimated cost of the landscaping or screening to be provided. The form of financial guarantee must be approved by the Law Director prior to approval.

Chapter 1234: Parking, Access, and Mobility Standards

1234.01 Purpose

- (a) It is the purpose of the off-street parking and loading regulations to reduce the congestion on streets due to excessive use for parking and loading of motor vehicles and to prevent excessive amounts of off-street parking and loading through the appropriate control of the siting and number of spaces permitted.
- (b) Off-street circulation regulations are designed to prevent traffic congestion and hazard due to the movement of vehicles and pedestrians on private property.
- (c) The requirements apply uniformly to all buildings and uses, regardless of the districts in which they are located.

1234.02 Off-Street Parking Required

Off-street parking and/or loading shall be provided for every new, enlarged or modified use in connection with every use as applicable in this code, in accordance with the requirements specified in this chapter.

1234.03 Minimum Parking Space and Driveway Aisle Standards

The following minimum standards shall apply to all parking spaces and driveway aisles:

(a) Parking Space Standard Width and Length

Parking spaces shall have the following minimum dimensions, exclusive of circulation aisles:

TABLE 1234-1: PARKING SPACE DIMENSIONAL REQUIREMENTS					
Dimension (feet)	0° Parallel	30° Diagonal	45° Diagonal	60° Diagonal	90° Perpendicular
Space Width	8	8.5	8.5	9	9
Space Length	22	18	18	18	18

(b) Circulation Aisles

Circulation aisles shall have the minimum dimensions as set forth in [Table 1234-1](#) based on whether the drive aisle has only one-way or two-way traffic. Where there is a combination of two different parking angles, the widest aisle width shall be required.

TABLE 1234-2: CIRCULATION AISLE DIMENSIONAL REQUIREMENTS					
Dimension (feet)	0° Parallel	30° Diagonal	45° Diagonal	60° Diagonal	90° Perpendicular
One-Way	12	14	15	15	24
Two-Way	24	24	24	24	24

1234.04 Accessible Spaces for Automobiles and Vans

Accessible parking and loading spaces, except spaces used exclusively by buses, trucks, other delivery vehicles, law enforcement vehicles or vehicular impound, shall meet all state as established in the State Building Code.

1234.05 Access

(a) Access for Single-Family and Multi-Family Dwellings

Access for residential uses shall be as follows:

- (1) For single-family dwellings, no more than two access driveways shall be permitted, per unit, with a minimum width of 10 feet and a maximum width of 30 feet for each driveway as measured at the curb.
- (2) For multi-family dwellings, no more than two access driveways into the off-street parking area shall be permitted with a minimum width of 20 feet and a maximum width of 40 feet for each driveway as measured at the curb. For multi-family dwellings that have garage driveway access or parking spaces directly accessible to a private street, the Planning Commission may authorize wider driveway widths.
- (3) Residential driveways and parking pads shall meet the setback requirements of Section [1224.01\(b\)\(12\)](#).
- (4) Where the main or principal structure is demolished in any residential zoning district, all driveways and paved surfaces shall also be cleared from the site.

(b) Access for All Other Uses

Access for all uses, except single-family and two-family dwellings shall be as follows:

- (1) Each lot shall be permitted one two-way access drive or, upon review of the site plan, by the Planning Commission, a pair of one-way drives. For each 150 feet or fraction thereof, an additional drive may be permitted.
- (2) Entrance/exit driveways accessing the off-street parking area shall not exceed 15 feet in width for each lane of ingress/egress and shall not be located within 50 feet of a street intersection as measured from the intersection of the street right-of-way lines.

1234.06 Setback Requirements

- (a) Parking spaces for all uses shall be provided either in garages or dedicated parking areas conforming to the provisions of this code.
- (b) Other than a paved driveway, no off-street parking shall be located within any required front yard for any residential use.
- (c) Except as otherwise provided, required off-street parking, loading, and stacking facilities shall be located on the same lot as the principal building.
- (d) Parking areas and driveways shall be subject to the maximum lot coverage standards of the applicable zoning district.
- (e) Off-street parking areas in nonresidential districts shall be set back:
 - (1) A minimum of 20 feet from all front lot lines;
 - (2) A minimum of five feet from all side and rear lot lines adjacent to a lot in a nonresidential zoning district unless such adjacent lots have shared parking or where there is a driveway connecting the two off-street parking areas; and
 - (3) A minimum of 20 feet from all lot lines adjacent to a lot in a residential zoning district. Off-street parking areas in nonresidential zoning districts.

1234.07 Prohibited Activities

- (a) The display for sale of all types of vehicles shall be prohibited within any required off-street parking area, except for a private individual selling one personal vehicle or land where the principal use is the sale or lease of vehicles.

- (b) The display, sales, or storage of any goods, wares, or merchandise shall not be permitted within any areas designated for required off-street parking, loading, or waiting spaces except on private driveways for residential uses for garage sales and other permitted temporary sales.
- (c) No part of any building, structure or related improvements and materials shall be temporarily or permanently located or stored outdoors, in areas designated for off-street parking, loading, or stacking facilities unless approved for outdoor bulk sales and storage (See Section [1224.01: Accessory Uses and Structures](#),) or as part of a temporary event (See Section [1224.02: Temporary Uses and Structures](#).).
- (d) None of these requirements are intended to regulate the storage of vehicles or materials in an enclosed garage.

1234.08 Units of Measurement

For the purposes of determining off-street parking requirements, the following units of measurement shall apply:

- (a) Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.
- (b) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or when fixed seats are not indicated, the capacity shall be determined as being one seat for each twenty square feet of floor area of the assembly room. For benches and pews, 30 lineal inches shall be considered as one seat.
- (c) Fractional numbers shall be rounded down to the nearest whole number.

1234.09 Change in Use, Additions, and Enlargements

- (a) Whenever any change in use, enlargement of a building, or extension of a land use results in an increase in the number of units used to measure required off-street parking, loading, or waiting spaces, and such alteration or change creates a need for an increase of more than 15 percent in the number of required off-street parking spaces, additional off-street parking shall be provided on the basis of the increase in the number of such units of measurement.
- (b) The 15 percent increase shall be measured as an aggregate change from the number of spaces that existed on the effective date of this code.

1234.10 Mixed Occupancies and Shared Parking

- (a) In the case of mixed or multiple uses in one building or one lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately and may be reduced by up to 25 percent by the Planning Commission as part of a site plan review.
- (b) Off-street parking areas for one use shall not be considered as providing requirements for any other use unless the Planning Commission decides to reduce the number of parking spaces required for uses in a B-3 District. The Planning Commission determination must be made in writing and shall consider the following criteria.
 - (1) The number of on-street parking spaces in the vicinity;
 - (2) The availability of parking areas on adjacent sites, considering the hours of operation of the subject use and adjacent uses; and
 - (3) The cumulative adverse impact on the District if buildings are removed from a multiple storefront streetscape in order to provide parking on site.

1234.11 Uses Not Specified

Where a use is not specifically mentioned, the requirements for the most similar applicable use shall apply as determined by the Code Administrator.

1234.12 Not to Exceed Requirement and Reduced Parking

(a) Not to Exceed

In order to prevent excessive lot coverage, the artificial increase in air temperature, and an unnecessary increase in surface water run-off, no minimum off-street parking space requirement in Section [1234.14: Number of Parking Spaces Required](#), shall be exceeded by more than 20 percent unless good cause can be shown by the applicant and approved by the Planning Commission. Single-family dwellings, two-family dwellings, and multi-family dwellings are exempt from this provision.

(b) Reduced and Adjacency Parking

The Planning Commission may approve a site plan with a reduction in the number of parking spaces required if it can be shown that the lesser number of spaces is appropriate and consistent with these regulations, the Land Use Plan, and other plans of the City under the following provisions:

- (1) When the required parking spaces for a proposed use can be accommodated on an adjacent or nearby site, arrangements can be made between the businesses and other property owners that are not normally open, used or operated during the same hours to share parking facilities in order to meet their parking requirements, provided that not more than fifty percent of the required parking spaces are shared.
- (2) Where the required parking spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the Law Director, and filed with the application for a zoning permit.

1234.13 Deferred Construction of Parking Spaces

If the number of parking spaces required in Section [1234.14: Number of Parking Spaces Required](#), is substantially larger than the number anticipated by the applicant, and the applicant provides sufficient evidence that supports the reduced parking needs, the Planning Commission may approve a site plan with a lesser number of parking spaces, provided that:

- (a) Suitable area(s) must be reserved for the construction of the balance of the total number of spaces otherwise required by this chapter and shall be illustrated on the site plan in locations and with landscaping in full compliance with this code. Such areas shall include needed areas for stormwater management in association with such parking facilities.
- (b) The Planning Commission, upon re-evaluation of the project parking needs, may at any time direct that some or all of the reserved spaces be constructed; and
- (c) Any additional parking, if and when constructed, shall be provided according to the approved site plan and only after approval of the construction plans by the Code Administrator.

1234.14 Number of Parking Spaces Required

The minimum number of off-street parking spaces required shall be as follows:

Chapter 1234: Parking, Access, and Mobility Standards
Section 1234.14: Number of Parking Spaces Required

TABLE 1234-3: NUMBER OF PARKING SPACES REQUIRED	
Use	Minimum Parking Spaces Required SF = Square Feet GFA = Gross Floor Area
Agricultural	
Agriculture	1 per 800 SF GFA of building used for the retail sale of food, drink, or product made on site from agricultural produce
Residential Uses	
Bed and Breakfast Establishment	1 per guest room plus 2 for the owner
Dwelling, Multi-Family	2 per each dwelling unit
Dwelling, Single-Family	
Residential Care and Congregate	
Residential Facility	1 per 4 residents of design capacity plus 2 per facility
Skilled Nursing or Personal Care Facility	
Public, Institutional, and Recreational Uses	
Active Recreational Facilities	1 per 250 SF GFA, or 1 per 5 seats, whichever is greater for indoor use 1 per 1,000 SF, plus 1 per 5 seats for outdoor use
Cemeteries	1 per 100 SF of GFA used for assembly
Cultural Facilities	1 per 400 SF of GFA or 1 per 8 seats, whichever is greater
Educational Institutions (Higher Education)	1 per 3 auditorium seats, plus 1 per 5 classrooms seats of design capacity
Educational Institutions (Preschool and K-12)	1 per 15 classroom seats of design capacity
Essential Services	None Required
Fraternal, Charitable, and Service Oriented Clubs	1 per 150 SF of GFA
Government Offices and Buildings (No Outdoor Activities)	1 per 400 SF GFA
Hospitals	2 per 3 beds of design capacity
Passive Parks, Open Space, and Natural Areas	1 per 10,000 SF
Places of Worship	1 per 4 seats of design capacity
Public Utility Buildings and Facilities	1 per 1,000 SF GFA
Residential Community Centers	1 per 400 SF GFA of indoor space
Wireless Telecommunication Facilities	1 per site. The driveway may count towards the parking requirement
Commercial/Service	
Administrative, Business, or Professional Offices	1 per 400 SF GFA
Adult Entertainment Business	1 per 400 SF GFA
Animal Boarding Facilities	1 per 800 SF GFA
Animal Hospital/Clinics	1 per 400 SF GFA
Assembly Halls or Conference Centers	1 per 250 SF GFA or 1 per 4 seats design capacity, whichever is greater
Automobile, Motorcycle, Recreational Vehicle Sales and Leasing	1 per 1,000 SF GFA of indoor showroom space
Automotive Repair and Service (Minor)	2 per service bay or 1 for every 400 SF GFA, whichever is greater
Automotive Repair and Service (Major)	2 per service bay or 1 for every 600 SF GFA, whichever is greater
Commercial and Business Support Services	1 per 400 SF GFA

TABLE 1234-3: NUMBER OF PARKING SPACES REQUIRED

Use	Minimum Parking Spaces Required SF = Square Feet GFA = Gross Floor Area
Commercial Recreational Facilities (Indoors)	1 per 400 SF GFA, or 1 per 5 seats, whichever is greater for indoor use
Commercial Recreational Facilities (Outdoors)	1 per 1,000 SF, plus 1 per 5 seats
Financial Institutions	1 per 400 SF GFA
Fuel Stations	1 per 400 SF GFA
Funeral Homes	1 per 100 SF GFA used for assembly
Hotels and Motels	1 per guest room, plus 1 per 5 seats for restaurant use, plus 1 per 5 seats if banquet facility or conference rooms
Medical/Dental Clinics	1 per 400 SF GFA
Microbrewery, Microdistillery, or Microwinery	1 per 150 SF GFA of retail, tap room, and restaurant space
Mixed Use Buildings	See Section 1234.10 .
Multi-Tenant Use	See Section 1234.10 .
Nursery Schools and Day Care Centers	2 per facility plus 1 for every 8 clients of design capacity
Personal Services	1 per 250 SF GFA
Restaurants	1 per 100 SF GFA or 1 per 4 seats of design capacity, whichever is greater
Retail Businesses	1 per 400 SF GFA for uses up to 20,000 SF GFA 1 per 500 SF GFA for uses 20,001 – 50,000 SF GFA 1 per 600 SF GFA for uses 50,001 – 100,000 SF GFA 1 per 800 SF GFA for uses over 100,000 SF GFA
Tavern or Bar	1 per 150 SF GFA
Vehicle Washing Establishment	1 per 250 SF GFA of office space
Industrial, Manufacturing and Processing	
Contractor Equipment and Storage Yards	1 per 250 SF GFA of office space
Industrial Service Uses	1 per 800 SF GFA
Industrial Uses, Heavy	1 per 1,000 SF GFA
Industrial Uses, Light	1 per 1,000 SF GFA
Metal Salvage and Junk Storage	1 per 250 SF GFA of office space
Recycling Center	1 per 250 SF GFA of office space
Research and Development Facilities	1 per 750 SF GFA
Self-Storage Facilities	1 per 100 units
Truck and Heavy Equipment Sales	1 per 250 SF GFA of office space
Truck Terminals	1 per 250 SF GFA of office space
Vehicle Storage	1 per 250 SF GFA of office space
Warehouses	1 per 1,000 SF GFA
Wholesale Establishments	1 per 1,000 SF GFA

1234.15 Existing Parking to be Maintained

Existing off-street parking or loading serving any use may not be reduced in amount or changed in size to less than required by this chapter.

1234.16 Design, Development, and Maintenance of Parking Areas

Every parcel of land hereinafter used as a public or private parking area shall be designed, developed and maintained in accordance with the following requirements. Such requirements shall be also subject to the landscaping requirements of Section [1232.04: Landscaping Requirements](#).

(a) Screening

- (1) When a parking lot in a nonresidential district abuts a residential district along a shared lot line, either of the following must be provided:
 - A. A 20-foot-wide existing, wooded strip left in its natural state; or
 - B. A 15-foot-wide strip within which one or a combination of the following forms of screening shall be provided:
 - i. Dense vegetative planting, trees and/or shrubs of a variety which shall be equally effective year-round;
 - ii. A landscaped mound or berm; or
 - iii. An opaque wall or fence.
 - C. Such screening shall be a minimum of six feet in height, measured from the natural grade, except that the use of walls or fences in compliance with this section shall comply with any more restrictive fence regulations found elsewhere in these regulations.
 - D. Applicants may propose the use of a combination of the allowed forms of screening.
- (2) For parking lots or segments of parking lots that are 20,000 square feet or more in area, a minimum of five percent of the gross area must be reserved for internal landscaping.

(b) Paving

- (1) Approved driveway materials in the residential districts shall be either portland cement concrete or bituminous asphaltic concrete. In the R-1D District, crushed gravel or an approved semi-rigid surface material, as approved by the Code Administrator, shall also be permitted. Blast furnace slag and crushed concrete are not approved driveway surfaces.
- (2) Any off-street parking area and access drives in nonresidential districts shall be graded and surfaced with concrete or bituminous surface or with any surfacing equal to or superior to either of these types, as approved by the Code Administrator.
- (3) Porous pavement is permitted for use in nonresidential zoning districts provided:
 - A. The porous pavement is utilized for only the parking spaces and no driveways or circulation aisles; and
 - B. The applicant shall submit a maintenance plan to the City in association with the porous pavement.
- (4) Failure to comply with the maintenance plan shall be deemed a violation of this code.
- (5) Grass paver systems are permitted for use as part of any public recreation area.

(c) Overhang of Vehicles

An allowance of a two-foot overhang for vehicles may be counted as part of the parking space as long as it does not infringe upon any required landscape area or sidewalk.

(d) Lighting

Lighting shall be subject to the exterior lighting standards of Section [1226.04: Outdoor Lighting](#).

(e) Space and Directional Arrow Markings

Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in a clearly visible condition. Unless modified by the Code Administrator, white shall be the standard color to delineate usable portions of off-street parking areas. One-way and two-way access ways into required parking facilities must be identified by directional arrows.

(f) Drainage

All required spaces, together with driveways and other circulation aisles, shall have adequate provision for drainage and for disposal of storm water, so that water shall not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto or inconvenient to persons using the sidewalk.

(g) Separation from Public Right-of-Way

Except in residential zoning districts, all open off-street parking facilities located within a required front yard shall be separated from public sidewalks or the existing right-of-way by a landscaped area at least 10 feet in width. This area shall be landscaped and maintained with a suitable combination of trees, shrubs, and ground cover. A minimum six-inch barrier curb shall be provided on the parking lot side of the required landscaped areas.

(h) Connection of Adjoining Parking Areas

Planned open off-street parking facilities shall be required to provide interior access to planned or existing adjoining open off-street parking facilities and private roadways at property lines. All interior access between adjoining parking facilities and private roads shall be open to the public.

(i) Interior Design and Landscaping

(1) All parts of open off-street parking facilities which are unusable, either for parking, circulation or loading, shall be landscaped and maintained with plantings of grass, flowers, shrubs, and at a minimum, one tree of at least 1¼ inch caliper or larger for every 12 parking spaces.

(2) In addition, the following planting, landscaping and interior design requirements shall be met:

A. Interior Rows

For parking lots with interior rows, one tree shall be located at the ends of interior rows and one at each end of a perimeter row.

B. Distribution

Any remaining required trees shall be evenly distributed along the parking lot perimeter or in interior islands.

C. Maximum Number Required

Nothing in this section requires the planting of more trees than the number calculated using the 1:12 ratio established in Paragraph [1234.16\(i\)\(1\)](#).

D. Interior Island

A curbed landscaped interior island is required for each 20 contiguous parking spaces in a parking row. The island must be three feet in width and the length of the adjoining spaces. If a tree is planted in the interior island the width must be four feet.

E. Interior End Island

A three-foot wide curbed landscaped interior end island is required at the end of all interior rows. The length of the island must be equal to the depth of the adjoining parking spaces. If a tree is planted in the island area the width at the tree planting area must be four feet.

F. Interior Mid-Row Island

For parking lots in excess of 40 spaces, a curbed landscaped interior mid-row island connecting the interior end islands must be provided having a minimum width of three feet. If a tree is planted in the interior mid-row island the width must be four feet.

G. Island Design

All islands shall be designed for ease of vehicular movement.

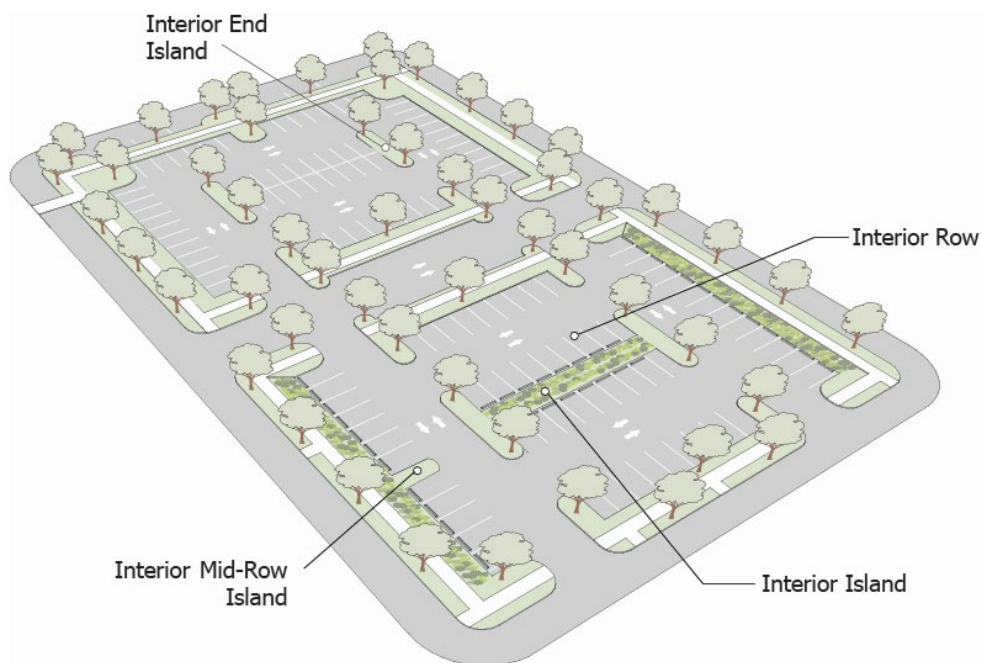


Figure 1234-A: Common Components to Interior Landscaping

(j) Ground Cover

Ground cover must be installed appropriate to the surface conditions sufficient to prevent erosion and sedimentation of the area. See Section [1232.04: Landscaping Requirements](#).

(k) Lighting and Walkways

Lighting fixtures and walkways are permitted within all landscaped islands and perimeter areas.

(l) Interior Curbs

- (1) All off-street parking spaces must include a barrier that shall be located at least two- and one-half feet from a fence, wall, walkway, or landscaped area to protect such areas from vehicle encroachment.
- (2) Such barrier shall be designed to allow for positive drainage of stormwater and may include:
 - A. Six-inch tall continuous curbs that have scissor cuts or other breaks for positive drainage flow; or

- B. Wheel stops with a minimum height of four and one-half inches.

1234.17 Bicycle and e-Scooter Parking

When bicycle or e-Scooter parking accommodations are provided on a site, they shall be located in an area adjacent to the primary building and separate from vehicular or pedestrian traffic circulation to prevent unnecessary conflicts and safety hazards between vehicles, people, bicycles and e-Scooters.

1234.18 Drive-In and Drive-Through Circulation and Off-Street Waiting Spaces

- (a) When products or services are proposed to be provided to the general public without requiring them to exit their motor vehicles, a vehicular circulation plan shall be submitted prior to issuing building permits in accordance with the following requirements:
- (1) Commercial establishments, such as banks, drive-thru restaurants, automatic car wash facilities and other similar facilities with service windows or service entrances, shall provide a minimum of ten waiting spaces, but not less than five spaces per window or entrance when there are two or more windows or entrances.
 - (2) Self-serve car wash facilities shall provide no fewer than two waiting spaces per stall.
 - (3) Gasoline stations shall provide no fewer than two waiting spaces per accessible side of a gasoline pump island.
 - (4) In any case, there shall be no credit given for spaces within the public right-of-way for vehicles waiting for service at drive-in or drive-thru facilities.
- (b) The Code Administrator shall review the plan and determine that it does not:
- (1) Constitute a threat to public safety either to vehicles or pedestrians.
 - (2) Block access to and from the required parking spaces.

1234.19 Off-Street Loading Space

- (a) **When Required**
- (1) In connection with every non-residential building or part thereof having a gross floor area of 10,000 square feet or more, there shall be provided and maintained at least one off-street loading space.
 - (2) In addition, one additional such loading space for each 20,000 square feet of gross floor area so used in excess of 20,000 square feet.
- (b) Each off-street loading space shall be not less than 10 feet in width, 45 feet in length and 14 feet in height, unless waived by the Code Administrator for good cause shown.
- (c) In the case of mixed uses, the total requirements for off-street loading facilities shall be the sum of the various uses computed separately.
- (d) All loading areas shall be graded as necessary and improved with bituminous or Portland cement, and shall be provided with adequate drainage per plans approved by the Code Administrator.
- (e) Each loading space shall be served by direct access to a street, service drive or alley in a manner that will not interfere with traffic or parking lot circulation.
- (f) Off-street loading areas shall be located on the same zoning lot as the specific use to be served and shall not be located in any front yard or within 25 feet of any street right of way, except for areas used for the occasional drop-off or pick-up of goods by vans, step-vans, or panel trucks.
- (g) All operations, materials, and vehicles in any loading space that are visible from public streets or from residential districts shall be screened. The screening material, upon installation, shall be at least six feet in height and 100% opaque.

- (h) Exterior lighting shall be designed and maintained so that glare is not cast on adjacent properties, regardless of use, or on adjacent streets. All lighting structures shall be cut-off types which include shields or other devices which eliminate all light above an angle of eighty-five degrees, as measured from the vertical axis of the light source.

1234.20 Maintenance

All required planting must be permanently maintained in good growing condition and replaced with new plant materials when necessary to ensure continued compliance with applicable landscaping requirements.

1234.21 Sidewalks and Sidewalk Connections to a Right-of-Way

(a) Public Sidewalks

- (1) New public sidewalks, constructed to meet the City's construction standards, shall be required along the street frontage of any lot being developed when the following conditions exist:
- A. The development includes new construction on a vacant lot or complete redevelopment of an existing principal building (e.g., the principal building is torn down and replaced);
 - B. There is no public sidewalk along one or more of the public street rights-of-way adjacent to the lot; and
 - C. There is adequate existing right-of-way for the public sidewalk.
- (2) All sidewalks shall be constructed in the same manner as public sidewalks in Chapter 1010 of the codified ordinances.

(b) Internal Pedestrian Connections

- (1) Where a sidewalk exists in a public right-of-way adjacent to the site, is required to be constructed as part of the development approval, or where a public transit stop is located along any of the applicable site's frontage, a paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building.
- (2) The pedestrian connection shall have a minimum width of five feet.
- (3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Code Administrator or Planning Commission, as applicable. See [Figure 1234-B](#).



Figure 1234-B: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.

1234.22 Traffic Impact Analysis

(a) Intent

A Traffic Impact Analysis (TIA) is intended to identify the transportation impacts which are likely to be generated by a proposed use and to identify improvements required to ensure safe ingress to and egress from a proposed development, maintenance of adequate street capacity, and elimination of hazardous conditions.

(b) Applicability

A TIA shall be required in the following cases:

- (1) Any zoning map amendment application that seeks to rezone properties from R-1A, R-1B, R-1C, or R-1D to an R-2 or R-3 zoning district;
- (2) Any application for a RPD Development Plan where there is a proposed density of four units per acre or more and the site is located adjacent to a R-1A, R-1B, R-1C, or R-D District;
- (3) Any application for a MUO Development Plan; and
- (4) Any site plan application that due to its size, density, traffic generation rates, or location can reasonably be expected to create traffic issues, as determined by the Director of Public Works, are required to submit a TIA.

(c) Contents of a TIA

The TIA shall be prepared and certified by a professional traffic engineer and shall include, at a minimum, the following data and information. Information and statistics required by this section may, when available, be obtained from the City.

(1) Study Area

- A. Developments wishing to take access from a major thoroughfare (arterial street) shall provide an analysis of the traffic impact from the proposed point of access to the nearest signalized intersections in all directions, or up to a 0.5-mile radius, whichever is less.
- B. Developments wishing to take access from a collector street shall provide an analysis of the traffic impact from the proposed point of access to the nearest intersections of the collector with an arterial in all directions, or up to a 0.5-mile radius, whichever is less.
- C. Developments wishing to take access from a local street shall provide an analysis of the traffic impact from the proposed point of access to the nearest arterial streets in all directions, or up to a 0.25-mile radius, whichever is less.

(2) Existing Conditions

The report shall contain information clearly describing, in written or graphic form, the existing and proposed conditions including:

- A. The proposed land use of the site and anticipated stages of construction;
- B. The existing street system including major intersections, ingress and egress locations, roadway and right-of-way widths, traffic signals and traffic control devices and public transportation facilities;
- C. Any proposed changes in the street system; and
- D. A 24-hour traffic count on all roadways which have direct access to the proposed development site and the existing average daily traffic volume and the highest average peak hour volume for any weekday hour between 3 p.m. and 6 p.m.

(3) Development Impact

The report shall include information on the average weekday trip generation rate (trip ends) and the highest average hourly weekday trip generation rate between 3 p.m. and 6 p.m. for the proposed use as determined from figures provided by a qualified traffic engineer.

(4) Determination of the Capacity of the Roadway

- A.** Data and procedures contained in the Highway Capacity Manual, Special Report 87, published by the National Highway Research Board, shall be utilized to calculate the level of service of roadways as required for this TIA. Roadway service volumes shall be calculated at level of service C for roads identified as arterials and at level of service D for roads identified as collectors.
- B.** All arterial roadways operating below level of service C (inclusive of levels D, E, and F) shall be identified as congested locations. All collector roadways operating below level of service D (inclusive of levels E and F) shall be identified as congested locations.

(5) Determination of the Capacity of Intersections

- A.** A load-factor analysis shall be conducted for one 24-hour period on a weekday on all intersections within the study area. The highest average hourly load factor between 3 p.m. and 6 p.m. shall also be recorded. A maximum load factor of 3/10 is operating below level of service C (inclusive of levels D, E, and F) and shall be identified as congested locations.
- B.** A maximum load factor of 7/10 will be allowed for intersections involving two collector roads. All such intersections with a load factor greater than 7/10 are operating below level of service D (levels E and F) and shall be identified as congested locations.
- C.** To determine intersection capacity at levels of service C and D, Figure 6.8 and Tables 6.4, 6.5, and 6.6 of the Highway Capacity Manual shall be consulted or any other applicable figures or tables as determined by the Director of Public Works.

(6) Conclusions

The projected total future peak hour traffic demand shall be calculated for all roads fronting on a proposed site and all intersections within the study area. This demand shall consist of an assumed normal increase of traffic volume of two percent per year (or the Northeast Ohio Areawide Coordinating Agency (NOACA) projections, whichever is less) and the anticipated traffic that will be generated by the proposed development. An analysis shall be undertaken to determine if roadways and intersections will operate at the appropriate level of service following completion of the development, given the future peak hour traffic that will be generated by the proposed development. This analysis consists of the comparison of the total future peak hour intersection and roadway traffic demand with the service volumes for levels C and D computed in Section [1234.22\(c\)\(4\)](#) and [1234.22\(c\)\(5\)](#) above. All roadways and intersections that would operate below the required level of service following completion of the development shall be considered deficient.

(d) Mitigating Traffic Impacts

If the TIA results in the conclusion that the level of service of adjacent roadways and/or intersections is or will become deficient prior to the proposed development and will not be able to accommodate the increased traffic load generated by the proposed development, any or all of the following mitigating steps may be required, at the developer's expense, by the Director of Public Works. The Director of Public Works shall make their determination prior to approval of a RPD Development Plan, MUO Development Plan, site plan, or zoning permit, whichever is applicable.

- (1)** Limitation of the number and/or location of access points;

- (2) Design of access points to prevent certain turn movements;
- (3) Dedication of and/or improvement to the right-of-way abutting the development of improvements in the immediate vicinity of the development to add turn lane, through traffic lanes or allow redesign of intersections or access points to accommodate additional traffic or turning movements;
- (4) Installation of traffic signals or other traffic control devices as may be warranted by the Uniform Traffic Control Manual; and/or
- (5) Development of the site at a lower intensity than originally proposed.

(e) Responsibility for Thoroughfare Improvements

In cases in which a proposed street or right-of-way, as shown on a plan adopted by the City, abuts or crosses the proposed development, the subdivider shall be responsible for all required public improvements, including the construction of the right-of-way as delineated by such plan. Certain public improvements may be waived on review and approval by the Planning Commission; however, right-of-way dedication shall be required in all cases.

Chapter 1236: Sign Standards

1236.01 Purpose

- (a) In the interest of furthering the purpose of this code, these sign regulations are herein established to provide for the use, location, and size of signs in a manner that ensures that signs are in harmony with the character of the associated use and surrounding area. More specifically, the purposes of these regulations are to:
- (1) Promote and maintain attractive, high value residential, commercial and industrial areas;
 - (2) Control the size and location so that signs will be aesthetically harmonious and in context with the area in which they are located;
 - (3) Provide for reasonable and appropriate methods for locating goods, services and facilities in all zoning districts by relating the size, type and design of signs to the size, type and design of the uses and districts;
 - (4) Eliminate any conflict that would be hazardous between identification signs and traffic control signs and devices;
 - (5) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and
 - (6) Prohibit all signs not expressly permitted by this code.
- (b) In establishing these purposes, the City has determined that signs which do not comply with these regulations (type, size, location, and limitation on the number of signs) are a public nuisance. Unregulated signs are unduly distracting to motorists and pedestrians, and thereby create a traffic hazard and reduce the effectiveness of signs needed to direct the public.
- (c) The City does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Chapter I, §11 of the Ohio Constitution. All regulations in this chapter are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.

1236.02 Substitution and Protection Clause

Wherever a sign with a commercial message is allowed or permitted under this chapter, an owner may replace the message with a noncommercial message, subject to the time, place and manner provisions of this chapter, without applying for a permit and/or paying a fee that otherwise would be required for the placement of a commercial message sign on the lot; provided, that the sign structure or mounting device is legal without consideration of message content. This provision prevails over any provision to the contrary in this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

1236.03 Reclassification of Signage

If the type of any sign that legally existed prior to the effective date of this amendment is reclassified by this amendment, such sign shall be classified as the sign type defined in this chapter and [Chapter 1246: Definitions](#), and shall be subject to the applicable standards for such sign type from the effective date of this amendment. Such reclassification shall be regardless of any variances that were approved prior to the effective date of this amendment.

1236.04 Applicability

- (a) No person shall erect, place, relocate, expand, modify, maintain, or otherwise alter a sign, or cause a sign to be erected, placed, relocated, expanded, modified, maintained, or otherwise altered unless all provisions of this code have been met.
- (b) Unless otherwise provided, this chapter shall apply to any sign, in any zoning district, that is visible from a public right-of-way or from an adjacent property.
- (c) Any sign legally established prior to the effective date of this chapter, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [1236.12: Nonconforming Signs](#).
- (d) Any person installing, structurally altering and/or relocating a sign for which a permit has been issued shall be responsible for the scheduling of necessary inspections, including, but not limited to, an inspection of footings on a free-standing sign, building, and electrical inspections, etc., during the course of the work.

1236.05 Review and Permit Requirements

- (a) To ensure compliance with these regulations, a zoning permit shall be required to be issued unless specifically exempted in this chapter.
- (b) Zoning permits for signs in a historic district or on a landmark site shall not be considered until a COA has been approved.
- (c) Signage requests not related to a use or development that requires site plan approval may be approved administratively by the Code Administrator, provided that such request(s) adheres to all the applicable code requirements listed in this Section. The Code Administrator shall have the option to defer the signage request to the Planning Commission for approval. All permanent signs related to a use or development that requires a site plan review approval (See Section [1214.06: Site Plans](#)) shall be required to be reviewed as part of the site plan review application prior to issuance of a zoning permit. During such review, the Planning Commission shall consider the following design criteria, without consideration of the message, in addition to the numerical standards of this chapter:
 - (1) The lettering shall be large enough to be easily read but not overly large or out of scale with the building or site;
 - (2) The number of items, letters, symbols and shapes shall be consistent with the amount of information which can be comprehended by the viewer; reflect simplicity; avoid visual clutter; and improve legibility;
 - (3) The shape of the sign shall be simple and not create visual clutter, and the sign should be consolidated to a minimum number of elements;
 - (4) The size, style and location of the sign shall be appropriate to the activity of the site;
 - (5) The sign shall compliment the building and adjacent buildings by being designed and placed to enhance the architecture;
 - (6) Signs shall have an appropriate contrast and be designed with a limited number of, and harmonious use of, colors;
 - (7) Extraneous elements, by virtue of inappropriate remodeling, and which exist at the time a new sign is proposed, shall be removed to improve the clarity and design of the proposed sign and restore the intended character of the building;
 - (8) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block;
 - (9) Visible frames or supports for projecting signs shall be artistic in nature; and
 - (10) A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance. (Ord. 22-195. Passed 12-20-2022.)

(d) Zoning Permit Exemptions for Signs

The following signs are subject to the requirements of this chapter but do not require a zoning permit. Permit-exempt signs may still be subject to building code or other applicable code requirements.

- (1) Signs and/or notices issued by any court, officer or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
- (2) Whenever any sign, either conforming or nonconforming, is required to be removed for the purpose of repair, relettering, or repainting, the same may be done without a zoning permit or any payment of fees provided that all of the following conditions are met.
 - A. There is no alteration or remodeling to the structure or the mounting of the sign itself;
 - B. There is no enlargement or increase in any of the dimensions of the sign or its structure; and
 - C. The sign is accessory to a legally permitted or legally nonconforming use.
- (3) This shall include the exchange of sign panels when a sign is designed to have replaceable sign faces unless a zoning permit or site plan review is required for simultaneous work on the applicable lot, in which case, the sign panel change shall be reviewed as part of the zoning permit or site plan review application, as applicable.
- (4) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;
- (5) Any sign that is located completely inside a building that is not visible from the exterior (see also definition of window sign);
- (6) Signs that are located within a stadium, open-air theater, park, arena or other outdoor use that are not visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;
- (7) Certain temporary signs as established in [Section 1236.11: Temporary Signs](#);
- (8) No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:
 - A. The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum sign area of area of 40 square feet for any individual flag attached to the pole.
 - B. The maximum projection for wall-mounted flag post is six feet and a maximum sign area of 15 square feet per flag.
- (9) A single wall sign placed on the façade of an individual dwelling unit that is not illuminated and does not exceed two square feet in area.
- (10) Signs that are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, Lorain County or City of Avon Lake;
- (11) Any signs located on umbrellas, seating or similar patio furniture provided they are located outside of the right-of-way;
- (12) Ground signs and markings located completely within the interior of a lot used for a cemetery where such signs are not designed to be visible from a public street;
- (13) Signs that are part of a public art installation;

- (14) Any sign on a truck, bus or other vehicle that is used in the normal course of a business (e.g., deliveries or fleet vehicles for contractors) for transportation (See also [Paragraph 1236.06\(p\)](#)), or signage required by the State or Federal government;
- (15) Signs installed or required by a governmental agency including the City of Avon Lake, Lorain County, State of Ohio and United States, including local and regional transit agencies;
- (16) Any warning signs or traffic safety signs required by public utility providers;
- (17) Hand-held signs not set on or affixed to the ground;
- (18) Any address numbers required by the City of Avon Lake, Lorain County, or the State of Ohio;
- (19) Changes of copy on signs with changeable copy;
- (20) Any signs, including illuminated signs, or related decorations erected in observance of religious, national or state holidays which are not intended to be permanent in nature and which contain no advertising material; and
- (21) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.

1236.06 Prohibited Signs

The following types of signs are specifically prohibited within the City of Avon Lake:

- (a) Any sign that copies or imitates a sign installed by any governmental agency or purports to have been authorized by a governmental agency;
- (b) Signs that interfere with, obstruct the view of, or are similar in appearance to any authorized traffic sign, signal, or device because of its position, shape, use of words, or color;
- (c) Signs that constitute a hazard to safety or health by reason of inadequate or inappropriate design, construction, repair, or maintenance, as determined by the building official;
- (d) Signs that employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This shall not include electronic message centers as allowed in this chapter;
- (e) Signs with moving or flashing lights except for electronic message centers as allowed in this article;
- (f) Feather signs;
- (g) Beacons and searchlights, except for emergency purposes;
- (h) Windblown devices, pennants, streamers, and similar signs that are designed to move by atmospheric, mechanical, electrical, or other means, whether containing words or numerals or containing no message.
- (i) Air-activated graphics;
- (j) Balloon signs;
- (k) Roof signs;
- (l) Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way except as otherwise specifically provided for in this code.
- (m) Signs that obstruct or substantially interfere with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
- (n) Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure unless specifically permitted as a temporary sign;
- (o) Portable signs;

- (p) Vehicle signs viewed from a public road with the primary purpose of providing signage not otherwise allowed by this article. A vehicle sign shall be considered to be used for the primary purpose of advertising if the vehicle fails to display current license plates, inspection sticker, or municipal decal; if the vehicle is inoperable; if evidence of paid-to-date local taxes cannot be made available; or if the sign alters the standard design of such vehicle. Vehicle signs include those attached to or placed on a vehicle or trailer. Vehicles or trailers shall not be parked continuously in one location to be used primarily as additional signage. This does not apply to a vehicle parked at a driver's residence and is the primary means of transportation to and from his or her place of employment. See also Section [1236.05\(d\)\(14\)](#); and
- (q) Any sign not specifically allowed by this chapter.

1236.07 Measurements and Computations

(a) Sign Setback

All required setbacks for signs shall be measured as the distance in feet from the lot line or right-of-way, whichever is applicable, to the closest point on the sign structure.

(b) Sign Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely undertaken for the purpose of locating or increasing the height of sign.

(c) Sign Area

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as established in this section. For the purposes of calculating sign area, any of the following regular geometric shapes may be used: circle, ellipse, triangle, square, rectangle, trapezoid, pentagon or hexagon.

- (1) The calculation of sign area shall not include any supporting framework, bracing or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other message, as determined by the Code Administrator. See [Figure 1236-A](#).
- (2) For sign copy mounted or painted on a background panel, cabinet or surface distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest permitted shape, or combination of permitted shapes, that encompasses the extreme limits of the background panel, cabinet or surface. See [Figure 1236-A](#) and [Figure 1236-B](#).

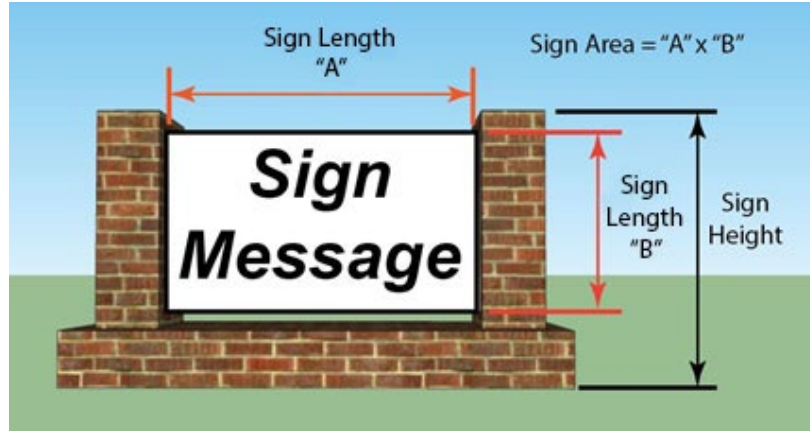


Figure 1236-A: Illustration of sign area calculation for a ground sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.



Figure 1236-B: Illustration of computing the sign area for wall signs with a background panel or cabinet.

- (3) For sign copy where individual letters or elements are mounted on a building façade or window where there is no background panel, cabinet or surface distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest permitted shape, or combination of permitted shapes, that encloses all the letters or elements associated with the sign. See [Figure 1236-C](#).

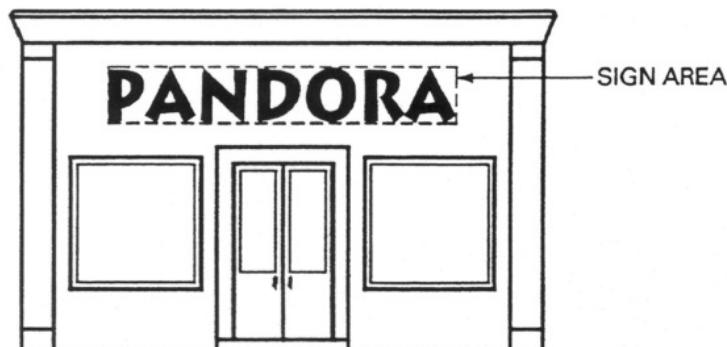


Figure 1236-C: Illustration of sign area calculation for wall signs with individual letters.

- (4) In cases where there are multiple sign elements of sign copy on the same surface, any areas of sign copy that are within two feet of one another shall be calculated as a single sign area that shall be computed by means of the smallest permitted shape, or combination of permitted shapes, that encloses all sign copy within two feet of one another, otherwise the sign area shall be computed for each separate piece of sign copy. See [Figure 1236-D](#).

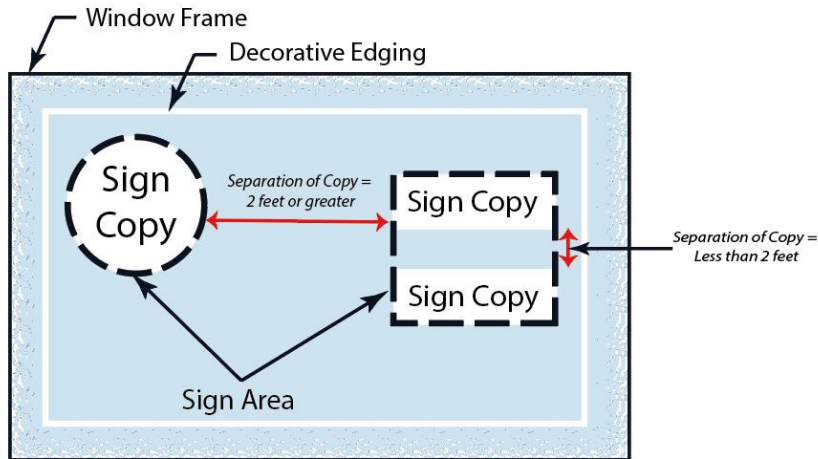


Figure 1236-D: Illustration of sign area calculations for multiple sign areas on a window sign.

- (5) Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this chapter. See [Figure 1236-D](#).
- (6) Except for three-dimensional signs, the sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces when the interior angle is greater than 45 degrees.
- (7) When two identically sized, flat sign faces are placed back-to-back or at angles of 45 degrees or less, so that both faces cannot be viewed from any one point at the same time, the sign area shall be computed by the measurement of one of the sign faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
- (8) In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by the smallest permitted shape, or combination of permitted shapes, that encompasses the profile of the sign message. The profile used shall be the largest area of the sign message visible from any one point. See [Figure 1236-E](#).

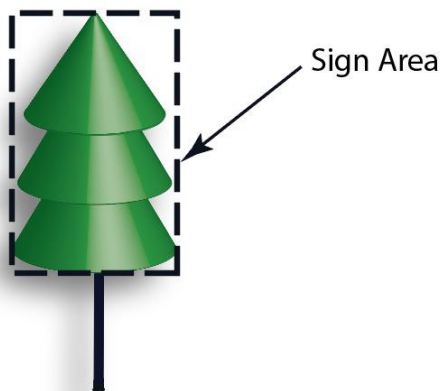


Figure 1236-E: Illustration of sign area calculations for three-dimensional sign.

(d) Façade Measurements

- (1) When calculating the permitted sign area based on the width of any façade, such calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets or angles. See [Figure 1236-F](#).

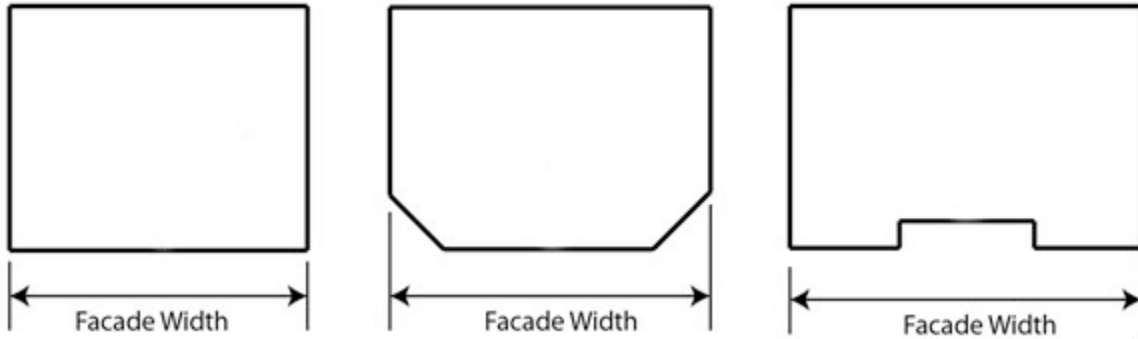


Figure 1236-F: Illustration of façade width measurement on varied façade shapes.

- (2) The primary façade shall be the portion of a frontage that serves as the main access point to a building or building unit. A site or building will be considered to have secondary façades when any of the following site/building characteristics are present (See [Figure 1236-G](#)):
- A. The subject site is a corner lot;
 - B. The primary parking area is not located adjacent to a public street; or
 - C. The building or unit has walls with public or customer entrance points that do not face the public street.

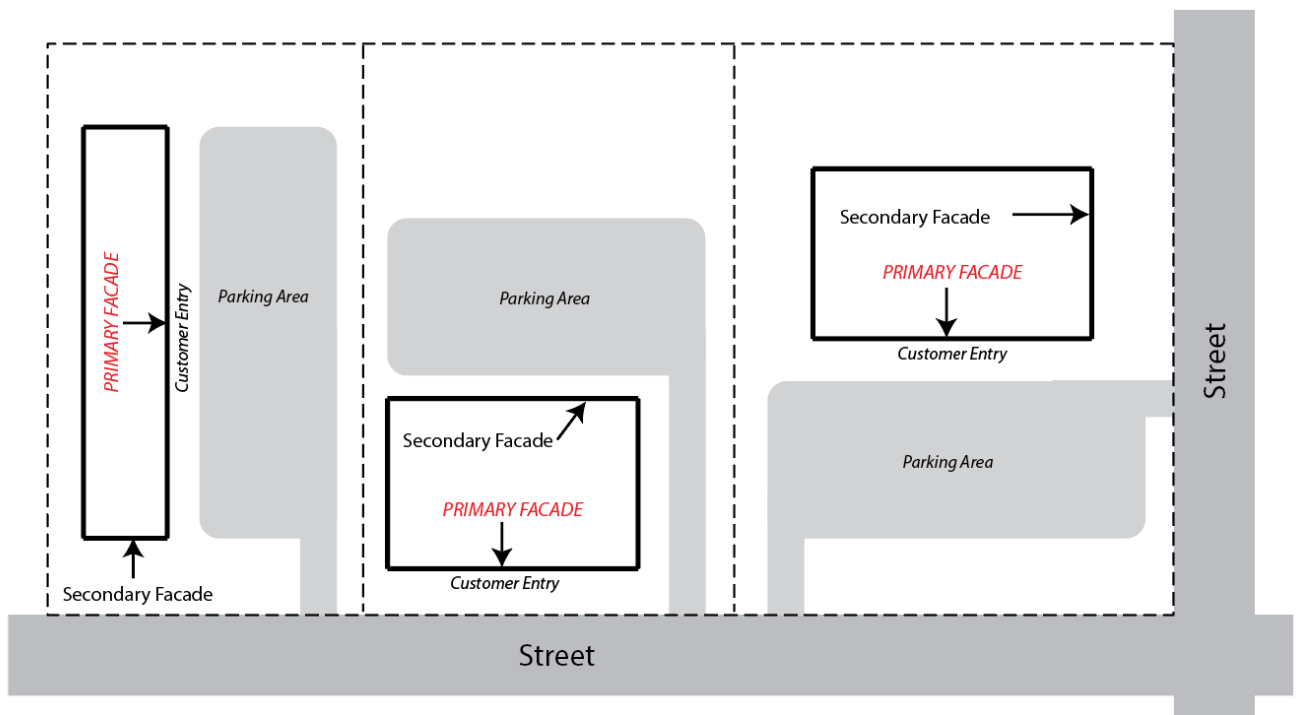


Figure 1236-G: Common examples of the location of primary and secondary façades.

- (3) When a site has primary and secondary facade as defined herein, the Code Administrator shall determine which wall shall be the primary building facade and which wall(s) shall be the secondary building facade. Only one outside wall of any business shall be considered its primary facade.
- (4) For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. The façade width for a building unit shall be measured from the centerline of the party walls defining the building unit.
- (5) The Code Administrator shall have the authority to make the determination of what façades are primary facades and secondary façades for the purposes of this chapter.

1236.08 General Requirements for All Signs

Unless otherwise specifically stated, the following regulations shall apply to all signs within the City:

- (a) Permanent signs are considered accessory uses and shall be accessory to a principal use provided for in this code. Temporary signs may be permitted on all lots, regardless of the presence of a principal use, provided the temporary signs are in compliance with this chapter.
- (b) All signs shall be constructed in compliance with the applicable building and electrical codes as well as any other City regulations.
- (c) Signs shall be structurally designed to withstand wind pressure of 30 pounds per square foot in any direction.
- (d) Signs shall be fabricated on and of materials which are of good quality, good durability and are complimentary to the building of which they become a part.
- (e) No sign shall be erected, relocated or maintained so as to prevent free ingress or egress, or block any light or ventilation openings.
- (f) No sign shall obstruct or interfere with fire ingress or egress from any door, window or fire escape, nor shall it obstruct or interfere with traffic or traffic visibility, or resemble or imitate signs or signals erected by the City or other governmental agency for the regulation of traffic or parking.
- (g) All signs shall be secured in such a manner as to prevent swinging or other significant noticeable movement, not including movement related to permitted electronic message centers.
- (h) Signs supported by or suspended from a building shall hang so as to maintain a minimum clear height of eight feet above a pedestrian path and 15 feet above a vehicular path.
- (i) All signs shall comply with the vision clearance requirements of Section [1226.05: Intersection Visibility](#).
- (j) **Signs in Rights-of-Way**
 - (1) Signs shall be prohibited in the right-of-way with the exception of:
 - A. Signs installed by the City of Avon Lake, Lorain County, State of Ohio or United States, including local and regional transit agencies;
 - B. Permanent monument signs if approved by the Code Administrator and where a homeowners' or property owners' association agreement or covenants provide for the maintenance of the sign; or
 - C. Any warning signs or traffic safety signs required by public utility providers.
 - (2) The building official may remove or cause to be removed any unlawful sign in the public right-of-way.
- (k) **Landscaping Permanent Freestanding Signs**
 - (1) All permanent freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this code.

- (2) The landscaped area shall include all points where sign structural supports attach to the ground.
- (3) Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts.

(I) Maintenance

- (1) Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of a defective part, painting, cleaning and other acts required for the maintenance of the sign so as not to show evidence of deterioration, including peeling, rust, dirt, fading, damage, discoloration or holes.
- (2) Whenever a sign is to be removed pursuant to the requirements of this section, all parts of the sign and supporting structure (e.g., pole, foundation, cabinet structure, etc.), excluding buildings for wall, projecting or similar signage, shall be removed in its entirety. This section shall not require the removal of a raceway if mounted to such structure on a building.
- (3) The building official or Code Administrator may order the removal or repair of any sign that, has become insecure, in danger of falling or otherwise unsafe, or presents a threat to the public safety.

1236.09 Sign Illumination and Electronic Message Centers

All signs, unless otherwise stated in this chapter, may be illuminated by internal or external light sources, provided that such illumination complies with the following:

- (a) Illuminated signs shall not have any flashing or blinking lights or rotating beacons, nor shall any beam of light be projected through a mechanism which periodically changes the color of the light reaching the sign.
- (b) All illumination shall be oriented so as to prevent glare onto traffic or onto adjacent property or structures.
- (c) All electrical illumination devices shall be designed to be weather-resistant and shatterproof.
- (d) **Electronic Message Centers**

All electronic message centers shall be subject to the following requirements:

- (1) The maximum brightness of the electronic message center shall be:
 - A. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
 - B. The brightness level shall not increase by more than 0.3-foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance.
 - C. The procedure and distances for measurement of brightness shall be as established by the International Sign Association's *Recommend Night-time Brightness Levels for On-Premise Electronic Message Centers*.
 - D. The owners of such signs shall include specifications accompanying their zoning permit application, demonstrating that they will comply with the prescribed brightness limitations set by this code.
- (2) Electronic message centers shall have a pixel pitch of not more than 16 millimeters.
- (3) Electronic message centers shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a measure to immediately discontinue the display if it malfunctions.

- (4) Any message change shall be a static, instant message change meaning the sign shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade in or fade out in any manor imitating movement, or any other means not providing constant illumination.
- (5) Messages can only change once every 10 seconds.
- (6) Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
- (7) Wherever an electronic message center is permitted, a manual changeable copy sign shall also be permitted. A zoning permit shall be required to change between each type of sign.

1236.10 Permanent Signs

The following are the types of permanent signs allowed in the City of Avon Lake and the applicable regulations for each type of sign.

(a) Freestanding Signs in Residential Districts

(1) Entrance Signs

Two wall signs or one permanent monument sign may be permitted for any subdivision or multi-family dwelling development provided that the sign meets the following requirements:

A. General Standards

- i. Each sign may have a maximum sign area of 12 square feet.
- ii. No such sign or any portion of the structure shall exceed six feet in height.
- iii. The sign may only be illuminated through an external light source.

B. Monument Sign

- i. A maximum of two permanent monument sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Development Review Committee.
- ii. Each sign shall be setback 15 feet from the public right-of-way and 20 feet from any adjacent lot lines.
- iii. One monument sign may be located on the center island of a boulevard entrance. See Section [1236.08\(j\)](#).
- iv. If an applicant proposes to use monument signs, no wall signs, as allowed in Subsection [1236.10\(a\)\(1\)C](#), below shall be permitted.

C. Wall Signs on Entry Fences, Walls, or Features

- i. A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Development Review Committee.
- ii. The signs shall be mounted to a decorative wall, fence, or architectural feature adjacent to the entrance street.
- iii. The placement of wall signs on architectural features shall only be permitted if such architectural feature is approved as part of a RPD or a subdivision plat. See [Figure 1236-H](#).



Figure 1236-H: Example of an architectural feature at the entrance of a subdivision.

- iv. The sign shall be setback 15 feet from the public right-of-way and 20 feet from any adjacent lot lines.
- v. If an applicant proposes to use wall signs, no monument sign, as allowed in Subsection [1236.10\(a\)\(1\)B](#), above, shall be permitted.

(2) Freestanding Signs for Conditional Uses in Residential Districts

- A.** One permanent monument sign may be permitted on a lot containing a use approved as a conditional use provided the sign meets the following requirements:
 - i. The sign shall be set back seven feet from the public right-of-way and 20 feet from any adjacent lot lines.
 - ii. The maximum sign area shall be 36 square feet.
 - iii. No such sign or any portion of the structure shall exceed six feet in height.
- B.** Buildings signs shall be permitted on a lot containing a use approved as a conditional use provided the signs meet the same requirements for building signs in the B-1 District in Section [1236.10\(c\)](#).

(b) Freestanding Signs in Nonresidential Districts

All freestanding signs in nonresidential district shall be monument signs that meet the following requirements:

- (1)** A freestanding sign is only permitted in the B-3 District when the principal building is set back a minimum of 10 feet from the right-of-way.
- (2)** The monument sign shall be set back minimum of seven feet from the right-of-way and 15 feet from any adjacent lot lines. In the B-3 District, the sign shall not be required to be set back from the right-of-way.
- (3)** Only one monument sign shall be permitted along each street frontage. One additional monument sign may be allowed on the same street frontage provided there is a minimum lot width of 200 feet and the signs are separated by at least 100 feet.

- (4) The maximum sign area permitted, per sign, shall be 32 square feet in the B-3 District and 40 square feet in all other nonresidential zoning districts.
- (5) The maximum sign height shall be seven feet
- (6) Monument signs may include manual changeable copy signs or electronic message centers as regulated by this chapter.
- (7) Where a freestanding sign serves a multi-tenant building, it shall be the responsibility of the property owner to determine the messaging on the sign.
- (8) Exposed sign foundations shall be constructed with a finished material such as brick, stone or wood.

(c) Building Signs

Except for the wall sign permitted in Section [1236.05\(d\)](#), building signs shall not be permitted in residential districts unless accessory to an approved conditional use. In all other districts, building signs are permitted on principal structures in accordance with the following:

- (1) The building sign area allowed in this section shall include the total amount of all wall, canopy, awning, and projecting signs on each façade wall. Standards for each individual building sign type are established in this section.
- (2) Building signs shall not extend above the top of the roofline of the building to which it is attached. For canopy signs, the signs may be attached above the canopy, which is attached permanently to the building, provided that the sign does not extend above the top of the roofline of the building.
- (3) Building signs may not be attached to mechanical equipment or roof screening.
- (4) Building signs shall not include electronic message centers.
- (5) **Building Sign Allowance**
 - A. There is no maximum number of permitted building signs.
 - B. Where there is a building sign allowance for a primary façade, such building sign area shall only be attached to the primary façade.
 - C. Where there is a secondary façade, as determined in Section [1236.07\(d\)](#), there shall only be one designated secondary façade and any building sign area allowed for the secondary façade shall be attached to the applicable secondary façade.

TABLE 1236-1: MAXIMUM BUILDING SIGN AREA	
Occupancy	Calculation
Building	Primary Façade: 1.5 square foot of sign area per lineal foot of primary façade width [1]
	Secondary Façade: 1.0 square feet of sign area per lineal foot of secondary façade width
Building Unit	1.5 square foot of sign area per lineal foot of façade width of the individual building unit provided that the building unit has an exterior entrance. [1]
	Secondary Façade: 1.0 square feet of sign area per lineal foot of secondary façade width assigned to the individual building unit.
NOTE: [1] For building facades that are set back a minimum of 100 feet from a right-of-way, an additional 0.5 square feet of sign area shall be permitted per lineal foot on that applicable façade.	

- D. For conditionally approved uses in residential zoning districts, the maximum building sign area shall be based on a calculation of one square foot of sign area per lineal foot of primary façade with, with a maximum of 100 square feet of total building sign area.

(6) Wall Sign Standards

Any wall sign shall comply with the following standards:

- A. Wall signs shall be mounted on or flush with a wall and shall not project more than 18 inches from the wall or face of the building to which it is attached.
- B. A wall sign may be mounted on the façade wall or mounted on a raceway or wireway.
- C. No wall sign shall extend any closer than 12 inches to either the top or side edges of the surface or wall to which it is attached. No wall sign shall cover or obscure any wall opening.
- D. No wall sign shall extend above the parapet of the main building to which it is attached, nor beyond the vertical limits of such building.
- E. Wall signs may be internally or externally illuminated except when attached to a façade that faces a residential zoning district, in which case the illumination of the wall sign is prohibited.
- F. The wall sign allowance may be used for signs attached to roofed structures over fueling stations or to stand-alone accessory structure such as Automated Teller Machines (ATMS) or detached accessory buildings.

(7) Canopy or Awning Sign Standards

Any canopy or awning sign shall comply with the following standards:

- A. Signage shall not cover more than 24 square feet of any individual awning, canopy, or marquee.
- B. Canopies or awnings should not extend more than 36 inches from the façade.
- C. Signage may be mounted above any canopy that extends over a customer entrance provided that the maximum sign height over the canopy shall be 18 inches as measured from the top of the canopy to the top of the sign.
- D. Only the area of the sign may be illuminated internally on a canopy or awning. The remainder of any canopy or awning shall not be illuminated or may be illuminated by an external source such as gooseneck lighting.

(8) Projecting Sign Standards

Any projecting sign shall comply with the following standards:

- A. Only one projecting sign shall be permitted for each tenant of building space.
- B. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.
- C. Projecting signs shall maintain a minimum six-inch clearance from the façade of any building.
- D. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.
- E. The maximum sign area for a projecting sign shall be 24 square feet.
- F. Projecting signs must be suspended from brackets or other supports approved by the building official and contain no exposed guy wires or turnbuckles.
- G. Projecting signs shall not encroach into any right-of-way.

(d) Window Signs

- (1) Window signs are prohibited in residential zoning districts with the exception that temporary signs may be placed in windows. See Section [1236.11](#).
- (2) Window signs may be temporarily or permanently attached to the window surface.
- (3) Window signs shall not occupy more than 25 percent of the window area. The sign area is based on the total window area, regardless of the presence of an awning. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas. See [Figure 1236-I](#).



Figure 1236-I: The window area is illustrated within the dashed line area for the two storefronts in the above image. The dashed lines highlight two separate window areas due to the separation by an architectural feature not related to the windows.

(e) Drive-Through Facility Signs

- (1) Drive-through facility signs shall only be permitted in nonresidential zoning districts.
- (2) One drive-through facility sign shall be allowed for each stacking lane in a drive-through facility provided the total aggregate sign area of all ground signs associated with each drive-through facility does not exceed 72 square feet. In no case shall a single drive-through facility sign exceed 36 square feet in sign area.
- (3) Such signs shall be oriented so as to only be visible to occupants of vehicles in the stacking lanes of the drive-through facility.
- (4) No drive-through facility sign under this section shall exceed six feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- (5) Drive-through facility signs may be internally or externally illuminated. Up to 100 percent of each sign may be an electronic message center if they comply with the following standards:
 - A. Any message change shall be a static, instant message change.
 - B. Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
 - C. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
 - D. The electronic message center shall be turned off during the hours when the related business is closed.
- (6) Drive-through facility signs attached to a wall of building shall be calculated as part of the building signage allowance in Section [1236.10\(c\)](#).

- (7) The maximum sign areas of this section shall not apply where the drive-through facility sign is located in a manner that is not visible from a public right-of-way or from an adjacent residential lot, as determined by the Planning Commission during the site plan review process.

(f) Driveway Signs

- (1) Driveway signs shall not be permitted in residential zoning district except when accessory to an approved conditional use. In all other districts, driveway signs shall be permitted provided each sign complies with the standards of this section.
- (2) Driveway signs shall only be permitted near driveway entrances to a public street.
- (3) A maximum of two driveway signs are permitted per individual driveway.
- (4) Driveway signs shall be located within 30 feet of the right-of-way.
- (5) Each driveway sign shall not exceed four square feet in area and 30 inches in height.
- (6) Driveway signs may be internally or externally illuminated.

1236.11 Temporary Signs

The following are the types of temporary signs allowed in the City of Avon Lake and the applicable regulations for each type of sign.

(a) Standards Applicable to All Temporary Signs

- (1) Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.
- (2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roofline of a structure.
- (3) Temporary signs shall not be posted in any place or in any manner that is destructive to public property including, but not limited to, rights-of-way, utility poles, public trees, etc.
- (4) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (5) No temporary sign shall require a foundation, support, wiring, fittings or elements that would traditionally require a building permit or electrical permit.
- (6) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with Section [1236.11\(d\)\(3\)](#) or when such sign is attached to the principal building as permitted in this chapter.
- (7) No streamers, spinning, flashing, windblown devices or similarly moving devices shall be allowed as part of or attachments to temporary signs.
- (8) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.
- (9) Mobile signs on wheels, runners, casters, parked trailers, parked vehicles or other temporary or movable signs shall not be permitted unless otherwise specifically stated in this chapter.
- (10) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.

(b) Temporary Signs with a Noncommercial Message

Temporary signs with a noncommercial message do not require a zoning permit provided they comply with the following standards:

- (1) Temporary signs that contain a noncommercial message shall still be required to comply with vision clearance requirements. See Section [1226.05: Intersection Visibility](#).
- (2) The maximum height of temporary signs with a noncommercial message shall be four feet.
- (3) Up to 36 square feet of aggregate sign area with a noncommercial message shall be permitted on any single lot.
- (4) The maximum sign area of any individual sign with a noncommercial message shall be six square feet.
- (5) Such signs shall be limited to yard signs, banner signs, or window signs.

(c) Temporary Signs with a Commercial Message in Residential Zoning Districts

Temporary signs with a commercial message located in residential zoning districts do not require a zoning permit provided they comply with the following standards:

- (1) Up to two signs with a commercial message shall be permitted on any single lot.
- (2) The signs may only be window signs or yard signs subject to the sign-specific standards in Section [1236.11\(e\)](#).
- (3) The maximum sign area for any individual sign shall be six square feet with a maximum height of six feet.
- (4) For lots or subdivisions where there is a minimum lot area of 10 acres and no principal uses, one of the commercial signs may be 40 square feet in areas with a maximum height of six feet.
- (5) The signs shall be set back a minimum of five feet from any public right-of-way.
- (6) In lieu of the above regulations, any permitted conditional use located in a residential zoning district shall be permitted the same amount of temporary signs with a commercial message as allowed in nonresidential zoning districts below.

(d) Temporary Signs with a Commercial Message in Nonresidential Zoning Districts

Temporary signs with a commercial message located in nonresidential zoning districts or on lots in residential zoning districts where the principal use is conditionally permitted shall meet the following requirements:

(1) Signs Allowed for an Unrestricted Time

A. The following temporary signs do not require a zoning permit and are allowed for an unrestricted amount of time provided signs are maintained in good condition, as required by this code:

- i. A maximum of 32 square feet of aggregate temporary sign area with commercial messaging shall be permitted for every 200 feet of lineal street frontage.
- ii. The maximum size of any single temporary sign shall be 32 square feet.
- iii. The signs are limited to yard signs or banner signs subject to the sign-specific standards in Section [1236.11\(e\)](#).
- iv. The maximum height of the sign shall be seven feet.
- v. The signs shall be set back a minimum of 5 feet from any public right-of-way.
- vi. Temporary banner signs may not be used to cover an existing permanent sign unless authorized pursuant Section [1236.11\(d\)\(3\)](#).

B. A-Frame or T-Frame Sidewalk Signs

- i. Only one sidewalk sign is allowed for any one business establishment, at one time, and shall be located within five feet of such business.
- ii. There shall be no time limit for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.

- iii. Such signs shall not exceed 12 square feet in area with a maximum height of four feet.
- iv. The sign shall only be permitted on a private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas or on pavement used for vehicles (e.g., driveways and parking lots).
- v. If the sign is placed on a sidewalk or walkway, the sign can only be placed where the paved sidewalk or walkway width, not including curb top, is at least seven feet wide. The width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
- vi. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- vii. The sign must not obstruct vehicular traffic or access to parking meters, bicycle racks and other features legally in the right-of-way.
- viii. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
- ix. The sign shall be internally weighted so that it is stable and windproof.
- x. The City of Avon Lake shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.
- xi. A zoning permit shall be required for the initial use and placement of the sidewalk sign.

(2) Signs Allowed for a Restricted Time

The following temporary signs require a zoning permit and are allowed on a restricted time basis in addition to that allowed in Section [1236.11\(d\)\(1\)](#) above, provided the signs are maintained in good condition, as required by this code:

- A. The maximum sign area shall not exceed the total building sign area allowed pursuant to Section [1236.10\(c\)](#) or 32 square feet, whichever is less.
- B. Such temporary signage, regardless of size, shall be permitted up to 30 days, twice a year.
- C. The signs are limited to yard signs or banner signs subject to the sign-specific standards in Section [1236.11\(e\)](#).
- D. The maximum height of the sign shall be six feet.
- E. The signs shall be set back a minimum of 5 feet from any public right-of-way.

(3) Temporary Signs for New Uses (Restricted Time)

For applications related to the establishment of a new use within an existing building where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent sign. Such banner sign shall not exceed the sign area of the permanent sign and shall require a zoning permit.

(e) Standards for Sign Types

(1) Banner Signs

- A. Unless otherwise specifically stated, there shall be no maximum number of banner signs provided the aggregate total square footage of all banner signs does not exceed the maximum sign area allowed in this section.

- B. Banner signs may be attached to a building, fence or other similar structure. A banner sign attached to posts and mounted in a yard or landscaped area shall be regulated as a temporary yard sign.
- C. The maximum height standard for temporary signs shall not apply to a banner sign but such signs shall not be mounted in a manner that extends above the roofline of a building or the top of the structure on which it is mounted.

(2) Window Signs

- A. Temporary window signs shall be mounted or placed on the interior of the building.
- B. Temporary and permanent window signs in nonresidential districts are regulated in accordance with Section [1236.10\(d\)](#).

(3) Yard Signs

- A. Unless otherwise specifically stated, there shall be no maximum number of yard signs provided the aggregate total square footage of all yard signs does not exceed the maximum sign area allowed in this section on temporary signs.
- B. There shall be a maximum of two faces to the sign, mounted back-to-back.

1236.12 Nonconforming Signs

- (a) Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified below.
- (b) A sign shall lose its legal nonconforming status if any of the following occurs:
 - (1) If such sign is damaged to an amount exceeding 50 percent of the sign's replacement value not including the cost or value related to the foundation or work below grade, as determined by at least two sign companies requested to provide a quote by the City;
 - (2) The structure of the sign is altered in any form;
 - (3) The sign is relocated;
 - (4) The principal use of the property is voluntarily discontinued for a period of at least six months;
 - (5) The sign is defined as a temporary sign and has been in use for more than one year following the effective date of this amendment; or
 - (6) The nonconforming sign and its structure (including support and frame and panel) are determined by the building official to be unsafe or in violation of this code and are declared a nuisance.
- (c) A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this chapter except that a sign panel may be replaced (no other structural alteration) or the sign face may be repainted when there is a change of use or tenancy.
- (d) Any sign that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a zoning permit or by complete removal.
- (e) Failure to bring a sign into compliance after loss of a legal nonconformity status shall cause the sign to be considered an illegal sign.
- (f) Minor repairs and maintenance of legal nonconforming signs shall be permitted.
- (g) Nonconforming signs shall be maintained in good condition pursuant to the Building and Housing Code.

Chapter 1238: Subdivision Design Standards

1238.01 Purpose

The purpose of this chapter is to further the overall purpose of this code and additionally, to:

- (a) Establish standard requirements, conditions, and procedures for the design and review of subdivisions;
- (b) Provide for the orderly subdivision of land;
- (c) Encourage the wise use and management of land and natural resources throughout the City;
- (d) Ensure that adequate public infrastructure, facilities and services are available concurrent with development;
- (e) Encourage a beneficial relationship between the uses of land and circulation of all forms of traffic throughout the City, and to provide for the proper location and design of streets; and
- (f) Provide adequate utility systems to support the future needs of the systems; and
- (g) Promote efficient and logical placement of utility structures so as to promote the purpose of this code.

1238.02 Applicability

The developer of a subdivision, or any development that requires public improvements or rights-of-way, shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with all applicable plans or policies of the City of Avon Lake.

1238.03 Conformity with Plans and Regulations

- (a) The arrangement, character, extent, width, grade and location of all streets shall conform to the City's thoroughfare plan, comprehensive land use plan, or other adopted plans and policies, and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Master Thoroughfare Plan, the arrangement and other design standards of streets shall conform to this chapter.
- (b) Any plans or documents submitted for subdivision or development approval shall comply with the City's standard drawings and specifications and subsequent amendments, as adopted by City Council, on file in the office of the Code Administrator.
- (c) The engineering details and standards of streets and other public improvements are subject to such modification as the Code Administrator may deem necessary to the public interest or maintenance of established standards.

1238.04 Sale of Land in Subdivisions; Start of Construction

- (a) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, or agree to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
- (b) The Code Administrator shall not issue zoning permits for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.

1238.05 Subdivider's Agreement

- (a) As part of any major subdivision, a subdivider will be required to enter into a subdivider's agreement. Such agreement shall include, at a minimum:
- (1) The timing of the construction of public improvements, including estimates for inspections;
 - (2) The approved subdivider agreement with Avon Lake Regional Water;
 - (3) Estimated costs and fees, as required by this code including, but not limited to, pavement guarantees, street tree fund, inspection fees, and recreation impact fees;
 - (4) Financial guarantee agreements, including the length of the pavement guarantee;
 - (5) Protection requirements for existing street, utilities, and other installations;
 - (6) That the subdivider will hold the City free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his or her cost and expense, any suit or action brought against the City by reason thereof, until the improvement has been accepted by the City;
 - (7) That in the event of any violation of or noncompliance with any of the provisions and stipulations of the agreement, the City may stop the work forthwith and complete or cause the completion of such improvements according to the approved plat and agreement, and that in such event, the owner shall reimburse the City for any and all expenses incurred thereby; and
 - (8) Any additional information or requirements as deemed necessary by the Code Administrator.
- (b) The subdivider's agreement shall be approved as to content and form by the City's Law Director, with confirmation by the Code Administrator, prior to approval of the final plat.
- (c) **Installations in R-1A Districts**
- (1) A subdivider who wishes to have public improvements, including streets, water, sanitary and storm sewers, and sidewalks, installed in a subdivision area in an R-1A District, shall enter into a subdivider's agreement with the City to provide for preliminary engineering studies, the cost of which will be paid by such petitioner in accordance with Ohio R.C. 727.01 through 727.49.
 - (2) Such agreement, a sample of which is attached to original Ordinance 49-79, passed April 23, 1979, is hereby approved and made a part of this section by reference.

1238.06 Pavement Guarantee and Financial Guarantees

- (a) **Pavement Guarantee**
- (1) The subdivider shall, prior to the approval of the final plat, be required to post with the City a financial guarantee in an amount equal to 20 percent of the cost of pavement construction in the subdivision as computed by the Code Administrator. Such financial guarantee shall be held by the City to ensure that the subdivider shall replace or repair, upon request of the City, any defective pavement areas which may appear during the time period of the guarantee.
 - (2) The pavement guarantee shall be for three years.
 - (3) The subdivider agreement shall also include timing for the developer to request, in writing, that the pavement be inspected and deficiencies noted for repairs.
 - (4) After repairs are made, pavement joints within the subdivision shall be cleaned and resealed with hot sealer if needed as directed by the City Engineer prior to final acceptance of pavement.

(b) Financial Guarantees

The following are the types of financial guarantees allowed by the City. The standards for each type of guarantee shall apply to any situation where a financial guarantee is required, regardless if it is related to a subdivision application or not.

(1) Certified Check, Wire Transfer, Escrow, or Cash Deposit

The following standards shall apply if a certified check, wire transfer, escrow, or cash deposit is utilized as a financial guarantee:

- A. The subdivider shall provide a certified check, wire transfer, escrow to a third-party escrow account, or cash deposit for the amount of the guarantee, payable to the City of Avon Lake.
- B. If a third-party escrow account is to be established, the account shall be with a bank approved by the Law Director and shall be in an account set up for the sole ownership of the City.
- C. When the public improvements are complete, the City shall issue a check for the released amount based on this subsection.
- D. The City shall not be responsible for paying interest for the period of time the City retains the guarantee.
- E. The subdivider's agreement may provide for the making of payments from such funds from time to time, upon certification of City Council, provided that the balance remaining after such payments will, in his or her opinion, be adequate to pay the remaining costs of the improvements.

(2) Sidewalk Bonds

If a subdivider intends to install sidewalks after the filing of the final plat, then the subdivider shall, prior to the approval of the final plat, file a financial guarantee without an expiration date, to secure the installation of the concrete sidewalks.

(3) Maintenance Bonds

The following standards shall apply if a maintenance bond is utilized as a financial guarantee:

- A. A bond in the amount determined in accordance with this section shall be filed with the City of Avon Lake.
- B. The bond may be in the form of a maintenance bond or a cash bond of the kind approved by law for securing deposits of public money.
- C. The bond shall be executed by the subdivider as principal, and if a maintenance bond, shall be executed by a corporation authorized to act as a the guarantor under the laws of the State of Ohio.

1238.07 General Design Requirements

(a) General Suitability of Land for Development

If the Planning Commission and the City Council find that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography or inadequate water supply, wastewater treatment facilities, transportation facilities, or such other conditions as may endanger health, life or property, and if, from investigations conducted by the public agencies concerned, it is determined that, in the best interest of the public, the land should not be developed for the subdivision proposed, the Planning Commission and the City Council shall not approve the land for the purpose unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

(b) Projection of Improvements

Where adjoining areas are not subdivided or developed, the arrangement of streets and utilities in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets and utilities where street connections can be made to the adjacent land) as required by the Code Administrator. Such arrangements shall be made to the subdivision boundary or up to the edge of the phase of buildable lots.

(c) Topography, Floodplain Areas, Wetlands, and Natural Areas

- (1) Natural amenities (including views, mature trees, creeks, riparian corridors, rock outcrops, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- (2) All subdivisions of land and installation of public improvements involving areas subject to flooding, as defined by National Flood Insurance Program Maps and Data, shall conform to all applicable floodplain regulations and the requirements of adopted regulations involving the City's participation in the National Flood Insurance Program.
- (3) Land which is determined by the Planning Commission to be unsuitable for subdivision or development due to flooding, the presence of Federal Jurisdiction Wetlands, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the developer and approved by Council, upon recommendation by the Planning Commission and upon advice of the Code Administrator.
- (4) The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.

(d) Creeks, Ditches, and Waterways

- (1) Where a major watercourse, as defined and mapped by the Code Administrator, exists within a proposed subdivision, the developer thereof shall grant unto the City an easement for necessary maintenance and shall also grant unto the City an easement to provide access to the watercourse. The width of the dominant maintenance easement shall be determined by the Code Administrator, and the width and precise location of the subservient access easement shall be determined by the Code Administrator in consultation with the developer, with due regard for the preservation of natural features of such area.
- (2) No permanently attached or unmovable fixture or structure, except for a footbridge or the like, as necessary to join sections of the same property, shall be permitted within the maintenance easement or access easement. A footbridge or similar structure shall be approved by the Code Administrator and shall not be constructed and placed within said maintenance easement without the appropriate approval of the Code Administrator. Any construction in areas designated as floodways by the Federal Management Agency (FEMA) shall be subject to the regulations of that agency.
- (3) In the event that there are special circumstances or conditions affecting a property owner which deprive the property owner of the use of that property pursuant to the factors as considered by the ZBA in the granting of an area variance, a property owner may appeal an administration decision denying the use of the property pursuant to an easement created by this chapter and request a hearing by the ZBA.

(e) Inspection Fees

The subdivider shall provide all necessary engineering and surveying services for preparing the plat and improvement plans. The City will inspect the installation of improvements and private utilities. The developer shall reimburse the City the actual cost of these inspections before the plat is placed upon a Planning Commission agenda.

(f) Homeowners' or Property Owners' Associations

See Section [1230.06: Standards for Owners' Associations](#) for requirements for homeowners' or property owners' associations.

(g) Debris and Waste

No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a zoning permit. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

(h) Monuments and Markers

- (1) Monuments and monument boxes shall be installed at the intersection of all centerlines of all streets, points of curvature and points of tangency on all curves.
- (2) Property pins shall be set at all lot corners, points of tangency and points of curvature.
- (3) Steel rods shall be used for property pins permanently installed that comply with the State of Ohio's requirements.
- (4) Monuments and lot corner markers shall be of a design approved by the Code Administrator and meeting State of Ohio Minimum Standards for Boundary Surveys.

(i) Street Trees and Street Tree Fund

- (1) Trees planted within a street right of way shall conform to the City Master Tree Plan. Prior to construction a planting plan shall be approved by the Municipal Arborist.
- (2) All new subdivisions shall be required to contribute to the Street Tree Fund for the installation of trees in public rights-of-way. The fee shall be payable as a cash amount calculated by the Code Administrator and shall be paid prior to Final Plat approval. The fund shall be used by the City to install tree lawn trees within public rights-of-way of new subdivisions. The fund shall not apply to private streets. The cost for said fee shall be as set forth in Chapter 208 of the Codified Ordinances.

1238.08 Lots

- (a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites that can accommodate a structure and required setbacks in the applicable zoning district.
- (b) Lots shall also be arranged so that all lots will have frontage on a public street or road and will provide building sites properly related to topography and the character of surrounding development. Lots may have frontage on a private street only if approved as part of a PUD or RPD.
- (c) The lots shall be more or less rectangular in form; triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible unless the applicant can demonstrate special circumstances requiring irregular lots to the Planning Commission.
- (d) All side lot lines shall be at right angles to street lines and generally radial to curved street lines except where the Planning Commission determines that a variation to this rule will provide a better street and subplot layout.

- (e) Corner lots shall be of sufficient width to permit the required building set-back line for each street the lot abuts.
- (f) Flag (panhandle) lots or double frontage (through) lots shall be discouraged and may only be approved if necessitated by unique features or other special physical conditions as deemed necessary by the Planning Commission. These lots shall meet the requirements established for the applicable lot type in Section [1226.01: Lot and Principal Building Regulations](#).
- (g) Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

1238.09 Blocks

- (a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Section [1238.12: Streets and Thoroughfares](#), and shall be arranged to accommodate lots and building sites of the size and character required for the zoning district as set forth in this code.
- (b) Subdivisions shall be designed with blocks of sufficient width to permit two tiers of lots of appropriate depth, to the maximum extent feasible.
- (c) Where a subdivision adjoins a major thoroughfare, the block shall be oriented so that there will be the fewest points of direct ingress and egress along such major thoroughfare as possible.
- (d) Irregularly shaped blocks, those intended for cul-de-sac or loop streets, and those containing interior parks or playgrounds, may be approved if properly designed and located, and if the maintenance of interior public spaces is covered by agreements.

1238.10 Street Lighting

Street lighting for all new subdivisions within the City shall be provided by the electric company, subject to the following provisions:

- (a) The developer's choice of the means and styles of street lighting for any particular new subdivision shall be limited to those styles and systems currently available from the local electric company for such street lighting purposes.
- (b) The street lighting system for a new subdivision shall be of a uniform nature and style within that subdivision.
- (c) Any street lighting system proposed by the developer of a subdivision must first be approved by the Public Works Department and must comply with the laws of the City pertaining to such subdivisions and street lighting plans.

1238.11 Railroads

Where railroads are involved, provision for grade separation, buffer strips and other protective media shall be required to the extent and type as may be practical.

1238.12 Streets and Thoroughfares

(a) General Street Design

- (1) The arrangement, character, width, grade, construction and location of all streets shall conform to the comprehensive land use plan, or other applicable street plans, for the City that are in effect at the time of final plat submission.
- (2) The street layout shall provide access to all lots and parcels of land within the subdivision.
- (3) Residential local streets shall be designed to discourage through traffic, but offset streets shall be avoided whenever possible.
- (4) Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.

- (5) A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.

(b) Traffic Control Devices

The subdivider shall provide all traffic control devices for the proposed development, including, but not limited to, traffic signals, signs, pavement markings and the like. Refer to the Ohio Manual of Uniform Traffic Control Devices (OMUTC) for details of the devices to be used, and, in some cases, warrants for their use.

(c) Street Signage

- (1) All new subdivisions shall be required to install the street signage within each phase on all public and private streets. The signage shall be installed prior to acceptance by the City, and the road being open to vehicular traffic. The signage must be shown on the improvement plans/site plans as submitted for review by the Development Review Committee.
- (2) The types and location layouts for the signs on public streets must be in conformance with the Manual of Uniform Traffic Control Devices and the Ohio Department of Transportation specifications and be in compliance with Chapter 404 of the Avon Lake Codified Ordinances.
- (3) In addition to the required street signage, one additional replacement street name sign shall be provided to the Public Works Department for each new street. The signs shall be delivered to the Public Works Department for inventory purposes. Supplying of signs shall only apply to street name signs on public streets.
- (4) The maintenance of signage for private streets shall be the responsibility of the subdivider and/or Homeowners Associations.

(d) Street Names and Numbering

- (1) Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plat and final plat.
- (2) When a new street is a direct extension of an existing street, the name shall remain the same.
- (3) Address numbers shall be assigned by the City in accordance with the current numbering system.

(e) Rounding of Property Corners

- (1) At all street intersections, the corner of property lines shall be rounded by a radius of not less than 15 feet.
- (2) In nonresidential district, a cut-off corner may be substituted in place of a circular arc.
- (3) Where two alleys intersect, an eight-foot cutoff shall be provided.

(f) Private Streets

- (1) Private streets shall not be permitted except as provided below, in approved PUDs or RPDs.
- (2) The PUD or RPD developer shall demonstrate that any proposed private streets are necessary to create a superior design or eliminate a practical hardship.
- (3) No more than 20 dwelling units shall be served by a single entrance from a public street to a private street.
- (4) The pavement width of private streets and minimum turning radius shall be sufficient enough to accommodate emergency vehicle access.
- (5) The pavement design is judged adequate to handle the projected traffic without resurfacing for 15 years;
- (6) The private street shall comply with all storm water drainage requirements applicable to a public street; and

- (7) The subdivider shall demonstrate that adequate provision has been made for the long-term maintenance of private vehicular areas.
- (8) The City shall not be required to accept a private street as a public street. The City may consider acceptance of the dedication of the street as a public street if the private street is brought up to the same standards as required for public streets by this code.

(g) Street Types

(1) Street Rights-of-Way

- A. Street right-of-way widths shall not be less than the following:

TABLE 1238-1: MINIMUM STREET RIGHT-OF-WAY WIDTHS	
Street Type	Minimum Right-of-Way Width
Main Thoroughfare - Arterial	80 feet
Primary Street – Major Collector	80 feet
Secondary Street – Minor Collector	60 feet
Minor Street – Local Street	60 feet
Cul-de-Sac	60 feet

- B. Where there are unusual topographical or other physical conditions, the Planning Commission may require a greater or lesser right-of-way width than that indicated in this section.

(2) Cul-de-Sacs

- A. The maximum length of a cul-de-sac shall be 600 feet. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of 65 feet. The road surface within the cul-de-sac right-of-way shall conform, for dimensions, to the City’s standard drawings.
- B. As part of the subdivision plat review, the City shall review the location of mailboxes, lighting, and landscaping in the right-of-way to ensure no interference from safety service vehicles maneuvering through a cul-de-sac.

(3) Half Streets

The dedication of half streets shall not be permitted except in special situations. Where there exists a dedicated or platted half street or alley adjacent to the tract being subdivided, the other half shall be platted if deemed necessary by the Planning Commission.

(h) Street Pavement

- (1) All streets shall be paved with Portland cement concrete with integral curbs. The concrete shall be made with air-entraining type cement or an air-entraining agent shall be added. All concrete shall conform to "Class C" requirements as described in the Ohio Department of Transportation specification. Concrete shall be placed, finished and cured in accordance with the latest Ohio Department of Transportation specifications. Concrete pavement shall be not less than eight inches thick and with a minimum four-inch aggregate sub-base. Underdrains shall be required on all concrete streets. Sub-base shall as set forth in the current State of Ohio Department of Transportation Construction and Materials Specifications. Pavement widths shall be 27 feet from back of curb to back of curb on public streets and a minimum of 22 feet on private residential streets.

- (2) Contraction, expansion and construction joints shall be provided at intervals as required and shall be properly sealed after construction. The pavement shall be constructed to established grades with an adequate radius at each corner and proper slope to all drainage structures. Test cylinders will be made and the costs of all tests shall be borne by the developer.

1238.13 Sidewalks

- (a) Sidewalk installation and maintenance shall be as stated in Chapter 1010 of the Codified Ordinances.
- (b) For private roads, sidewalks shall only be required on one side of the road.
- (c) See also Section [1234.21: Sidewalks and Sidewalk Connections to a Right-of-Way](#) for sidewalk requirements outside of subdivisions.

1238.14 Utilities

- (a) All utilities which are to be located under the pavement shall be installed before the pavement is laid.
- (b) **Water System**

All streets shall have installed therein a water main, the size of which shall be not less than the size designated for water lines of the City. The lines shall be so located as to form complete circuits without dead ends. Water mains shall be constructed and installed and shall have valves, fittings and fire hydrants spaced and located according to Municipal standards. Such standards shall be determined by the Board of Municipal Utilities and the Ohio Environmental Protection Agency. All proposed potable water lines shall be approved by the Board of Municipal Utilities prior to installation.
- (c) **Sewers and Drainage**
 - (1) All streets shall have installed therein sanitary sewers and/or combined sewers of the type and size designated for sewers in the City, or as recommended by the Code Administrator, City Engineer, or the engineering consultants to the City, as applicable. Such plans may be revised from time to time as necessary at the discretion of the City. All such sewers shall be approved by the Board of Municipal Utilities prior to installation.
 - (2) All streets shall have installed therein storm sewers of the type and size designated for sewers in the City, or as recommended by the Code Administrator, City Engineer, or engineering consultants to the City, as applicable. Such plans may be revised from time to time as necessary at the discretion of the City.
 - (3) The subdivider or developer shall submit a complete topographical plan of all storm drainage improvements proposed for the subdivision and a grading plan showing proposed building elevations for each lot, as well as specific treatment necessary to ensure positive surface drainage within and adjacent to the subdivision. Further, in any area where the up-grade private property is dependent for drainage on a swale and/or drain pipe passing over or in other privately owned property, a drainage easement will be dedicated as part of the plat. This easement will be in favor of the City and all up-stream properties that contribute to the drainage course as shown on the approved grading plan.
- (d) **Electric, Telephone, Gas, Cable Television, or Fiber Optics**
 - (1) The installation, construction and expansion of electric, telephone, cable television and/or all new services for subdivisions shall generally be placed underground.
 - (2) If the service lines cannot be located underground, they shall be located at the rear of the lots.

- (3) If electric, telephone, gas, cable television, or fiber optic lines are installed underground, the 12-inch utility easement shall be provided along the front of all lots.

1238.15 Green Infrastructure

(a) Green Infrastructure Techniques

- (1) The City encourages the use of green infrastructure techniques because of their connection to sustainable development practices and environmental quality. The proper use of green infrastructure can dramatically improve storm water runoff quality, decrease runoff volume, protect downstream streams and rivers, and create more interesting places to live.
- (2) The following green infrastructure techniques may be incorporated into new subdivisions with approval from the Code Administrator, City Engineer, or engineering consultants to the City, as applicable, provided that the applicant submits documentation that the proposed green infrastructure technique is effective and will equal or exceed the function of traditional infrastructure techniques and meet the requirements of this code:
 - A. Narrower pavement widths;
 - B. Narrower right-of-way widths;
 - C. Grassy swales and shoulders without curb and gutter;
 - D. Pedestrian walkways that do not constitute the sidewalks required of this code and Chapter 1010 of the codified ordinances;
 - E. Permeable pavements (e.g., pavers, permeable concrete, permeable asphalt pavement);
 - F. Bioretention swales;
 - G. Planter boxes;
 - H. Curb extensions; or
 - I. Other techniques.

(b) Criteria for Green Infrastructure Waivers

The Code Administrator, City Engineer, or engineering consultants to the City, as applicable, may grant a green infrastructure waiver for use of the green infrastructure techniques provided:

- (1) The techniques will utilize the landscape or nature's ability to reduce, slow, filter, and/or absorb storm water runoff from streets, parking lots, and buildings in a method that equals or exceeds the existing infrastructure requirements of the City;
- (2) The techniques are consistent with best management practices;
- (3) Covenants or other agreements have been presented to the City, in a format acceptable by the Law Director, that provide for the long-term maintenance of any approved green infrastructure; and
- (4) The technique has been designed by a professional engineer and is accompanied by documentation stating that the proposed technique does not pose a threat to the public safety.

Chapter 1240: Renewable Energy Systems

1240.01 Purpose

It is the purpose of this chapter to regulate the construction, modification, and operation of renewable energy systems in the City including Avon Lake's jurisdictional limit two miles into Lake Erie, subject to reasonable conditions that will protect the public health, safety and welfare while preserving the enjoyment of private property, promoting orderly land use and development, and allowing the safe, effective and efficient use of renewable energy systems installed to reduce the on-site consumption of utility supplied electricity.

1240.02 Applicability

- (a) No person shall construct, erect, maintain, extend, or remove a renewable energy system in any zoning district in the City, including the territory extending into Lake Erie to the distance of two miles from the natural shore line, without compliance with the provisions of this chapter.
- (b) Renewable energy systems constructed prior to the effective date of this chapter shall not be required to meet the requirements of this code provided that any physical modification to such pre-existing renewable energy system, which materially alters the size, type and number of wind turbines or other equipment, shall require compliance with this chapter, including conditional use approval in the case of wind energy systems.
- (c) Like-kind replacements as determined by the Code Administrator shall not require review by the Planning Commission or approval from City Council.

1240.03 Use Regulations

(a) Wind Energy Systems

- (1) A wind energy system shall be considered a conditional use in any zoning district.
- (2) No wind energy system shall be constructed or located within the City unless a conditional use permit and site plan have been recommended for approval by the Planning Commission and confirmed by Council pursuant to this code.
- (3) Any addition or modification to a wind energy system that alters the size, type, or number of wind turbines, or other equipment shall be subject to site plan review.
- (4) In all cases, the applicant must demonstrate compliance with the requirements of this chapter and the requirements of any other applicable chapter of this code.
- (5) Wind energy systems not meeting the requirements of this chapter shall not be permitted without the granting of a waiver or waivers from such standards by the Planning Commission.

(b) Solar Energy Systems

Solar energy systems shall be considered a permitted use in any zoning district, subject to the requirements of this chapter and the requirements of any other applicable chapter of this code.

1240.04 Design and Performance Standards

(a) General Standards

- (1) Renewable energy systems shall be lit only if required by the Federal Aviation Administration or other applicable authority or if it is determined that doing so repels wildlife migratory patterns. Lighting of other parts of the renewable energy system, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
- (2) To the extent applicable, the renewable energy system shall comply with the Ohio Building Code and any other applicable building codes.

- (3) All renewable energy systems shall comply with all relevant FAA guidelines.
- (4) Permit applications for renewable energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to all relevant and applicable local, State and national codes, including the National Electrical Code UL 174 and IEE 1547. Renewable energy systems shall incorporate back-up technologies such as surge and lighting arrestors. All renewable energy systems shall be grounded to reduce lightning strikes. All electrical lines and utility wires shall be buried underground.
- (5) All renewable energy systems shall be connected to the electric utility grid. Permits for renewable energy systems shall not be issued until evidence has been provided that the utility company approves the customer's intent to install an interconnected customer-owned generator. Applicant shall supply the letter of approval from the utility at the time of application.
- (6) Renewable energy systems shall maintain the default manufacturer's color. No appurtenance other than those associated with the renewable energy system shall be affixed to any renewable energy system. The factory or original equipment manufacturer identification and/or logo are permitted. Required signage shall be appropriate warning signs (Danger-High Voltage or Caution-Electrical Shock Hazard or any other recognized safety precaution signage) installed at the base of the wind turbine or solar array. In the case of a wind energy system, a sign, no larger than two square feet in area, shall be affixed to the system and placed no higher than six feet from grade, shall display the owner's, manufacturer's and installer's names and contact information, and shall be subject to approval as part of the conditional use permitting process.
- (7) A renewable energy system installation shall commence within six months of the issuance of the zoning permit and shall be completed and operational within one year from the date of commencement of installation. Commencement of installation shall be the date the tower or supporting structure is placed into position. If the renewable energy system is not completed within the stated time period, then the facility owner or operator or the landowner shall be required, at his or their expense, to complete decommissioning of the site subject to the requirements of Section [1240.07: Decommissioning of Wind Energy Systems](#) within six months.

(b) Standards Specific to Wind Energy Systems

- (1) All wind turbines shall set back from all property lines, occupied buildings, public rights-of-way, and public utility lines a distance of not less than 1.1 times the wind turbine height. The setback distance shall be measured from the center of the supporting structure of the wind turbine at pre-existing ground level.
- (2) Provided that the total extended height of the wind turbine meets sound and setback requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations.
- (3) The design of the tower, if any, shall be a monopole design constructed of a single, self-supporting metal tube, anchored to a foundation with controls locked inside the tube. The use of guy wires, guy wire anchors or lattice towers is prohibited.
- (4) Sound produced by the wind energy system shall not exceed 60 dBA, under normal operating conditions, as measured at the property line of a residential zoning district. Sound levels may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.

- (5) Small wind energy system equipment proposed to be installed and/or constructed shall bear an approval from any wind certification program recognized by the American Wind Energy Association or any equivalent certifying agency. Large wind energy system equipment shall have ANSI Certification IEC 61400-SER series of wind energy system tests (power performance, safety and function, duration, noise, and power quality) or certification from another recognized industry standard. The proposed installation shall comply with all applicable laws and regulations. The City reserves the right to require additional equipment certification.
- (6) Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate to prevent entry by non-authorized persons.
- (7) The wind energy system owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
- (8) The height of a rooftop or other building-mounted wind turbine shall not exceed the maximum permitted building height for the property by more than 20%.

(c) Standards Specific to Solar Energy Systems

- (1) Ohio R.C. 5301.63 sets forth the requirements for solar access easements. For the purpose of ensuring adequate access of solar energy collection devices to sunlight, any person may grant a solar access easement. Such easements shall be in writing and shall be subject to the same conveyance and recording requirements as other easements. Any instrument creating a solar easement shall be recorded in the Lorain County Recorder's office.
- (2) Solar panels must be installed in accordance with the manufacturer's design and operation standards as well as all local, county, State and Federal guidelines.

(3) Roof-Mounted Systems

Roof mounted solar energy systems shall be permitted in all zoning districts provided the roof mounted solar energy system shall not exceed the maximum building height for the zoning district, and shall be installed in compliance with all applicable local and State fire and building codes. The collectors shall be generally mounted parallel with the roof pitch. The distance between the roof and the uppermost portion of the solar panels shall not exceed 18 inches. Roof mounted panels on a flat roof shall not project vertically more than five feet from the surface of the roof.

(4) Ground-Mounted Systems

- A. Ground mounted solar panels located on the ground or attached to a framework located on the ground shall not exceed three feet in height above the adjacent grade.
- B. All related mechanical equipment, other than the actual photoelectric panels, shall be fully screened from the adjacent properties by fencing or a combination of evergreen and deciduous plantings.
- C. Non-residential: Ground mounted solar energy systems shall be permitted in the front yard, side yard, and rear yard of a commercial or industrial property, but shall not be located within the applicable front yard, side yard, or rear yard setback of any commercial or industrial property. Ground mounted solar energy equipment shall be installed in compliance with the applicable building code.

- D. Residential: Ground mounted solar energy systems shall not be permitted in the front yard or a residential property. It shall be permitted in the side yard of a residential property, but shall not be located within the applicable side yard setback. It shall be permitted in the rear yard or a residential property. Such equipment shall be subject to the applicable rear yard coverage regulations and setbacks for accessory structures in residential districts as set forth in Section [1224.01: Accessory Uses and Structures](#).

1240.05 Insurance

(a) Solar Energy System

The solar energy system shall be listed as an appurtenant structure on owner's property liability insurance policy. Policies shall be made available to the City upon request. Additional insurance beyond owners' property liability coverage shall not be required.

(b) Small Wind Energy System

A small wind energy system shall be listed as an appurtenant structure on owner's property liability insurance policy. Policies shall be made available to the City upon request. Additional insurance beyond owners' property liability coverage shall not be required.

(c) Large Energy Wind System

There shall be maintained a current general liability policy naming the City as additional insured covering bodily injury and property damage with limits of at least 1,000,000 dollars per occurrence and \$1,000,000 dollars in the aggregate. Policies shall be made available to the City upon request.

1240.06 Maintenance

All structures, buildings, fences and property used in connection with a renewable energy system shall be maintained in good condition and in safe working order. Maintenance shall include, but not be limited to painting, structural repairs and upkeep of security measures. Failure to do so shall require decommissioning under the requirements of this chapter and any other applicable governmental regulations.

1240.07 Decommissioning of Wind Energy Systems

- (a)** The owner/operator shall be responsible for obtaining an independent and certified professional engineer for the preparation of an analysis and report of the cost of removal and site restoration, and be responsible for the payment of all costs associated with the preparation of the analysis and report. At all times the facility owner or operator of the wind energy system shall maintain decommissioning funds in the form of a performance bond or equivalent financial instrument sufficient to cover the demolition and removal of the wind energy system. Such bond or other instrument shall be sufficient to guarantee full and faithful performance of the requirements of this section and shall be satisfactory to the Director of Law. Proof that the requirement of this section is met shall be made available to the City upon request. The City may invoke use of any or all of the mechanisms to provide for decommissioning of the wind energy system. This requirement for a performance bond or equivalent financial instrument shall not apply in the case of a wind turbine that does not exceed 35 feet height.
- (b)** The wind energy system owner, operator, or landowner shall, at their expense, complete decommissioning of the wind energy system within 12 months after the end of the useful life of the wind energy system following all applicable Federal, State and local mandates and statutes.
- (c)** The wind energy system will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.

- (d) Decommissioning shall include removal of wind energy system including all wind turbines, structures, buildings, cabling, electrical components, roads, and foundations to a depth of 36 inches, and any other associated systems to the state it was prior to application.
- (e) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- (f) If neither the wind energy system owner or operator nor landowner complete decommissioning within the period prescribed above, the City shall take such measures as necessary to complete decommissioning of the wind energy system. Said costs may be certified to the county auditor as a lien upon the property. The entry into and submission of evidence of a participating landowner agreement to the City shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the City may take such action as necessary to implement the decommissioning plan.
- (g) The escrow agent shall release the decommissioning funds when the wind energy system owner, operator or landowner has demonstrated and the City concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning.

1240.08 Nonconforming Renewable Energy Systems

If any preexisting renewable energy system is destroyed or damaged to the extent of more than 50% of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this chapter.

1240.09 Remedies

- (a) It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this chapter, or any permit issued under this chapter, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of this chapter or any permit issued under this chapter.
- (b) If the City determines that a violation of this chapter or the permit has occurred, the Code Administrator shall provide written notice to any person, firm, or corporation alleged to be in violation of this chapter. If the alleged violation does not pose an immediate threat to public health or safety, the City and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within 30 days of the notice of the violation.
- (c) If after 30 days from the date of the notice of violation the City determines, at its discretion, that the parties have not resolved the alleged violation, the City may institute civil enforcement proceedings or any other remedy at law to ensure compliance with this chapter or permit.
- (d) Notwithstanding subsections (a) through (c), above, the provisions of [Chapter 1244: Enforcement and Penalties](#) shall apply.

Chapter 1242: Nonconformities

1242.01 Purpose

Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities, especially when dealing with a person's residence, are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this code.

1242.02 General Provisions

- (a) Any structure, land, or use of land or a structure that existed at the time of the effective date of this code that was legally established under a previous code amendment or versions may be continued even if such use, building, structure, or use of land does not conform to the provisions of this code.
- (b) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.
- (c) An applicant for any development review procedure (e.g., zoning permit, site plan review, variance, etc.) that deals with a nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this code.

1242.03 Determination of Legal Nonconformity Status

- (a) At the time of application for a zoning permit, or request for variance regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence for the Code Administrator or ZBA, as applicable, to determine that such lot, building, structure, or use was lawfully created or established in accordance with the code regulations in existence at that time.
- (b) If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of, or amendment to, this code, the Code Administrator shall issue a zoning permit identifying it as a legal nonconformity. A copy of such certificate shall be kept on file in the offices of the Code Administrator.

1242.04 Nonconformities and Variances

- (a) Whenever any nonconformity has been changed so that the use, structure, or condition conforms to the requirements of this code, such use, structure, or condition shall no longer be defined as a nonconformity, nor shall the property or structure be returned to the former nonconformity.
- (b) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the structure or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.
- (c) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the structure or condition that remains a nonconformity shall still be subject to the provisions of this chapter.

1242.05 Nonconforming Uses

Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code unless it complies with the provisions of Section [1242.05\(d\)](#).
- (b) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.
- (c) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.
- (d) **Change or Substitution of Nonconforming Use**
 - (1) If no structural alterations are made that increase the nonconformity, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted use, as determined by the Planning Commission. Such determination shall be made at a public hearing held in the same manner as a conditional use (See Section [1214.03: Conditional Uses](#).), including notice, but the conditional use review criteria of Section [1214.03\(d\)](#) shall not apply. At the hearing, the Planning Commission shall make a determination if the proposed use, which must be a permitted use in the applicable zoning district, is similar in nature and intensity, or is a more restricted use, allowable as a change or substitution under this section.
 - (2) Whenever a nonconforming use is changed to a less intensive nonconforming use, such use shall not thereafter be changed to a more intensive nonconforming use.
 - (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the applicable zoning district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (e) **Expansion of a Nonconforming Use**
 - (1) Notwithstanding the foregoing provisions to the contrary, a structure containing a nonconforming residential use (not including mixed use buildings) may be increased or improved, regardless of the applicable zoning district, provided the structure continues thereafter to be used for residential purposes only and meets all required setbacks.
 - (2) Notwithstanding the foregoing provisions to the contrary, a structure containing a nonconforming, nonresidential use, may be increased or improved, regardless of the applicable zoning district, where the owner of such use can demonstrate through application to the Planning Commission (in the same manner as Section [1242.05\(d\)](#), above) that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.
 - (3) Factors that may be considered in determining an adverse impact include but are not limited to:
 - A. Noise, odor, and/or vibrations;
 - B. Traffic;
 - C. Visual impacts;
 - D. Access to light and air from adjoining properties;
 - E. Existence of screening;
 - F. The hours of operation;
 - G. The effect on the access to the property by fire, police, or other public services; and
 - H. The predominant or prevailing land use, building and structure patterns of the surrounding neighborhoods.

- (4) Variances to expand a nonconforming use into a required setback or to otherwise vary a regulation that applies to the subject site shall be prohibited.

(f) Existing Use Reclassified as a Conditional Use

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval in accordance with Section [1214.03: Conditional Uses](#). Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

(g) Termination of Nonconforming Uses

(1) Termination of Use through Discontinuance

- A. When any nonconforming use is discontinued or abandoned for more than six months in residential zoning districts and one year in nonresidential zoning districts, any new use shall conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
- B. There may be cases when a structure, or structure and premises in combination, may not be converted to a conforming use because of the original floor plan and design (e.g., townhouses in a single-family residentially zoned area). In these cases, the Planning Commission may determine that the nonconforming use may continue if the nonconforming use is the original use of the structure and/or premises. Appropriate safeguards, conditions and design standards may be required by the Planning Commission so as to minimize the impact of such continuance on the area.

(2) Termination of Use by Damage or Destruction

- A. If a nonconforming single-family dwelling use, in any district, is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot provided it meets the same size in height and footprint, as well as complying with the same setbacks as previously existed.
- B. If any nonconforming use, other than a single-family dwelling, is damaged, but not to an extent greater than 50 percent of the principal structure's market value according to the Lorain County Auditor, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a zoning permit, which must be issued within six months of the damage or the use shall not be reestablished.
- C. If any nonconforming use, other than a single-family dwelling, is damaged beyond 50 percent of the principal structure's market value according to the Lorain County Auditor, such structure and use may only be reestablished with approval by the Planning Commission after consideration of surrounding uses and the impact of the nonconforming use.
- D. If the City and the owner cannot agree as to the market value of the building or structure, the market value shall be determined by a panel of three appraisers, one of which is selected by the City, one by the owner and, the third by agreement of the other two appraisers.

1242.06 Nonconforming Structures and Sites

A nonconforming structure or site may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (a) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.
- (b) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.
- (c) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (d) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.
- (e) **Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**
 - (1) If a nonconforming structure is damaged, but not to an extent greater than 50 percent of the structure's reproduction value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a zoning permit within one year of the initial damage. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.
 - (2) If a nonconforming structure is damaged beyond 50 percent of the structure's reproduction value, such structure shall only be rebuilt in compliance with the requirements of this code. Such reconstruction shall require the application and issuance of all necessary zoning and building permits.
 - (3) If the owner voluntarily removes the structure or reduces the nonconformity, that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.
 - (4) The determination of the reproduction value shall be made by three practicing building construction contractors, one to be appointed by the owner, one to be appointed by the City and the third to be selected by the mutual consent of the two parties.

1242.07 Nonconforming Lots of Record

- (a) In any R-1A, R-1B, R-1C, or R-1D zoning district, a single-family dwelling and customary accessory uses may be erected on any single lot of record that was legally created on or before the effective date of this code, or as amended, notwithstanding limitations imposed by other provisions of this code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Such lot shall also have frontage on a public street or on a private street in an approved subdivision. These provisions shall apply even though such lot fails to meet the requirements for area or width, or both, generally applicable in the district, provided that yard dimensions and requirements, other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. A request to vary the site development standards shall only be allowed through the issuance of a variance.

(b) Vacant Single Nonconforming Lot of Record on Improved Street

When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimum lot area and/or lot width set forth in the district regulations and that the lot is located on a street in an existing platted subdivision where all improvements on the street have been completed and accepted by the City as of January 1, 2004, then the lot may be used as proposed just as if it were conforming, provided each of the following lot conditions are met:

- (1) Identified with a separate permanent parcel number as of January 1, 2004;
- (2) Has never been combined with another lot;
- (3) Has a minimum street frontage of 35 feet;
- (4) Does not contain any primary or accessory structure as of January 1, 2004; and
- (5) Is not in an R-1A zoning district.

(c) Vacant Single Nonconforming Lot of Record on Unimproved Street

When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimum lot area and/or lot width set forth in the district regulations and that the lot is located on a street in an existing platted subdivision where no improvements on the street have been completed and/or accepted by the City as of January 1, 2004, then the lot may be used as proposed just as if it were conforming, provided each of the following lot conditions are met:

- (1) The lot was of record on or before September 14, 1953 and the owner thereof at that time did not own any adjoining lot.
- (2) No adjoining lot or adjoining parcel of land with continuous frontage was in the same ownership on the effective date of this Code, being Ord. 52-99, passed 3-22-99.
- (3) No adjoining lot or adjoining parcel of land with continuous frontage is in the same ownership as a result of acquisition after the effective date of this revision of Ord. 52-99, passed 3-22-99.
- (4) Is not in an R-1A, R-1B, R-1C, or R-1D zoning district.

(d) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this code, and if all or part of the lots do not meet the requirements established for lot frontage and area, the lands involved shall be considered to be an undivided parcel for purposes of this code and shall be legally combined prior to the issuance of any permits in accordance with the zoning lot provisions of Section [1226.01\(b\)\(2\)](#). No portion of such parcel shall be used or sold in a manner which diminishes compliance with lot frontage and area requirements established by this code, nor shall any division of any parcel be made which creates a lot frontage or area below the requirements stated in this code.

1242.08 Nonconforming Signs

See Section [1236.12: Nonconforming Signs](#) for the regulation of nonconforming signs.

1242.09 Repair and Maintenance

(a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this chapter.

- (b)** Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, including, but not limited to the Code Administrator or building inspector, upon order of such official. Where appropriate, a building permit for such activities shall be required.

Chapter 1244: Enforcement and Penalties

1244.01 Enforcement by the Code Administrator

The provisions of this code shall be administered and enforced by the Code Administrator or his or her designated agent.

1244.02 Sale or Transfer of Land Before Recording

- (a) Whoever, being the owner, or agent of the owner, of any land within the City, willfully transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision, as specifically defined in this code, before the plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold. The description of the lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.
- (b) The sum as provided in subsection (a) hereof may be recovered in a civil action brought in any court of competent jurisdiction by the Director of Law in the name of the City and shall be used for the street repair thereof.
- (c) The sale of lots, parcels or tracts from a plat of a subdivision on which any and all areas indicated as streets or open grounds are expressly indicated for the exclusive use of the abutting or other owners in the subdivision, and not as public streets, ways or grounds, shall not serve to exempt the seller from the requirements of this chapter or from the forfeiture provided in this section.

1244.03 Public Services

The City shall withhold all public services of whatever nature, including, without limitation, the maintenance of streets and the furnishing of sewerage facilities and water service, from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by Council in the manner prescribed in this code.

1244.04 Nuisances

Any lot, street, alley or other feature maintained contrary to the provisions of this code shall constitute a public nuisance.

1244.05 Fees

The developer shall pay to the City the actual cost incurred by the City of checking, investigating, inspecting and other such matters required by law and the provisions of this code.

1244.06 Voiding of Permits

No department official or employee of the City who is vested with the duty or authority to issue a zoning permit shall issue such permit for any use, building or purpose if the same is in conflict with any of the provisions of this code. Any permit so issued shall be void.

1244.07 Penalty

Whoever violates or fails to comply with any of the provisions of this code, for which no penalty is otherwise provided, shall be fined not less than 25 dollars nor more than 500 dollars for each offense or imprisoned for not more than thirty days or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Chapter 1246: Definitions

1246.01 Rules of Construction and Interpretation

(a) Intent

All provisions, terms, phrases, and expressions contained in this code shall be construed according to this code's stated purpose and intent.

(b) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

(c) Computation of Time

Unless the terms of a specific provision state otherwise (e.g., some provisions specify "business days"), periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

(d) References to Other Regulations, Publications, and Documents

Whenever reference is made to an ordinance, resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

(e) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Avon Lake, Ohio, unless otherwise expressly stated and may include a designee of said public official, body, or agency.

(f) Technical Words

Technical words and phrases not otherwise defined in this code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(g) Mandatory and Discretionary Terms

The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

(h) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions, or events shall apply.
- (2) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

(i) Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

(j) Gender

The masculine shall include the feminine, and vice versa.

(k) Meaning

For the purpose of this code, words and phrases shall have the meanings set forth in this chapter.

(l) Terms Related to Specific Chapters and Sections

Some terms have a specific definition related to a set chapter or section in this code but could otherwise be misinterpreted as a common term and definition defined elsewhere in this code. Where such terms exist, a parenthetical reference is included following the term and shall relate to the sections identified in [Table 1246-1](#), below. Such terms may also relate to other definitions in this chapter.

TABLE 1246-1: PARENTHETICAL REFERENCES TO SPECIFIC CHAPTERS AND SECTIONS	
Parenthetical Reference	Related Chapter or Section
(Wireless Telecommunications)	See Section 1216.06(j) .
(Historic Preservation)	See Section 1214.07 , 1214.08 , and 1228.05 .
(Adult Entertainment Business)	See Section 1216.06(l) .
(Renewable Energy)	See Chapter 1240: Renewable Energy Systems

(m) Other Terms Not Defined

Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English. For the interpretation of uses, the Code Administrator may utilize outside sources including, but not limited to, common dictionaries and planning and zoning related sources from the American Planning Association (APA) and Urban Land Institute (ULI).

1246.02 General Definitions

Abut, Adjoin, or Adjacent

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

Access

Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system.

Accessibility Ramps

Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.

Active Recreational Facilities

Any park or recreational facility that is owned, managed, or operated by the City of Avon Lake, a local township, Lorain County, the State of Ohio, or a non-profit agency. Such park or recreational facility requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other similar outdoor facilities. Such uses may include accessory retail uses that are customarily incidental recreational uses including, but not limited to, souvenir or concession stands. Such uses shall include the general use of the land as well as any activities or programming of the land or structures that are a part of the active recreational facility use.

Administrative, Business, or Professional Offices

A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations which carries on no retail trade and maintains no stock of goods for sale.

Adult Arcade

Adult arcade shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

Adult Bookstore, Adult Novelty Store, or Adult Video Store

A commercial establishment which, as one of its purposes, offers for sale or rental for any form of consideration any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." For the purposes of this code any retail establishment which devotes at least twenty percent of the total linear feet available for the display of items or materials for sale or rental to the display of items or material for sale or rental which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" shall be categorized as an adult bookstore, adult novelty store or adult video store.

Adult Cabaret

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Entertainment Business

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

Adult Entertainment Businesses

Adult entertainment businesses shall include any use identified in Section [1216.06\(l\)\(2\)](#) that relates to sexually-oriented businesses or activities including, but not limited to, adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, etc.

Adult Motion Picture Theater

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown, or show various electronic media, such as the Internet, are made available for the showing of materials, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Theater

A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

Agricultural

- Any use of land for the growing and harvesting of legal agricultural crops and trees for commercial agricultural purposes. Agricultural uses include, but not limited to, raising of crops, horticulture, floriculture, and viticulture and the necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- Any use of land for the raising and caring of livestock. This includes necessary buildings and structures which shall be used for agriculture, raising and caring for livestock and animal and poultry husbandry, including necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- For the purposes of this code, this use shall also include commercial stables and riding academies defined as the use of a building for animals to lodge and feed in, especially having stalls for horses. Such building may also be used for educational instruction in the care or riding of horses.
- Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.

Air-Activated Graphic

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. See also the definition for “Sign, Balloon.”

Alley

A minor, service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by this code.

Alteration

- Any change, addition or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed;” any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.
- Any change of copy, sign face, color, size, height, shape, illumination, position, location, construction, or supporting structure of any sign.

Alteration (Historic Preservation)

Any material or visual change other than normal maintenance and repair to the exterior of any structure located within an historic district or to any historic property or to the publicly accessible interior of any listed property which was listed in whole or in part because of the interior's historic or architectural significance.

Alteration, Structural

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amateur Radio Towers and Antennae

A system of cables, electrical conductors, insulators, metallic or non-metallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

Animal Boarding, Training, or Daycare Facilities

Any building, structure or land, or combination thereof, used, designed or arranged for the boarding, training, breeding, or care of domestic animals or pets, for profit, but exclusive of animals used for agricultural purposes. Such facilities include any lot or premises on which more than five dogs or cats (four months old or older), or combination thereof, are cared for as a commercial operation. Such use shall not include overnight boarding related to animal hospitals/clinics.

Animal Hospital/Clinics and Animal Grooming

A building where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment, including overnight stays. Such uses shall not have any outdoor facilities for the boarding or keeping of animals. Such use may include facilities for animal grooming.

Antenna

Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.

Antenna, Building Mounted

Any antenna, other than one with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast or similar structure used for providing telecommunications services, other than towers or antennas as defined by this code.

Antenna, Directional

A device which transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees. May also be known as a panel antenna.

Antenna, Ground Mounted

Any antenna with its base, single or multiple posts, placed directly on the ground.

Antenna, Omni-Directional

Any antenna which transmits and/or receives radio frequency signals in a 360-degree radial pattern.

Antenna, Parabolic

A device which incorporates a reflective surface that is solid, open mesh or bar configured that is a shallow dish, cone, horn, or bowl or saucer-shaped, and is used to transmit and/or receive electromagnetic or radio frequency communication signals in a specific directional pattern. This may also may be known as a satellite dish antenna.

Antenna, Portable

Any device used to transmit and/or receive electromagnetic or radio frequency communications signals in a specific pattern, located on a portable or moveable base, to be placed for either temporary or long-term use at a given site.

Antenna, Wireless Telecommunications

Any antenna system designed to transmit and/or receive communications as authorized by Federal Communications Commission (FCC), including amateur radio operators' antennas.

Appeal

A review procedure by which a person may call into question an administrative decision made in accordance with this code. See Section [1214.11: Appeals](#).

Applicant

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to [Chapter 1214: Review Procedures](#).

Application

The process by which the applicant submits a request for any type of development review or approval identified in [Chapter 1214: Review Procedures](#). Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.

Architectural Detailing

Unique details and components, such as decorative moldings or architectural ornamentation, which define the nature and quality of the building.

Architectural Feature

A prominent or significant part or element of a building, structure or site.

Assembly Halls or Conference Centers

Facilities or buildings available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

Automobile, Motorcycle, Recreational Vehicle Sales and Leasing

Any building or land where new or used passenger cars, pick-up trucks, motorcycles, boats, trailers, and other recreational vehicles, in operational condition, are sold or leased to customers.

Automotive Repair and Service (Major)

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of major parts of motor vehicles (e.g., major engine repair). This use type may also include towing services that provide towing or conveyance of a wrecked, inoperable, disabled, or illegally parked motor vehicle but shall not include storage of such vehicles on site.

Automotive Repair and Service (Minor)

Any structure or premises used for the sale of vehicle parts and fluids, excluding fuel sales, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site. See also “automotive repair and service (major).”

Avon Lake Historical Preservation Commission

The commission established under the provisions of the enabling legislation.

Awning

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also definition of “canopy.”



Figure 1246-A: Examples of traditional awnings

Basement or Cellar

That portion of a building located partly or fully underground but having at least one-half (½) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Basketball Hoops

Small accessory basketball hoops, not related to a "tennis or other recreational court" either mounted to a wall or freestanding, by which occupants of the principal use can play basketball.

Bed and Breakfast Establishments

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

Berm

An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

Bike and Skateboard Ramps

An accessory structure utilized for recreational purposes related to bicycle and skateboard use.

Block

The property lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the City.

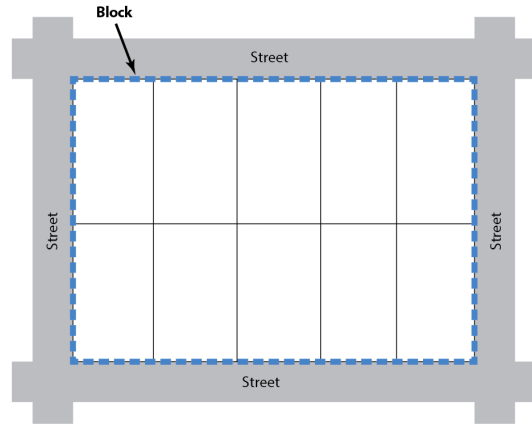


Figure 1246-B: Illustration of block

Block Face

All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.

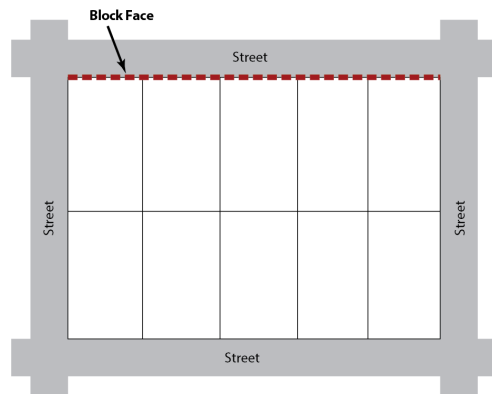


Figure 1246-C: Illustration of block face

Boat Rental and Charter

A business establishment that rents or charters boats, jet skis, kayaks, canoes, or other similar watercraft for short-term use.

Buffer

A combination of landscaped space and/or structures designed to provide separation between different uses.

Buffer or Buffer Yard

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving (with limited exceptions) or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of [Chapter 1232: Landscaping and Screening Standards](#).

Building

Any structure, of more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property. When separated by party walls, each portion of such building shall be considered a separate structure.

Building Code

Part Fourteen of these City of Avon Lake Code of Ordinances

Building Height

The vertical distance of a building as measured in Section [1226.01\(f\)](#).

Building Lines

The lines along the interior side of required front, rear and side yards setbacks.

Building Permit

A permit issued to commence construction or use of land as permitted by this code and issued in accordance with the Avon Lake Code of Ordinances.

Building Unit

Any building subdivided into separate units or spaces, any interior space occupying any portion of the ground floor of any building, and having its own exterior entrance, and separated from other such spaces by a party wall or walls.

Building, Accessory

A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use and that is constructed subsequent to the principal building or main use of the land.

Building, Legally Nonconforming

A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and that does not conform to the provisions of the code in the district in which it is located.

Building, Mixed-Use

A building that contains a mixture of both residential uses and nonresidential uses.

Building, Principal or Main

A building occupied by the main use of the lot on which said building is located.

Caliper

The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for a caliper size greater than four inches.

Camouflage

The art and science of concealing wireless telecommunications antennas and towers by means of mimicking other objects; to disguise with colors, foliage, etc., including the placement of such devices.

Canopy

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.). See also the definition of “awning.”



Figure 1246-D: Example of a canopy and related sign

Cellular

Wireless transmission technology which uses a grid of antennas (cell sites) to send and receive signals from mobile telephones. The antennas "hand-off" signals as the user travels between cell sites, enabling the same frequency, or channel, to be used by many callers simultaneously.

Cellular Telecommunications Service

Personal communicating accessed by means of cellular equipment and services.

Cemeteries

Land used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery. This definition shall not be construed to include the burial of animals or pets.

Certificate of Appropriateness (COA)

A certificate issued by the Avon Lake Historical Preservation Commission indicating that a proposed change, alteration, construction or demolition of a designated historic building or structure or within a designated historic site or district is in accordance with the provisions of this code.

Change

Any alteration, addition, demolition, removal, or construction involving any property subject to the provisions of this code.

Change (Historic Preservation)

Any alteration, demolition, removal or construction involving any building, structure or property subject to the provisions of this code. This change shall not be related to ordinary maintenance or repair of any property provided that such work involves no change in material, design, texture, color or outer appearance of such property.

Channel

A natural stream that conveys water; a ditch or channel excavated for the flow of water.

City

The City of Avon Lake, Ohio in Lorain County, Ohio

City Council

The City Council of the City of Avon Lake, Ohio

COA

Certificate of Appropriateness

Code Administrator

The Code Administrator of the City of Avon Lake, Ohio. The individual designated to administer and enforce this code, unless otherwise stated.

Code of Ordinances

The City of Avon Lake, Ohio, code of Ordinances

Code Text or Map Amendment

An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the City Council in accordance with [Section 1214.02: Code Text and Map Amendments](#).

Collocation

The use of a wireless telecommunications facility, comprising a single wireless telecommunications tower, building or other structure permanently affixed to real property, supporting two or more antennas, disks, pods or other similar devices used for telecommunications by more than one telecommunications provider, whether public or private. Co-location shall apply to such devices whether readily discernible to the naked eye or camouflaged (see definition).

Commercial and Business Support Services

A profit-making activity which renders services to other commercial or industrial businesses such as, but not limited to, courier services, information technology consultants and internet providers.

Commercial Message or Speech

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

Commercial Recreational Facilities (Indoors)

A facility for any indoor profit-making activity which is providing participatory and/or spectator activities, such as, but not limited to, motion picture theaters, live performances, bowling alleys, commercial recreation, video game rooms, billiard halls, indoor skating rinks, bingo parlors and similar entertainment activities. Commercial recreational facilities shall not include "adult entertainment businesses."

Commercial Recreational Facilities (Outdoors)

Land or facilities for any profit-making activity which is providing outdoor participatory and/or spectator activities such as, but not limited to, privately manages or owned parks, amusement park, water parks, rollerblade rental, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, outdoor ice-skating rinks, batting cages or swimming pools. Commercial recreational facilities shall not include "adult entertainment businesses."

Commercial Wireless Telecommunications Services

Wireless telecommunications services by private providers licensed by the Federal Communications Commission (FCC), including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that are marketed to the general public.

Common Area

Any land area and/or facilities that is held in common ownership by the residents through a homeowners' association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.

Completed Application

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

Comprehensive Land Use Plan

The current, adopted long-range plan intended to guide the growth and development of the City, based on study and analysis of the City's existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations.

Condominium

A multi-family dwelling or development containing individual owners' dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowners' association and/or Ohio law.

Construction

The act of constructing an addition to an existing building or structure or the erection of a new principal or accessory structure on a lot of property.

Construction

The erection of a new structure, a new site element, or any additions to existing structures.

Construction Structures

A mobile home, trailer, dumpster, or similar temporary structure that is used as an office, storage, or collection of debris in conjunction with a construction project.

Contractor Equipment and Storage Yards

An unenclosed area or portion of a lot upon which a construction contractor maintains its principal office or a permanent business office used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

County

Lorain County, Ohio

Cultural Facilities

Public or private facilities use for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites.

Deck

A flat surface, that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof.



Figure 1246-E: Example of a deck.

Dedication

The intentional and voluntary appropriation or transfer of land from the private owner to the City or other public agency for the land to be pledged to a proper public use or purpose.

Demolition

Any act or process that destroys in whole or in part any building or structure.

Density

The number of dwelling units permitted per acre of land.

- Gross density means the number of dwelling units permitted per acre of total land area.
- Net density shall be calculated in accordance with Section [1226.01\(c\)](#).

Detached Garages and Carports

An accessory building primarily intended for and used for the enclosed storage or shelter of not more than four private motor vehicles of the owner or occupant of the principal building that is detached from the principal building. While a garage is completely enclosed by walls and a garage door, a carport is a roofed structure, with a foundation, that provides space for the parking of vehicles and that is completely open on at least one side.



Figure 1246-F: Example image of a detached garage (left) and detached carport (right).

Detached Storage/Utility Sheds, Gazebos, and other Detached Buildings

An accessory building, other than a detached garage, that is typically uses for storage of items utilized by the occupants of the dwelling or a building used for the general enjoyment of the occupants including, but not limited to, gazebos, structural trellises, storage sheds, etc. Such term shall not include “playsets, treehouses, and trampolines.”

Developer

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or other legal entity commencing proceedings under this code to affect the development of land for himself or herself or for another.

Development

Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

Development Review Committee

A committee of staff and appointment members intended to assist in the administrative review of certain applications as specified in [Chapter 1214: Review Procedures](#).

District

See "Zoning District."

Domestic Animal

An animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Typically, this includes dogs, cats, birds and other small mammals and reptiles, but not fowl, herd animals, goats or horses.

Drive-Through Facility

Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-through" shall also include "drive-up" and "drive-in" but shall not include vehicle washing establishments, automotive fuel sales, or automotive repair and service establishments.

Driveway

A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

Dwelling

A building designed or used exclusively as the living quarters for one or more families or housekeeping units.

Dwelling Unit

A single unit of one or more rooms providing complete, independent living facilities for one family, or alternatively by one housekeeping unit.

Dwelling, Single-Family

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

Dwellings, Multi-Family

A building or portion thereof designed with more than one dwelling unit.

Easement

A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

Educational Institutions (Higher Education)

Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, seminaries, or any other institution providing collegiate level curriculum.

Educational Institutions (Preschool and K-12)

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, preschools, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See "educational institutions (higher education)."

Electronic Message Center

A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g., electronic or digital signs).

Erosion

- The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep; and
- The detachment and movement of soil or rock fragments by wind, water, ice or gravity.

Essential Services

The erection, construction, alteration, or maintenance by City utilities or City departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such City utility or City department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this Code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

Establishment (Adult Entertainment Business)

Establishment means and includes any of the following:

- The opening or commencement of any adult entertainment business as a new business;
- The conversion of an existing business, whether or not an adult entertainment business, to an adult entertainment business;
- The additions of any adult entertainment business to any other existing adult entertainment business; or
- The relocation of any adult entertainment business.

FAA

The Federal Aviation Administration

Façade

The exterior walls of a building or building face exposed to public view; the exterior face of a building that gives it a distinctive character.

Façade, Front

The façade of a building that contains the primary entrance of the building.

Façade, Primary

For the purpose of the sign regulations, a primary façade shall be as defined in Section [1236.07\(d\)](#).

Façade, Secondary

For the purpose of the sign regulations, a secondary façade shall be as defined in Section [1236.07\(d\)](#).

Facility (Wireless Telecommunications)

Any entire wireless telecommunications facility, including a tower, equipment building, parking area and other structures and signs, or one of the same, or a combination of these objects and devices.

Facility Owner (Renewable Energy)

The entity or entities having equity interest in the wind energy system, including their respective successors and assigns.

Family

One or more persons, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.

Farmers Market

An outdoor location where vendors congregate to offer one or more of the following items for sale:

- Fresh unprocessed fruits and vegetables, herbs, grains, legumes, nuts, honey or other bee products and maple syrup;
- Flowers and plants;
- Livestock food products (including meat, milk, yogurt, cheese and other dairy products);
- Products of a cottage food production operation as defined by Ohio R.C. 3715.01;
- Beer and wine made in Ohio for off-premises consumption only, provided such sale complies with all applicable state statutes, rules and regulations;
- Handmade items made by the vendor provided they comprise less than 20% of the total displayed inventory at the farmers market. (Commercially manufactured goods or products shall not be offered for sale.)

FCC

The Federal Communications Commission, which is primarily responsible for the administration of the Telecommunications Act of 1996.

Fence

Any accessory wall or structure composed of wood, metal, stone, vinyl or other material erected in such a manner and positioned to enclose, partially enclose, screen or divide any premises or part of premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose, partially enclose, screen or divide any premises or any part of any premises shall be included within the definition of fence.

Financial Guarantee

A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

Financial Institutions

Any building, property or activity of which the principal use or purpose of which is for depository purposes and including the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions.

Flag

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters, or
- The unusual and rapid accumulation or runoff of surface waters from any source.

Floor Area, Gross

The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking.

Footcandle

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle

Fraction or Fraction Thereof

Where a calculation required by this code results in a fraction, the fraction shall be rounded to the closest whole number. Any fraction one-half or less shall rounded down and any fraction over one-half (#.5) shall be rounded up to the next highest whole number.

Fraternal, Charitable, and Service Oriented Clubs

A building or portion thereof or premises owned or operated by an entity, person or group of persons for a social, educational, religious, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Frontage

All of the property abutting on one side of a street or places (crossing or terminating) or, if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

Frontage, Building

The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the Code Administrator shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area. See [Figure 1246-G](#).

Frontage, Street or Lot

The distance between the side lot lines measured along the required front setback line. In the case of a corner lot, frontage shall be measured along the shortest front lot line. Property lines which abut limited access roads shall not be construed to be included within any calculation of frontage. See [Figure 1246-G](#).

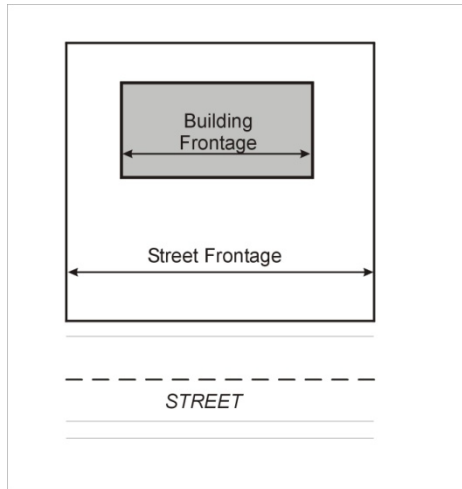


Figure 1246-G: Illustration of building frontage versus street frontage.

Fuel Stations

An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles.

Funeral Homes

Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services.

Garage or Estate Sales

Sales by residents of used or surplus personal possessions including, but not limited to all sales entitled garage, yard, lawn, basement, attic, porch, room, tent, backyard, patio, or moving. This term shall include garage sales, lawn sales, attic sales, rummage sales or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be made aware of such sale.

Gazebo

A freestanding (not detached) accessory structure that has a covered roof and supporting structure but is open on all sides.



Figure 1246-H: Example image of a gazebo.

Generators and HVAC Equipment

Generators are equipment that utilizes gas or other fuels to create electrical energy on a temporary basis when there is an electrical outage on the public electric grid. HVAC equipment shall include all cabinets or outdoor equipment used as part of a building’s heating, ventilation, and air-conditioning equipment including, but not limited to, compressor units and condenser units.

Government Offices and Buildings (No Outdoor Activities)

Buildings or office space utilized for the provision of services by the City of Avon Lake, Lorain County, the State of Ohio, or the Federal Government that does not include outdoor activities other than parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, government offices, and other similar uses.

Grade

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

Grading

The stripping, cutting, filling, or stockpiling, or any combination thereof of earth-disturbing activity, inclusive of land in its cut or filled conditions

Grass

A species of perennial grass grown as permanent lawns or for landscape purposes.

Green Infrastructure

Stormwater management techniques that use natural systems, or engineered systems, that mimic natural process.

Ground Cover

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

Hedge

A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

Historic District

Any area designated by ordinance of the City which contains within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance.

Home Occupation

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

Homeowners' Association

A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.

Hospitals

An institution providing inpatient and outpatient medical and surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, medical offices, training facilities, and other necessary accessory facilities.

Hotels and Motels

A facility offering temporary lodging accommodations, in individual rooms or suites, on a daily rate, to the general public and potentially providing additional accessory services such as, but not limited to, restaurants, meeting rooms and recreational facilities.

Housekeeping Unit

Five or fewer unrelated persons occupying a single dwelling unit, living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a hotel, motel, or other group living arrangement. Such definition shall also include "residential facilities" that allow for more than five persons when permitted as a licensed "residential facility."

Improvement Plans

The engineering plans showing types of materials and construction details for the proposed subdivision improvements.

Improvements

Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

Industrial Service Uses

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

Industrial Uses, Heavy

Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industrial uses" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, public works yards, and container storage.

Industrial Uses, Light

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

Landmark

Any building, structure, site, work of art, or object that has been designated as a "landmark" by ordinance of the City, pursuant to procedures prescribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance.

Landscaping

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such artificial plant closely resembles its natural counterpart in size, form, and color.

Large Wind Energy System

A wind energy system which has a rated capacity of more than 20 kilowatts (kW) and not more than 1.5 MW and which is intended to primarily reduce non-residential on-site consumption of utility supplied electricity.

Lattice Tower

A tower constructed of vertical metal struts and cross braces forming a square or triangular structure that tapers from the foundation.

Law Director

The Law Director or designated legal counsel of the City of Avon Lake, Ohio

Light Fixture

The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output controls, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Light, Cutoff

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1226.04: Outdoor Lighting](#).

Light, Non-Cutoff

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1226.04: Outdoor Lighting](#).

Loading Area

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

Loading Space

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials that has an appropriate means of access.

Locate or Location (Wireless Telecommunications)

To place (or the placement of) a tower or related wireless telecommunications facility and incidental structures on a zoning lot within the corporate boundaries of the City pursuant to securing the required permits through ordinary due process.

Lot

A parcel of land occupied, or to be occupied, by a main building and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required and having the minimum size required for a lot under the provisions of this code. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage required in the zoning district in which the lot is located.

Lot Area

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section [1226.01\(b\)](#).

Lot Coverage

That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.

Lot Depth

The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

Lot Line

The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

Lot Line, Front

In the case of an interior lot, means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating such lot from either street. See Section [1226.01: Lot and Principal Building Regulations](#).

Lot Line, Rear

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section [1226.01: Lot and Principal Building Regulations](#).

Lot Line, Side

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section [1226.01: Lot and Principal Building Regulations](#).

Lot of Record

A lot which is part of a subdivision, the part of which has been recorded in the office of the Lorain County Recorder, or a parcel of land the deed to which was recorded, prior to adoption of this code.

Lot Width

The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line. See Section [1226.01\(d\)](#).

Lot, Corner

A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See [Figure 1246-I](#).

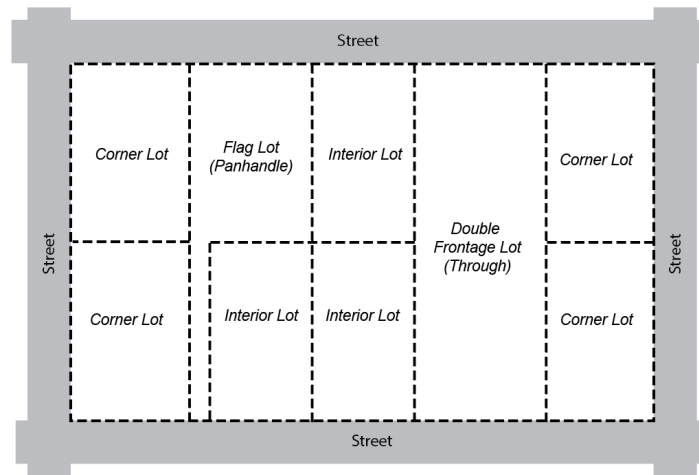


Figure 1246-I: Illustration of typical lot types.

Lot, Curved or Cul-De-Sac

A lot with frontage along a curved street or cul-de-sac. See Section [1226.01: Lot and Principal Building Regulations](#).

Lot, Double Frontage (Through)

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [1226.01: Lot and Principal Building Regulations](#).

Lot, Flag (Panhandle)

A lot that does traditionally have a frontage on or abutting a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See Section [1226.01: Lot and Principal Building Regulations](#).

Lot, Interior

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section [1226.01: Lot and Principal Building Regulations](#).

Lot, Nonconforming

A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

Lot, Zoning

For the purposes of this code, a parcel of land of sufficient size to enact minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. The term “zoning lot” is used synonymously with “lots” in this code. A zoning lot may consist of:

- A single lot of record;
- A portion of a lot of record;
- A combination of complete lots of record, and portions of lots of record.

See Section [1226.01\(b\)\(2\)](#).

Main Thoroughfare

A street or road which serves or is intended to serve as streets within the City that can carry the highest levels of traffic. Such street may be also be referred to as an arterial street.

Maximum Extent Feasible

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

Mechanical Equipment

Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Medical/Dental Clinics

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition does not include hospitals, skilled nursing facilities, or personal care facilities.

Metal Salvage and Junk Storage

Land or buildings used for one of the following operations:

- The purchase, sale, exchange, storage, baling, packaging, disassembly, or handing of waste, used materials, or secondhand materials including, but not limited to, batteries, scrap iron and other old scrap ferrous or nonferrous materials, metals, paper, rubber tires, tires, debris or waste, electronic parts, and bottles;
- The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts; or
- The storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a vehicle or automotive wrecking or salvage yard.

Microbrewery, Microdistillery, or Microwinery

An establishment with where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises. The manufacturing may be the principal use of the facility or may be subordinate to a restaurant, bar, or tavern as allowed in Section [1216.05: Allowed Principal Uses](#). A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law.

Mixed Use Buildings

A building that contains a commercial or office use and a residential use within a single building as provided for in this resolution.

Modification

Any change in use, addition or alteration of a building or structure, or any change in type and/or increase in quantity of regulated substances used, stored, handled or produced.

Monopole Tower

A tower constructed of a single, self-supporting metal tube, anchored to a foundation with controls locked inside the tube.

Monument

A box with an iron pin at the intersection of the centerlines of two streets or at a location where the point of tangency meets the point of curvature for curved sections of streets.

Multi-Tenant Use

A principal building with multiple uses of a similar use classification (e.g., commercial, industrial, etc.) but that has multiple tenant spaces and/or multiple use types. A strip mall or strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building. Such use does not include any use within the residential use classification.

Noncommercial Speech

Any sign, wording, logo or other representation that, does fall under the definition of “commercial message or speech.”

Nonconforming Site Condition

A site improvement that was legally established, but no longer conforms to the parking, landscaping, architectural, or other design standards for the site exclusive of the lot area, lot width, or other site development standards established in this code. See also “lot, nonconforming”.

Nonconformity, Legal

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for “use, nonconforming,” “lot, nonconforming,” “building, nonconforming,” “nonconforming site condition,” and “structure, nonconforming.”

Non-ionizing Electromagnetic Radiation (NIER)

Electromagnetic radiation primarily in the visible, infrared and radio frequency portions of the electromagnetic spectrum.

Non-Participating Landowner (Renewable Energy)

Any landowner except a landowner on whose property all or a portion of a wind energy system is located pursuant to an agreement with the wind energy system owner or operator.

Nudity or State of Nudity

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Nursery Schools and Day Care Centers

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for an adult for a portion of a 24-hour day in a building other than the adult's home.

Occupant

A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

Occupied Building (Renewable Energy)

A residence, educational institution, hospital, place of workshop, cultural institution, or other building used for private or public gathering that is occupied or in use when an application is submitted related to a wind energy system.

Open Space

Open areas, including parks, nature areas, playgrounds, trails, and improved open space areas. See [Chapter 1230: Open Space and Recreation Impact Fee Requirements](#).

Open Space, Improved

Improved open space is a generally planned and structured area that includes formally designed landscape plantings. The space is regularly maintained and may include streetscape furnishings (e.g., benches, lighting, and sculptures), recreational improvements (e.g., playground, swimming pool, tennis courts), and street improvements.

Operator (Renewable Energy)

The entity responsible for the day-to-day operation and maintenance of a wind energy system.

Outdoor Dining

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

Outdoor Displays and Sales

The placement of small products or materials for sale outside of a retail or wholesale sales establishment.

Outdoor Lighting

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section [1226.04: Outdoor Lighting](#).

Outdoor Storage and Bulk Sales

A facility or lot used for the outdoor storage of materials and/or vehicles that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot. Such use may also include the sales of materials related to construction or manufacturing where the sales are direct to contractors or business and not open to the general public for retail sales. This use may also include the outdoor storage of fleet vehicles.

Outdoor Vending Machines and Drop-Off Boxes

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

Owner

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land.

Parking Aisle

The driveway or access drive by which a car enters and departs a parking space.

Parking Area

An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

Parking Lots

An outdoor area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.

Parking Space

A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

Passive Parks, Open Space, and Natural Areas

Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

Patio

An unenclosed outdoor hard-surfaced area that is no higher than 18 inches above the ground. If a pergola or other roof structure is attached to the principal building and extends over the patio, then the patio and roofing shall be considered a porch.



Figure 1246-J: Illustrative example of a patio.

PCS

Personal communication services, including digital transmission, typically wireless or cellular telecommunications generally.

Pennants

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

Performance Standard

A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings. See Section [1226.02: Performance Standards](#).

Pergola

An accessory structure that can be attached to a building or can be detached with a roof that is not fully covered, supported by a structure that is open on all sides.



Figure 1246-K: Example image of a pergola.

Person

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, Lorain County or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Personal Care

Personal care means the provision of personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

Personal Services

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Personal Wireless Telecommunications Service

Communications services provided by a commercial mobile service provider. It includes a common carrier wireless exchange access service, cellular services, and unlicensed wireless services.

Place or Placement (Wireless Telecommunications)

To locate a tower or related wireless telecommunications facility and incidental structures on a zoning lot.

Places of Worship

A religious institution where a congregation of any denomination, regularly participates in or holds religious services, meetings and other activities, including buildings in which the religious services are held and which may include accessory indoor uses such as, but not limited to, day care or educational institution facilities.

Planned Unit Development

A development that is planned for a single use, or to integrate a variety of uses into a comprehensive development, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses. For the purposes of this code, Planned Unit Developments are developments approved prior to the effective date of this amendment. See [Chapter 1220: Planned Unit Developments \(PUD\)](#).

Planning Commission

The Planning Commission of the City of Avon Lake, Ohio

Plat

A map graphically indicating a proposed land subdivision or re-subdivision prepared in a form suitable for filing for record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas, and other dimensions of land.

Plat, Final Subdivision

The final map of all or a portion of the subdivision which is presented to the Planning Commission and City Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer.

Plat, Preliminary Subdivision

A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval by the Planning Commission in accordance with [Section 1214.05: Major Subdivisions](#).

Playsets, Treehouses, and Trampolines

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

Porch

An unenclosed area with a roof that is attached to a building but not used for livable space. A porch also includes paved areas without a roof if the surface area is higher than 18 inches above the adjacent grade (e.g., stoops).



Figure 1246-L: Examples of a front porch (left) and back porch (right).

Portable Storage Units

Any portable enclosed unit of whatever type of construction or material, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

Premises (Wireless Telecommunications)

A zoning lot, or the immediate vicinity of a tower and related wireless telecommunications facility, consisting of land and structures and appurtenances thereof.

Preservation (Historic Preservation)

The process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

Provider

A private or public (including governmental and quasi-governmental) entity, licensed by the Federal Communications Commission (FCC), which provides wireless telecommunications services.

Public Utility

Persons, corporations or governments supplying gas, electric, cable television, transportation, water, sewer or land line telephone service to the general public. For purposes of this code, telecommunications facilities of any kind shall not be considered public utilities.

Public Utility Buildings and Facilities

Structures and land used for storage, transmission, or recovery facility for water, sewerage, telephone, electric or gas and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission (PUCO). Such uses may also include salt storage or other outdoor activities necessary for the efficient operations of the local, state, or federal government.

Quasi-Public

Real property owned or controlled at least in part by a governmental entity, or a public non-profit agency or organization duly authorized by law.

Raceway or Wireway

An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

Radio Frequency" (RF)

Any of the electromagnetic wave frequencies that lie in the range extending from below 3 kilohertz to about 300 gigahertz and that include frequencies for radio, television and wireless telecommunications.

Reconstruction (Historic Preservation)

The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Recycling Center

A building or facility that is used to collect, sort, and/or prepare recyclable materials for distribution to other facilities.

Rehabilitation (Historic Preservation)

The act or process of making possible a compatible use for a property through repair, alteration, and addition while preserving those portions or features which convey its historical, cultural, or architectural values.

Renewable Energy System

An energy system powered by a natural resource such as sunlight or wind rather than by the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable source, and, specifically including a wind energy system and/or a solar energy system as defined in this code.

Research and Development Facilities

An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

Residential Community Centers

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development with which the use is associated and that may be privately owned or jointly owned by property owners.

Residential Facilities

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than 16 persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119 and 5123 of the Ohio Revised Code.

Residential Planned Development

A development that is planned for a single residential use type, or to integrate a variety of residential use types into a comprehensive development, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses. For the purposes of this code, Residential Planned Developments are developments approved after to the effective date of this amendment. See [Chapter 1222: Residential Planned Development District \(RPD\)](#).

Responsible DRC Member

The member of the Development Review Committee that is designated to provide communication with an applicant, provide notice of an application, and generally be the lead staff member related to a particular application.

Restaurants

An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.

Restoration (Historic Preservation)

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Retail Businesses

Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but is not be limited to such activities as: supermarkets; stores that sell electronics, hardware, apparel, footwear, appliances, furniture, department stores, and discount stores.

Retail Commercial Uses

For the purposes of accessory uses, this term shall mean “retail businesses” that are accessory to the principal use.

Right-of-Way

A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roof Line

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regards to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Satellite Dishes

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

Screening

A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.

Self-Storage Facilities (Indoor)

A building that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer’s goods or wares where all access to such stalls or lockers occurs within the inside of the building and where there is no outdoor storage.

Self-Storage Facilities (Outdoor)

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer’s goods or wares where the access to such stalls or lockers occurs from the exterior of the building. Such use may include the outdoor storage of vehicles as an accessory use if approved by the Planning Commission as part of the conditional use approval.

Semi-Nudity or Semi-Nude Condition

The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel, provided that the areola is not exposed in whole or part.

Setback

Setback means the required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

Setback Line

A line established by this code generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code. For example, a front yard setback line is the line formed by applying the minimum front yard setback from any applicable front lot lines.

Setback, Building

The setback required from any right-of-way and the principal or accessory building as established in this code.

Setback, Front

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line. See Section [1226.01: Lot and Principal Building Regulations](#).

Setback, Rear

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line. See Section [1226.01: Lot and Principal Building Regulations](#).

Setback, Side

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot that that is shared with another lot where such lot line is defined as a side lot line. See Section [1226.01: Lot and Principal Building Regulations](#).

Shadow Flicker

The on-and-off flickering effect of a shadow caused when the sun passes behind the rotor of a wind energy system.

Shrub

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

Sidewalk

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public.

Sign

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section [1236.07\(c\)](#).

Sign Copy

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

Sign Face

The surface of the sign upon, against or through which the message of the sign is exhibited.

Sign, A-Frame

A freestanding sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

Sign, Awning

A permanent sign painted on, printed on or attached flat against the surface of an awning.

Sign, Balloon

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for “Air-Activated Graphic.”

Sign, Banner

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner signs is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”

Sign, Building

Any permanent sign attached to any part of a building including awning, canopy, marquee, projecting, hanging, or wall signs.

Sign, Canopy

A permanent sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning or marquee.

Sign, Changeable Copy

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. See also the definition of “sign, manual changeable copy” and “electronic message center”.

Sign, Drive-Through Facility

Any permanent signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

Sign, Driveway

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

Sign, Feather

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Sign, Freestanding

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building.

Sign, Illuminated

Any sign which has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.

Sign, Manual Changeable Copy

A changeable copy sign designed so that the characters, letter or illustrations can be changed or rearranged manually. May also be known as readerboards.

Sign, Monument

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

Sign, Nonconforming

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

Sign, Permanent

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground that is constructed of rigid, non-flexible materials.

Sign, Portable

Any sign not attached to the ground or a sign designed to be transported, including signs designed to be transported by means of wheels.

Sign, Projecting

A permanent sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall.

Sign, Roof

Any sign erected on a roof.

Sign, Sidewalk

A temporary sign that may be placed on the sidewalk, in the public right-of-way, during business hours in accordance with this section and all other applicable ordinances and resolutions. See definition of “sign, T-frame” and “sign, A-frame.”

Sign, Temporary

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

Sign, T-Frame

A freestanding sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

Sign, Wall

A permanent sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

Sign, Window

Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

Sign, Yard

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Site Plan

A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings, exterior lighting, landscaping, vehicular use areas, access drives, signs, outdoor storage areas, and any other features that comprise a proposed development that are further defined in Section [1214.06: Site Plans](#) and that demonstrate a development’s compliance with this code.

Site Plan Review

The review of proposed site plans as reviewed and decided upon in accordance with Section [1214.06: Site Plans](#).

Skilled Nursing

Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

Skilled Nursing or Personal Care Facilities

A long-term or short-term residential facility that provides skilled nursing services or personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as “hospitals” or “residential facility.”

Small Wind Energy System

A wind energy system which has a rated capacity of not more than 20 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility supplied electricity.

Solar Energy System (Active or Passive)

The equipment and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include passive solar energy systems that capture the sun's energy in building design and construction components; solar thermal energy systems that convert sunlight to heat as in a hot water tank or swimming pool; and photovoltaic solar energy systems that convert sunlight to electricity.

Specified Anatomical Areas

- The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

Specified Sexual Activities

Specified sexual activities means any of the following:

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- Excretory functions as part of or in connection with any of the above activities.

Static/Instant Message Change

On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

Story

The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above, and having a height consistent with the requirement of occupiable space as defined in the residential building code.

Streamer

A ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more supports.

Street

A right-of-way dedicated or deeded and accepted for public use, which provides for vehicular and pedestrian traffic. A street will typically include:

- The paved area, or cartway, principally for use by motorized vehicles, and usually bordered with curbs and gutter;
- A sidewalk between the paved area and right-of-way line principally for use by pedestrians; and
- A landscaped area between the sidewalk and paved area which is often called a “treelawn”.

Street, Arterial

See definition of “main thoroughfare.”

Street, Cul-de-Sac

A short street having one open end to traffic and the other end permanently terminated by a vehicle turnaround.

Street, Dead-End

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

Street, Minor

A street supplementary to a secondary street and of limited continuity which serves or is intended to serve the local needs of a neighborhood. Such streets may also be referred to as a local street.

Street, Primary

A street or road of considerable continuity which serves or is intended to serve as the principal trafficway between large and separated areas and which is the main means of access to the main thoroughfare system. (Lake Road, Walker Road, Electric Boulevard, Miller Road, Moore Road, Avon Belden Road, Jaycox Road, Lear Road). Such streets may also be referred to as a major collector street.

Street, Private

An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.

Street, Public

A street that has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

Street, Secondary

A main residential street which carries the burden of local traffic to primary streets. Such streets may also be referred to as a minor collector street.

Structural Alteration

Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions or any increase in the area or cubical contents of the building.

Structure

Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, freestanding signs, cabins, manufactured homes, and other similar items. Patios, parking lots, or other similarly paved surfaces shall not be deemed structures.

Structure (Wireless Telecommunications)

Any man-made building or object affixed to a zoning lot on which is located a wireless telecommunications tower and related facility, and is incidental, ancillary or otherwise supportive to that facility.

Structure, Accessory

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Structure, Legally Nonconforming

A structure or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

Structure, Temporary

A structure permitted for limited duration with the intent that such use will terminate or the structure will be removed automatically upon expiration of the fixed time period. A temporary structure is without a foundation or footing.

Subdivider

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this code to effect a subdivision of land hereunder for himself or for another.

Subdivision

The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any street or streets, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be exempted.

Subdivision Modification

A modification to any of the public improvement or subdivision design standards of [Chapter 1238: Subdivision Design Standards](#), as authorized by the Planning Commission in accordance with Section [1214.05\(f\)](#).

Subdivision, Major

A subdivision that is not classified as a minor subdivision.

Subdivision, Minor

A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided. See further distinction in Section [1214.04\(b\)](#).

Substantial Enlargement (Adult Entertainment Business)

Substantial enlargement of an adult entertainment business means the increase in floor area occupied by the business by more than twenty-five percent as the floor areas exist on the date this code takes effect.

Survey

The process by which a parcel of land is measured, and its boundaries and contents are ascertained, by a professional land surveyor. The results of a survey are a map and legal description of such parcel of land.

Swimming Pools

Any pool, lake, or open tank, primarily used for swimming or wading, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one foot. Such use shall be designed, used, and maintained for swimming or wading by the residents, tenants, or occupants of the subject property.

Taverns or Bars

Establishments providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

Telecommunications

All communications services and the use thereof, whether by means of public or private providers, and includes cellular telecommunications, personal wireless services and amateur radio broadcasting, by any transmission, emission or reception of signals, writing, images and sounds, or information of any nature by wire, radio, visual or the electromagnetic system.

Telecommunications Act of 1996

Public Law 104-104, as adopted by the Congress of the United States, February 8, 1996, as may from time to time be amended. This law is the basic law governing wireless telecommunications.

Temporary Event with Extensive Impact

A short-term event or activity that may occur for a longer time period; will require broader City resources; or will have more extensive impacts on the City or adjacent properties than a temporary use with limited impact.

Temporary Event with Limited Impact

A short-term event or activity with minimal impact on street, public services, or adjacent properties.

Temporary Sales Office and Model Homes

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

Temporary Seasonal Sales

A temporary use of a lot, or portion of a lot, for the outdoor sales of seasonal or agricultural products as established in Section [1224.02: Temporary Uses and Structures](#).

Tennis and Other Recreational Courts (Outdoor)

An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, basketball, racquetball, and similar sports or games.

Tower

Any ground or above-ground mounted pole, spire, structure or combination thereof, taller than fifteen feet, including supporting lines, cables, wires, braces or masts, and including smoke stacks, water towers and other similar structures which can accommodate the mounting of an antenna, meteorological or telecommunications device, or similar apparatus above-grade. "Tower" also includes the following:

Tower, Cellular or Wireless Communications

Any tower, as defined in this code, used to support a cellular or wireless telecommunications antenna. Such tower may be a mast, pole, monopole, guyed tower, lattice tower, freestanding tower or other structure designed and primarily used to support antennas. A building permanently affixed to real property which supports a device as defined in this section as a tower, when that device extends above the highest point on such building by more than fifteen feet, and used for telecommunications purposes, the device so extending shall be considered a tower under this code.

Tower, Lattice

A support structure constructed of vertical metal struts and cross braces forming a triangular or rectangular structure which often tapers from the foundation to the top.

Tower, Monopole

A support structure constructed of a single, self-supporting pole or similar device securely anchored to a foundation, not necessarily the ground.

Tower, Multi-User

A tower to which is attached the antennas of more than one wireless telecommunications service provider, including a governmental entity or other similar provider.

Tower, Single-User

A tower to which is attached only the antenna(s) of a single provider, although such tower may be designed to accommodate the antennas of multiple uses.

Trailer

Any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle.

Truck and Heavy Equipment Sales

An establishment engaged in the temporary storage for the sale or repair of tractor trailer trucks and other equipment or vehicles used in commercial, industrial or construction enterprises such as, but not limited to, bulldozers, cranes, backhoes, rollers, and lifts.

Truck Terminals

A facility intended to provide services to the trucking industry including but not limited to the following activities: the dispensing of fuel, the storage of truck tractors and truck trailers, weighing facilities, truck washing facilities, convenience retail sales and other driver accommodations.

Type A Day Care Homes

A permanent residence of the administrator in which child day care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child day care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator or employee and who are on the premises of the Type A Home shall be counted. A Type A Home does not include a residence in which the needs of children are administered, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.

Type-B Day Care Home

A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type B Home shall be counted. A Type B Home does not include a residence in which the needs of children are administered, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.

Use

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Accessory

A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

Use, Conditional

A use which may be appropriate or desirable in a specified zoning district, but requires special approval through the conditional use approval (See Section [1214.03](#).) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

Use, Legally Nonconforming

Any building or land lawfully occupied by a use that was in accordance with the zoning regulations, if any, in existence when the use commenced and which, through subsequent enactments or changes of zoning regulations either prior to the passage of this code or by the passage of this code or amendments thereto, does not conform or did not conform thereafter with the use regulations of the district in which it is situated.

Use, Principal or Main

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted.

Use, Temporary

A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure. See Section [1224.02: Temporary Uses and Structures](#).

Utility Structures

Any above ground structure, facility, or equipment, including but not limited to, pedestals, boxes, cabinets, meters, storage facilities, or utility stations, that are associated with a utility providing services to its customers. Such services shall include, but are not limited to: electricity, natural gas, telecommunications, cable, video and internet service, and water. Utility structure shall not include fire hydrants, utility poles, traffic control devices, or City equipment.

Variance

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See Section [1214.09: Variances](#).

Vehicle Storage

The storage of trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

Vehicle Washing Establishments

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. This shall include establishments that provide car detailing services.

Vehicle, Fleet

Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

Vehicular Use Area

The entire paved area that encompasses all parking spaces, loading areas, waiting spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, waiting space, or loading space.

Violation

The failure of a structure or other development to be fully compliant with the regulations of this code.

Waiting Space

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

Wall

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

Wall, Retaining

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

Warehouses

A business establishment primarily engaged in the storage, loading, and unloading of merchandise, goods, and materials, not including "self-storage facilities."

Watercourse

Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, drainageways, waterways, gullies, ravines or washes) in which waters flow in a definite direction or course, either continuously or intermittently, and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

Wetland

Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Establishments

An establishment or place of business primarily engaged in selling merchandise to retailers, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wind Energy System

An electric generating system, whose main purpose is to supply electricity, consisting of one or more wind turbines, supporting structures and other accessory structures, buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and systems.

Wind Energy System Owner

The entity or entities having an equity interest in the wind energy system, including their respective successors and assigns.

Wind Turbine

A wind energy conversion system that controls or converts wind energy into electricity through the use of a generator.

Wind Turbine Height

The height from pre-existing natural grade to the highest point of the wind turbine rotor plane.

Windblown Devices

Objects and signs designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical, or any other means and may include, but are not limited to pennants, ribbons, streamers, spinners, or similar objects.

Wireless Telecommunication Facilities

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.

Wireless Telecommunications

Has the same meaning as "telecommunications", "personal communication system(s)", "PCS", or "communications".

Wireless Telecommunications Equipment Building or Equipment Building

The structure in which the electromagnetic receiving and relay equipment for a wireless telecommunications facility is housed.

Yard

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section [1226.01: Lot and Principal Building Regulations](#), for rules of measurement and determination for all yard types.

Yard, Front

Unless otherwise stated in Section [1226.01: Lot and Principal Building Regulations](#), a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Yard, Rear

Unless otherwise stated in Section [1226.01: Lot and Principal Building Regulations](#), a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

Yard, Side

Unless otherwise stated in Section [1226.01: Lot and Principal Building Regulations](#)., a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Zoning District

An area within the City limits for which the regulations and requirements governing use are uniform as defined by Section [1216.02: Establishment of Zoning Districts](#).

Zoning District, Nonresidential

The term “nonresidential zoning district” shall include the B-1, B-2, B-3, MUO, I-1, I-2, and P-I districts, regardless if residential uses are permitted. (Ord. 23-46. Passed 3-13-2023.)

Zoning District, Residential

The term “residential zoning district” shall include the R-1A, R-1B, R-1C, R-1D, R-2, and R-3 districts.

Zoning Map

An accurate map depicting the City of Avon Lake, Ohio, and indicating the official boundaries of the zoning districts established by this code. See Section [1216.03: Zoning District Map and District Boundaries](#).

Zoning Permit

A permit issued by the Code Administrator stating that a proposed development or activity complies with this code as established in Section [1214.10: Zoning Permit](#).