



## VOTING ORDER

G. Smith  
K. Zuber  
Z. Arnold  
J. Fenderbosch  
A. Gentry  
D. Kos  
R. Shahmir

### **CITY OF AVON LAKE**

150 Avon Belden Road  
Avon Lake, Ohio 44012

The following business is to be considered at the rescheduled meeting of the Avon Lake City Council on October 14, 2025, at 7 p.m. in the Council Chamber.

### Pledge of Allegiance

Roll Call: Mr. Arnold, Mrs. Fenderbosch, Ms. Gentry, Mr. Kos, Mr. Shahmir, Mr. Smith, Mr. Zuber, Mayor Spaetzel, Law Director Ebert, Finance Director Krosse, Public Works Director Liskovec.

Approval of Minutes: September 22, 2025, Council Meeting.

### Correspondence

Public Input: *Members of the audience shall be permitted to speak only once, up to five minutes on any topic(s). [Code of Ordinance, Section 220.21(a)(1)]*

### Reports

Mayor  
Council President  
Law Director  
Finance Director  
Public Works Director  
Standing Committees  
Special Committees

### Motions

Adopting the Avon Lake Council Policies & Procedures based on Codified Ordinance Chapter 220. *Sponsor: J. Fenderbosch*

Adopting the Council Chamber Policies & Procedures based on Codified Ordinance Chapter 220. **Sponsor: J. Fenderbosch**

Accepting the donation of a 2014 Ford Explorer Police Interceptor with 123,565 miles, VIN 1FM5K8ARXEGA92076, from Southwest General Police Department to be used for range training. **Sponsor: D. Kos**

Authorizing the Public Works Director to dispose of obsolete or surplus equipment in the Public Works Department as detailed in Exhibit 1 and filed with the Finance Director. **Sponsor: J. Fenderbosch**

### **Legislation**

#### **Third Readings:**

**Ordinance No. 25-148**, AN ORDINANCE DESIGNATING THE RED AIRCRAFT WARNING BEACON FORMERLY MOUNTED ATOP THE AVON LAKE POWER PLANT SMOKESTACK AS A HISTORIC LANDMARK. **Sponsor: G. Smith**

**Ordinance No. 25-151**, AN ORDINANCE APPROVING THE IMPROVEMENT PLAN FOR AVON CENTER ESTATES NO. 2, PHASE 6, AND DECLARING AN EMERGENCY. **Sponsor: G. Smith**

#### **First Readings:**

**Ordinance No. 25-156**, AN ORDINANCE AWARDING A CONTRACT FOR COMPREHENSIVE INSURANCE COVERAGE FOR THE CITY OF AVON LAKE TO JACKSON DEIKEN & ASSOCIATES AND DECLARING AN EMERGENCY. **Sponsor: K. Zuber**

**Ordinance No. 25-157**, AN ORDINANCE AMENDING ORDINANCE NO. 25-105 FOR THE PURCHASE OF A SNOWPLOW AND ICE PACKAGE FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY. →**Sponsor: J. Fenderbosch**

**Ordinance No. 25-158**, AN ORDINANCE AMENDING ORDINANCE NO. 22-174, A PERSONAL SERVICES AGREEMENT WITH THE MANNIK & SMITH GROUP, INC., FOR THE LOR-US6-18.52 PEDESTRIAN IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

→**Sponsor: J. Fenderbosch**

**Ordinance No. 25-159**, AN ORDINANCE AMENDING ORDINANCE NO. 24-69, A PERSONAL SERVICES AGREEMENT WITH THE MANNIK & SMITH GROUP, INC., FOR THE LOR-US6-15.87 PEDESTRIAN IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

→**Sponsor: J. Fenderbosch**

**Resolution No. 25-160**, A RESOLUTION OF THE CITY OF AVON LAKE, OHIO, SUPPORTING THE OHIO COMMISSION FOR THE UNITED STATES SEMIQUINCENTENNIAL (AMERICA250-OH).

→**Sponsor: R. Shahmir**

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→ Suspension of the rule requiring three readings

**Ordinance No. 25-161**, AN ORDINANCE AUTHORIZING THE CREATION OF A NEW CHAPTER TITLED SHORT-TERM RENTAL PROPERTIES WITHIN TITLE SIX BUILDING REGULATIONS IN PART FOURTEEN OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

***Sponsor: Z. Arnold***

**Resolution No. 25-162**, AN ORDINANCE ADOPTING THE RULES AND REGULATIONS OF THE AVON LAKE COMMUNITY TELEVISION (ALC-TV). ***Sponsor: R. Shahmir***

**Ordinance No. 25-163**, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF VACTOR OPERATOR IN THE PUBLIC WORKS DEPARTMENT AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION. →***Sponsor: G. Smith***

**Ordinance No. 25-164**, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SIGN SHOP OPERATOR IN THE PUBLIC WORKS DEPARTMENT AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION. →***Sponsor: G. Smith***

**Ordinance No. 25-165**, AN ORDINANCE AUTHORIZING THE EMERGENCY REPAIR AND REPLACEMENT OF BOILER GASKETS AT THE SAFETY CENTER AND DECLARING AN EMERGENCY. →***Sponsor: J. Fenderbosch***

**Ordinance No. 25-166**, AN ORDINANCE TO REZONE PERMANENT PARCEL NO. 04-00-006-135-071 FROM B-2 GENERAL BUSINESS DISTRICT TO R-1A SINGLE-FAMILY RESIDENCE DISTRICT AND DECLARING AN EMERGENCY. ***Sponsor: G. Smith***

### **Miscellaneous Business and Announcements**

#### **Executive Session**

In compliance with ORC Section 121.22(G)(1) Council will adjourn to Executive Session to discuss employment of a public official and ORC 121.22(G)(2), Council will adjourn to Executive Session to consider the purchase or sale of property for public purposes.

#### **Reconvening of Open Meeting**

#### **Adjournment**

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→ Suspension of the rule requiring three readings

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# Avon Lake Council Policies & Procedures

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## PURPOSE AND SCOPE

This manual highlights policies and procedures governing Avon Lake Council Meetings, Special Council Meetings, Collective Committee Meetings, Standing Committee Meetings, Work Sessions, Executive Sessions, and Joint Committee Meetings. It is in accordance with Codified Ordinance Chapter 220: Council, ensuring transparency, public engagement, and orderly governance. The manual does not replace Chapter 220 but serves as a summary of its key provisions.

Members of Council are entrusted public servants, committed to serving the Avon Lake community with integrity, transparency, and dedication to the public good. In all meetings, members of Council uphold respectful conduct, professionalism, and open communication, ensuring that everyone feels heard and valued.

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## COUNCIL MEETINGS

Meetings are held in the Council Chamber at City Hall, presided by the Council President, and open to the public (except Executive Sessions). Agendas are supplied to members of Council, the Administration, and the City's website at least 72 hours in advance and include copies of proposed new legislation and communications referred to on the agenda.

Meetings are broadcast live on the City's website and cable access channels: Spectrum, Breezeline, and Breezeline Stream. Recorded videos and meeting minutes are posted on the City's website (except Executive Sessions).

In addition to members of Council, the Mayor, Law Director, Public Works Director, Finance Director, and Clerk of Council also sit at the dais and attend all meetings of Council, unless excused. Their attendance is recorded in the roll call, and they are entitled to speak on matters affecting their respective departments.

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### 1. Regular Council Meetings

- Start at 7:00 p.m.
- Held on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month, except July (2<sup>nd</sup> Monday), August (4<sup>th</sup> Monday), December (2<sup>nd</sup> and 3<sup>rd</sup> Mondays), and holidays (rescheduled within seven days by a majority vote of members of Council).
- Address City business, such as motions and proposed legislation.

## 2. Special Council Meetings

- Scheduled when requested by the Council President, at least three members of Council, or the Mayor to address urgent matters.
- Address a specific time-sensitive topic.

## 3. Collective Committee Meetings (CCM)

- Start at 7:00 p.m.
- Held on the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month, or sometimes immediately preceding a Council Meeting (when either may have been rescheduled).
- Address Standing Committee items for consideration of Council action.

## 4. Standing Committee Meetings

- Start at 5:30 p.m. or 6:00 p.m.
- Held in the Council Chamber, presided by the Committee Chairperson, and open to the public.
- Comprised of three members of Council and have uniquely defined responsibilities and oversight areas.
- Agendas are supplied to members of Council, the Administration, and the City's website at least 24 hours in advance.

## 5. Work Sessions

- Precede Collective Committee Meetings.
- Scheduled when detailed information is requested by Council or Administration.
- Address specific topics of interest or importance in greater detail.

## 6. Executive Sessions

- May occur before, during, or after any meeting, including Standing Committees.
- May be requested by any member of Council or the Mayor.
- Require a majority roll call vote in any meeting.
- Attendance is limited to members of Council and individuals invited by Council.
- Discussions are confidential, unless Council consents to any disclosures.

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## QUORUM

- To transact matters of business at any meeting, a quorum must be present.
- A majority of the members of Council (or a committee) constitutes a quorum.
- A roll call determines the presence of a quorum.
- Without a quorum, no member is required to remain longer than 30 minutes after the scheduled start time of a meeting.

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## POWERS AND DUTIES

The Mayor, members of Council, Law Director, Finance Director, Public Works Director, Clerk of Council, and all other elected or appointed officers of the City shall exercise the powers and perform the functions, with respect to the proceedings of Council, that are vested in or enjoined upon them by either the City Charter, the ordinances of the City or the general laws of the State.

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## STANDING COMMITTEES

### 1. Building and Utilities Committee

Oversees matters related to the City's water, sewer, electrical, and gas infrastructure, including maintenance, improvements, and assessments. It also reviews the Building Department's goals, public transportation, railroad crossings, shoreline protection, and utility contracts, including those related to renewable energy and street lighting. The committee works in coordination with the Chief Building Official, the Chief Utilities Director of Avon Lake Regional Water, and representatives of other utilities to study issues and report recommendations to Council.

### 2. Communications, Environmental, and Recreational Programming Committee (CERP)

Investigates and recommends to Council matters related to environmental protection, protecting the Lake Erie shoreline, the Communications and Technology Department, and the City's cable access channels and studio, including digital communications, marketing, and outreach. It also reviews recreational programming and departmental goals, proposes arts and humanities initiatives, supports green and alternative energy efforts, and oversees Citywide information technology, including network security and systems used in the Council Chamber. The Committee works in coordination with the Community and Technology Director and the Recreation Director to study issues and report recommendations to Council.

### 3. Economic Development Committee

Studies, investigates, and recommends to Council economic development matters involving the Community Development Department, with a focus on retaining existing businesses and attracting new ones to Avon Lake. It also collaborates with the Community Development Director and members of the Community Improvement Corporation (CIC) to study topics and to report recommendations to Council.

#### **4. Finance Committee**

Reviews and reports to Council on all financial matters, including appropriations, taxation, indebtedness, employee pensions and health insurance, municipal insurance, cyber insurance, and other issues involving the office of the Finance Director. It also oversees the ongoing review of the City budget, annual appropriations, bond issues, levies, audits, and possible legal issues affecting the City. Additionally, it evaluates the goals and objectives of the Finance Department. The Committee works with the Finance Director to study topics and report recommendations to Council.

#### **5. Human Resources Committee**

Reviews and recommends to Council matters related to hiring, promotions, job descriptions, wage and salary negotiations, compensation benefits, and employee programs. It also oversees the goals and objectives of the Human Resources Department and Citywide personnel policies under Chapter 258. The Committee works with the Human Resources Director and the Civil Service Commission to study topics and report recommendations to Council.

#### **6. Public Safety and Health Committee**

Investigates and reviews all matters related to the Police and Fire Departments, including inspections, traffic and pedestrian safety, nuisances, and departmental goals. It oversees emergency preparedness, school and bike safety, health-related issues in collaboration with the County Board of Health, and all emergency vehicles, communications matters, response apparatus, and special task forces. Homeland Security and efforts to improve community safety are also part of its assignment. The Committee collaborates with the Mayor, Police Chief, Fire Chief, and the Lorain County Health Department Director to study topics and report recommendations to Council.

#### **7. Public Service Committee**

Reviews and reports to Council on all matters related to City-owned or proposed facilities, infrastructure, lands, urban forest, and other vegetation. Its responsibilities include planning and land use, such as zoning, parks, property maintenance, and shoreline management, as well as right-of-way infrastructure, including streets, bridges, sidewalks, and bike paths. The Committee also oversees public services such as waste collection, recycling, yard waste, leaf and branch pickup, humus and wood chip processing, equipment acquisition, and park maintenance. In addition, it monitors the goals of key departments, enforces property codes, and supports arts and humanities initiatives as they relate to City facilities. The Committee collaborates with the Public Works Director, Community Development Director, and Recreation Director to study issues and report recommendations to Council.

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## JOINT COMMITTEE MEETINGS

Joint Committee Meetings are held when two Standing Committees need to review a topic together. They are open to the public and are presided by one of the committee chairpersons. Agendas are posted on the City's website at least 24 hours in advance.

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## AD HOC COMMITTEES

Ad Hoc Committees are temporary, established by the Council President, and address a specific issue, task, or project that falls outside the scope of existing Standing Committees. Its responsibilities typically begin with defining the purpose and scope of its work, which is usually narrow and time-bound. Members conduct research, gather relevant information, and consult stakeholders to better understand the issue at hand. Through discussion and analysis, the committee develops recommendations or solutions tailored to the specific concern and presents its findings to Council. After fulfilling its purpose, an ad hoc committee is dissolved.

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## BOARDS AND COMMISSIONS

Boards and Commissions serve as advisory bodies made up of subject matter experts, who provide recommendations to City Department Directors and members of Council. Each Board or Commission is aligned with a specific Department and reports to a corresponding Council Committee, ensuring that expertise and guidance directly support both administrative functions and legislative decision-making.

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## COUNCIL MEETING ORDER OF BUSINESS

Any changes to this order require a three-fourths vote of members of Council.

1. Pledge of Allegiance
2. Roll Call
3. Excusal of Absences
4. Approval of Minutes
5. Communications
6. Appointments and Proclamations
7. Public Input
8. Public Hearings
9. Reports - Mayor, Council President, Directors
10. Committee Reports
11. Motions



12. Unfinished Business (Third/Second Readings)
  13. New Business (First Readings)
  14. Miscellaneous Business
  15. Adjournment
- 

## ORDINANCES AND RESOLUTIONS

Ordinances and resolutions are presented and moved for adoption by any member of Council. The sponsoring member who moves for adoption of legislation may make a brief statement explaining the purpose and intent of the legislation; they also open and close debate on the matter.

### Three Readings

- Ordinances/resolutions pass after having been read at three different meetings of Council, unless the rule is suspended by a two-thirds (five+) vote of members of Council.
- Ordinances/resolutions are read by title only, unless general consent or a majority (four+) vote of members of Council decides to have them read in their entirety.
- Proposed legislation, which is pending final passage at the end of any Council's term, and upon which no action has been taken for the previous six months, is rendered null and void on the last day of any Council's term.

### Passage or Adoption

Ordinances and resolutions require a majority (four+) vote of members of Council for adoption, unless a greater vote is required by law or as noted in Chapter 220.

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## PUBLIC INPUT GUIDELINES

Council values public input at all meetings. Time is intentionally designated for members of the community to have an opportunity to voice concerns or opinions directly to members of Council. Input received is taken under advisement and may be considered for future discussion. Members of Council will listen respectfully without engaging in dialogue or debate; it is the public's time to speak and be heard.

Only those recognized by the presiding officer may address members of Council. Each individual is permitted one opportunity to speak on any topic (except Work Sessions, which are limited to the topic of the Work Session) for a maximum time of five minutes. Transferring or donating speaking time is not permitted.

The following guidelines are to help facilitate open, respectful, and productive meetings, enabling the City's business to be carried out efficiently.

- Speakers state their name and city of residence and address all remarks to the presiding officer.
  - Questions and any responses, if any, are all included as part of the speaker's allotted time.
  - Additional time may be granted by the presiding officer or a two-thirds (five+) vote of Council.
  - Disruptions, outbursts, or personal attacks are not permitted.
  - Consultant or invited guest may present factual information and/or may respond to questions from members of Council, the Administration, or staff at any point during the meeting, at the discretion of the presiding officer.
  - Public presentations using electronic devices are not permitted.
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## COUNCIL CHAMBER ETIQUETTE

Council Meetings occur in a limited forum to address City business. They are open to the public to ensure transparency and accountability. Public access fosters better understanding and trust in the decision-making processes in local government.

- Members of Council are held to the same standards as the public and must maintain respectful decorum.
  - Comments should be respectful, relevant, and focused on the topic.
  - Refrain from hurtful or false statements and outbursts or side conversations.
  - Attendees are expected to maintain respectful and attentive body language.
  - Members of Council speak from their seats and through the presiding officer.
  - The presiding officer is addressed as Madam/Mr. Chair/President.
  - Interruptions are not allowed while another is speaking, unless a member of Council raises a Point of Order.
  - If a disruption occurs, the presiding officer has the authority to restore order.
  - Members of Council have an equal voice during debate, with the presiding officer speaking last.
  - Concerns regarding the presiding officer's actions may be raised through a Point of Order and resolved by a majority Council vote.
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## PARLIAMENTARY AUTHORITY

*Robert's Rules of Order Newly Revised* may govern the proceedings of Council, except where the Charter or Council's adopted, written policies and rules clearly render them inapplicable.

### Commonly Used Motions<sup>1</sup>

- To Adjourn
- To Recess
- To Lay on the Table

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<sup>1</sup> Detailed in Chapter 220.15 ORDER OF PRECEDENCE OF MOTIONS.

- To Close Debate
- To Limit or Extend Debate
- To Postpone to a Certain Time or Meeting
- To Refer to a Committee
- To Amend

### Voting

- Roll call votes are required at Council Meetings.
- Alphabetical rotation is used, in accordance with Section 220.19(c).
- Refusal to vote may result in censure or suspension.
- A majority vote (four+) of all members of Council is needed to pass a motion.
- General consent may be used when no opposition is voiced.
- When appropriate and approved, a member may abstain from a vote due to a conflict of interest.
- To change a past Council action, a member of Council may make a motion to reconsider.
- Suspension of the rule requiring three readings must be past with a two-thirds majority vote.
- Voting time is reserved for casting votes only; comments are limited to discussion and debate times.

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# Council Chamber Policies & Procedures

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The City of Avon Lake's Council is dedicated to conducting City business in an open, transparent, and respectful way that strengthens the public's trust. Protecting the First Amendment right to free speech is a priority, as is ensuring that City meetings remain orderly, considerate, and efficient.

## PUBLIC INPUT GUIDELINES

Residents and guests are welcome to share their opinions or concerns for up to five minutes per person. Remarks must be directed to the presiding officer. Members of Council listen respectfully and without debate, though the presiding officer may provide factual information or invite a member of Council, City staff, or a guest to respond.

- Presentations using electronic devices are not permitted during public comment.

## COUNCIL CHAMBER ETIQUETTE

All participants—Members of Council, City staff, and the public—are expected to maintain decorum and civility at all times.

- Please silence all electronic devices.
- Respectful, attentive behavior is required.
- Personal attacks, insults, or offensive language will not be tolerated. If such behavior occurs:
  1. A warning will be issued.
  2. Continued misconduct will result in forfeiture of speaking time.
  3. Repeated disruption may result in removal from the Council Chamber.
- This is not the forum to discuss personnel matters involving individual City employees. Such concerns should be directed to the Administration or Human Resources Director.
- These guidelines protect the integrity of public participation while ensuring elected officials and staff can perform their duties effectively.

## COUNCIL PROCEDURES & DECORUM

- Members of Council remain seated at the dais and address all remarks through the presiding officer (Madam/Mr. Chair/President).
- The presiding officer maintains order and speaks last in debate.
- Members of Council may move to reconsider actions or raise a Point of Order (including about the presiding officer). Such points are decided by a majority Council vote.
- These procedures ensure that every meeting of the Avon Lake City Council is conducted with professionalism, respect, and efficiency—reflecting the high standards our community deserves.

# EXHIBIT 1

## Public Works Equipment Ready for Disposal

Fleet ID	VIN	Year	Make	Model	Description	Current Status
125	1FDXK87U0FVA28601	1985	FORD	K 87G	5 TON DUMP W/ SNOW AND ICE PKG	Out of Service
	1FTHF25H5LNB40676	1990	FORD	R 257 (F250)	133 STYLESIDE PICK-UP TRUCK	Out of Service
129	1HTSDZ7N1MH336575	1991	INTERNATIONAL	4900	5 TON DUMP W/ SNOW AND ICE PKG	Out of Service
137	1FDXK74C0RVA23926	1994	FORD	F700	5 TON BUCKET TRUCK	Out of Service
120	1HTSDAAN4TH280740	1996	INTERNATIONAL	4900	5 TON DUMP W/ SNOW AND ICE PKG	Out of Service
126	1HTSDAAR0YH268031	2000	INTERNATIONAL	4900	5 TON DUMP W/ SNOW AND ICE PKG	Out of Service
166	1FTSF31L5YEB11210	2000	FORD	F350	TRUCK	Out of Service
139	1FTSF31L61ED79253	2001	FORD	F350	1-TON PICKUP TRUCK	Out of Service
180	1FTNF21L52ED21482	2002	FORD	F250	3/4-TON SRW SUPER DUTY	Out of Service
170	1FTSF30L42ED21483	2002	FORD	F350	1-TON SRW SUPER DUTY	Out of Service
149		2013	John Deere	544	Wheel Loader	Out of Service

10/1/2025

AN ORDINANCE DESIGNATING THE RED AIRCRAFT WARNING BEACON  
FORMERLY MOUNTED ATOP THE AVON LAKE POWER PLANT SMOKESTACK  
AS A HISTORIC LANDMARK.

WHEREAS, Avon Lake Planning Commission has, at its meeting of September 3, 2025, recommended to Council that the Red Aircraft Warning Beacon formerly mounted atop the Avon Lake Power Plant Smokestack be granted Historic Landmark Designation, and

WHEREAS, the request for Historic Landmark Designation for the Red Aircraft Warning Beacon has been reviewed by the Avon Lake Historical Preservation Commission according to Planning & Zoning Code Section 1214.08; and

WHEREAS, the Avon Lake Power Plant was constructed between 1924 and 1925 and served as a major source of power generation in the region for nearly a century; and

WHEREAS, the Plant played a vital role in supporting the economic and industrial development of Avon Lake and the surrounding communities throughout its operational lifespan; and

WHEREAS, a beacon was installed on the Plant's smokestack around 1975, serving as a visual marker of the Plant's continued operation and presence on the City's skyline until its deactivation in 2020; and

WHEREAS, the beacon is one of only two known to remain in existence that were used on the Plant's smokestacks, making it a rare and significant artifact of the City's industrial heritage; and

WHEREAS, although not original to the Plant's early years, the beacon represents the modern industrial period of the facility and is one of the last preserved physical elements following the Plant's demolition; and

WHEREAS, the continued existence of the beacon offers a tangible and unique connection to Avon Lake's economic and industrial history, serving as a symbol of the City's legacy in energy production and technological advancement;

WHEREAS, historic designation gives residents of our community a deeper sense of understanding and appreciation of Avon Lake heritage.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Council of the City of Avon Lake does hereby grant the Red Aircraft Warning Beacon the designation of Historic Landmark.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from the earliest period allowed by law.

1<sup>st</sup> reading: 9/08/2025

2<sup>nd</sup> reading: 9/22/2025

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Council President

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE APPROVING THE IMPROVEMENT PLAN FOR AVON CENTER ESTATES NO. 2, PHASE 6, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has, at its meeting of September 3, 2025, approved the Improvement Plan for Avon Center Estates No. 2, Phase 6.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Improvement Plan for Avon Center Estates No. 2, Phase 6, consisting of 48 single-family lots, located in the southwest quadrant of the City, within the R-1A, R-1B, and Legacy Pointe Planned Unit Development (PUD) Zoning Districts, as submitted to and approved by Planning Commission, contingent upon the final review and approval by the City Engineer and the renaming of “Turnberry Court” to avoid confusion with Turnberry Lane, as required by the Planning & Zoning Code, and referred to this Council, be and it is hereby approved.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to allow construction to move forward and permit the City to begin collecting property taxes as soon as possible to further the economic stability of the City, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading: 9/08/2025

2<sup>nd</sup> reading: 9/22/2025

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Council President

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor



AN ORDINANCE AWARDING A CONTRACT FOR COMPREHENSIVE INSURANCE  
COVERAGE FOR THE CITY OF AVON LAKE TO JACKSON DEIKEN & ASSOCIATES  
AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with the recommendations of the Finance Committee, quotes have been solicited for the procurement of comprehensive insurance coverage for the City; and

WHEREAS, Jackson Deiken & Associates of Westlake, Ohio, submitted a proposal for said insurance coverage with The Travelers Indemnity Company; and

WHEREAS, Council, coming now to consider said proposal, has determined that the proposal of The Travelers Indemnity Company as submitted by their agent, Jackson Deiken & Associates of Westlake, Ohio, is the lowest and best responsible bid.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That it is hereby confirmed to award Jackson Deiken & Associates a contract for the purchase of a one-year policy of comprehensive insurance coverage commencing November 1, 2025, for a total annual premium of \$446,291.

Section No. 2: Upon certification by the Mayor that The Travelers Indemnity Company by their said authorized agent has furnished said policy of insurance coverage as agreed, then the Finance Director of the City shall be and is hereby authorized and directed to issue to the Company or its authorized agent the warrant of this City under the terms of said contract and to cause said warrant to be paid.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity of providing for the protection of the City against claims for damages, injury, and/or loss arising out of municipal operations, and is in the best interest of the preservation of the peace, health, safety, and welfare of the City. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading:

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

# PREMIUM SUMMARY

**Insurance Carrier:** The Travelers Companies, Inc.

**Policy Period:** November 1, 2025 – November 1, 2026

	<u>25/26</u> <u>Renewal</u>	<u>24/25</u> <u>Expiring</u>
Package	\$ 417,091	\$ 352,150
Cyber	\$ 29,200	\$ 29,200
<b>TOTAL</b>	<b>\$ 446,291</b>	<b>\$ 381,350</b>

## Marketing:

Package: 90 Day Notice of Cancellation

During the policy term, Travelers does not charge additional/return premium on the policy for mid-term auto changes. Instead, at the end of each policy term, they review the auto schedule from the beginning of the year vs the schedule provided for the next policy term. After this audit, they will either invoice for additional premium due or return premium depending on the number of units and auto physical damage amounts from year to year. The charge will be 50% of the annual liability and physical damage rates.

## Exposure Changes:

Property: **Up \$13,658,599** Per Appraisal

Autos: **Up 18 Vehicles**

Inland Marine- Contractors Equipment: **Up \$447,389**

Inland Marine- Misc. Prop & Equipment: **Up \$1,927,820**

## Options:

Auto - Remove Medical Payments: **\$6,755 Return Premium** - SELECTED

Healthcare Professionals (EMT/Paramedics) Included in \$10M Umbrella: **\$15,500 Additional Premium** - SELECTED

Property: Increase Earthquake and Flood from \$1M to \$2M: **\$26,542 Additional Premium**

Property: Increase Earthquake and Flood from \$1M to \$5M: **\$54,736 Additional Premium**

## Subjectives:

Package: None

Cyber: None

AN ORDINANCE AMENDING ORDINANCE NO. 25-105 FOR THE PURCHASE OF A SNOWPLOW AND ICE PACKAGE FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Ordinance No. 25-105 is hereby amended as follows:

Section No. 1: That the bid by Henderson Products, Inc., of Bucyrus, Ohio, submitted through NPPGov to supply the City with the snowplow, ice package, and related equipment for the Public Works Department in the amount of ~~\$126,588~~ **\$130,257** be and is hereby accepted and approved.

Section No. 2: That upon delivery to this City of a snowplow, ice package, and related equipment with the proper specifications to the full satisfaction of the Public Works Director and Finance Director, the Finance Director is hereby directed to deliver to Henderson Products, Inc., of Bucyrus, Ohio, the warrant of this City in the amount of ~~\$126,588~~ **\$130,257** and to cause said warrant to be paid.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of fulfilling the City's contractual obligations in the purchase of equipment for the Public Works, thus ensuring the health, safety, and welfare of the citizens of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE AMENDING ORDINANCE NO. 22-174, A PERSONAL SERVICES AGREEMENT WITH THE MANNIK & SMITH GROUP, INC., FOR THE LOR-US6-18.52 PEDESTRIAN IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Ordinance No. 22-174 is hereby amended as follows:

Section No. 1: That the Mayor is hereby authorized and directed to execute a personal services agreement with the Mannik & Smith Group, Inc., of Shaker Heights, Ohio, to design pedestrian safety improvements that will include sidewalks, ADA-compliant curb ramps, and pedestrian crossings from SR 83 to the eastern corporation limit of Bay Village along Lake Road, **in an amount not to exceed \$157,185.**

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of fulfilling the City's contractual obligations for pedestrian improvements along Lake Road (US6), thus ensuring the health, safety, and welfare of the citizens of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE AMENDING ORDINANCE NO. 24-69, A PERSONAL SERVICES AGREEMENT WITH THE MANNIK & SMITH GROUP, INC., FOR THE LOR-US6-15.87 PEDESTRIAN IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Ordinance No. 24-69 is hereby amended as follows:

Section No. 1: That the Mayor is hereby authorized and directed to execute a personal services agreement (Exhibit A) with the Mannik & Smith Group, Inc., of Shaker Heights, Ohio, to design pedestrian safety improvements that will include sidewalks, ADA-compliant curb ramps, and pedestrian crossings from SR 83 to the western corporation limit of Sheffield Lake along Lake Road, in the amount of **\$486,679, plus \$60,660 for dedicated plats for the Ohio Department of Natural Resources Sidewalk Project on Lake Road to the west (ODOT PID 119923).**

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of fulfilling the City's contractual obligations for pedestrian improvements along Lake Road (US6), thus ensuring the health, safety, and welfare of the citizens of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

A RESOLUTION OF THE CITY OF AVON LAKE, OF OHIO, SUPPORTING THE OHIO COMMISSION FOR THE UNITED STATES SEMIQUINCENTENNIAL (AMERICA250-OH).

WHEREAS, the Ohio legislature and the Governor created AMERICA250-OH in 2021 to plan, encourage, develop, and coordinate the commemoration of the 250th Anniversary of the United States and Ohio's integral role in that event and the role of its people on the nation's past, present, and future; and

WHEREAS, AMERICA250-OH hopes to engage ALL Ohioans and ALL 88 counties through their many signature and officially recognized programs, projects, and events over the next several years by inspiring future leaders and celebrating all Ohioans' contributions to the nation over the last 250 years; and

WHEREAS, by adoption of AMERICA250-OH Resolution, we hope to educate, preserve, innovate, and celebrate.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the City of Avon Lake hereby endorses AMERICA250-OH and its mission to educate, preserve, innovate, and celebrate EVERY Ohioan in EVERY county; and

Section No. 2: That the Clerk of Council is hereby directed to forward a copy of this Resolution to the Municipal legislative delegation and AMERICA250-OH Commission.

ADOPTED by the City of Avon Lake of the County of Lorain, the State of Ohio, this \_\_\_\_ day of October 2025.

\_\_\_\_\_  
Council President

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE AUTHORIZING THE CREATION OF A NEW CHAPTER TITLED SHORT-TERM RENTAL PROPERTIES WITHIN TITLE SIX MISCELLANEOUS BUILDING REGULATIONS IN PART FOURTEEN OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, the growing number of residential properties being used as short-term rentals within the City has had both positive and negative effects for the City and the long-term residents in the community; and

WHEREAS, the number of residential properties being used as short-term rental properties has an impact on not only the peace, health, safety, welfare, and character of the community, but also the availability and affordability of housing stock for long-term residents of the City; and

WHEREAS, the use of residential properties for short-term rental purposes poses significant risks affecting the peace, health, safety, and welfare of both residents of the City and the guests using such properties as temporary accommodations; and

WHEREAS, the City presently has in effect ordinances affecting the use of residential property as bed and breakfast establishments, which it deems akin to short-term rental properties, but without the oversight of the owners on site to ensure the safety of the guests and the neighboring properties; and

WHEREAS, Council hereby wishes to adopt a new, comprehensive set of ordinances to address the concerns of the long-term residents of the community, to protect the quality of life for long-term residents, to preserve the availability and affordability of housing stock for long-term residents, and to protect the peace, health, safety, and welfare of both guests and residents within the City; and

WHEREAS, as set forth in Section 9 of the Avon Lake City Charter, this Council has the authority to codify new ordinances of the City as Council may determine necessary; and

WHEREAS, this Council determines that this Ordinance is necessary for the preservation of the public health, safety, morals, convenience, and the general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Council hereby creates a new Chapter 1484 Short-Term Rental Properties as may hereby be amended from time to time in accordance with



the recommendations of the Council and/or the Building Department and/or public safety.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and effect from and immediately after passage and approval by the Mayor.

1<sup>st</sup> reading:

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

## **CHAPTER 1484**

### **Short-Term Rental Property**

- 1484.01 Purpose.**
- 1484.02 Short-Term Rental Registration Certificate.**
- 1484.03 Limitations on Short-Term Rental Properties.**
- 1484.04 Fees.**
- 1484.05 Owner Responsibilities.**
- 1484.06 Inspections.**
- 1484.07 Nuisance.**
- 1484.08 Change of Ownership or Control.**
- 1484.09 Hosting Platforms.**
- 1484.10 Hearing and Appeals.**
- 1484.11 Severability.**
- 1484.12 Enforcement.**
- 1484.13 Notice of Violations.**
- 1484.98 Definitions.**
- 1484.99 Penalty; legal action.**

#### **1484.01 PURPOSE.**

The purpose and intent of this Chapter is to regulate the peace, health, safety, and wellness of the public, including the Owners, Transient Guests, and neighboring property owners or occupants of any Short-Term Rental Property; to ensure the continued vibrancy, character, and charm of the City of Avon Lake as a community; to protect and preserve the quality, character, and tranquility of residential neighborhoods; to protect property values, and to preserve the availability of affordable housing stock for permanent residents of the City of Avon Lake.

#### **1484.02 SHORT-TERM RENTAL REGISTRATION CERTIFICATE.**

(a) Required. Effective \_\_\_\_\_, 2025, the City created a Short-Term Rental Property Registration System for the City of Avon Lake that requires an Owner of Short-Term Rental Property to register with the City on an annual basis each and every individual Short-Term Rental Property in the City.

(1) Beginning on the effective date of this Ordinance, every Short-Term Rental Property must be issued a Short-Term Rental Registration Certificate before being used, advertised, promoted, offered, listed with a Hosting Platform, or otherwise made available for use as Short-Term Rental Property. It shall be *prima facie* evidence of use as a Short-Term Rental Property if a Transient Guest is found to be occupying a Residential Premises or the Residential Premises is advertised on a Hosting Platform.

(2) All Short-Term Rental Property must be in full compliance at all times with all applicable provisions of the Codified Ordinances of the City of Avon Lake.

(b) Each Short-Term Rental Property must display the Short-Term Rental Registration Certificate at a conspicuous place inside the property.

(1) No Owner of a Short-Term Rental Property shall allow a Short-Term Rental Property to be used, advertised, promoted, offered, listed or made available for use to Transient Guests if the Short-Term Rental Registration Certificate has been suspended, revoked, or denied, nor shall an Owner display a Short-Term Rental Registration Certificate that has expired or been suspended, revoked, denied, altered, or defaced.

(2) No person shall make a Short-Term Rental Property available for use by Transient Guests if such Short-Term Rental Property is in violation of any applicable provision of the City of Avon Lake's health code, building code, zoning regulations, or any covenant, condition, or restriction enacted in accordance with Chapter 5312 of the Ohio Revised Code, if applicable.

(c) Issuance.

(1) The Application for a Short-Term Rental Registration Certificate required by this Chapter shall be made by an Owner by supplying the information required on the Application supplied by the Department and agreeing to comply with all requirements of this Chapter. Applications may be submitted at any time, subject to the limitations and restrictions set forth in **1484.03**.

(2) A Short-Term Rental Registration Certificate shall not be issued to an Owner unless the Owner or an Authorized Representative can arrive at and access the Short-Term Rental Property within one (1) hour whenever such property is being used by a Transient Guest.

(3) Upon submission of the Application (or renewal Application), the Department shall schedule a Life Safety Inspection, in accordance with Section **1484.06** of these Codified Ordinances, of the Residential Premises prior to issuing or renewing a Short-Term Rental Registration Certificate.

(4) No Short-Term Rental Registration Certificate shall be issued or renewed until the Department completes a Life Safety Inspection of the Residential Premises and determines that the Residential Premises complies with all applicable health, building, and safety codes and the requirements of this Chapter.

(5) After the Life Safety Inspection is completed and the Residential Premises is found to be in full compliance with all applicable building, health, and safety codes, the Department shall issue or renew a Short-Term Rental Registration Certificate for such Residential Premises which shall contain the following information:

A. the name, email address, and telephone number of the Owner or Authorized Representative responsible for maintenance of the Short-Term Rental Property and ensuring compliance with this Chapter;

B. the address of the Short-Term Rental Property;

C. the expiration date of the Short-Term Rental Registration Certificate; and

D. the maximum occupancy of the Short-Term Rental Property, which shall be limited to two (2) persons per Residential Premises plus two (2) persons per bedroom.

(6) Upon obtaining a Short-Term Rental Registration Certificate, the Owner shall comply with the provisions of this Chapter.

(d) Notwithstanding any contrary provision of this Chapter, any Short-Term Rental Occupancy Certificate that expires, is revoked, or becomes invalid for any reason is not assignable nor renewable and shall require a new Application for use as a Short-Term Rental Property for all purposes under this Chapter.

(e) Limitations on Assignment. Except as otherwise provided in Section **1484.08**, a Short-Term Rental Registration Certificate may not be sold, transferred, or assigned to any property other than the Short-Term Rental Property for which it was issued.

(f) Term. A Short-Term Rental Registration Certificate issued pursuant to this chapter shall be valid for twelve (12) months from the date the Short-Term Rental Registration Certificate is issued or until revoked in accordance with **1484.02(d)** of the Codified Ordinance.

### **1484.03            LIMITATIONS ON SHORT-TERM RENTAL PROPERTIES.**

(a) Beginning on the effective date of this Ordinance, there shall be no more than one (1) Short-Term Rental Property per 1000 feet, measured at the property lines or 6 parcels, whichever is greater.

(1) Subsection (a) of this Section shall not apply to invalidate or cancel any otherwise lawfully existing Short-Term Rental Property that was in existence prior to the effective date of this Section provided that such properties comply with all other applicable provisions of this Chapter.

(2) Until such time as the density of Short-Term Rental Properties falls below the restrictions set forth in this Section, no new Applications for Short-Term Rental Certificates will be processed for properties which would otherwise violate this Section.

(b) Subject to limitations found elsewhere in this Chapter, Renewal Applications shall continue to be accepted and Short-Term Rental Registration Certificates issued in accordance with Section **1484.02** provided that the Application for a Renewal Short-Term Rental Certificate is submitted to the Department before the expiration of the existing Short-Term Rental Registration Certificate.

(c) No Short-Term Rental Property which had a Short-Term Rental Registration Certificate revoked under Sections **1484.02(d)(3)-(6)** shall be eligible for issuance of a Short-Term Rental Registration Certificate for a period of two (2) years from the date of revocation unless a change in ownership or control of the Residential Premises has occurred, as determined by the Department in its reasonable discretion.

### **1484.04            FEES.**

All fees set forth in this Chapter shall be approved and adopted by City Council in accordance with the City's Charter and the Codified Ordinances. The effective date of any changes to such fees shall be in accordance with **Chapter II, Section 9 of the Charter** unless a different date is set forth in the adopting Ordinance.

## **1484.05 OWNER RESPONSIBILITIES.**

(a) In addition to general requirements that all Short-Term Rental Property be in full compliance with all applicable laws, statutes, regulations, and ordinances, the following additional responsibilities are applicable to an Owner of Short-Term Rental Property:

(1) The Owner of every Short-Term Rental Property shall be responsible for the maintenance thereof in good repair and in a safe and sanitary condition in compliance with the applicable requirements of **Part Fourteen** of the Codified Ordinances and the requirements established by the City administratively.

(2) The Owner shall prepare and maintain a parking plan to designate off-street parking for the use of all vehicles associated with the Short-Term Rental Property in accordance with **Chapter 1234** of the Codified Ordinances.

(3) The Owner or Authorized Representative shall be required to be physically present in person at the Short-Term Rental Property within sixty (60) minutes of any notification by a member of law enforcement, the fire department, or emergency assistance of any kind relating to a Call for Service to the Short-Term Rental Property.

(4) The Owner shall provide proof of procurement and maintenance of general liability and premises liability insurance for the Short-Term Rental Property as may be periodically requested by the Department, which insurance(s) shall meet all of the following requirements:

A. Provide coverage of not less than One Million Dollars (\$1,000,000) and issued in accordance with Chapter 3902 of the Ohio Revised Code.

B. Provide notice of cancellation of insurance to the Department at least ten (10) days prior to cancellation.

(5) Failure to maintain insurance required by this section shall result in a revocation of the Short-Term Rental Registration Certificate.

### **(b) Records.**

(1) The Owner or Authorized Representative shall maintain a registry of Transient Guests for a period of at least three (3) years from the date such Transient Guests occupied the Short-Term Rental Property which shall include the following:

A. The name and address of the persons who entered into the rental agreement for use of the Short-Term Rental Property;

B. The date(s) each such Transient Guest had use or occupancy of the Short-Term Rental Property;

C. The number of persons scheduled to stay for the night of the Rental Period; and

D. The rate charged per each rental period.

(2) The Owner or Authorized Representative shall provide the records required by this section upon request by a member of law enforcement, the Department, or in accordance with any lawful order issued by a Court or tribunal having jurisdiction thereof.

(3) The Owner or Authorized Representative shall be deemed to comply with this provision if such records are kept and maintained by a Hosting Platform which is identified and disclosed to the City on the initial Application or any renewal Application.

(c) No Owner shall lease a Short-Term Rental Property to a Transient Guest if the Transient Guest's use of the Short-Term Rental Property would violate Section 2950.034 of the Ohio Revised Code.

## **1484.06 INSPECTIONS.**

### **(a) License Issuance and Renewal Inspections:**

(1) Prior to issuing or renewing a Short-Term Rental Registration Certificate, or in the event of the transfer and assignment of a valid a Short-Term Rental Registration Certificate, the Department shall conduct a Life Safety Inspection of the Residential Premises within fourteen (14) days from the date the Application is received by the City (or in the event a waiting list is maintained by the Department pursuant to Section **1484.03(b)**, within fourteen (14) days of when the Owner is notified by the Department that the new Application is being considered), which Life Safety Inspection shall consist of the following:

- A. Check for and test smoke detectors and carbon monoxide detectors;
- B. Check for removal of and receptacles for all refuse, garbage and debris;
- C. Check for presence of accessible dry chemical fire extinguishers of a minimum 5-lb. ABC class;
- D. Confirm that a map denoting emergency evacuation routes is posted in a clearly conspicuous location.
- E. Determine maximum occupancy for overnight Transient Guests which shall be limited to:
  - 1. Two (2) persons per Residential Premises plus;
  - 2. Two (2) persons per bedroom.
  - 3. All areas of a Residential Premises designated as bedroom space shall be used predominantly for sleeping, have a minimum of one or more beds of a size and number equal to the expected occupants, and two (2) separate means of accessible ingress and egress in accordance with the Residential Code of Ohio.

(2) Within fourteen (14) days of completing a Life Safety Inspection, an Inspection Report shall be issued to the Owner of the Short-Term Rental Property.

(3) The Department shall maintain a copy of the Life Safety Inspection Report for each Short-Term Rental Property for a period of three (3) years. Copies of all reports of Life Safety Inspections shall be made available to the public in accordance with §149.43 of the Ohio Revised Code.

(b) Violations enumerated in the Inspection Report shall be abated by the Owner of the Short-Term Rental Property within thirty (30) days from the date of the Inspection Report. A reinspection shall be required to verify that the violations have been corrected. The Owner of the Short-Term Rental Property shall contact the Department to schedule the required reinspection, which shall occur within forty-five (45) days from the date the Inspection Report is issued. A reinspection fee set in accordance with Section **1484.04** shall be paid at the time a reinspection is scheduled.

(c) Failure to correct any violations contained within the Inspection Report within thirty (30) days from the date of the Inspection Report shall constitute a violation of this chapter and may result in the revocation of a Short-Term Rental Registration Certificate and/or penalties or other legal action in accordance with Section **1484.99**.

(d) Failure to permit a reinspection of the Short-Term Rental Property within forty-five (45) days of the date of the Inspection Report shall constitute a violation of this chapter and may result in the revocation of the Short-Term Rental Registration Certificate and/or penalties or other legal action in accordance with Section **1484.99**.

(e) Upon display of the proper credentials, any member of the Department, law enforcement, fire department, emergency assistance, or public health official shall be permitted to inspect the Short-Term Rental Property to ensure compliance with this Chapter.

(1) In the event access to Short-Term Rental Property is refused, an officer or employee of the entity requesting to inspect the Short-Term Rental Property may, with the assistance of the Law Director, obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the property.

(2) In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an Owner, Authorized Representative, or occupant to consent to a warrantless inspection of private property.

(3) A repeated failure to permit inspection may be cause for revocation of the Short-Term Rental Registration Certificate.

#### **1484.07            REVOCATION OR LAPSE.**

The Department shall revoke a Short-Term Rental Registration Certificate for any of the following:

(a) the Owner provides any material misrepresentation of fact on the Application;

(b) the Short-Term Rental Registration Certificate is not timely renewed;

(c) noncompliance with the requirements of this Chapter;

(d) failure to correct any deficiency identified in the Inspection Report within thirty (30) days of the date the Inspection Report is issued;

(e) failure to collect and remit taxes required by **Chapter 886** of the Codified Ordinances;

(f) upon a determination by a Court of competent jurisdiction that the Short-Term Rental Property has become a nuisance pursuant to Chapter 662 of the Codified Ordinances or other controlling Ohio law.

#### **1484.08            CHANGE OF OWNERSHIP OR CONTROL.**

(a) Any person selling or otherwise relinquishing ownership or control of a Short-Term Rental Property, including an Authorized Representative or Owner, shall notify the Department of the proposed effective date of the change in ownership or control.

(b) In order to transfer and assign a valid Short-Term Rental Registration Certificate, the Owner and holder of the Short-Term Rental Registration Certificate shall notify the Department of the change in ownership and control. The notice required by this section shall be in writing and shall include the following:

- (1) the name, address, email address, and telephone number of the new Authorized Representative or Owner;
- (2) the name, address, email address and telephone number of the previous Authorized Representative or Owner;
- (3) the person or entity maintaining the records required to be maintained by Section 1484.05(e).
- (4) the effective date of such change in ownership or control.

(c) Within fourteen (14) days of acquiring the Short-Term Rental Property (as evidenced by the new Owner receiving recorded legal title to same), the new Owner shall complete an Application for purposes of the new Owner acknowledging the rights, duties and obligations of an Owner under this Chapter, including permitting the Department to conduct a Life Safety Inspection in accordance with **Section 1484.06** of this Chapter. The new Owner shall be required to pay a reinspection fee in accordance with the Codified Ordinances of the City.

(d) A failure to notify the Department in accordance with this Section within fourteen (14) calendar days of any change of ownership or control (as evidenced by the new Owner receiving recorded legal title to same) will result in a violation of this Chapter and a revocation of the Short-Term Rental Registration Certificate and/or penalties or other legal action in accordance with **Section 1484.99**.

#### **1484.09       HOSTING PLATFORMS.**

(a) Listing, Advertising, or Promoting. No Hosting Platform shall list, advertise, promote, or accept reservations for any Short-Term Rental Property within the City of Avon Lake that does not have a Short-Term Rental Registration Certificate. Upon notification by the Department that the Short-Term Rental Registration Certificate has expired or been revoked, the Hosting Platform shall remove or deactivate that Short-Term Rental Property from all listings, advertisements, or promotions of any kind within three (3) business days.

(b) Records Required. To the extent the Hosting Platforms collects the information required to be kept and maintained by an Owner or Authorized Representative in accordance pursuant to **Section 1484.05(b)** of this Chapter, it shall maintain such information for a period of three (3) years for all Short-Term Rental Properties that are leased to Transient Guests through such Hosting Platform, and shall provide such records upon request in accordance with **Section 1484.05(b)**.

(c) Taxation. All Hosting Platforms are subject to taxation in accordance with **Chapter 886** of the Codified Ordinances.



#### **1484.10 HEARING AND APPEALS.**

Subject to Section **1484.03**, any person who has been denied, or refused a Short-Term Rental Registration Certificate, or whose Short-Term Rental Registration Certificate has been revoked pursuant to Section **1484.02(d)** may appeal such decision to the Board of Building and Zoning Appeals as provided in Section **1214.11** of the Codified Ordinances.

#### **1484.11 SEVERABILITY.**

The provisions of these regulations shall be severable and should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

#### **1484.12 ENFORCEMENT.**

No person shall violate any provision of this chapter or any rule or regulation promulgated thereunder or fail to comply therewith or with any written notice or written order issued thereunder by the Department.

#### **1484.13 NOTICE OF VIOLATIONS**

(a) Upon discovery of a violation of this Chapter, the Department shall issue a written notice of the violation to the Owner.

(b) The notice required in this Section shall be delivered by one or more of the following methods:

(1) certified mail delivery (return receipt requested), which shall be deemed effective as of the date of receipt identified on the return receipt or as noted by the U.S. Postal Service;

(2) courier service, which shall be deemed effective as of the date of receipt as identified by the courier service;

(3) hand or personal delivery, which shall be effective when delivered to an adult at the Owner's address;

(4) facsimile delivery, which shall be is effective when the facsimile transmission has been transmitted to the facsimile number provided for that purpose and the Department has received confirmation of the facsimile transmission;

(5) electronic mail delivery is effective when the electronic mail has been sent to the Owner's electronic mail address without notice of rejection of message.

(c) It is not a defense to any subsequent enforcement action that the notice provided by the Department was not actually delivered to the Owner provided that one of the methods of delivery set forth in Section **1484.13(b)** was attempted in good faith by the Department but was not accomplished through no fault of the Department.

## **1484.98 DEFINITIONS.**

As used in this chapter:

(a) “Application” means the submission of all information required by this Chapter, and payment of the required fees, for registering a Residential Premises as new Short-Term Rental Property or to obtain a Renewal Short-Term Rental Certificate. For avoidance of doubt, a new Short-Term Rental Property shall be considered a Short-Term Rental Property for which the Owner of has failed to maintain a valid or renewable Short-Term Rental Registration Certificate.

(b) “Authorized Representative” means any individual, person, firm, partnership, corporation or company, other than an Owner, acting on behalf of an Owner of a Short-Term Rental Property responsible for ensuring compliance with all provisions of this Chapter and registered as the Owner’s Authorized Representative with the Department.

(1) For purposes of this Chapter, actions taken by an Authorized Representative acting on behalf of the Owner shall have the same legal force and effect as if such acts were taken by the Owner.

(2) No Owner shall be absolved of individual liability solely on the basis that acts were taken by an Authorized Representative and not the Owner.

(c) “Department” shall mean and refer to the Building and Zoning Department of the City of Avon Lake.

(d) “Hosting Platform” means any person or entity in any form, format, or media that, in exchange for a fee, assists, facilitates, or provides a means through which an Owner may offer Residential Premises as Short-Term Rental Property and through which a Transient Guest can arrange use of a Short-Term Rental Property, whether the payment for the use of the Short-Term Rental Property is directly to the Owner or to the Hosting Platform.

(e) “Inspection Report” means the report issued by the Department containing the results of the Life Safety Inspection.

(f) “Life Safety Inspection” means that inspection performed by the Department prior to issuing or renewing a Short-Term Rental Registration Certificate.

(g) “Owner” means an individual, corporation, firm, partnership, association, organization, or any other person or entity (jointly or in combination) who has legal title to a Residential Premises. For purpose of this Chapter, an Owner includes anyone possessing a fee simple interest, vendee interest in a land contract, an estate for life or for years, in the Residential Premises including through a trust instrument or other conveyance of real property, or otherwise entitled to have legal or equitable title to real property registered in accordance with Sections 5309.05 or 5309.42 of the Ohio Revised Code.

(h) “Renewal Short-Term Rental Certificate” means the Short-Term Rental Registration Certificate issued to a Residential Premises that was previously identified as a Short-Term Rental Property if the Application is approved prior to the date of expiration identified on the Short-Term Rental Registration Certificate.

(i) “Residential Premises” means any building; or the part of a building consisting of a self-contained, residential living space that is used or intended to be used by one (1) or more persons for overnight accommodations, including any adjacent or attached structures, grounds, areas, and facilities for the use of such persons. For purposes of this Chapter, a Residential Premises shall include at least one room containing a toilet, shower/tub, and sink, a separate area for preparing and consuming food for the use of the persons using that specific residential living space, and at least one (1) means of ingress and egress outside of the building or (in the case of a multi-family dwelling) into the common area of that building containing the residential living space. For purposes of this Chapter, any residential premises capable of being rented out as separate living spaces to unrelated persons shall each constitute a separate Residential Premises and may not be combined under a single Certificate.

(j) “Transient Guest” means each person who, in exchange for money or other financial compensation, leases, rents, or otherwise occupies Residential Premises for fewer than thirty (30) consecutive days.

(k) “Short-Term Rental Registration Certificate” means the certificate issued with respect to a Short-Term Rental Property evidencing compliance with the requirements of this Chapter.

(l) “Short-Term Rental Property” means any Residential Premises being utilized or otherwise made available to a Transient Guest within the City, if such Residential Premises is used by or made available to a Transient Guest for a period in excess of a combined period of thirty (30) days in any calendar year. “Short-Term Rental Property” does not include any Residential Premises which is the primary residence of the Owner if such Residential Premises is not occupied or made available to a Transient Guest in excess of a combined period of thirty (30) days in a calendar year. For purposes of this section, “made available” means each date the Short-Term Rental Property is listed or advertised on a Hosting Platform as being available for use or rent by Transient Guests.

#### **1484.99        PENALTY; LEGAL ACTION.**

(a) Except as otherwise expressly provided for elsewhere under the Codified Ordinances or the Ohio Revised Code, whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a first degree misdemeanor and subject to a fine of not less than five hundred dollars (\$500.00) or a maximum imprisonment term of six (6) months or both. Each day that such violation exists shall constitute a separate and distinct offense. Multiple violations can occur during a single guest stay and may be noticed and heard in a single action.

(b) The imposition of any penalty as provided for in this chapter shall not preclude the City from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful use of property, require repair or maintenance, restrain, correct or abate a violation, prevent the occupancy of a Residential Premises, declare a property a nuisance in accordance with Chapter 662 of the Codified Ordinances, revoke a Short-Term Rental Registration Certificate, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.

AN ORDINANCE ADOPTING THE AVON LAKE COMMUNITY TELEVISION (ALC-TV) RULES AND REGULATIONS.

WHEREAS, the City, through its Communications & Technology Department, operates Avon Lake Community Television (ALC-TV) to provide community access programming, promote local information sharing, and increase public awareness of community and government activities; and

WHEREAS, ALC-TV serves as a vital communication link between residents and their local government, fostering civic engagement and encouraging participation in community life; and

WHEREAS, the Communications & Technology Commission, acting in its advisory capacity, has reviewed and recommended adoption of the updated ALC-TV Rules and Regulations to ensure continued compliance with applicable federal, state, and local laws, as well as current operational and technological practices; and

WHEREAS, Council desires the City to provide clear and consistent guidelines for the operation, use, and management of ALC-TV and its facilities, equipment, and services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Avon Lake Community Television (ALC-TV) Rules and Regulations, attached hereto and incorporated herein, are hereby adopted as the official Rules and Regulations governing ALC-TV.

Section No. 2: That the Communications & Technology Department and the Communications & Technology Commission shall administer and enforce these Rules and Regulations under the direction of the Mayor and Council.

Section No. 3: That this Ordinance shall supersede all other formerly adopted versions of the ALC-TV Rules and Regulations.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 5: That this Resolution shall be in full force and effect from and after the earliest period allowed by law.

1<sup>st</sup> reading:

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

# Avon Lake Community Television (ALC-TV)

## Rules and Regulations

### Introduction

Avon Lake Community Television (ALC-TV), located in the Avon Lake Public Library, is part of the Communications and Technology Department of the government of the City of Avon Lake (City). ALC-TV operations are carried out and administered by City employees governed by an advisory Communications and Technology Commission comprised of members appointed by the City's Mayor and subject to the approval of City Council (Council). ALC-TV produces programming of general public interest and community news and provides community members with access to ALC-TV production equipment.

These rules and regulations have been adopted by Council to govern access and use by the public of the facilities, equipment, and services provided and maintained by the City through ALC-TV.

### Mission Statement

Avon Lake Community Television (ALC-TV) empowers residents to share their voices and stories, fostering civic engagement, and strengthening community through accessible local media.

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## Section 1. Definitions

For the purposes of these Rules and Regulations, the following definitions shall apply.

**1.1. Avon Lake Community Television or ALC-TV** – The community access television station operated by the City of Avon Lake that provides Community Access Programming and access to production equipment under these rules and regulations.

**1.2. Bulletin Board** – ALC-TV allows community messages of citywide relevance to be displayed in between Community Access Programs as rotating slides. (See Section 4.3)

**1.3. Community Access Program(s) or Community Access Programming** – Video and audio content created using ALC-TV facilities and equipment or provided to ALC-TV for broadcast.

**1.4. Communications and Technology Commission or CTC** - An eight (8) member advisory commission established under Avon Lake City Ordinance Chapter 278 for the purpose of managing ALC-TV, the City of Avon Lake website, the City of Avon Lake's social media presence and outreach, digital communications with and among city departments and the community, branding, and marketing of the City of Avon Lake and its programs, and to advise and make recommendations to Council on the various areas of technology utilized by the City.

**1.5. Community Producer** – Any approved adult individual, community group, community organization, or local business that produces noncommercial Community Access Programming for viewing by the general public on ALC-TV; or borrows ALC-TV equipment for noncommercial purposes. Community Producer status is subject to eligibility and requirements (see Section 3).

**1.6. Community Sponsor** – Nonresidents and minors under 18 years old who wish to broadcast Community Access Programming on ALC-TV must be sponsored by an Avon Lake resident that meets ALC-TV's Community Producer requirements. The resident serves as the Community Sponsor for the nonresident or minor and assumes full responsibility for the content of the programming. Community Sponsor status is subject to eligibility and requirements (see Section 3).

**1.7. Public Access Channel** – ALC-TV maintains a Public Access Channel that airs noncommercial content of general public interest to the residents of Avon Lake. Limited recognition of underwriter support is not consider commercial content (see Section 4.9e).

**1.8. Government Access Channel** – ALC-TV maintains a Government Access Channel to increase Avon Lake residents' awareness of government functions. Programming aired on the Government Access Channel must originate from a federal, state, county, or local government entity.

**1.9. Underwriter** – Any individual, group, organization, or business that provides financial support for Community Access Programming (see Section 4.9).

## **Section 2. Availability**

### **2.1. - Location**

The ALC-TV studio is located on the lower level of the Avon Lake Public Library, 32649 Electric Blvd., Avon Lake, OH 44012.

### **2.2 - Hours of Operation**

ALC-TV studio facilities are typically available Monday through Friday, 10:00 a.m. to 4:00 p.m. The ALC-TV studio facilities are closed on City and Avon Lake Public Library observed holidays, emergencies, or when the City or Library is closed for any other reason.

### **2.3. - Access to Facilities and Equipment**

**2.3a.** Use of ALC-TV studio facilities is limited to a maximum of two (2) hours per week. Access to ALC-TV studio facilities may be made available outside of normal business hours, and/or for a longer duration, subject to the approval of station management in its absolute discretion, and the availability of ALC-TV staff.

**2.3b.** Use of ALC-TV facilities and equipment must be requested at least 24 hours in advance and scheduled through ALC-TV staff. Facilities and equipment are available on a first come, first served basis.

**2.3c.** If the recording of a Community Access Program is not completed within the scheduled appointment time, a new appointment must be scheduled.

**2.3d.** An ALC-TV employee must be present when any member of the general public is in the ALC-TV studio.

### **2.4 - Community Access Programming Schedule**

**2.4a.** The ALC-TV Community Access Programming Schedule begins on Wednesday and runs through Tuesday of the following week.

**2.4b.** Public Access Channel Programs produced using the ALC-TV studio facilities must be filmed at least seven (7) days prior to the Community Access Programming Schedule to be considered for playback.

**2.4c.** ALC-TV cannot guarantee airdates, time slots, post-production completion dates, or airing frequency for any Community Access Program.



**2.4d.** The Community Access Programming Schedule is determined at the sole discretion of ALC-TV management.

## **Section 3. Eligibility and Requirements**

### **3.1 Eligibility**

Use of ALC-TV's facilities is limited to approved Community Producers and nonresident or minor users sponsored by a Community Sponsor as defined in Section 1 of this document. Adult Avon Lake residents may apply for Community Producer/Sponsor status as an individual or on behalf of an Avon Lake-based community group, organization, or local business.

Who is eligible to apply:

**3.1 a.** Avon Lake residents ages 18 years and older. A driver's license or state ID is required as proof of Avon Lake residence.

**3.1 b.** Adult representatives of Avon Lake-based groups, organizations, or businesses.

**3.1 c.** Avon Lake residents under 18 years of age under the direction of a parent or guardian. The parent or guardian's driver's license or state ID is required as proof of Avon Lake residence. The parent or guardian assumes full responsibility for the content of the programming and any damage to ALC-TV owned equipment.

**3.1 d.** Nonresidents and minors who wish to apply for Community Producer status and broadcast Community Access Programming on ALC-TV must be sponsored by an Avon Lake resident. The resident serves as the Community Sponsor for the nonresident or minor and assumes full responsibility for the content of the programming. The non-resident must meet all ALC-TV Community Producer requirements (See Section 3.2).

**3.1 e.** Non-residents are not eligible to borrow ALC-TV production equipment under any circumstance.

### **3.2 - Requirements**

Before using the public access designated facilities and specified equipment, all Community Producers/Sponsors must fulfill these requirements:

**3.2 a.** Provide their driver's license or state ID as proof of Avon Lake residency.

**3.2 b.** Complete a required orientation session administered by ALC-TV staff and demonstrate competency in the safe handling and operation of all equipment, if applicable. Orientation training sessions must be scheduled with ALC-TV staff at least 24 hours in advance. Sessions may only be scheduled during regular ALC-TV operating hours and are subject to ALC-TV staff availability (See Section 2.1).

Non-resident users sponsored by Community Sponsors must complete the required orientation session.

**3.2 c.** Community Producers/Sponsors must complete an ALC-TV Playback Agreement for each program submitted for broadcast on ALC-TV.

Community Producers/Sponsors must complete an Equipment Checkout Form each time they borrow equipment from ALC-TV.

## **Section 4. Terms of Use**

### **4.1 - Damage and Loss of Equipment**

Community Producers/Sponsors who borrow ALC-TV equipment agree to be financially responsible for any damage or loss of the equipment and must make payment in the full amount of repair or replacement within 30 days or make reasonable arrangements with ALC-TV management for such repair or replacement. Failure to meet these conditions will result in loss of access to ALC-TV facilities and equipment.

### **4.2 - Community Access Programming on ALC-TV**

**4.2a.** All Community Access Programming submitted to ALC-TV for broadcast must conform to these rules and regulations.

**4.2b.** Programming submitted for playback must clearly display the name of the Community Producer/Sponsor, if applicable, at the end of each program.

**4.2c.** All Community Producers/Sponsors are subject to federal, state, and local laws regarding libel, slander, obscenity, incitement, invasions of privacy, or other similar laws. ALC-TV facilities and equipment may not be used to present material that violates federal, state, or local law.

All Community Access Programming produced for ALC-TV must conform to all current Federal Communications Commission (FCC) rules and regulations.

If ALC-TV becomes aware that a Community Access Program submitted for broadcast contains material proscribed pursuant to federal, state, or local law,

ordinance, rules and regulations, or pursuant to these ALC-TV Rules and Regulations, ALC-TV shall notify the applicable Community Producer/Sponsor, who may edit or withdraw the program.

**4.2d.** Community Producers/Sponsors are required to alert ALC-TV staff to any Community Access Programming that may be unsuitable for certain audiences, including younger or sensitive viewers.

**4.2e.** ALC-TV reserves the right to decline to broadcast a Community Access Program it reasonably believes contains obscene material, otherwise illegal content, or material that violates these terms of use.

**4.2f.** ALC-TV has the sole discretion regarding whether or not to re-broadcast any Community Access Program.

**4.2g.** ALC-TV reserves the right to run disclaimers or content warnings before any Community Access Program to inform viewers of topics, themes, or subject matter.

**4.2h.** With the permission of the Community Producer/Sponsor, Public Access Channel Programming aired on ALC-TV may be uploaded and made available on the City of Avon Lake's website, the ALC-TV app, and City-managed online video hosting platforms within one (1) week of the program's first airing. Public Access Programs may remain available for a period of up to one (1) year, subject to storage space and bandwidth.

**4.2i.** Government Access Channel Programming will remain available on the City of Avon Lake's website for a minimum period of one (1) year. Programming may be made available for a longer duration depending on program format and content, at the sole discretion of the City of Avon Lake.

**4.2j.** Community Access Programming is subject to the City of Avon Lake's records retention schedule: one (1) year for Community Access Programs and Bulletin Board requests, five (5) years for Government Access Programs.

**4.2k.** Copies of Community Access Programs may be purchased from ALC-TV.

**4.2l.** All broadcast, playback, and Community Bulletin Board equipment is to be operated by ALC-TV staff only.

#### **4.3 - Bulletin Board Content**

**4.3 a.** At its discretion, ALC-TV may allow community messages to be displayed on the Public and Government Access Channel bulletin boards as rotating slides that air between other programming. ALC-TV cannot guarantee any specific airtime or frequency of bulletin board messages.

**4.3.b.** Bulletin board messages must be of citywide purpose and pertain to activities that are open to the general public, and located within the City of Avon Lake, or sponsored by an Avon Lake organization.

**4.3 c.** Bulletin board requests must be submitted in writing at least two weeks before airing. Requests must include the name of the contact person and a contact email address or phone number, and should follow a “who, what, where, when, and how” format. Messages will not necessarily appear verbatim.

Any additional supporting material, such as logos or other graphics, should be submitted with the request.

**4.3 d.** Bulletin board messages will appear for a maximum of 14 days. The same or similar messages may not be repeated within any three (3) month period.

**4.3.e.** The following types of messages are prohibited:

- Commercial advertising, including promoting the sale of products, services, or businesses.
- Information directly or indirectly promoting lotteries as defined in Section 7.6.213 of the FCC Rules, including games of chance, bingo, raffles, etc.
- Political statements, campaign messages, or calls to action (e.g. “Vote for me”).
- Announcements promoting any religions or form or worship, religious opinion, or religious services.
- Any messages that the City of Avon Lake or ALC-TV management consider inappropriate.

#### **4.4 - Political Programming**

**4.4 a.** In conjunction with its mission, ALC-TV provides a forum for political speech. Community Producers/Sponsors and their guests may discuss issues, candidates, and other political topics provided they abide by all ALC-TV rules and regulations.

**4.4b.** ALC-TV is not a commercial broadcast station and therefore is not bound by FCC mandated rules for equal airtime. If Community Access Programming submitted to ALC-TV for broadcast is of a political nature, opponents are welcome to submit their own programming and ALC-TV will, to the best of its ability, air programs in similar time slots.

**4.4c.** ALC-TV is not responsible for contacting any political party, politician, candidate, or levy organization prior to an election.

**4.4d.** Issues and/or candidates for elected office appearing on the ballot will not be included in ALC-TV programming during the fourteen (14) days before the election, with the exception of official Avon Lake government meetings and regularly scheduled government programming.

#### **4.5 - Government Access Channel**

**4.5a.** Information pertaining to City of Avon Lake government activities, events, issues, legislation, and meetings is aired on the ALC-TV Government Access Channel. Programming aired on the ALC-TV Government Access Channel must originate from a federal, state, county, or local government entity. The primary objectives of this channel are:

- To provide governmental information to the residents of Avon Lake.
- To increase awareness of the activities and deliberations of the legislative and other governmental bodies.
- To increase residents' awareness of government functions.

#### **4.6 - Indemnity**

**4.6a.** Community Producers/Sponsors are fully responsible for the content of their Community Access Programming and shall indemnify, defend, and hold harmless employees, officials, and agents of the City of Avon Lake, ALC-TV, and the CTC from any and all liability, claims and/or costs, or legal fees incurred arising out of any claim or cause incurred as a result of their Community Access Program.

**4.6b.** Community Producers/Sponsors are not permitted to identify themselves as employees, agents or representatives of the City of Avon Lake, ALC-TV or the CTC.

**4.6c.** The City of Avon Lake, ALC-TV, and the CTC accept no responsibility for Community Access Programming submitted for broadcast. Community Producers/Sponsors agree to release the employees, officials, agents and

authorized representatives of the City of Avon Lake, ALC-TV, and CTC from any liability in the event any program or media is damaged, lost, or stolen while in ALC-TV custody.

#### **4.7 - Rules of Conduct**

**4.7 a.** Community Producers/Sponsors are responsible for any injuries to themselves and their crew members that occur in ALC-TV studio facilities or as a result of using ALC-TV provided equipment.

**4.7 b.** Community Producers/Sponsors are directly responsible for the conduct and actions of their guest(s) at all times while utilizing ALC-TV studio facilities.

**4.7 c.** If a Community Producer/Sponsor, or their guest(s), become verbally or physically abusive, or engage in behavior that is threatening, dangerous, or disruptive to ALC-TV staff or operations, they will be asked to leave the premises and may lose their Community Access Programming privileges indefinitely.

#### **4.8 - Copyright and Ownership**

**4.8 a.** Community Producers/Sponsors maintain ownership of the content they produce.

**4.8 b.** By submitting Community Access Programming to ALC-TV, the Community Producer/Sponsor authorizes ALC-TV to broadcast their work product.

**4.8 c.** ALC-TV reserves the right to retain copies of any Community Access Program aired on its access stations. Programs may be re-aired indefinitely, at ALC-TV's sole discretion, unless the Community Producer/Sponsor submits a request in writing to ALC-TV management.

**4.8 d.** Copies of all Community Access Programming featured on ALC-TV may be purchased, with the funds going solely to ALC-TV.

**4.8 e.** All copyright laws regarding subject matter, trademarks, logos, and music must be strictly observed. It is the responsibility of the Community Producer/Sponsor to obtain all copyright permissions associated with their Community Access Programming. Any copyright releases obtained by the Community Producer/Sponsor must be provided in writing from the copyright holder and in possession of ALC-TV before the content can be aired. Community Producers/Sponsors assume full responsibility for any disputes arising from unauthorized use of copyrighted materials.

**4.8f.** All persons in attendance in public venues or at public events, including, but not limited to, government, school, and community meetings or events; City-owned or operated buildings, properties, and outdoor areas, may be recorded and broadcast by ALC-TV, as allowable by law.

**4.8g.** ALC-TV staff are not qualified nor authorized to advise on the legality of program material. Legal considerations are the sole responsibility of Community Producers/Sponsors.

**4.8h.** ALC-TV reserves the right to have the City's Law Director review any Community Access Program for compliance with these rules and regulations, and the rules and regulations of the FCC, and federal, state, and local laws.

#### **4.9 - Underwriting**

**4.9a.** Community Producers/Sponsors may seek underwriting funds to help defray production costs. Community Producers/Sponsors must solicit underwriting as individuals and are not permitted to refer to The City of Avon Lake, ALC-TV, or the CTC as partners in any capacity. The City, ALC-TV, and CTC bear no responsibility for securing underwriting for Community Producers/Sponsors and accept no liability for any disputes between Community Producers/Sponsors and their underwriters.

**4.9b.** Underwriting proposals must be submitted to ALC-TV management in advance of filming. ALC-TV management reserves the right to approve or disapprove of all underwriting proposals at its discretion.

**4.9c.** Underwriting must be limited to direct costs associated with the production of the Community Access Program.

**4.9d.** Community Producers/Sponsors must follow the underwriting and sponsorship guidelines outlined in ALC-TV's Underwriting Guidelines form.

**4.9e.** Underwriter credits may only appear before and after the Community Access Program and must be limited to the underwriter/sponsor's name, address, phone number, email and website address.

#### **4.10 - Violations and Appeals**

**4.10 a.** ALC-TV may suspend from playback and/or production any program or material that appears in violation of these rules and regulations. Community Producers/Sponsors will be notified of suspension in writing by ALC-TV management.

**4.10 b.** Community Producers/Sponsors may appeal suspensions in writing to the City's Law Director. If the suspension is upheld the Community Access Program will be permanently removed from playback. If the suspension is overturned, the Community Access Program will be added back to the schedule at the earliest opportunity.

**4.10 c.** Violation of these rules and regulations by a Community Producer/Sponsor or any person for which they are responsible, including falsification of any information provided to ALC-TV to determine eligibility, may result in loss of access to ALC-TV facilities and equipment and/or appropriate legal action. Subsequent or repeated violations will result in loss of access indefinitely.

**4.10 d.** Questions or disputes arising from the application and or interpretation of these rules and regulations should be directed to ALC-TV management. Matters that cannot be resolved by ALC-TV management or involve an appeal of a decision made by ALC-TV management will be referred to the Mayor of the City of Avon Lake and City Law Director.

#### **4.11 - Audiovisual Transfer Services**

As a service to Avon Lake residents, ALC-TV digitizes and copies legacy audiovisual formats such as Hi-8mm video, VHS, VHS-C, SVHS, Mini DV, DVD, and CD, and transfers them to DVD or thumb drive. Fees apply. Audiovisual Transfer Services are available during regular ALC-TV hours of operation.

**4.11 a.** ALC-TV assumes no responsibility for damage and/or loss of audiovisual materials provided for transfer or copying.

**4.11 b.** ALC-TV reserves the right to decline whether to transfer or copy copyrighted materials, damaged materials, or that contain obscene material, otherwise illegal content, or material that violates these terms of use.



AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF VACTOR OPERATOR IN THE PUBLIC WORKS DEPARTMENT AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION.

WHEREAS, it has been recommended by the Human Resources Committee and the Human Resources Director that a job description for the position of Vactor Operator in the Public Works Department be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of Vactor Operator in the Public Works Department shall be as shown in the job description, a copy of which is attached hereto and made a part hereof.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor



**City of Avon Lake, Ohio  
Classification Specification  
Vactor Operator**

JOB FAMILY	GRADE	FLSA STATUS	CLASSIFIED STATUS	PCN
Maintenance	6	Non-Exempt	Classified	

**CLASSIFICATION SUMMARY**

Under the general supervision of the Assistant Public Works Director, the Vactor Operator is responsible for the operation and general maintenance of Vactor trucks, to clean sewer lines, catch basins, and other waste systems, as well as the transportation and disposal of collected waste and debris, and performs other duties as required, including those of a Laborer.

ESSENTIAL DUTIES <sup>1</sup>	% OF TIME
Sets up and operates a vacuum/Vactor truck, which includes lifting, carrying, and pulling hoses (up to 100 lbs.); climbs onto the unit (12' high) for setup and minor maintenance; and stands, kneels, or bends for extended periods of time.	40
Maintains daily record keeping to document completed work, tasks, and discovered issues; completes assigned work tasks via digital tablet using cloud-based asset management software.	20
Inspects, uses, and maintains various personal protective equipment, including respiratory protection, safety harnesses, and other Public Employment Risk Reduction Programs (PERRP).	20
As needed, performs confined space entry into pits, trenches, and/or other areas that may include climbing, standing, and working in awkward positions.	10
Performs daily equipment inspections and necessary maintenance in accordance with Public Works Department guidelines.	10
Ensures professional, safe operations of vehicles while on properties and on the road.	As needed

<sup>1</sup> The essential duties, functions, responsibilities, and recommended Fair Labor Standards Act (FLSA) designation may vary based on the specific tasks assigned to the position.

**MINIMUM QUALIFICATIONS****EDUCATION AND EXPERIENCE:**

Graduation from high school or GED equivalent.

**CERTIFICATIONS/LICENSES:**

Valid CDL-B license with tanker endorsement.

**PREFERRED QUALIFICATIONS:**

Valid CDL-A license with tanker endorsement and relevant job-related experience.

**KNOWLEDGE OF:**

- Proper lifting techniques
- Stormwater management concepts, including but not limited to pipe and basin structures and general condition assessment
- Equipment and material preparations
- Safe operations of tools, machinery, and vehicles
- Avon Lake's geography and service areas

**SKILL IN:**

- Understanding and following verbal and written instructions
- Communicating field findings and conditions to supervisor using verbal, written, and/or digital methods.
- Mechanical operations and maintenance of heavy equipment
- General operational use of an electronic tablet or other digital device
- Working with the public
- Performing physically strenuous work in all types of weather conditions, which requires strength and ability in the performance of assigned duties

**ADA AND OTHER REQUIREMENTS**

This position typically requires reaching, standing, walking, fingering, grasping, feeling, talking, hearing, seeing, and repetitive motions.

**NON-SEDENTARY WORK:**

Exerting up to 100 lbs. of force frequently or constantly to lift, carry, push, pull, or otherwise move objects. Occasional sedentary work involves sitting most of the time. Frequent walking and standing for long periods of time are required, as well as frequent climbing, standing, kneeling, and bending.

**WORKING CONDITIONS:**

Working conditions may include loud, dusty, or wet environments, in hot or cold climates, and with hazardous chemicals.

**SALARY RANGE\* AND BENEFITS *\*Subject to City Council approval***

- As outlined in the Collective Bargaining Agreement (CBA)
- Applicable benefits provided to full-time bargaining employees, as declared in applicable CBA

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SIGN SHOP OPERATOR IN THE PUBLIC WORKS DEPARTMENT AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION.

WHEREAS, it has been recommended by the Human Resources Committee and the Human Resources Director that a job description for the position of Sign Shop Operator in the Public Works Department be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of Sign Shop Operator in the Public Works Department shall be as shown in the job description, a copy of which is attached hereto and made a part hereof.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor



**City of Avon Lake, Ohio  
Classification Specification  
Sign Shop Operator**

JOB FAMILY	GRADE	FLSA STATUS	CLASSIFIED STATUS	PCN
Maintenance	6	Non-Exempt	Classified	

**CLASSIFICATION SUMMARY**

Under the general supervision of the Assistant Public Works Director, the Sign Shop Operator is responsible for designing, fabricating, and installing various signs, often using computer-aided design/manufacturing systems and various tools, while ensuring compliance with relevant regulations and standards, and performs other duties as required, including those of a Laborer.

ESSENTIAL DUTIES <sup>1</sup>	% OF TIME
Operates and maintains PC- or Mac-based computer graphics workstations with various software systems, plotters, scanners, and wide format printers to design and lay out various types of signage, including traffic, directional, informational, decals, and banners.	30
Installs and replaces various types of signage following guidelines from the Ohio Manual of Uniform Traffic Control Devices, and installs various banners from ground level or elevated locations.	30
Prepares sign surfaces, applying lettering with heat applicators, and applying vinyl or other media according to written instructions.	10
Installs and lays out pavement markings, including lines, symbols, and lettering, as directed, using approved colors.	10
Fabricates signs using various hand and power tools, like saws, punches, knives, grinders, routers, and drills.	10
Manages inventory for sign-making materials, printer supplies, and stock signage that may be on hand and manages work zone and traffic-control devices.	10

<sup>1</sup> The essential duties, functions, responsibilities, and recommended Fair Labor Standards Act (FLSA) designation may vary based on the specific tasks assigned to the position.

**MINIMUM QUALIFICATIONS****EDUCATION AND EXPERIENCE:**

Graduation from high school or GED equivalent.

**CERTIFICATIONS/LICENSES:**

Valid CDL-B license.

**PREFERRED QUALIFICATIONS:**

Computers, tablets, handheld digital devices, and relevant job-related experience.

**KNOWLEDGE OF:**

- Ohio Manual of Uniform Traffic Control Devices
- Standard office equipment and software programs
- Grammar and spelling, sufficient to compose sign text and proofread for accuracy
- Equipment safety procedures and practices

**SKILL IN:**

- Safe operations of a bucket truck, including proper fall protection (Training provided as necessary.)
- Effective verbal and written communications
- Use of hand tools to install, remove, and replace signage
- Willingness to learn and create graphic artwork

**ADA AND OTHER REQUIREMENTS**

This position typically requires reaching, standing, walking, fingering, grasping, feeling, talking, hearing, seeing, and repetitive motions.

**NON-SEDENTARY WORK:**

Exerting up to 50 lbs. of force frequently or constantly to lift, carry, push, pull, or otherwise move objects. Occasional sedentary work involves sitting most of the time. Frequent walking and standing for long periods of time are required.

**WORKING CONDITIONS:**

Working conditions may include loud or dusty environments, occasionally in hot or cold temperatures.

**SALARY RANGE\* AND BENEFITS *\*Subject to City Council approval***

- As outlined in the Collective Bargaining Agreement (CBA)
- Applicable benefits provided to full-time bargaining employees, as declared in applicable CBA

AN ORDINANCE AUTHORIZING THE EMERGENCY REPAIR AND REPLACEMENT OF  
BOILER GASKETS AT THE SAFETY CENTER AND DECLARING AN EMERGENCY.

WHEREAS, the Public Works Director solicited quotations for the emergency repair and replacement of boiler gaskets at the Safety Center; and

WHEREAS, Council, after considering said quotations, has determined that the quotation submitted by ABC Piping Co. of Brooklyn Heights, Ohio, is the best and lowest responsive quotation and is acceptable to this Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the quotation by ABC Piping Co. of Brooklyn Heights, Ohio, to repair and replace boiler gaskets at a cost not to exceed \$39,000 is hereby accepted and approved.

Section No. 2: That upon repair and replacement on behalf of this City with the proper specifications, and to the full satisfaction of the Public Works Director and Finance Director, the Finance Director is hereby directed to deliver to ABC Piping Co. of Brooklyn Heights, Ohio, the warrant of this City in the amount not to exceed \$39,000 and to cause said warrant to be paid.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the urgent necessity of repairing and replacing boiler gaskets at the Safety Center, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE TO REZONE PERMANENT PARCEL NO. 04-00-006-135-071  
FROM B-2 GENERAL BUSINESS DISTRICT TO R-1A SINGLE-FAMILY RESIDENCE  
DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has, at its meeting of October 1, 2025, approved a request to rezone a 2.38-acre parcel owned by Rotz Investments, LLC, located on the west side of Moore Road, north of Walker Road, and designated by the County Auditor as PPN 04-00-006-135-071, (the "Property") and more particularly described in Exhibit A attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Property, which is presently zoned B-2 General Business District, is hereby rezoned to R-1A Single-Family Residence District.

Section No. 2: That the official zoning map and the Planning and Zoning Code of the City of Avon Lake is hereby amended accordingly, and the City Engineer is directed to make the necessary changes thereto.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees which resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure to allow the property owner to develop the property and contribute to the economic development of Avon Lake, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading:

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:



PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor



## Rotz Investments, LLC - Zoning Map Amendment

# Report

**To:** Avon Lake Planning Commission

**From:** Kelly La Rosa, Planning and Zoning Manager

**Date:** October 1, 2025

**Re:** Case No. CPC-25-16, Rotz Investments, LLC Zoning Map Amendment for Parcel No. 04-00-006-135-071, located on the west side of Moore Road north of Walker Road, rezoning from B-2 General Business District to R-1A, Single-Family Residence District.

### PROJECT OVERVIEW

The Planning Commission has been asked to consider a request submitted by Rotz Investments LLC, with James Sayler of Henry G. Reitz Engineering as the applicant, to rezone Parcel No. 04-00-006-135-071, a 2.38-acre parcel located on the west side of Moore Road north of Walker Road. The property is currently zoned B-2 (General Business District), and the applicant seeks a zoning map amendment to R-1A (Single-Family Residence District) to subdivide the land into four standard residential lots, each with approximately 100 feet of frontage on Moore Road. The site is currently vacant, wooded in character, and has not been developed with any structures.

### PROJECT DESCRIPTION

**Applicant/Engineer:** James Sayler, Henry G. Reitz Engineering, 4214 Rocky River Drive, Cleveland, Ohio 44135.

**Owner:** Rob Rotz, Rotz Investments, LLC, 310 Fernwood Drive, Avon Lake.



Figure 1: Aerial View from Google Earth 6/2/2015



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**Location:** This property is situated north of the intersection of Walker Road and Moore Road.

**Site Area:** 2.38 acres

**Density:** 1.67 dwelling units per acre

**Current Zoning:** B-2, General Business District.

**Proposed Zoning:** R-1A, Single-Family Residence District

**Surrounding Context:** The property is situated in a mixed-use area where zoning transitions from commercial to residential. To the **north**, a single-family residence is situated on a narrow lot zoned B-2, resulting in a nonconforming condition. To the **south**, the applicant owns a small parcel that will remain zoned B-2 for storage and legacy commercial use. Beyond that, at the corner of Walker Road and Moore Road, Avon Lake Regional Water owns property that is currently mapped as B-2, although its actual use and Comprehensive Plan designation are Public and Institutional. To the **east**, the site is bordered by the Chatham Drive neighborhood, an established R-1A subdivision of single-family homes. To the **west**, the property abuts Powdermaker Ditch and the Powder Maker Town Homes, a multi-family development.

**Comprehensive Land Use:** The City's Comprehensive Land Use Plan identifies the subject property, along with adjacent parcels to the north and west as High Density Residential. This designation likely reflects the presence of the Powder Maker Town Homes immediately to the west, which establishes a multi-family pattern in this part of the Moore Road corridor. However, when viewed at the scale of the immediate neighborhood, Moore Road north of Walker Road is characterized primarily by single-family detached housing, including the Chatham Drive subdivision to the east of this site.

**Applicable Code Section: 1214.02:** Code Text and Map Amendment apply.



Figure 2: Excerpt 2022 Zoning Map

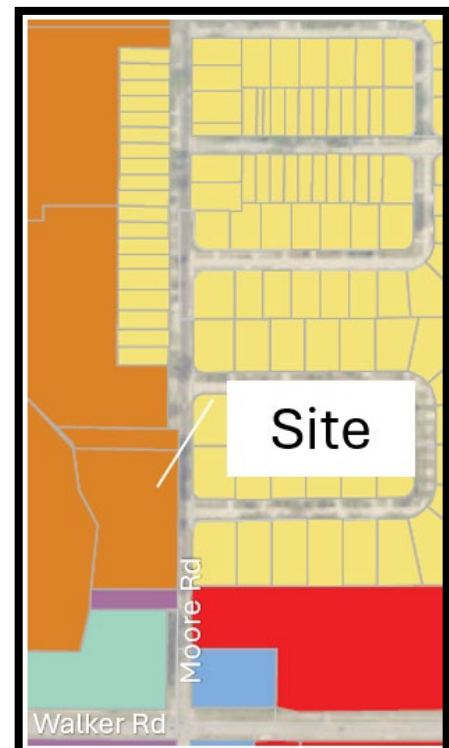


Figure 3: Excerpt 2019 Land Use Plan



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## **PROJECT ANALYSIS**

### **ZONING AND LAND USE**

The site is zoned B-2 (General Business District), which allows a broad mix of commercial uses, including retail, restaurants, offices, and personal services, typically located along major corridors for high visibility and easy access. While appropriate for high-activity business areas, many B-2 uses can introduce higher traffic, noise, and late-hour activity that is out of character with the predominantly residential context on the west side of Moore Road.

In this context, the request to rezone the parcel from B-2 to R-1A may be understood as a refinement of the Comprehensive Plan rather than a departure from it. Although R-1A provides lower density than townhomes, it preserves a residential use consistent with the single-family neighborhoods to the east and north and remains compatible with the multi-family to the west. Creating four standard single-family lots establishes a logical transition, reinforcing the single-family frontage along Moore Road, buffering public and institutional zoning to the south, and stepping down in intensity from the adjacent townhomes.

From a planning perspective, this zoning map amendment advances the Comprehensive Plan's intent by maintaining residential character while reflecting the realities of the surrounding built environment. It balances long-range goals with existing neighborhood conditions, resulting in a land use pattern that is both consistent and context-sensitive.

### **SUSTAINABILITY AND ENVIRONMENTAL IMPACT**

In addition to being compatible with surrounding land uses, the proposed zoning map amendment offers notable sustainability benefits. By shifting from a B-2 General Business District to R-1A Single-Family Residence District, the intensity of development on the site would be significantly reduced. Instead of a commercial buildout that could maximize impervious surfaces and increase traffic volumes, the four proposed single-family lots will preserve more open space and landscaped area, resulting in a smaller footprint on City infrastructure and the natural environment.

The reduced impervious coverage will help mitigate stormwater impacts on the adjacent Powdermaker Ditch and the downstream conveyance system. This change is expected to improve infiltration and reduce runoff, contributing positively to water quality and stormwater management goals. In addition, single-family homes will generate less traffic and place fewer demands on public utilities and safety services than would be anticipated under commercial zoning.

Taken together, the zoning map amendment advances the City's commitment to sustainable growth by balancing neighborhood character with environmental stewardship, ensuring that



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development on this parcel integrates more harmoniously with both the built and natural environments

## **DEVELOPMENT REVIEW COMMITTEE CONSIDERATIONS**

During review of the Moore Road zoning map amendment, DRC members noted that the applicant's request to rezone from B-2 to R-1A is consistent with the surrounding residential context. The applicant also intends to retain a small commercial building on an adjacent parcel in B-2 for storage and legacy use, which members recognized as a reasonable transition between institutional uses to the south and residential neighborhoods to the north and east. All comments received from DRC are attached to this report.

## **REVIEW AND RECOMMENDATION BY THE COMMISSION**

Section 1214.02: Code Text and Map Amendments outlines the procedures and rules for modifying zoning laws, including the application process for changes to zoning maps or regulations. It ensures that these modifications align with the city's overall land use plan, encourages organized development, and considers the impacts on neighboring properties, infrastructure, and community objectives.

### **Review Criteria**

Recommendations and decisions on zoning change requests will be evaluated based on the review criteria outlined in 1214.02 (e), which are provided below for your convenience. not all criteria may be applicable in each case, and each case shall be determined by its 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, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.



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- (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.
- (8) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

### **RECOMMENDATION BY THE COMMISSION**

After reviewing the zoning map amendment request and review criteria, the Commission will decide whether to send it back to the applicant for revisions or recommend approval or denial to the City Council. The Community Development staff will promptly forward the Commission's written findings and recommendations to the City Council for review and approval.

Potential Motion: A motion should be made in the positive. At least four "yes" votes to approve or "no" votes to reject the request are required to make a recommendation to City Council. The language provided below is a guide; it is not intended to suggest a specific action by the Planning Commission.

I move to recommend approval of Case No. CPC-25-16, Rotz Investments, LLC, Zoning Map Amendment for Parcel No. 04-00-006-135-071 located on the west side of Moore Road north of Walker Road, rezoning from B-2 General Business District to R-1A Single Family Residence District finding that the proposed zoning map amendment is consistent with the residential character of the surrounding area, provides an appropriate transition between adjacent land uses, and supports the goals of the Comprehensive Plan by maintaining a residential designation along Moore Road.

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### **SUBSEQUENT ACTION**

Following Planning Commission action and consistent with Section 1214.02, the case will proceed to City Council for final consideration. Council has the authority to approve or deny the zoning map amendment by ordinance. Applicants may request special legislative procedures, such as suspension of the rules (waiving the standard three readings) or adoption as an emergency measure (effective immediately rather than after 30 days). In this case, the applicant has not requested



04-00-006-135-071  
VICINITY MAP

