

AN ORDINANCE AMENDING PLANNING AND ZONING CODE SECTIONS 1214 REVIEW PROCEDURES, 1218 MIXED USE OVERLAY DISTRICT, 1224 ACCESSORY AND TEMPORARY USE REGULATIONS, 1226 GENERAL DEVELOPMENT STANDARDS, 1228 ARCHITECTURAL STANDARDS AND 1246 GENERAL DEFINITIONS AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission at its meeting on December 6, 2022 recommended amending Planning and Zoning Code Sections 1214 Review Procedures, 1218 Mixed Use Overlay District, 1224 Accessory and Temporary Use Regulations, 1226 General Development Standards, 1228 Architectural Standards and 1246 General Definitions; and

WHEREAS, Council coming now to consider said recommendation approves it in full.

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

Section No. 1: That Planning and Zoning Code Section 1214.02(d)(4)(A) is hereby amended as follows:

Chapter 1214: Review Procedures

(d) Code Text or Map Amendment Review Procedure

(4) Step 4 – Planning Commission Review and Recommendation

A. The Planning Commission shall review the ~~preliminary plat~~ application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.

Section No. 2: That Planning and Zoning Code Section 1218.03(c)(1) is hereby amended as follows:

Chapter 1218: Mixed-Use Overlay District (MUO)

1218.03 Review Procedure and Criteria

(c) Significance of an Approved MUO Development Plan

(1) An approved MUO development shall become, for the proposed development, a binding commitment of the specific elements approved for development. Such development plan shall be considered an approved site plan for the development and after approval, the applicant may seek approval of zoning and building permits **without returning to Planning Commission for further approvals.**

Section No. 3: That Planning and Zoning Code Section 1218.04(c) and (d) are hereby amended as follows:

Chapter 1218: Mixed-Use Overlay District (MUO)

1218.04 Permitted Uses

- (c) Uses that are solely residential are permitted within the MUO District but they must be located behind nonresidential buildings. Such uses shall not have frontage along any major arterial or collector road in the MUO District unless such uses are proposed in an area identified ~~for residential~~ as **"R" for medium to high density residential or "T" for townhomes** uses in the focus area concepts of the comprehensive land use plan.
- (d) Residential-only uses shall not occupy any more than 40 percent any site subject to an application. Such uses shall be required to be multi-family dwellings. **The applicant may identify a site containing multiple contiguous parcels.**

Section No. 4: That Planning and Zoning Code Section 1224.02(c)(1)(D) is hereby amended as follows:

Chapter 1224: Accessory and Temporary Use Regulations

1224.02 Temporary Uses and Structures

(c) Permitted Temporary Uses and Structures

(1) Construction Structures

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

- A. The use of such structures shall be limited to offices; buildings for the storage of lumber, equipment, and other building material, and construction dumpsters.
- B. Such construction structures shall be located in a landscaped setting approved by the Planning Commission except that construction dumpster shall be located on a paved surface.
- C. All temporary structures shall be set back a minimum of 25 feet from the nearest occupied residential dwelling.
- D. A temporary structure **for a sales trailer and/or** construction office may **be approved by the Code Administrator and** placed on the site no sooner than two weeks before the start of grading or construction and shall be permitted for a period of one year after issuance of the zoning permit unless an alternative time limit is approved by the **Code Administrator** based on the scale of the project.

Section No. 5: That Planning and Zoning Code Section 1226.01 is hereby amended as follows:

Chapter 1226: General Development Standards

1226.01 Lot and Principal Building Regulations

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

Section No. 6: That Planning and Zoning Code Section 1228.02(b) is hereby amended as follows:

Chapter 1228: Architectural Standards

1228.02 Applicability

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

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

Section No. 7: That Planning and Zoning Code Section 1228.04 is hereby amended as follows:

Chapter 1228: Architectural Standards

1228.04 Architectural Standards for Nonresidential Buildings

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

Section No. 8: That Planning and Zoning Code Section 1246 is hereby amended as follows:

Chapter 1246: Definitions

Zoning District, Nonresidential

The term “nonresidential zoning district” shall include the B-1, B-2, B-3, MUO, I-1, ~~and~~ I-2 districts ~~and P-I~~, regardless if residential uses are permitted.

Section No. 9: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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. 10: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of revising code sections that were determined to be problematic and/or unclear and to maintain the integrity of the Planning & Zoning Code, thus for the public health, safety, and welfare. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

1st reading: 2/27/2023

2nd reading:

3rd reading:

PASSED: 3/13/2023

/s/ Martin E. O'Donnell

President of Council

POSTED: 3/17/2023

APPROVED: 3/14/2023

ATTEST: /s/ Valerie E. Rosmarin

Clerk of Council

/s/ Gregory J. Zilka

Mayor