

ORDINANCE NO. 26-18

AN ORDINANCE TO AMEND SECTION 1292.09(a) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO MODIFY THE MINIMUM NUMBER OF OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES

WHEREAS, zoning regulations for the City of Avon, viz., ACO §1292.09, require ten (10) waiting spaces for most establishments with drive-up window service regardless of whether the use is a permitted or a special use; and

WHEREAS, because of a number of applications submitted to the Board of Zoning and Building Appeals since adoption of this provision in 2001, the BZA and the City's Planning Department proposed amending §1292.09 to reduce the number of required waiting spaces to seven (7); and

WHEREAS, said amendment was referred to Planning Commission for review and recommendation; and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendment which was duly publicized according to law and held on March 21, 2018; and

WHEREAS, on March 21, 2018, by a vote of Four (4) in favor and Zero (0) opposed, Planning Commission recommended disapproval of the amendment to Section 1292.09(a) of the Planning and Zoning Code i.e., they expressed satisfaction with the law as it is written; and

WHEREAS, Council, on April 2, 2018, announced a Public Hearing on said amendment to Section 1292.09(a); and

WHEREAS, said Public Hearing was duly publicized according to law and was held on May 14, 2018 at 7:25 PM; and

WHEREAS, Council, in considering the recommendation of Planning Commission not to amend Section 1292.09(a) of the Planning and Zoning Code, finds that leaving said provision in its current form to be reasonable and in the best interests of the safety, health and welfare of the citizens of Avon.

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

Section 1 -That Section 1292.09(a) which currently reads as follows:

1292.09 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES.

Drive-thru establishments and other establishments which, by their nature, create lines of customers waiting to be served within automobiles shall provide off-street waiting areas on the same lot as the use, in addition to the required number of parking spaces specified in Schedule [1292.04](#), in accordance with the following:

(a) Schedule 1292.09.

<u>MINIMUM NUMBER OF WAITING SPACES</u>	
<u>Establishment</u>	<u>Minimum Number of Waiting Spaces</u>
(1) Establishments serving and/or selling food and/or drinks	10 waiting spaces
(2) Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure	10 waiting spaces
(3) Facilities with service windows or service entrances such as banks, ticket booths, and other similar facilities	10 waiting spaces, but not less than four spaces per window or stall when there are two or more windows or stalls
(4) Self-serve car wash facilities	Four waiting spaces per stall
(5) Gasoline stations	Two waiting spaces per accessible side of a gasoline pump island

(Ord. 58-01. Passed 5-29-01; Ord. 36-12. Passed 6-11-12.)

Shall be amended and shall continue to read as set forth above.(a) Schedule 1292.09.

<u>MINIMUM NUMBER OF WAITING SPACES</u>	
<u>Establishment</u>	<u>Minimum Number of Waiting Spaces</u>
(1) Establishments serving and/or selling food and/or drinks	10 7 waiting spaces
(2) Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure	10 7 waiting spaces
(3) Facilities with service windows or service entrances such as banks, ticket booths, and other similar facilities	10 7 waiting spaces, but not less than four spaces per window or stall when there are two or more windows or stalls
(4) Self-serve car wash facilities	Four waiting spaces per stall
(5) Gasoline stations	Two waiting spaces per accessible side of a gasoline pump island

(Ord. 58-01. Passed 5-29-01; Ord. 36-12. Passed 6-11-12.)

Section 2 - The Codifier is hereby instructed to insert these amendments into Section 1292.09(a).

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

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

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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