

ORDINANCE NO. 38-23

AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE SECTION 1270.03 SCHEDULE OF PERMITTED USES AND SECTION 1280.05 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NON-RESIDENTIAL DISTRICTS TO REQUIRE A SPECIAL USE PERMIT FOR DRIVE-THRU IN THE C-4 DISTRICT

WHEREAS, Section 1270.03 provides a schedule of the permitted uses within the C-4 General Business District; and

WHEREAS, 1280.05 sets forth regulations governing minimum lot area and minimum lot width requirements for special uses in commercial, office and industrial districts; and

WHEREAS, 1270.03(b)(3) Permits (no Special Use Permit required) drive-thru facilities when associated with a principal use of the property; and

WHEREAS, 1280.05(f) requires Special Use permits in Districts C-1, C-2, and C-3 districts; and

WHEREAS, the Planning Coordinator, in an effort to address some of the traffic issues brought on by inadequate stacking at drive-thru facilities has recommended amendments to these sections that would make drive-thru facilities in the C-4 District a Special Use; and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendments which were duly publicized according to law and held on February 15, 2023; and

WHEREAS, on February 15, 2023, by a vote of five (5) in favor and zero (0) opposed, Planning Commission recommended approval of the amendments to Sections 1270.03(b)(3) and 1280.05(f) of the Planning and Zoning Code; and

WHEREAS, Council, on March 6, 2023 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on April 10, 2023 at 7:20PM; and

WHEREAS, Council, in considering the recommendation of Planning Commission and comments from the Administration finds that amending Sections 1270.03(b)(3) and 1280.05(f) of the Codified Ordinances of the City of Avon is in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 - That Section 1270.03(b)(3) of the Avon Codified Ordinance which currently reads as follows:

1270.03 SCHEDULE OF PERMITTED USES.

	<u>C-1</u> <u>Neighborhood</u> <u>Business</u>	<u>C-2</u> <u>Central</u> <u>Business/</u> <u>French Creek</u>	<u>C-3</u> <u>Planned</u> <u>Commercial</u> <u>Development</u>	<u>C-4</u> <u>General</u> <u>Business</u>
(b) <u>Retail and Services</u>				
(3) Drive-thru facility associated with a permitted principal or special use	SU	SU	SU	P

Shall be amended to read as follows: (New language in bold print; deleted language stricken)

1270.03 SCHEDULE OF PERMITTED USES.

	<u>C-1</u> <u>Neighborhood</u> <u>Business</u>	<u>C-2</u> <u>Central</u> <u>Business/</u> <u>French Creek</u>	<u>C-3</u> <u>Planned</u> <u>Commercial</u> <u>Development</u>	<u>C-4</u> <u>General</u> <u>Business</u>
(b) <u>Retail and Services</u>				
(3) Drive-thru facility associated with a permitted principal or special use	SU	SU	SU	P SU

Section 2 - That Section 1280.05(f) of the Avon Codified Ordinance which currently reads as follows:

Schedule 1280.05

MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS

Special Use	Special Use in District	Minimum Lot Regulations		Also See Section:
		<u>Area</u>	<u>Width</u>	
(e) Day care facility, child and adult	O-1 O-2	(1)	(1)	1280.06(i)
(f) Drive-thru facility in association with permitted use	C-1 C-2 C-3	1 acre	150 ft.	1280.06(j)

Shall be amended to read as follows: (New language in bold print; deleted language stricken)

Schedule 1280.05

**MINIMUM LOT AND YARD REGULATIONS FOR
SPECIAL USES IN NONRESIDENTIAL DISTRICTS**

Special Use	Special Use in District	Minimum Lot Regulations		Also See Section:
		Area	Width	
(e) Day care facility, child and adult	O-1 O-2	(1)	(1)	1280.06(i)
(f) Drive-thru facility in association with permitted use	C-1 C-2 C-3 C-4	1 acre	150 ft.	1280.06(j)

Section 3 - The Codifier is hereby instructed to insert the amendments to Sections 1270.03(b)(3) and 1280.05(f) in the appropriate order within the existing codified ordinances, renumbering and/or re-lettering anywhere applicable. All other language contained in Sections 1270.03(b)(3) and 1280.05(f) not specifically amended herein shall remain in full force and effect.

Section 4 - 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 5 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading _____

Second Reading _____

Third Reading _____

PASSED: _____

DATE SIGNED: _____

By: _____

Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

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

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____
Electronically and at City Hall as
Provided by Council

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