

ORDINANCE NO. 74-24

AN ORDINANCE TO AMEND SECTIONS 1222.02, 1270.03, 1270.08, 1280.05, AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO PROHIBIT CERTAIN USES THEREIN IMMEDIATELY ADJACENT TO OR WITHIN 500 FEET OF DETROIT ROAD

WHEREAS, the voters of the City of Avon passed a Charter Amendment, viz., Article XIII, Section 9, entitled “Detroit Road Preservation” on November 4, 2003; and

WHEREAS, to maintain consistency with the purpose behind this Charter Amendment, Council and the Administration are proposing to expand on the concept of preserving Detroit Road by prohibiting retail fueling stations, be they gas, electric or otherwise, on property adjacent to (fronting) Detroit Road or on property located within 500 feet of said Detroit Road right of way; and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendments which was duly publicized according to law and held on June 19, 2024; and

WHEREAS, on June 19, 2024, by a vote of Five (5) in favor and Zero (0) opposed, Planning Commission recommended to City Council approval of the amendments to the Planning and Zoning Code; and

WHEREAS, Council, on July 1, 2024, announced a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on September 9, 2024 at 7:20 PM; and

WHEREAS, Council, in considering the recommendation of Planning Commission, finds that amending Sections 1270.03, 1270.08, 1280.05, and 1280.06 is reasonable and in the best interests of the safety, health and welfare of the citizens of Avon and the preservation of Detroit Road as set forth in the City Charter.

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

Section 1 -That Section 1222.02(b) which currently reads as follows:

(38) “Easement.” An authorization by a property owner for the use of a designated part of his or her property by another for a specified purpose.

(39) “Engineer, city.” The duly designated Engineer of the City, or the Engineer assigned by the City to any specific project.

Shall be amended to read as follows: (new language in bold print)

(38) "Easement." An authorization by a property owner for the use of a designated part of his or her property by another for a specified purpose.

(38-A) "Electric Vehicle, (EV) Charging Station." A charging station, also known as a charge point, chargepoint, or electric vehicle supply equipment, is a power supply device that supplies electrical power for recharging plug-in electric vehicles. There are two main types of EV chargers: Alternating current charging stations and direct current charging stations

(39) "Engineer, city." The duly designated Engineer of the City, or the Engineer assigned by the City to any specific project.

Section 2 -That Section 1270.03(e) 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>
(e) <u>Automotive/Transportation</u>				
(6) Car wash			SU	P
(7) Gasoline station			SU	P
(8) Parking as principal use		SU	P	P
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use Blank Cell = Use Not permitted X = Specifically prohibited *=Must comply with ACO Section 1610.17. Refer to Ohio Fire Code for definitions. **=Must comply with ACO 1270.081. Supplemental Regulations for Sale of Used Autos.				

(Ord. 58-01. Passed 5-29-01; Ord. 78-05. Passed 6-13-05; Ord. 21-06. Passed 3-27-06; Ord. 94-07. Passed 9-10-07; Ord. 1-08. Passed 2-11-08; Ord. 169-08. Passed 1-12-09; Ord. 26-10. Passed 5-10-10; Ord. 35-12. Passed 6-11-12; Ord. 33-12. Passed 7-9-12; Ord. 34-14. Passed 7-9-12; Ord. 128-12. Passed 12-27-12; Ord. 11-13. Passed 2-25-13; Ord. 121-14. Passed 11-10-14.)

Shall be amended to read as follows: (new language in bold print)

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>
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(e) Automotive/Transportation				
(6) Car wash			SU	P
(7) Fueling station (gasoline, diesel or EV Charging Station)#			SU	P
(8) Parking as principal use		SU	P	P
(9) Commercial Truck Center/ Service Area†	X	X	X	X
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use Blank Cell = Use Not permitted X = Specifically prohibited *=Must comply with ACO Section 1610.17. Refer to Ohio Fire Code for definitions. **=Must comply with ACO 1270.081. Supplemental Regulations for Sale of Used Autos. † See Chapter 861, et. seq. for definition, etc. # Prohibited on any property adjacent to Detroit Road or within 500 feet of Detroit Road right of way				

(Ord. 58-01. Passed 5-29-01; Ord. 78-05. Passed 6-13-05; Ord. 21-06. Passed 3-27-06; Ord. 94-07. Passed 9-10-07; Ord. 1-08. Passed 2-11-08; Ord. 169-08. Passed 1-12-09; Ord. 26-10. Passed 5-10-10; Ord. 35-12. Passed 6-11-12; Ord. 33-12. Passed 7-9-12; Ord. 34-14. Passed 7-9-12; Ord. 128-12. Passed 12-27-12; Ord. 11-13. Passed 2-25-13; Ord. 121-14. Passed 11-10-14.)

Section 3 -That Section 1270.08 which currently reads as follows:

1270.08 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS AND AUTO SERVICE STATIONS.

All gasoline stations and auto service stations shall comply with the following standards.

- (a) Fuel pumps and associated access aisles and canopies shall comply with the parking setback requirements in Schedule 1270.06(a).
- (b) Canopies shall have a maximum height of 20 feet.
- (c) Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.
- (d) No junk or unlicensed motor vehicles shall be permitted to be parked or stored on the property.

(Ord. 58-01. Passed 5-29-01; Ord. 128-12. Passed 12-27-12.)

Shall be amended to read as follows: (new language in bold print)

1270.08 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS AND AUTO SERVICE STATIONS.

All gasoline stations and auto service stations shall comply with the following standards.

- (a) Fuel pumps and associated access aisles and canopies shall comply with the parking setback requirements in Schedule 1270.06(a).

- (b) Canopies shall have a maximum height of 20 feet.
 - (c) Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.
 - (d) No junk or unlicensed motor vehicles shall be permitted to be parked or stored on the property.
 - (e) **No fueling stations (gasoline, diesel, EV charging centers or the like) shall be allowed on property adjacent to Detroit Road or within 500 feet of any Detroit Road right of way.**
- (Ord. 58-01. Passed 5-29-01; Ord. 128-12. Passed 12-27-12.)

Section 4 -That Section 1280.05 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 Regulation		Also See Section:
		Area	Width	
(i) Gasoline station	C- 3	(1)	(1)	1280.06(c)
<u>Notes to Schedule 1280.05:</u> (1) Shall comply with district regulations. NA Not Applicable * = Must comply with ACO Section 1610.17				

(Ord. 58-01. Passed 5-29-01; Ord. 30-05. Passed 3-28-05; Ord. 1-08. Passed 2-11-08; Ord. 169-08. Passed 1-12-09; Ord. 54-09. Passed 5-26-09; Ord. 26-10. Passed 5-10-10; Ord. 35-12. Passed 6-11-12; Ord. 33-12. Passed 7-9-12; Ord. 34-12. Passed 7-9-12; Ord. 128-12. Passed 12-27-12; Ord. 11-13. Passed 2-25-13; Ord. 41-19. Passed 6-10-19; Ord. 29-20. Passed 4-27-20; Ord. 51-21. Passed 8-9-21; Ord. 38-23. Passed 4-10-23; Ord. 57-23. Passed 5-22-23.)

Shall be amended to read as follows: (new language in bold print)

Schedule 1280.05

MINIMUM LOT AND YARD REGULATIONS FOR
SPECIAL USES IN NONRESIDENTIAL DISTRICTS

Special Use	Special Use in District	Minimum Lot Regulation	Also See Section:

		<u>Area</u>	<u>Width</u>	
(i) Gasoline station Fueling station (gasoline, diesel, EV Charging Station or the like)#	C-3	(1)	(1)	<u>1280.06(c)</u>
Notes to Schedule 1280.05: (1) Shall comply with district regulations. NA Not Applicable * = Must comply with ACO Section <u>1610.17</u> # Prohibited on any property adjacent to Detroit Road or within 500 feet of Detroit Road right of way				

(Ord. 58-01. Passed 5-29-01; Ord. 30-05. Passed 3-28-05; Ord. 1-08. Passed 2-11-08; Ord. 169-08. Passed 1-12-09; Ord. 54-09. Passed 5-26-09; Ord. 26-10. Passed 5-10-10; Ord. 35-12. Passed 6-11-12; Ord. 33-12. Passed 7-9-12; Ord. 34-12. Passed 7-9-12; Ord. 128-12. Passed 12-27-12; Ord. 11-13. Passed 2-25-13; Ord. 41-19. Passed 6-10-19; Ord. 29-20. Passed 4-27-20; Ord. 51-21. Passed 8-9-21; Ord. 38-23. Passed 4-10-23; Ord. 57-23. Passed 5-22-23.)

Section 5 -That Section 1280.06 which currently reads as follows:

1280.06 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

(c) Auto Service Station or Gasoline Station. When located on a corner lot, such uses shall have not less than 150 feet frontage on each of the two intersecting streets. The location of access drives shall be placed as far as possible from the intersection, and shall be limited to no more than one access drive per street frontage. The facility shall also comply with the standards set forth in Section 1270.08.

Shall be amended to read as follows: (new language in bold print)

1280.06 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

(c) Auto Service Station or Gasoline **Fueling Stations (Gasoline, diesel, EV Charging Stations or the like)**.

When located on a corner lot, such uses shall have not less than 150 feet frontage on each of the two intersecting streets. The location of access drives shall be placed as far as possible from the intersection, and shall be limited to no more than one access drive per street frontage. The facility shall also comply with the standards set forth in Section 1270.08.

(1) No Fueling Stations, (gasoline, diesel, EV Charging Stations or the like), shall be permitted anywhere along Detroit Road and within a five hundred foot (500') of any Detroit Road right of way.

Section 6 - The Codifier is hereby instructed to insert the amendments into Section 1270.03(e) as contained in this legislation in the appropriate order within the existing codified ordinances, re-numbering and/or re-lettering anywhere applicable. All other language contained in Sections 1270.03(e) not specifically amended herein shall remain in full force and effect.

Section 7 - 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 8 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading: 7-8-24
Second Reading: 8-12-24
Third Reading: 9-23-24

PASSED: September 23, 2024 DATE SIGNED: September 23, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR September 24, 2024

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Barbara J. Brooks, Clerk of Council

POSTED: September 25, 2024
Electronically and at City Hall as
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 74-24, passed by the Council of said City on September 23, 2024.

IN WITNESS WHEREOF, I have on this 24th day of September 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio