

ORDINANCE NO. 14-22

AN ORDINANCE TO ADD SECTION 1222.02(b)(44a) AND TO AMEND SECTION 1270.03(b)(3) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON, TO PERMIT DRIVE-THRU BANKING IN THE C-4 GENERAL BUSINESS DISTRICT WHEN NOT ASSOCIATED WITH A PRINCIPAL USE ON THE PROPERTY

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

WHEREAS, 1270.03(a)(2) permits financial institutions to operate in all of the various business districts including C-4; and

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

WHEREAS, 1222.02(b)(97) defines “principal use”; and

WHEREAS, the proposed addition of 1222.02(b)(44-a) and the amendment to Section 1270.03(b)(3) were presented to Planning Commission on January 19, 2022 by Commstar Credit Union. A public hearing was held that same day and by a vote four (4) to zero (0) Planning Commission voted to not recommend these amendments to the Planning and Zoning Code; and

WHEREAS, Council, on February 7, 2022 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on March 14, 2022 at 7:25 PM; and

WHEREAS, Council, in considering the negative recommendation of Planning Commission, comments from the Administration and the presentation by Commstar, finds that adding Section 1222.02(b)(44-a) to the Codified Ordinances of the City of Avon and amending Section 1270.03(b)(3) 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 1222.02(b)(44-a) shall be added to the Avon Codified Ordinance and will read as follows:

(44-a) “Financial Institutions”. Any building, property or activity, the principal use or purpose of which is the provision of financial services including, but not limited to, banks, facilities for automated teller machines (ATMs), video interactive teller machines, credit unions, savings and loan institutions and mortgage companies.

Section 2 - 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

Section 3 - The Codifier is hereby instructed to insert the amendment to the section set forth in Section 1 of this ordinance in the appropriate order within the existing codified ordinances, renumbering and/or re-lettering anywhere applicable. All other language contained in Section 1270.03(b)(3) and the addition of 1222.02(b)(44-a) 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: _____
In Five Places as
Provided by Council

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