



Planning and Economic Development
Ed Anzek, AICP, Director

From: James Breuckman, AICP
To: City Council
Date: 2/2/2012
Re: Zoning Amendments

Attached to this memo is the Ordinance Draft of a raft of Zoning Amendments recommended for approval by the Planning Commission at their January meeting.

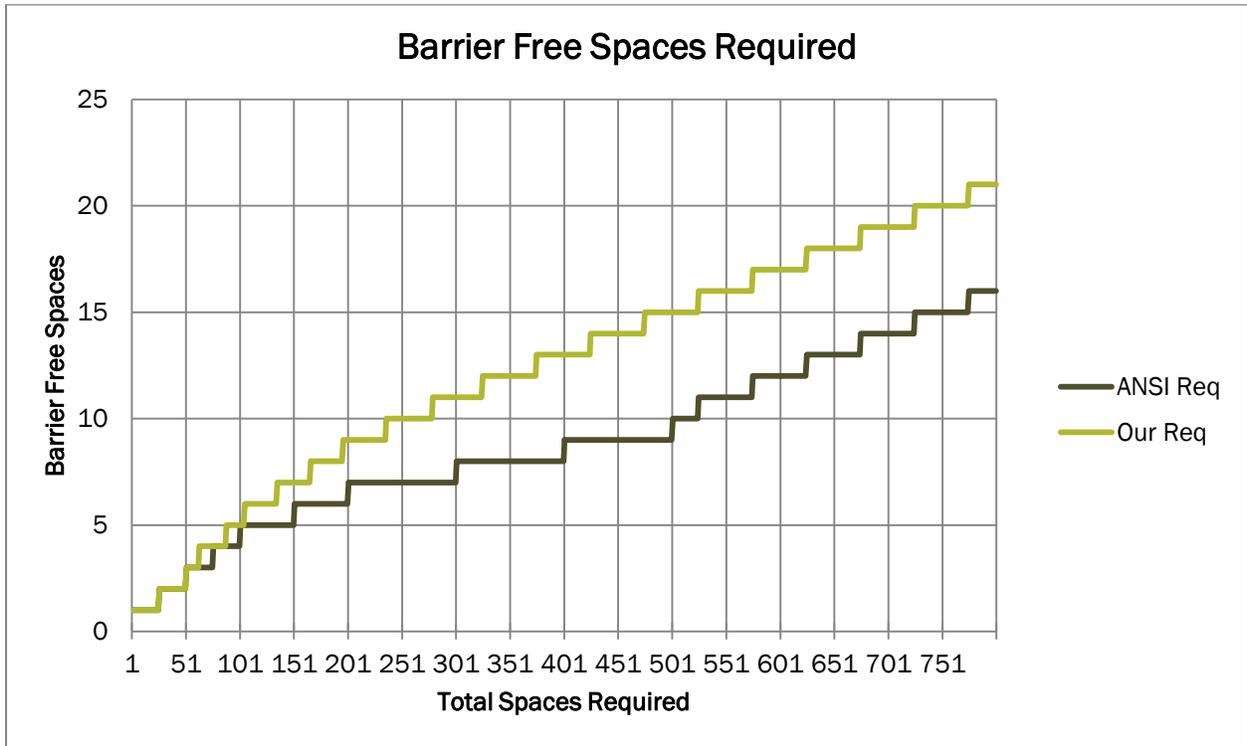
The following table lists the amendment categories and the sections to be amended within each category:

Amendment	Sections Amended
Handicap Accessible Parking	138-11.300.A
Drive Through Requirements	138-4.300 138-4.410 138-4.438 (to be deleted) 138-4.439 through 138-4.445 (to be renumbered)
Parking Space Striping Requirements	138-11.304
Alternate Parking Lot Surfacing	138-11.307
B-5 District Setback Requirements	138-5.100
Miscellaneous Corrections	138-3.104.C 138-4.300 138-8.603
RMH District Standards	Article 6, Chapter 4

Supplemental information pertaining to each amendment is included on the following pages.

Barrier Free Parking Spaces (pages 1-2 of ordinance draft)

Reflecting the needs of an aging population, the Planning Commission is recommending that the City require slightly more barrier free ADA-accessible parking spaces. We have chosen to implement a percentage-based requirement that will result in smaller parking lots only having to provide spaces equal to that required by ANSI. As parking lots get larger, our new standards will require progressively more barrier free parking spaces. The following chart shows the difference between the current ANSI requirements and our proposed standards.



The ordinance will also be amended to require “universal design” for all barrier free parking spaces. A standard ANSI compliant space must be 8 feet wide with an adjacent 5 foot wide access aisle, however, there may only be an access aisle on one side of the parking space and a handicapped person exiting a car on the side opposite the access aisle may not have enough room to exit the car.

Universal design requires that all barrier free spaces be 11 feet wide with an adjacent 5 foot wide access aisle, providing enough room within the parking space for disabled persons to exit on either side of the car. This also removes the need for separate van-accessible spaces as all spaces are now van-accessible.

Drive Through Restaurants (page 3 of ordinance draft)

Currently there are two separate sets of requirements for drive through facilities – one set of standards in Section 138-4.438 for drive through restaurants and a second set of standards for all other drive through uses in Section 138-4.410.

The standards in 4.410 were adopted as part of the new Zoning Ordinance in 2009. The standards in 4.438 have been in the ordinance since the 1970s. The old restaurant standards required a minimum of 1 acre and 150 feet of lot frontage for a drive through restaurant. Those standards were significant obstacles given the operating characteristics of today’s drive through restaurants. We are proposing to eliminate the outdated standards of 4.438 and making drive through restaurants subject to the standards of 4.410.

Parking Striping and Surfacing Amendments (page 3 of ordinance draft)

The proposal is to eliminate the double striping requirement for employee spaces or parking spaces that do not frequently turn over. The purpose of double striping is to center cars within a space and to maintain sufficient spacing between cars. The most value is gained by requiring this for spaces where cars are frequently entering and exiting spaces, such as customer parking spaces accessory to retail uses. There isn’t much value in requiring double striping at workplaces where a parking space may turn over once or twice a day.

The amendments will also provide the ability for the staff to approve alternate surfacing for parking lots in limited cases. This will allow for more pervious surfaces to be used, and also for more contextually appropriate surfacing when an asphalt or concrete parking lot is not necessary.

B-5 District Setback Amendments (page 4 of ordinance draft)

Prior to 1977 there were just three B districts (B-1, B-2, and B-3) in Avon Township, and gas stations were permitted in all three B districts. In 1977 Avon Township enacted a new Zoning Ordinance that created the B-4 and B-5 zoning districts, and gas stations were only permitted in B-5 districts.

	Property Line				
	Front	Side Street	Side (each)	Side (total)	Rear
B Requirements (before 1977)	25-40 feet	0 feet	0 feet	0 feet	20 feet
B-5 Requirement (1977)	75 feet	25 feet	25 feet	50 feet	50 feet
B-5 Requirement (Today)	75 feet	75 feet	25 feet	50 feet	50 (25) feet

The above table makes clear that the Township’s creation of the B-5 district in 1977 created many nonconforming gas stations throughout the community. One effect of the larger B-5 district setbacks has been to prevent the improvement or redevelopment of many gas station sites throughout the City, a restriction that persists despite recent amendments that allow the Planning Commission to reduce setback requirements in the B-5 district. Please refer to the attached table showing the status of compliance with current zoning ordinance setback requirements for B-5 zoned sites in the City. You will note that nearly every gas station in the City is nonconforming in some respect.

Established Building Line (EBL) Setback Amendments

In an effort to simplify the EBL requirements during the 2009 update, a provision that allowed for a reduction of 10 feet in the established building line was removed from the ordinance. However, this provision provided the ability for homeowners to add onto the front of their houses and with its removal we have run into cases where we have had to deny applications for homeowners to reinvest in their houses. The proposed language would add the 10-foot reduction provision back into the ordinance, consistent with past practice prior to 2009.

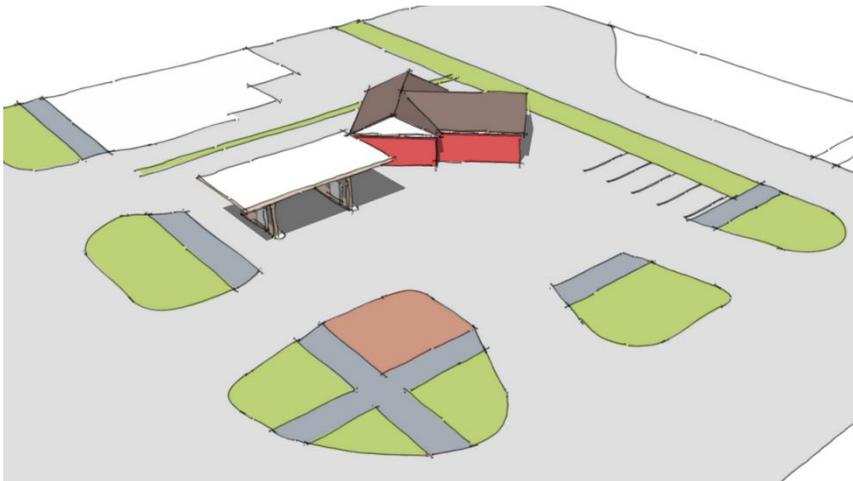
Front Building/Rear Canopy Gas Stations

This new provision would provide an alternate form of development for gas stations that can help to alleviate design issues at existing gas stations. The provisions allow for a drastically reduced building setback requirement that allows for the building to move closer to the street while moving the canopies back behind the building, effectively concealing or reducing the visual impact of the pump areas.

This is an option that may be chosen by the property owner, and will likely only be used at corner lots where pumps will still be visible from the street. This option does bring some benefits, however:

- It improves circulation patterns by moving driveways away from an intersection.
- It increases the quality of the streetscape by moving a building closer to the street, providing a better definition of space along the street and also improving the pedestrian environment.

Following is an illustration of a standard gas station layout with 75 foot front setback:



Here is a potential layout at the same site that uses the front building/rear canopy layout:



RMH District Amendment (page 8 of ordinance draft)

The proposed RMH district amendment is necessary due to changes in State Law since the City's existing MH Mobile Home Park district standards were adopted. The State's Manufactured Housing Commission oversees administrative rules that have a set of design standards for manufactured home parks that pre-empt local ordinances, unless a local ordinance is approved by the MHC.

At the time of Zoning Ordinance adoption in 2009 we had not yet received approval from the MHC on our new standards. We did receive approval a few months after adoption of the ordinance for the proposed RMH district language, which we are now proposing to include in the ordinance. The existing standards in the ordinance are unenforceable and pre-empted by the state.