

FIRST READING: 7.24.23

SECOND READING: 10.9.23

THIRD READING: 10.23.23

AMENDED ORDINANCE NO. 65-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1187.23 ENTITLED OFF-STREET WAITING/QUEUING SPACES FOR DRIVE-THRU FACILITIES, REGARDING BUSINESS DISTRICT REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

**WHEREAS:** the Administration of the City of Rocky River, has deemed it necessary to amend Section 1187.23 entitled Off-Street Waiting/Queuing Spaces For Drive-Thru Facilities, of the Codified Ordinances regarding business district regulations within the Development Code; and

**WHEREAS:** this Ordinance was recommended by the Planning Commission of the City of Rocky River for approval on August 15<sup>th</sup>, 2023; and

**WHEREAS:** it is the desire of the Administration and Council of the City of Rocky River that Section 1187.23 of the Codified Ordinances of the City of Rocky River concerning the Development Code be amended regarding off-street waiting/queuing spaces for drive-thru facilities, as further described in the attached Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Section 1187.23 entitled Off-Street Waiting/Queuing Spaces For Drive-Thru Facilities of the Codified Ordinances of the City of Rocky River be amended, as further described in the attached Exhibit "A".

PASSED: October 23<sup>rd</sup>, 2023

James W. Moran  
JAMES W. MORAN  
President of Council

PRESENTED

TO MAYOR: October 23<sup>rd</sup>, 2023

APPROVED: October 23<sup>rd</sup>, 2023

ATTEST:

I, the undersigned clerk of council of the City of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 23<sup>rd</sup> day of October, 2023.

Arsen G. Pease  
USAN G. PEASE  
Clerk of Council

Pamela E. Bobst  
PAMELA E. BOBST  
Mayor

City of Rocky River } ss  
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 65-23 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 23<sup>rd</sup> DAY OF October, 2023 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW, THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 65-23

F:\EU\Ordinances\Cover Ordinance for Section 1167.03

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 23<sup>rd</sup> DAY OF October, 2023.

Arsen G. Pease  
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

Arsen G. Pease  
Clerk of Council of the City of Rocky River, Ohio

**1187.23 OFF-STREET WAITING/QUEUING 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/queuing areas, on the same lot as the use, in addition to the required number of parking spaces specified in Schedule 1187.09, in accordance with the following in Schedule 1187.23:

(a) Schedule 1187.23 Minimum Number of Waiting/Queuing Spaces:

|                                                                                                                                                                       |                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Establishments serving and/or selling food and/or drinks:                                                                                                         | <del>Six (6)</del> <b>Twelve (12)</b> waiting/queuing spaces per order board or station, as measured from the order board or station.           |
| (2) Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:                                   | <del>Five (5)</del> <b>Twelve 12</b> waiting/queuing spaces                                                                                     |
| (3) Facilities with service windows or service entrances such as banks, drug stores, dry cleaners, ticket booths, drive-up ATM machines and other similar facilities: | Four (4) waiting/queuing spaces for the first drive-thru window or stall and two (2) waiting/queuing spaces for each additional window or stall |
| (4) Self-serve car wash facilities:                                                                                                                                   | Two (2) waiting/queuing spaces per stall                                                                                                        |
| (5) Gasoline stations:                                                                                                                                                | Two (2) waiting/queuing spaces per accessible side of a gasoline pump island                                                                    |
| (6) All other uses                                                                                                                                                    | Three (3) waiting/queuing spaces for each window or stall                                                                                       |

- (b) Vehicles Prohibited within the Public Right-of-Way. In any case, vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.
- (c) Waiting/Queuing Space Dimensions. Each off-street waiting/queuing space shall have an area not less than 144 square feet (measuring 8 feet by 18 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.
- (d) Reduction Change in Required Waiting/Queuing Spaces.  
~~The Planning Commission may reduce the number of required waiting/queuing spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of waiting/queuing spaces does not impede vehicular traffic flow on and off the site as well as ingress/egress to the site.~~

- (1) **The Planning Commission may require additional waiting/queuing spaces to adequately serve the establishment**
- (2) **The Planning Commission may reduce the number of required waiting/queuing spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of waiting/queuing spaces does not impede vehicular traffic flow on and off the site as well as ingress/egress to the site.**

- (e) A separate, clearly-defined vehicle lane shall be provided for any drive-through window, and such lane shall be defined by striping, curbs and/or landscaping as determined to be appropriate and approved by the Planning Commission.
- (f) Access, waiting/queuing spaces and all other vehicular circulation shall be clearly defined and well marked to assure the public's safety and convenience. The circulation plan may be referred to the City Engineer for input and any additional, reasonable requirements deemed necessary to assure such safety and convenience.
- (g) No waiting/queuing spaces or drive-through window shall be permitted within twenty (20) feet of any rear lot line, within twenty (20) feet of any side lot line, nor within thirty-five (35) feet of any property zoned for residential use. The Planning Commission may modify this buffer yard requirement pursuant to subsection 1185.11 (h), Modifications to Buffering and Screening Requirements.
- (h) No waiting/queuing spaces for a drive-through service shall be permitted which would obstruct access into or out of any off-street parking space on the property.
- (i) Drive-in and drive-thru lanes, waiting/queuing spaces, speakers, & order windows shall not be located in the required front, side, or rear setbacks including the required setback adjacent to street rights-of-way. Drive-thru lanes and required waiting/queuing spaces shall not occupy any required parking space or driveway required to access these spaces.