

MINUTES  
ONTARIO PLANNING COMMISSION  
MAY 15, 2018

The Ontario Planning Commission met in special session on May 15, 2018, at 8:00 a.m., in the Municipal Building with Chair Susan Hellinger presiding. The following Commission members were present at roll call: Chair Susan Hellinger, Service-Safety Director Jeff Wilson, Mick Motley and Jill Knight. Also, in attendance was Law Director Andrew Medwid, Zoning Inspector Dan Herrold and Clerk of Council Cathy VanAuker.

The purpose of the special Planning Commission meeting was to discuss proposed legislation for the regulation of “concession stands” in the City of Ontario and make a recommendation to Council.

Mr. Medwid explained Codified Chapter 1145, General Provisions, of the Planning and Zoning Code would be amended with the addition of Section 1145.38 - Concession Stands. Section 1133.02(37) defines Concession Stand: “Is any structure, vehicle or trailer designed to display goods, objects, apparel or food for direct sale to the general public.” Section 1145.08, Exclusionary Nature of Zoning Ordinance, states if there isn’t a provision for something in our planning code it is to be excluded from our planning code. Therefore, because concession stand is defined, technically they are not allowed inside the city.

Exceptions:

- Under proposed code 1145.38, Concession Stands, an exception would be if the concession stand is operated on property owned, leased or controlled by the property owner. Brown Derby operates a concession stand on their own premises which fits into an exception under the business district code because they are operating to further their own business.
- Concession stands operating at the 4<sup>th</sup> of July Festival, which is put on by a private enterprise.
- This does not apply to Temporary Outdoor Amusements, Codified Chapter 731, which is festivals and special events.

Under the proposed concession stand guidelines, non-profit concession stands operating on someone else’s property base their time on the number of days of operation. They can be at one location for 30 days, then they must leave. If they are opened 7 days per week, they may stay 30 days; if opened a couple of days per week, they may go back until they reach 30 days.

Mr. Herrold requested a no charge permit process specifying the concession stand owner, property owner, consent from the property owner and operating hours of the concession stand. Mr. Medwid suggested the concession stand owner apply for the permit, provide the hours/days of operation and where they’ll be located.

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Mr. Motley moved to approve the ordinance as presented with the amendment requiring a no fee permit. Mrs. Knight seconded the motion. Hearing no discussion, three members cast their votes Aye, zero Nay, one Abstain by Mrs. Knight, and the motion passed.

At 8:12 a.m., with no further business to come before the Planning Commission, the meeting was adjourned upon a motion by Mrs. Knight and a second by Mr. Wilson.

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Susan Hellinger, Chair

Date