

ORDINANCE NO. 106-16

AN ORDINANCE TO AMEND SECTION 1270.03(e) AND TO REPEAL SECTION 1270.081 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING THE SALE OF USED AUTOMOBILES AS AN ACCESSORY USE IN THE C-4 GENERAL BUSINESS DISTRICT.

WHEREAS, zoning regulations for the City of Avon currently prohibit the sale of used cars in a C-4 General Business district except under certain circumstances; and

WHEREAS, CarMax has applied to amend Section 1270.03(e) to allow the sale of used autos as a Special Use in the C-4 (General Business); and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendments which was duly publicized according to law and held on October 19, 2016; and

WHEREAS, on October 19, 2016, by a vote of zero (0) in favor and four (4) opposed, Planning Commission recommended **NOT** to approve the proposed amendments to the Planning and Zoning Code; and

WHEREAS, Council, on November 7, 2016, announced a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and scheduled to take place on December 12, 2016 at 7:15 PM; and

WHEREAS, Council, considering the Planning Commission’s recommendation not to amend the Planning and Zoning Code as proposed, finds that amending Section 1270.03(e) and repealing Section 1270.081 of the Code regarding the sale of used autos is reasonable.

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

Section 1 -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</u> <u>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)				
(1) Auto repair garage (major repair)				P

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(2) Auto service station (minor repair)			SU	P
(3) Automotive sales (new) and rental**				P
(4) Automotive sales (used)**				A
(5) Auto detailing		SU	SU	P
(6) Car wash			SU	P
(7) Gasoline station			SU	P
(8) Parking as principal use		SU	P	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.</p>				

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

1270.03 SCHEDULE OF PERMITTED USES.

	<u>C-1 Neighborhood Business</u>	<u>C-2 Central Business/ French Creek</u>	<u>C-3 Planned Commercial Development</u>	<u>C-4 General Business</u>
(e)				
(1) Auto repair garage (major repair)				P
(2) Auto service station (minor repair)			SU	P
(3) Automotive sales and rental				P
(4) Automotive sales (used)			SU	

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(4) Auto detailing	SU	SU	SU	P
(5) Car wash			SU	P
(6) Gasoline station			SU	P
(7) 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.)

Section 2 - That section 1270.081 which currently reads as follows will be repealed:

~~1270.081 SUPPLEMENTAL REGULATIONS FOR SALES OF USED AUTOMOBILES.~~

~~All non residential, used automotive sales establishments shall comply with the following standards:~~

- ~~(a) The sale of used automobiles and trucks not exceeding one ton rated capacity are declared to be an accessory use in the C-4 District and incidental to franchised new automobile dealership and the sale and storage of such vehicles must be on the same lot as the main, new automobile, dealership.~~

Section 3 - The Codifier is hereby instructed to insert the amendments into Section 1270.03(e) and repeal 1270.081 as contained in this legislation in the appropriate order within the existing codified ordinances, renumbering 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 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.

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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: _____

Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

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