

ORDINANCE NO. 121-14

AN ORDINANCE TO AMEND SECTION 1270.03(e) AND TO CREATE NEW SECTION 1270.081 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO DESIGNATE THE SALE OF USED AUTOMOBILES AS AN ACCESSORY USE TO THE SALE OF NEW AUTOMOBILES THROUGH MANUFACTURER FRANCHISED NEW AUTOMOBILE DEALERSHIPS IN THE C-4 GENERAL BUSINESS DISTRICT

WHEREAS, zoning regulations for the City of Avon currently prohibit any automotive sales and rentals except in a C-4 General Business district; and

WHEREAS, the City Administration has recommended amending Section 1270.03(e) to only allow the sale of used autos as an Accessory 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 September 17, 2014; and

WHEREAS, on September 17, 2014, by a vote of five (5) in favor and zero (0) opposed, Planning Commission recommended approval of the amendments to the Planning and Zoning Code; and

WHEREAS, Council, on October 6, 2014, announced a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on November 10, 2014 at 7:20 PM; and

WHEREAS, Council, in considering the recommendation of Planning Commission, finds that amending Section 1270.03(e) and creating Section 1270.081 of the Code to declare the sale of used autos as an accessory use to the sale of new automobiles through franchised dealerships under the specific conditions outlined in these amendments is reasonable and in the best interests of the safety, health and welfare of the citizens of Avon.

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 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) <u>Automotive/Transportation</u>				
(1) Auto repair garage (major repair)				P

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(2) Auto service station (minor repair)			SU	P
(3) Automotive sales and rental				P
(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.				

(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.)

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

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>
(e) <u>Automotive/Transportation</u>				
(1) Auto repair garage (major repair)				P
(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	SU	P
(6) Car wash			SU	P
(7) Gasoline station			SU	P
(8) 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.				

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Section 2 - That Chapter 1270 shall be amended to add new section 1270.081 which states the following:

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 1270.081 as contained in this legislation in the appropriate order within the existing codified ordinances, renumbering and/or relettering 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.

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 L. Witherspoon, Council President

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DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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