

ORDINANCE NO. 40-17

AN ORDINANCE TO AMEND SECTION 1270.03(e) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO PROHIBIT THE COMMERCIAL TRUCK CENTER/SERVICE AREA IN THE SCHEDULE OF PERMITTED USES

WHEREAS, Council passed Ordinance No. 24-17 on April 10, 2017, prohibiting Commercial Truck Center/Service Areas. (See ACO 861)

WHEREAS, to maintain consistency within the Codified Ordinances, the City Administration has recommended amending Section 1270.03(e) to prohibit commercial truck centers/service areas in the schedule of permitted uses; and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendments which was duly publicized according to law and held on April 19, 2017; and

WHEREAS, on April 19, 2017, by a vote of five (5) in favor and zero (0) opposed, Planning Commission recommended to City Council approval of the amendments to the Planning and Zoning Code; and

WHEREAS, Council, on May 8, 2017, announced a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on June 12, 2017 at 7:25 PM; and

WHEREAS, Council, in considering the recommendation of Planning Commission, finds that amending Section 1270.03(e) 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
(2) Auto service station (minor repair)			SU	P

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(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.				

(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.)

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>
<u>(e) 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
(9) Commercial Truck Center/ Service Area[†]	X	X	X	X
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. [†] See Chapter 861, et. seq. for definition, etc.				

(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 - The Codifier is hereby instructed to insert the amendments into Section 1270.03(e) as contained in this legislation in the appropriate order within the existing codified ordinances, re-numbering 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 3 - 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 4 - 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