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Issued 05/19/23

## **PUBLIC NOTICE**

### **HOUSING, PLANNING, & DEVELOPMENT COMMITTEE**

The Housing, Planning, & Development Committee will meet Monday May 22, 2023 at 6:30 p.m. in the City Hall Auditorium at 12650 Detroit Ave. The meeting is open to the public.

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 [michelle.nochta@lakewoodoh.net](mailto:michelle.nochta@lakewoodoh.net).

The meeting will be livestreamed on the City's website at the following link:

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[www.lakewoodoh.gov/councilvideos](http://www.lakewoodoh.gov/councilvideos)

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#### **PUBLIC COMMENT PROTOCOL (Updated 6/21)**

The public is invited to comment on agenda items in person or by submitting a written comment in advance of the meeting using the eComment platform available [HERE](#). New users must create an eComment account.

#### ***The agenda is as follows:***

Approval of the minutes of the May 15, 2023 Housing, Planning & Development Committee meeting.

**\*\*ORDINANCE 10-2023** - AN ORDINANCE to take effect January 1, 2024 to establish new Chapter 781, Automobile Business Operations, of the Lakewood Codified Ordinances to establish regulations for automobile related businesses within the City of Lakewood. (*1<sup>st</sup> read & referred to HPD 5/1/23*)

**\*\*proposed substitutes anticipated**

Tom Bullock, Chair  
Jason Shachner, Sarah Kepple Members  
**HOUSING, PLANNING, & DEVELOPMENT COMMITTEE**

AN ORDINANCE to take effect January 1, 2024 to establish new Chapter 781, Automobile Business Operations, of the Lakewood Codified Ordinances to establish regulations for automobile related businesses within the City of Lakewood.

WHEREAS, Lakewood is one of the most densely populated cities in Ohio and as a result has limited on-street parking in both commercial and residential districts; and

WHEREAS, automobile related businesses, when not properly managed, can have unintended negative impacts on surrounding residential and commercial establishments; and

WHEREAS, businesses that do not properly maintain their outdoor parking and storage areas can harm the character of surrounding residential and commercial districts and negatively impact property values and the overall appearance of a neighborhood or commercial district; and

WHEREAS, businesses that have automobiles on site as part of their business can create parking issues within both commercial and residential districts when using on-street parking for their business; and

WHEREAS, due to Lakewood's density, there is an ongoing challenge to balance the parking needs of both residential and commercial districts; and

WHEREAS, it is necessary to implement regulations for automobile related businesses in order to better balance the needs between residential and commercial districts; now, therefore,

**BE IT ORDAINED BY THE CITY OF LAKEWOOD:**

Section 1. That new Chapter 781, Automobile Business Operations, is hereby enacted to read as follows:

**781.01 Definitions.**

As used in this Chapter

- (a) "Automobile business operations" shall mean any business that repairs, sells, rents, or leases motor vehicles; installs equipment or performs other work on motor vehicles, trucks, motor homes, recreation vehicles or boats, including but not limited to engine or other components, battery, brake, muffler, air conditioning, glass replacement and tinting, audio and video equipment, upholstery work, tire repair and change, lubrication, tune-ups, and transmission work. Automobile business operation shall not include a car wash.
- (b) "Automobile business operation permit" shall mean the permit issued by the Division of Building and Housing pursuant to this Chapter.

**781.02 Automobile Business Operation Permit.**

(a) No person shall cause an automobile business operation to operate in the City unless the operator has received an automobile business operation permit from the City.

(b) Each automobile business operation must comply with the following:

(1) Be constructed, operated, and maintained to internally store and contain all wastewater for pretreatment including grease, oil and sand separators, and proper disposal pursuant to Chapter 913 of the Lakewood Codified Ordinances, to prevent ground water contamination, and to prevent discharge of any wastewater onto the ground or into any storm water sewer within the City;

(2) Be constructed to allow one lined off-street parking space measuring a minimum of 9 x 18, exclusive of driveways and aisles, on the premises of the automobile business operation for each 250 square feet of floor area devoted to automobile repair;

(3) Line and arrange all spaces to provide for orderly and safe parking and pedestrian traffic within the lot;

(4) Designed so that all exterior lighting is shielded from adjoining residential properties.

(c) An application for an automobile business operation permit shall be submitted to the Division of Housing and Building on a form provided by the Director of Public Safety. Applicants must provide the following documentation upon submittal of the permit application:

(1) Proof of general liability insurance coverage, including without limitation, bodily injury and property damage, in coverage amounts of at least \$1,000,000 per occurrence, and naming the City as an additional insured, in a form that provides that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the City; and

(2) Written permission from the property owner, if different from the applicant, to operate on the property.

(3) The application shall designate the individual or individuals who are responsible for the daily operation of the facility and list their address and phone number.

(c) The application fee for all automobile business operation permits shall be \$150.00 for each location.

(d) Upon receipt of the completed application, the Division of Housing and Building shall conduct a joint inspection of the automobile business operation to ensure it complies with all current applicable codes. Upon a finding of full compliance, the Division of Housing and Building shall issue the automobile business operation permit to the applicant, except that the Division of Housing and Building is not required to issue an automobile business operation permit fewer than ten days after receipt of a completed application.

(e) Automobile business operation permits are effective on a calendar year basis, shall expire on December 31<sup>st</sup> of each year, are not transferable, and shall contain the name of the operator on the permit.

**781.03 General Regulations.**

(a) All automobile business operation operators must:

(1) Conspicuously display evidence of their automobile business operation permit issued pursuant to this Chapter;

(2) Cause all vehicles or equipment to be parked or stored on the automobile business operation's lot, within a lined designated parking space, or a lot approved for accessory parking pursuant to Lakewood Codified Ordinance §1161.03(a) and screened from the public right of way; and

(3) Maintain all permit requirements during the duration of the permit.

(b) No operator shall:

- (1) Park or store any vehicle outside of lined designated parking spaces;
- (2) Fail to leave open stacking spaces available in front of service garage doors for the easy flow of traffic and pedestrians on the premises;
- (3) Park, display or store any vehicle or equipment on any street or alley;
- (4) Conduct any work outside a completely enclosed building;
- (5) Create any noise emission in violation of Chapter 515 of the Lakewood Codified Ordinances;
- (6) Store any unlicensed motor vehicle on site for more than 48 hours unless stored within a completely enclosed building or structure;
- (7) Store any motor vehicle on premises for more than 10 days unless same is stored within a completely enclosed building or structure;
- (8) Store, keep, or place any automobile parts or other supplies outside an enclosed building or structure;
- (9) Fail to comply with all requirements of applicable federal, state and local law; or
- (10) Exercise reasonable care to ensure that operations do not create a health or safety hazard to customers, other users of the sidewalks and streets, or persons on abutting property.

**781.04 Permit Suspension.**

(a) The City may suspend an automobile business operation's permit for a period not to exceed 30 days if it determines that an operator:

- (1) Has violated or is not in compliance with any section of this Chapter; or
- (2) Has authorized or approved an employee's violation of or failure to comply with any section of this Chapter, or, as a result of the operator's negligent failure to supervise either the premises of the automobile business operation or an automobile business operation, has allowed an employee to violate or fail to comply with any section of this Chapter.

(b) The City may suspend an automobile business operation's permit for a period not to exceed 30 days if it determines that an operator or its employee or agent has refused to allow an inspection of the permitted automobile business operation's premises as authorized by this Chapter.

(c) The Director of Public Safety shall advise the operator in writing of the reason(s) for any suspension.

**781.05 Permit Revocation.**

The City may revoke an automobile business operation's permit if a cause of suspension under Section 781.04 of this Chapter occurs, and the permit has been suspended two times within the preceding 12 months.

**781.06 Appeal Rights.**

(a) Any denial, suspension, or revocation of a permit under this Chapter may be appealed to the City of Lakewood Planning Commission by written notice within 10 days of such denial, suspension or revocation. Unless the applicant requests a longer period, the Planning Commission must hold a hearing on the appeal at its next regularly scheduled meeting and must issue a decision, in writing, affirming or reversing the denial, suspension, or revocation within five days after the hearing.

(b) Any decision by the Planning Commission shall be a final order and the applicant or permittee may seek judicial review of such administrative action in any court of competent jurisdiction pursuant to general law.

(c) Any permittee lawfully operating an automobile business operation prior to the denial of a permit renewal application, or the suspension or revocation of a permit, may continue to operate said business during the pendency of an appeal of a decision rendered under this Chapter to the Planning Commission or to a court.

(d) In the event that an applicant for a new automobile business operation permit seeks judicial review of the denial of a permit, there shall be no automatic stay of the denial.

**781.98 Strict Liability.**

Strict liability is imposed for the violation of any provision of this Chapter.

**781.99 Penalty.**

Whoever violates any provision of this Chapter is guilty of a misdemeanor of the fourth degree. Whoever violates any provision of this Chapter and has been previously convicted of violation of a provision of this Chapter is guilty of a misdemeanor of the third degree. Whoever violates any provision of this Chapter and has previously been convicted of two or more offenses of this Chapter is guilty of a misdemeanor of the second degree. Each day such violation continues may be considered a separate offense.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed 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 action, were in meetings open to the public, in compliance with all legal requirements including R.C. Section 121.22.

Adopted: \_\_\_\_\_

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John Litten, Council President

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Maureen M. Bach, Council Clerk

Approved: \_\_\_\_\_

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Meghan F. George, Mayor