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Issued 06/09/23

PUBLIC NOTICE HOUSING, PLANNING, & DEVELOPMENT COMMITTEE

The Housing, Planning, & Development Committee will meet Monday June 12, 2023 at 6:00 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.

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

www.lakewoodoh.gov/councilvideos

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 22, 2023 Housing, Planning & Development Committee meeting.

SUBSTITUTE 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. (*1st read & referred to HPD 5/1/23*)

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

ORDINANCE NO. 10-2023

BY:

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 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 and enjoyment of surrounding residential and commercial districts and negatively impact property values and the overall appearance of a neighborhood or commercial district; and

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

WHEREAS, businesses that have motor vehicles on site as part of their business can have an unfair impact on commercial and residential districts when using on-street parking for their business; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, it is necessary to implement regulations for automobile related businesses to protect the quiet enjoyment and character of 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:

“Motor Vehicle” shall mean any automobile, truck, pick-up, van, sport utility vehicle, motorcycle, recreational vehicle, tractor, or other mode of motorized transportation on wheels.

“Automobile Business Operation” shall mean any business that rents, leases, or sells Motor Vehicles or repairs, services, or repossesses Motor Vehicles, including but not limited to the repair, servicing, replacement, or installation of engine parts, body parts, batteries, glass, equipment, lubricants, or other components.

“Controlled Vehicle” shall mean any Motor Vehicle for rent, lease, or sale by an Automobile Business Operation or taken into custody or control by an Automobile Business Operation for the purpose of performing repairs, servicing, installations, repossession, shipment, transportation, or other disposition. Controlled Vehicle shall not include a vehicle dropped off by a customer or third-party towing service after the close of business.

“Used or Discarded Parts” shall mean all Motor Vehicle parts, including tires and engine, body, glass, and accessory parts, disassembled or removed from a Motor Vehicle.

“Operator Premises” shall mean the building or structure in which an Automobile Business Operation provides or performs its principal services and the parking area contiguous with such building or structure.

“Automobile Business Operation Permit” shall mean the permit issued by the Division of Housing and Building of the City of Lakewood pursuant to this Chapter.

“Division” shall mean the Division of Housing and Building of the City of Lakewood.

781.02 Automobile Business Operation Permit.

(a) No person shall cause or allow an Automobile Business Operation to perform any services in the City of Lakewood unless the operator or owner has obtained an Automobile Business Operation Permit.

(b) An application for an Automobile Business Operation Permit shall be submitted to the Division on a form prescribed by the Division.

(c) Within ten calendar days of receipt of the application and permit fee, the Division shall perform an inspection to ensure that the Automobile Business Operation:

(1) Provides lined off-street parking spaces sufficient to park or store all Controlled Vehicles on Operator Premises away from doors, bays, and ways of vehicle ingress and egress;

(2) Stores or maintains all Used or Discarded Parts in a safe manner within an enclosed building, structure, or bin or within a walled or fenced area on Operator Premises sufficient to shield from the sight of the public right-of-way;

(3) Has readily accessible building capacity to perform all repairs and servicing within an enclosed building or structure; and

(4) Complies with all provisions of this Chapter.

(d) The Division may request any information from the Automobile Business Operation to enforce this Chapter, to investigate a complaint or potential violation, or to facilitate an inspection under this Chapter.

(e) Within thirty calendar days of receipt of the application and permit fee and upon a finding of compliance, the Division shall issue the Automobile Business Operation Permit.

(f) The annual permit fee for an Automobile Business Operation Permit shall be \$150 for each location used in the Automobile Business Operation.

(g) An Automobile Business Operation Permit shall be effective on a calendar year basis, shall expire on June 30 of each year, and shall not be transferable.

781.03 General Regulations.

No Automobile Business Operation shall:

- (a) Park or store any Controlled Vehicle in any location other than (i) an enclosed building or structure, (ii) a lined parking space on Operator Premises, or (iii) a lot approved for accessory parking under Lakewood Codified Ordinance §1161.03(a).
- (b) Park or store any Controlled Vehicle on a public street or alley.

781.04 Permit Suspension.

- (a) The Division may suspend an Automobile Business Operation Permit if it determines that the Automobile Business Operation: (i) is in violation of or non-compliance with any section of this Chapter, (ii) has refused to allow an inspection as provided for in this Chapter, or (iii) has failed to produce any information requested by the Division to enforce this Chapter or to investigate a complaint.
- (b) The Division shall affix a written notice of the suspension upon the main entry door of the Automobile Business Operation, which notice shall include the date of issuance and a brief description of the reason(s) for the suspension.
- (c) Within five calendar days of receipt by the Division of written notice of remediation of the cause for suspension, the Division shall conduct a reinspection of the Automobile Business Operation.
- (d) The Division shall lift the suspension immediately if it determines that sufficient remediation and compliance have occurred. Absent such a determination by the Division, the suspension shall remain in effect.

781.05 Permit Revocation.

- (a) The Division may revoke an Automobile Business Operation Permit if an Automobile Business Operation (i) has been issued written notice of a suspension of its permit by the Division and (ii) has incurred two prior permit suspensions within 180 calendar days of the issuance of written notice of the current suspension by the Division.
- (b) The Division shall affix a written notice of revocation upon the main entry door of the Automobile Business Operation, which notice shall include the date of revocation and a brief description of the basis for the revocation.
- (c) Upon the expiration of thirty calendar days after revocation of an Automobile Business Operation Permit, including any appeal period, an Automobile Business Operation may reapply for a permit as provided for in this Chapter.

781.06 Appeal Rights.

- (a) A denial, suspension, or revocation of a permit under this Chapter may be appealed to the City Planning Commission by written notice received by the Building Commissioner of the Division within fourteen calendar days of such denial, suspension, or revocation. The Planning Commission

shall hold a hearing on the appeal at its next regularly scheduled meeting that is at least ten calendar days from receipt of the written notice of appeal by the Building Commissioner.

(b) The Planning Commission shall issue a decision, in writing, affirming or reversing the denial, suspension, or revocation within seven calendar days after the hearing.

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

(d) An Automobile Business Operation that was operating its business prior to the denial of a permit renewal application or the suspension or revocation of a permit may continue to operate during the pendency of an appeal.

(e) In the event a new applicant for an Automobile Business Operation Permit appeals a denial of a permit, no start of business operations may occur pending disposition of the appeal.

781.07 Strict Liability.

Strict liability is imposed for violation of any provision of Sections 781.02(a) and 781.03 of this Chapter.

781.08 Penalty.

Whoever violates any provision of Section 781.02(a) or Section 781.03 of this Chapter shall be guilty of an Unclassified Misdemeanor punishable by a fine of up to \$1,000 and up to 500 hours of community service for each violation. Each day such violation continues shall constitute a separate violation.

781.09 Severability.

If any provision of this ordinance for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect or impair the validity of the remaining provisions of this ordinance.

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: _____

John Litten, Council President

Maureen M. Bach, Council Clerk

Approved: _____

Meghan F. George, Mayor