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**CITY COUNCIL**

**Joe Frank**  
*President*  
**Sara Continenza**  
**Chanell Elston**  
**Jane Goodman**  
**Ruth Gray**  
**Susan Hardy**  
**Justin Tisdale**

**NOTICE OF MEETING**

**MEETING OF: ZONING & PLANNING COMMITTEE**  
**CALLED BY: RUTH GRAY, CHAIR**  
**DATE: DECEMBER 13, 2021**  
**LOCATION: VIRTUAL MEETING**  
**TIME: 6:00 P.M.**  
**RE: PUBLIC HEARING REGARDING:  
ORD. 04-21 & 22-21 AUTOMOBILE SALES &  
BUSINESS DISTRICT REGULATIONS.**

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**COMMITTEE/COUNCIL MEMBERS:**

CHANELL ELSTON  
JANE GOODMAN

**MEMBERS OF COUNCIL:**

SARA CONTINENZA  
JOE FRANK  
JANE GOODMAN  
JUSTIN TISDALE

**ADMINISTRATION**

KEITH BENJAMIN, COMM. SERVICES DIRECTOR  
MICHAEL LOVE, ECONOMIC DEVELOPMENT DIRECTOR  
LAURA HEILMAN, BUILDING COMMISSIONER



COME TOGETHER & THRIVE

## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on December 13, 2021 at 6 pm by the Council of the City of South Euclid, Ohio regarding the following two Ordinances:

- Ordinance 04-21 Amending Chapter 1107 "Automobile Sales" of Part Eleven "Business Regulation Code," of the Codified Ordinances of the City of South Euclid, Ohio.
- Ordinance 22-21 Amending Section 731.03 "General Commercial Districts" of Chapter 731 "Permitted Uses in Commercial Districts" of Title Three "Commercial District Regulations;" Amending Section 741.02 "Limited Manufacturing (M-1) Districts," and Section 741.04 "Sale of Gasoline and/or Motor Vehicle Fuel from premises at which alcoholic beverages are sold or offered for sale; Penalty" of Chapter 741 "Permitted Uses In Manufacturing Districts" of Title Four "Manufacturing District Regulations" of Part Seven "Planning and Zoning Code," of The Codified Ordinances of the City of South Euclid, Ohio.

By order of the Council of the City of South Euclid, Ohio.

Keith A. Benjamin, Clerk of Council

**Publish November 4, 2021 & November 11, 2021**

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 04-21

February 22, 2021

INTRODUCED BY: Frank

As Amended by the Planning Commission:

REQUESTED BY: Gray and Planning Comm.

October 14, 2021

AN ORDINANCE

AMENDING CHAPTER 1107 "AUTOMOBILE SALES" OF PART ELEVEN "BUSINESS REGULATION CODE," OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, City Council has declared a one year moratorium on the issuance of building and/or occupancy permits for businesses which engage in the sale, lease, and/or exchange of used automobiles; and

WHEREAS, City Council requests the Planning Commission review and propose changes to the regulation of these businesses during the moratorium period; and

WHEREAS, these regulations were last amended when approved by City Council in 1961; and

WHEREAS, after careful consideration, the Planning Commission voted 4-0 to recommend the following changes to City Council.

NOW THEREFORE BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Chapter 1107 "Automobile Sales" of Part Eleven "Business Regulation Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

**Chapter 1107 "AUTOMOBILE, MOTORCYCLE, RECREATIONAL VEHICLE, TRAILER, AND BOAT SALES"**

**1107.01 DEFINITIONS.**

**As used in this section:**

- 1) "Automobile" means a passenger vehicle designed for operation on ordinary roads and typically having four wheels and a gasoline or diesel internal-combustion engine. This includes cars and non-commercial trucks.
- 2) "Motorcycle" means a motor vehicle similar to a bicycle with 2 or 3 wheels but usually larger and heavier powered by a motor, chiefly for one rider but sometimes having two saddles or an attached sidecar for passengers.
- 3) "Recreational Vehicle" means a van or utility vehicle or enclosed travel trailer used for recreational or camping purposes often equipped with living facilities. The "vehicle" may or may not be motorized.
- 4) "Trailer" means an open or enclosed wagon drawn by an automobile or truck used for hauling or transporting goods or equipment. This "vehicle" is not motorized.
- 5) "Boat" means a recreational vessel for transport by water with a motor for propulsion. A boat is often transported on a trailer where size permits.
- 6) "Vehicle" means one or all of the above.

## **1107.02 VEHICLE SALES AND STORAGE.**

**Dealerships or establishments offering new or new and used Automobiles, motorcycles, Recreational Vehicles, trailers, or boats for sale may be conditionally permitted in an M-1 or M-2 district in compliance with the following items (1) through (9):**

- 1) Primary and Conditional Accessory uses: Sale of new automobiles means a building and land primarily used by a franchised automobile dealer principally for the sale of new automobiles. The sale of used automobiles may be permitted only as a conditional accessory use provided the inventory of used automobiles does not exceed fifty percent (50%) of the overall vehicle inventory at any one (1) time. The sale of accessory used vehicles must be located on the same site as the new vehicle sales.**
- 2) Site Plan Requirements: The franchised automobile dealership must be on a lot with not less than 300 feet frontage, and, where the open lot abuts on more than one street, not less than 300 feet frontage on each such street, for the sale of used motor vehicles. The franchised automobile dealership must have customer and employee parking on site including required ADA parking per applicable building codes. A Site Plan showing areas of surface parking for new vehicles, used vehicles (if applicable), customer and employee parking shall be submitted to the appropriate City commission for review and approval. This Site Plan must meet all regulations as set forth in Sections 770, 771 and 772 for signs, landscaping and parking respectively of Part Seven of the Planning and Zoning Code.**
- 3) Accepted Accessory Uses: Service garage, leasing department, car wash and other activities customarily incidental to a full service franchised automobile or vehicle dealer shall be permitted as accessory to the sale of new automobiles provided these activities are conducted in wholly enclosed buildings. Only repair of vehicles customarily associated with new automobile sales shall be permitted and shall be conducted inside a suitable building.**
- 4) Storage on site: No junk, inoperative or unlicensed vehicles will be permitted to remain outside on the primary property for more than forty-eight (48) hours.**
- 5) Screening: Locations where such vehicle dealerships or establishments use abuts a neighborhood district or residential dwelling, they shall provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, shrubbery, trees, and a solid brick or split faced concrete block wall as per Section 771.**
- 6) Storage offsite: Storage of new or new and used vehicles offsite due to lack of storage on site shall require a conditional use permit for the storage site subject to the following conditions:**
  - a) Storage site must be in same zoning district of M-1, M-2 and must be screened as described above.**
  - b) No inoperable vehicles may be stored at the offsite location.**
  - c) No vehicle shall be stored for more than 120 days.**
  - d) Off site storage area must be locked at all times except when moving vehicles in and out of the lot.**
- 7) Conditional use permit and conditional permits for accessory uses or for offsite storage use shall be non-transferable. Conditional use permit and conditional permits for accessory uses or for offsite storage use for an existing open business that is sold to a new owner and remains open continuously during the transfer of ownership shall be allowed and must be transferred into the new business name.**
- 8) All non-conforming used car sale lots currently in operation at the time of passage of this specific legislation must conform to Chapter 1107, Automobile, Motorcycle, Recreational Vehicle, Trailer and Boat Sales. Existing non-conforming businesses must be in compliance with Chapter 751, Regulations for Nonconforming Uses of the Codified Ordinances of South Euclid.**

~~1107.01~~ **1107.03 HOURS; OUTDOOR LIGHTING OF USE OF SALES DISPLAY AREA.**

Operation of outdoor areas used for the display of motor vehicles being held for sale or rent, and the lighting of such areas and the signs permitted therein, shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m. daily, ~~except Sundays and holidays when no operation is permitted. However, a minimum amount of lighting may be permitted at all times in any display area when such lighting has been determined by the Department of Police to be necessary for the effective policing and protection of such area.~~

**1107.04 SALES DISPLAY AREAS REGULATIONS.**

1) **CONDITION OF DISPLAY AREA** - Areas used for the display of motor vehicles being held for sale or lease shall be smoothly graded, paved, striped, and adequately drained, and surface water shall not be permitted to discharge over or onto adjoining lands or to create a nuisance on the sidewalk, tree lawn or street.

2) **SETBACK OF DISPLAY AREA:**

a) Along the street frontage of all areas used for the display of motor vehicles for sale or lease, there shall be constructed a curb or barrier not less than four inches high, which shall not be placed in front of the building line or less than fifteen feet from the street line, whichever is greater, in accordance with the Zoning Code, particularly Section 755.04. Such curb or barrier shall be continuous across the display area, except for pedestrian traffic and except that one driveway for ingress and one for egress, each not more than twelve feet wide at the sidewalk crossing, may be maintained along the street frontage of display areas. No motor vehicle shall be parked for display or repair or for any other purpose between such curb or barrier and the street, and such area shall be kept free of vehicles at all times.

b) The setback area for the display or parking of vehicles in connection with the business of vehicle sales shall be hard surfaced or landscaped and maintained in good condition. The sidewalk area shall be kept free of mud, ice, snow and overhanging shrubbery.

3) **LIGHTING OF DISPLAY AREA** - The lighting of areas used for the display of motor vehicles shall be placed behind the setback building line and not over twenty feet above grade. Such lighting shall be of the hooded or shielded type and shall be directed downward and away from adjoining property and public streets. All outdoor lighting for Sales Display Areas must meet Chapter 1328, Outdoor Lighting of the Codified Ordinances.

~~1107.02~~ **1107.05 NUISANCES PROHIBITED.**

1) Only clean vehicles in good condition shall be displayed by dealers of new or used motor vehicles. Wrecked vehicles, those needing repair and those not in condition to be sold at retail shall be stored in such rear yard areas as are not visible from the street **and shall not be permitted to be stored on the property for more than 120 days.**

2) To minimize the possibility of theft or accidental movement of vehicles, the ignition key shall be accessible only to authorized personnel.

3) Premises for the display and sale of new or used vehicles shall be kept free of debris, such as cleaning rags, paper and waste and all types of discarded vehicle parts and containers for fuel or other products.

~~1107.03~~ **SETBACK OF DISPLAY AREA.**

~~Along the street frontage of all areas used for the display of motor vehicles for sale or rent, there shall be constructed a curb or barrier not less than four inches high, which shall not be placed in front of the building line or less than fifteen feet from the street line, whichever is greater, in accordance with the Zoning Code, particularly Section 755.04. Such curb or barrier shall be continuous across the display area, except for pedestrian traffic and except that one driveway for ingress and one for egress, each not more than twelve feet wide at the sidewalk crossing, may be maintained along the street frontage of display areas. No motor vehicle shall be parked for~~

~~display or repair or for any other purpose between such curb or barrier and the street, and such area shall be kept free of vehicles at all times.~~

~~The setback area for the display or parking of vehicles in connection with the business of automobile sales shall be hard surfaced or landscaped and maintained in good condition. The sidewalk area shall be kept free of mud, ice, snow and overhanging shrubbery.~~

~~1107.04 REGULATIONS FOR DISPLAY AREA.~~

~~Areas used for the display of motor vehicles being held for sale or rent shall be smoothly graded, paved and adequately drained, and surface water shall not be permitted to discharge over or onto adjoining lands or to create a nuisance on the sidewalk, tree lawn or street. When such an area adjoins a residence district, it shall be separated therefrom either by a masonry wall or other effective screen at least five and one half feet in height, as may be approved by the Planning Commission.~~

~~1107.05 LIGHTING OF DISPLAY AREA.~~

~~The lighting of areas used for the display of motor vehicles shall be placed behind the setback building line and not over fourteen feet above grade. Such lighting shall be of the pre-focused or focusable type and shall be directed downward and away from adjoining property and public streets. The use of so-called "naked" bulbs for display area or signs is prohibited.~~

1107.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree. Each day such violation continues shall be considered a separate offense. The Mayor may, in addition to the aforesaid penalty, revoke or suspend the license issued hereunder.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Joseph Frank, President of Council

Attest:

Approved:

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

\_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 22-21  
INTRODUCED BY: Frank  
REQUESTED BY: Planning Commission

October 25, 2021

AN ORDINANCE

AMENDING SECTION 731.03 "GENERAL COMMERCIAL DISTRICTS" OF CHAPTER 731 "PERMITTED USES IN COMMERCIAL DISTRICTS" OF TITLE THREE "COMMERCIAL DISTRICT REGULATIONS;" AMENDING SECTION 741.02 "LIMITED MANUFACTURING (M-1) DISTRICTS," AND SECTION 741.04 "SALE OF GASOLINE AND/OR MOTOR VEHICLE FUEL FROM PREMISES AT WHICH ALCOHOLIC BEVERAGES ARE SOLD OR OFFERED FOR SALE; PENALTY" OF CHAPTER 741 "PERMITTED USES IN MANUFACTURING DISTRICTS" OF TITLE FOUR "MANUFACTURING DISTRICT REGULATIONS" OF PART SEVEN "PLANNING AND ZONING CODE," OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, City Council passed Res. 09-21, placing a moratorium on the opening and expansion of establishments engaged in the sale and/or leasing of used automobiles; and

WHEREAS, City Council requests the Planning Commission review and propose changes to the regulation of these businesses during the moratorium period; and

WHEREAS, the Planning Commission has reviewed the Planning and Zoning Code; and

WHEREAS, after careful consideration, the Planning Commission voted 4-0 to recommend the following zoning text changes to City Council.

NOW THEREFORE BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 731.03 "General Commercial Districts" of Chapter 731 "Permitted Uses in Commercial Districts" of Title Three "Commercial District Regulations;" Section 741.02 "Limited Manufacturing (M-1) Districts," Section 741.04 "Sale of Gasoline and/or Motor Vehicle Fuel from Premises at which Alcoholic Beverages are Sold or Offered for Sale; Penalty;" of Chapter 741 "Permitted Uses in Manufacturing Districts" of Title Four "Manufacturing District Regulations" of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

**731.03 GENERAL COMMERCIAL (C-2) DISTRICTS.**

The following permitted retail establishments in a General Commercial (C-2) District are established to serve the comprehensive retail needs of the individual consumer. The sale or storage of goods in outdoor areas is limited to those products finished for final use by the consumer.

- (a) All uses permitted in a Limited Commercial (C-1) District;
- (b) Commercial establishments whose essential operations may depend upon outdoor sales and storage, such as:
  - (1) ~~Automobile service stations, and motor vehicle automobile, motorcycle, recreational vehicle, trailer or boat repair shops. and motor vehicle showrooms, or open lots with not less than 300 feet frontage, and, where the open lot abuts on more than one street, not less than 300 feet frontage on each such street, for the sale of used motor vehicles. New and/or used~~ **automobile, motorcycle, recreational vehicle, trailer or boat vehicle sales are not permitted.**

(2) Establishments for the sale of nursery stock, garden supplies and equipment and monuments;

(c) Restaurants, bars, taverns and eating establishments which provide dancing or entertainment;

(d) Hotels and motels;

(e) Funeral homes;

(f) Indoor recreational establishments such as bowling alleys and movie theaters;

(g) Accessory uses; and

(h) Similar uses as provided in Section 762.09.

#### 741.02 LIMITED MANUFACTURING (M-1) DISTRICTS.

The operation of the following uses can conform to high performance standards and can conform to the purposes of this Title. All uses permitted in an M-1 Limited Manufacturing District, including all processing, fabricating and manufacturing, shall be located completely within enclosed buildings, except accessory off-street parking and loading facilities and except open storage of materials and/or equipment used or produced on the premises, which shall be permitted if suitably screened by a fence or dense landscaping so that no stored material is visible from an abutting street or an abutting residential zoning district. Outdoor overnight parking of cargo carriers shall be permitted.

(a) Commercial Service Uses.

(1) Animal hospitals

(2) Automobile, motorcycle, **recreational vehicle**, trailer or boat sales and repair

(3) Car washes, provided that the zoning lot contains a reservoir of space for at least ten automobiles for each washing lane, plus one space for each employee

(4) Banks

(5) Building material sales

(6) Carpet cleaning

(7) Dry cleaning

(8) Eating places, provided that they are not of the drive-in type

(9) Electrical, glazing, heating, painting, plumbing, roofing, ventilating and similar contractors' establishments

(10) Greenhouses

(11) Gasoline service stations **with or without automobile repair garages and public garages**

(12) Household or office machinery repair shops

(13) Laundries

(14) Line, towel and diaper cleaning and supply

(15) Machinery rental or sales establishments

(16) Photographic developing and printing

(17) Sign painting shops

(18) Soldering or welding shops

(19) Trade or business schools for adults and research institutions

(b) Public Utilities and Vehicle Storage Uses.

(1) Commercial or public utility vehicle storage

(2) Commercial garages and parking structures

(3) Public utility facilities and installations such as pump stations, telephone exchange centers, radio and television antennas and cellular telephone towers

(4) Transit garages

(c) Storage or Wholesale Uses.

(1) Moving and storage company offices and warehouses

(2) Warehouses

(3) Wholesale operations

(d) Research or Design Uses. Scientific laboratories devoted to research, design, experimental production and testing operations.

(e) Light Manufacturing Uses.

- (1) Apparel or other textile products from already-produced textile goods
- (2) Automobiles, trucks or trailers and parts and accessories thereof
- (3) Beverages, nonalcoholic
- (4) Boats and related products and accessories
- (5) Bottling works
- (6) Brushes and brooms
- (7) Cameras and photographic equipment, except film
- (8) Carpentry, woodworking and cabinets
- (9) Carpets
- (10) Canvas or canvas products
- (11) Ceramic products such as pottery, small glazed tile and similar products
- (12) Chemical compounding and packaging
- (13) Cosmetics or toiletries
- (14) Electrical appliances and equipment
- (15) Electrical supplies, including wire or cable, switches, insulation, batteries and similar products
- (16) Electrical machinery
- (17) Food products and processing, except slaughtering of meat or preparation of fish for packaging
- (18) Fur goods, not including hide tanning
- (19) Glass products, not including glass manufacturing
- (20) Hair, felt or feather products, except washing, dyeing and curling
- (21) Hosiery
- (22) Household or office equipment machinery
- (23) Ice, dry or natural
- (24) Ink or inked ribbon
- (25) Rope, sacking or cordage products
- (26) Leather products, not including hide tanning or dyeing
- (27) Luggage
- (28) Light machinery such as lawn mowers
- (29) Machine tools such as drills and saws
- (30) Mattresses and bedding
- (31) Metal finishing and plating
- (32) Metal stamping or extrusion
- (33) Medical supplies
- (34) Mirror silvering and glass cutting
- (35) Musical instruments
- (36) Novelty products
- (37) Optical equipment, clocks and similar precision instruments
- (38) Orthopedic or medical appliances
- (39) Paper products and paper board products, not including paper rolling or manufacturing
- (40) Perfumes, compounding only
- (41) Plastic products
- (42) Printing or publishing
- (43) Rubber products, not including manufacture of natural or synthetic rubber
- (44) Silverware and silver products
- (45) Silverplating
- (46) Soap and detergent, packaging only
- (47) Soldering and welding operations
- (45) Sporting goods and athletic equipment
- (46) Stationary
- (47) Steel products, miscellaneous manufacturing and assembly
- (48) Tobacco products

- (49) Tool and die shops, pattern making and similar operations
- (50) Toys
- (51) Upholstering
- (52) Venetian blinds, window shades and similar products
- (53) Wax products
- (54) Wood products

(f) Accessory Uses.

- (1) Off-street parking and loading facilities as permitted and regulated in Chapter 772
- (2) Signs as permitted and regulated in Chapter 770
- (3) Employee lunch rooms
- (4) Child day care facility serving the children or dependents of employees working on the premises
- (5) Health care, exercise rooms, gymnastics or body-building center serving employees working on the premises
- (6) A restaurant in an office building used for the serving of food and dispensing of beverages

(g) Other Uses. All uses permitted in a General Commercial (C-2) District.

(h) Similar Uses. Similar uses as provided in Section 762.09.

(i) **Conditional Uses.**

**(1) New or new and used automobile, motorcycle, recreational vehicle, trailer or boat sales as defined in Chapter 1107.**

**~~741.04 SALE OF GASOLINE AND/OR MOTOR VEHICLE FUEL FROM PREMISES AT WHICH ALCOHOLIC BEVERAGES ARE SOLD OR OFFERED FOR SALE; PENALTY.~~**

~~—(a) No building or lot shall be used for the sale of, or for offering the sale of, gasoline and/or motor vehicle fuel if beer and/or wine and/or intoxicating liquor is sold or offered for sale at retail at or upon such building or lot.~~

~~—(b) Any person, including, without limitation, the president, the chief executive officer, a responsible officer or other employee of a firm or organization, who is convicted of a violation of this section, shall be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense.~~

~~—(c) For the purpose of this section, a separate offense shall be deemed committed each day during or on which a violation of this section occurs or continues.~~

~~—(d) The imposition of any penalty shall not preclude the Director of Law from instituting an appropriate action or proceeding, in a court of proper jurisdiction, to restrain, correct or abate a violation, to prevent the occupancy of a building, structure or premises or to require compliance with the provisions of this section or the orders or determinations of the Zoning Administrator, the Mayor or the Zoning and Building Standards Board of Appeals as such orders or determinations relate to this section.~~

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and this Ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Joseph Frank, President of Council

Attest:

Approved:

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

\_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law

Changes Made per 4/8/21 Meeting:

1. New and Used Automobile Sales removed as a permitted use in C2. This also removes this as a permitted use from the C3 District.
2. New and Used Automobile Sales changed to being a Conditional Use in the M1 District. This provision also then automatically applies to the M2 District.