

City of Willoughby Hills

ORDINANCE NO. 2009-17

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ELEVEN – SUPPLEMENTAL DEVELOPMENT STANDARDS, CHAPTER 1157 – GENERAL USE REGULATION, SECTION 1157.07 – ADDITIONAL REGULATIONS REGARDING MOTOR VEHICLES IN RESIDENTIAL ZONING DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

WHEREAS, the purpose and intent of **Chapter 1157 – General Use Regulations** is to regulate uses not specifically listed, in the zoning districts; and

WHEREAS, the **Ohio Revised Code Section 4517.02 – License required to engage in motor vehicle business** outlines the requirements for persons engaged in the business of vehicle sales; and

WHEREAS, **Section 1157.05 – Home Occupations** regulates the manner in which businesses may operate in Residential Districts within the City of Willoughby Hills; and

WHEREAS, the frequent and routine sales of vehicles, with or without a State of Ohio-issued license, is tantamount to the operation of a motor vehicle sales business, a commercial enterprise that is inconsistent with the uses permitted in Residential Districts within the City of Willoughby Hills and is a risk to the public health, safety and general welfare of the community; and

WHEREAS, the Planning and Zoning Committee of Council met on January 12, 2009 and again on January 20, 2009 to discuss regulations for the sales of vehicles in residential districts and recommends to Council that **Chapter 1157 General Use Regulations, Section 1157.07 – Additional Regulations Regarding Motor Vehicles in Residential Zoning Districts**, be amended as set forth within this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, LAKE COUNTY, STATE OF OHIO, THAT:

SECTION 1. The existing **Section 1157.07 – Additional Regulations Regarding Motor Vehicles in Residential Zoning Districts** of the Codified Ordinances of the City of Willoughby Hills is hereby amended to read and provide in its entirety as follows:

**“1157.07 ADDITIONAL REGULATIONS REGARDING MOTOR VEHICLES IN
RESIDENTIAL ZONING DISTRICTS.**

(a) Driveways in residential districts may be used for the parking of private motor vehicles owned by the occupants of the dwelling and their visitors.

(b) The parking of one (1) commercial vehicle per dwelling unit shall be permitted provided said vehicle:

- (1) Does not exceed 10,000 pounds gross vehicle weight;
- (2) Is operated by an occupant of the dwelling unit; and
- (3) Such automobile, truck or van is either stored and/or parked in a permitted enclosed permanent structure or stored and/or parked behind the rear building line, properly screened year-round with foliage or natural vegetation as approved by the Zoning Administrator, such that the vehicle is not visible from any street or abutting residential property and meets the side and rear setback requirements of associated District.

(c) The display for sale of used or previously owned vehicles is prohibited except under the following condition:

- (1) No more than two vehicles may be displayed for sale on any residential lot, within any 12-month period of time.
- (2) Vehicles for sale may be displayed for a maximum of 28 days per calendar year per residential lot.
- (3) Any vehicle for sale shall be properly registered, licensed and operable.
- (4) Any display of a vehicle for sale shall be located outside of the right of way and must be located on an improved parking surface or, if necessary for safety, two wheels may be permitted on a portion of the front yard to allow for access of emergency vehicles.
- (5) A maximum of two "For Sale" signs, to be displayed on or in the vehicle, are permitted. No additional signs or advertising devices are permitted.
- (6) Enforcement and Penalty shall be in accordance with Section 1107.99 (a) of the Codified Ordinances of the City of Willoughby Hills
- (7) For the purposes of this Section, Vehicles are defined as automobiles, trucks, sport utility vehicles, boats, motorcycles, recreational vehicles, all-terrain vehicles, personal watercraft, snow mobiles, trailers, tractors and campers."

SECTION 2. All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 4. This Ordinance shall be in full force and effect at the earliest time permitted by law.

Public Hearing Advertised: March 16, 2009

Public Hearing Held: April 23, 2009

First Reading: March 26, 2009

Second Reading: April 9, 2009

Third Reading: April 23, 2009

Passed: April 23, 2009

Submitted to the Mayor for his approval
on this 23 day of April, 2009

ATTEST: Victoria Ann Savage, OMC
Clerk of Council

Kevin D. Malecek
President of Council

Approved by the Mayor
April 23, 2009
Robert M. Weger
Mayor