



Memorandum

City of Napoleon Building & Zoning Department

To: Manager, Mayor & Members of City Council
From: Brent N. Damman, Zoning Administrator *BND*
Date: Wednesday, November 18, 1998
Subject: Auto sales lots; Where are they permitted ?

Auto sales lots are permissible in C-3 & C-4 business districts through the issuance of a zoning permit by the Zoning Administrator (see attached page 97 section 1141.01 (a) (1) (A) & page 130 section 9.1). Auto sales lots are permissible in the I-1 & I-2 industrial districts through the issuance of a conditional use permit by City Council (see attached page 97 section 1141.01 (a) (1) (B) & page 104 section 1141.04 (d) (1). You will note that page 130 does not show permissiveness in the I-1 & I-2 districts, however the text on page 104 section 1141.04 (d) (1) does make allowance. The text would in this case overrule the table in accordance with page 124 section (j) (attached).

MAXAUTO & Superior Auto are located in an I-1 zoning district, Hogrefe's proposed used car lot is located in a C-4 commercial district. The zoning permit for Hogrefe's used car lot has not yet been issued. They must first develop a site plan and apply for such permit. There of course will be restrictions regarding the display of vehicles for sale. Just to name a few;

1. Only whole complete operational vehicles may be displayed.
2. No partial vehicles or parts of any kind may be displayed in the used car lot area.
3. Vehicles must have clear title.
4. Owner must maintain a valid State of Ohio used car license and display such at all times during normal business hours.

These are just a few restrictions off the top of my head, there will be more, and if you wish, I will allow pre-approval from you prior to issuance.

CHAPTER 1141
Zoning Permits; Special and Conditional Uses

1141.01	Zoning permits.	1141.03	Special uses.
1141.02	Special use and conditional use permit procedures.	1141.04	Conditional uses.

CROSS REFERENCES

Special and conditional use defined - see P. & Z. 1113.01
 Jurisdiction of Planning Commission - see P. & Z. 1119.04
 Public hearing fee schedule - see P. & Z. 1115.03
 Occupancy permits - see P. & Z. 1115.04

1141.01 ZONING PERMITS.

(a) Permits Required.

- (1) The use made of property may not be substantially changed. Substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:
 - A. A zoning permit issued by the Zoning Administrator.
 - B. A special or conditional use permit approved and issued by the City Council.
- (2) Zoning permits, special use permits, and conditional use permits are issued under this Zoning Code only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Zoning Code if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in City Code Section 1141.04 (expiration of permits), all development shall occur strictly in accordance with such approved plans and application.
- (3) Physical improvements to land to be subdivided may not be commenced until the preliminary plat has been approved by the city council and a zoning permit has been issued.
- (4) A zoning permit, conditional use permit, or special use permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit issuing authority.

(d) Use or Structures Requiring Special Use Permit in Industrial Districts. More than one principal building on a lot.

1141.04 CONDITIONAL USES.

(a) Within each zoning district, in general, a conditional use permit consideration may include, but are not limited to uses or structures as follows:

- (1) Mobile home parks in the "RR" Residential, the "C-4" Planned Business and the "I-1" Enclosed Industrial District.
- (2) Junk yards/salvage yards/recycling centers in the "I-2" Open Industrial District.
- (3) Accessory outdoor storage in the "I-1" Industrial District.
- (4) Uses listed as conditional uses in the "FP" Flood Plain District.

(b) Uses or Structures Requiring Conditional Use Permit Residential Zoned Districts:

- (1) Institutions of learning, including colleges, universities, elementary and high schools, and facilities for mentally handicapped and nursery schools
- (2) Churches, chapels, and synagogues or other similar place of assembly for fifty (50) or more persons.
- (3) Hospitals, nursing homes, and related health care facilities
- (4) Public libraries
- (5) Doctor offices, attorney offices, beauty and barber shops.
- (6) Planned Cluster Development on parcels of residentially zoned land of five acres or more, in accordance with City Code Section 1143.05
- (7) Planned Apartment Developments, in accordance with City Code Section 1143.03
- (8) Mobile home parks may be placed only in the "RR" Residential Zoning District.

(c) Uses Requiring a Conditional Use Permit in Commercial Zoned Districts:

- (1) Service stations and repair garages
- (2) Planned Developments, in accordance with City Code Section 1143.01
- (3) Mobile home parks may only be placed in the "C-4" Planned Business

(d) Uses Requiring a Conditional Use Permit in Industrial Zoned Districts:

- (1) New and used automobile and truck sales and service
- (2) Junk yards/salvage yards/recycling centers may only be placed in the I-2 Industrial Districts
- (3) Accessory outdoor storage in the "I-1" Industrial District.
- (4) Mobile home parks may only be placed in the I-1 Industrial District

(e) Conditional Use Regulations. See subsections (f) to (n) hereof.

(f) Mobile Home Park & Site Standards.

- (1) A mobile home park shall be considered only if the proposed development area contains five or more acres. The site shall not be within the flood plain, or in an area subject to unpredictable or sudden flooding.
- (2) The ground surface and all parts of a mobile home park shall be graded and provided with storm sewers.
- (3) All streets within the parks shall be hard-surfaced with asphaltic or standard concrete.

(j) Index for Table of Permissible Uses.

IF ANYWHERE IN THIS CHAPTER THE TABLES CONFLICT WITH THE TEXT, THEN THE WORDS SHALL CONTROL.

Uses	Classification	Page
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TABLE OF PERMISSIBLE USES: 8 TO 9.6

Uses	Description	RR	R1	R2	R3	R4	C1	C2	C3	C4	C5	I1	I2
8	RESTAURANTS, BARS, NIGHT CLUBS												
8.1	No Substantial Carry-out or Delivery Service, No Drive-in Service, No Service or Consumption Outside Fully Enclosed Structure		Z	Z				Z	Z	Z	Z		
8.2	Carry-out and Delivery Service, Consumption Outside Fully Enclosed Structure Allowed			Z				Z	Z	Z	Z		
8.3	Carry-out or Delivery Service, Drive-in Service, Service or Consumption Outside Fully Enclosed Structure Allowed									Z	Z		
8.4	Vendors of Adult Merchandise, Service and Entertainment										Z		
9	MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS												
9.1	Motor Vehicle Sales or Rental; Mobile Home Sales									Z	Z		
9.2	Sales with Installation of Motor Vehicle Parts or Accessories (e.g., Tires, Mufflers, etc.)		C	C				C	Z	Z	Z		
9.3	Motor Vehicle Repair and Maintenance, not including Substantial Body Work							C		C	Z	Z	Z
9.4	Motor Vehicle Painting and Body Work											Z	Z
9.5	Fuel Sales		C	Z				Z	Z	Z	Z	C	C
9.6	Car Wash							Z	Z	Z	Z		

>Areas not designated by either a Z, S or C are not permissible.

