

MOTION NO. 69-92

A MOTION ACCEPTING THE WRITTEN REPORT, FINDINGS OF FACT AND RECOMMENDATION OF THE PLANNING COMMISSION OF THE CITY OF NAPOLEON, OHIO; AND APPROVING THE ISSUANCE OF A SPECIAL-USE PERMIT TO BARBARA HOGREFE TO PERMIT THE OUTSIDE STORAGE OF USED MOTOR VEHICLES FOR SALE AT 2601 NORTH SCOTT STREET IN THE CITY OF NAPOLEON, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, an application by Barbara Hogrefe for a special-use permit to permit the outside storage of used motor vehicles for sale at 2601 North Scott Street in the City of Napoleon, Ohio (hereinafter called "the City") was filed with the City Zoning Administrator pursuant to certain provisions of Chapter 151 of the City's Revised Code of General Ordinances; and

WHEREAS, the City Planning Commission held a public hearing on such application on July 14, 1992 (i.e. Hearing #92/12) and, as a result thereof, made certain written findings of fact and a recommendation to this City Council that such special-use permit be granted, subject to certain conditions.

NOW, THEREFORE, BE IT MOVED AND APPROVED BY THE COUNCIL OF THE CITY OF NAPOLEON, STATE OF OHIO:

Section 1. That the written report, findings of fact and recommendation of the Planning Commission of the City of Napoleon, Ohio (hereinafter called "the City") for the issuance of a special-use permit to Barbara Hogrefe to permit the outside storage of used motor vehicles for sale at 2601 North Scott Street in the City, subject to certain conditions, are accepted.

Section 2. That such special-use permit is approved, subject to the following conditions:

(A) That only whole, complete, undamaged and operable motor vehicles (but only as defined in (B) below) shall be displayed for sale on the permit site. No other motor vehicles shall be permitted on the permit site except those of prospective purchasers, the permit-holder and employees of the permit-holder.

(B) Only automobiles and light trucks of four wheels with a maximum one (1) capacity shall be displayed for sale on the permit site. There shall be no semi-tractors, large commercial trucks (either van type or flat-bed type), farm tractors or other motor vehicles on the permit site at any time.


(C) The permit site, at all times, shall be kept in an orderly and sightly condition as is customary for a used-car sales lot within the City.

(D) If the City Zoning Administrator, or his designee, determines that such special-use permit, or any condition for the issuance of such special-use permit, has been violated, the City Zoning Administrator, or his designee, shall give written notice thereof to the permit holder and such violation shall be submitted to the City Planning Commission for a public hearing. Upon hearing and upon finding that such violation occurred, or continues to occur, the City Planning Commission shall make and submit to City Council written findings of fact and shall recommend to City Council that such special-use permit be amended, suspended or revoked, or that no action be taken. Upon receipt of the City Planning

Commission's written findings of fact and recommendation, City Council shall commence action to accept, reject, modify or otherwise act upon such recommendation within thirty (30) days after receipt thereof.

Section 3. That it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Motion were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the City's Revised Code of General Ordinances.

Section 4. That this Motion shall be in full force and effect immediately after its passage.

Passed: July 20th, 1992 
Steven R. Lankenau, Mayor

Attest:


Rupert W. Schweinhagen, Finance Director

HOGREFE2.MOT