

CITY OF BROOK PARK, OHIO

P/C
CA 5/7/24
1st 5/7/24
2nd 5/14/24 Sp Council
3rd
B/C

ORDINANCE NO: 11411-2024

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE AMENDING AND ADDING TO CERTAIN SECTIONS OF CHAPTER 1121 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "LISTING OF PERMITTED USES FOR EACH USE DISTRICT" AND DECLARING AN EMERGENCY

NOW THEREFORE IT BE ORDAINED, by the Council of the City of Brook Park, State of Ohio, that

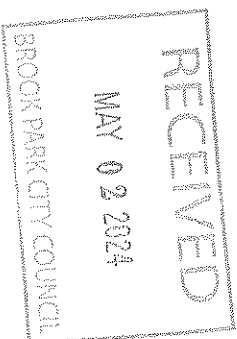
SECTION 1: Section 1121.04(f) of the Brook Park Codified Ordinances, passed by Ordinance No. 8407-1998 on January 27, 1998 and reading as follows:

1121.04(f) Forbidden Uses in U-3, U-3A, U-4, and U-5 Use Districts: No open or unroofed yard for storage of lumber other new building material shall be allowed in any U-3, U-3A, U-4 or U-5 Use District.

Is hereby amended to read as follows:

1121.04(f) Forbidden Uses in U-3, U-3A, U-4, and U-5 Use Districts: No open or unroofed yard for storage of lumber other new building material shall be allowed in any U-3, U-3A, U-4 or U-5 Use District, the following applies to car wash establishments:

1. No car wash establishment may be established or operated within 1,000 feet of a school, public playground, recreation center or public park in the City.
2. No car wash establishment may be established, operated or enlarged within one-half mile of another car wash establishment.
3. No more than one car wash establishment shall be established or operated in the same building, structure, or portion thereof.
4. For the purpose of subsections (1) and (2) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a car wash establishment is conducted, to the nearest property line of the premises of a car wash establishment or



a school, recreation center, public playground, or public park.

5. Car wash establishments shall not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

SECTION 2: Section 1121.04(f) of the Brook Park Codified Ordinances, passed by Ordinance No. 8407-1998 on January 27, 1998 is hereby expressly repealed.

SECTION 3: Section 1121.23(i) of the Brook Park Codified Ordinances, passed by Ordinance No. 6808-1986 on April 29, 1986, and reading as follows:

1121.23(i) Prohibited Uses. Any type of establishment defined as "adult entertainment" in Section 1121.021 is prohibited in a U-3A Business District.

Is hereby amended to read:

1121.23(i) Prohibited Uses. Any type of establishment defined as "adult entertainment" in Section 1121.021 is prohibited in a U-3A Business District. The following applies to car wash establishments:

1. No car wash establishment may be established or operated within 1,000 feet of a school, public playground, recreation center or public park in the City.
2. No car wash establishment may be established, operated or enlarged within one-half mile of another car wash establishment.
3. No more than one car wash establishment shall be established or operated in the same building, structure, or portion thereof.
4. For the purpose of subsections (1) and (2) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a car wash establishment is conducted, to the nearest property line of the premises of a car wash establishment or a school, recreation center, public playground, or public park.
5. Car wash establishments shall not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

SECTION 4: Section 1121.23(i) of the Brook Park Codified Ordinances, passed by Ordinance No.6808-1986 on April 29, 1986 is hereby expressly repealed.

SECTION 5: New Section 1121.33(f) of the Brook Park Codified Ordinances is hereby created to read as follows:

1121.33(f) Prohibited Uses. The following applies to car wash establishments:

1. No car wash establishment may be established or operated within 1,000 feet of a school, public playground, recreation center or public park in the City.
2. No car wash establishment may be established, operated or enlarged within one-half mile of another car wash establishment.
3. No more than one car wash establishment shall be established or operated in the same building, structure, or portion thereof.
4. For the purpose of subsections (1) and (2) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a car wash establishment is conducted, to the nearest property line of the premises of a car wash establishment or a school, recreation center, public playground, or public park.
5. Car wash establishments shall not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

SECTION 6: New Section 1121.40(g) of the Brook Park Codified Ordinances is hereby created to read as follows:

1121.40(g) Prohibited Uses. The following applies to car wash establishments:

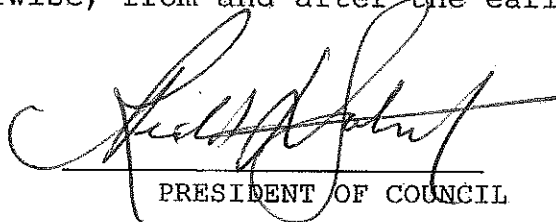
1. No car wash establishment may be established or operated within 1,000 feet of a school, public playground, recreation center or public park in the City.
2. No car wash establishment may be established, operated or enlarged within one-half mile of another car wash establishment.
3. No more than one car wash establishment shall be established or operated in the same building, structure, or portion thereof.

4. For the purpose of subsections (1) and (2) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a car wash establishment is conducted, to the nearest property line of the premises of a car wash establishment or a school, recreation center, public playground, or public park.
5. Car wash establishments shall not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

SECTION 7: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 Section 121.22 of the Ohio Revised Code.

SECTION 8: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health, safety and welfare of said City, and for the further reason to amend and certain sections of Chapter 1121 of the Brook Park Codified Ordinances therefore provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: May 14, 2024


 PRESIDENT OF COUNCIL

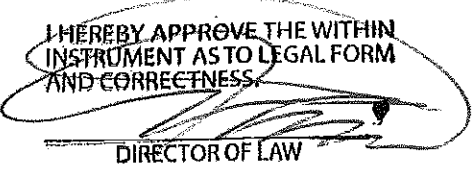
ATTEST: Carol Johnson
 Clerk of Council

APPROVED: Ed M. Smith
 MAYOR

	Yes	No
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<u>Excused</u>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McCorkle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Polindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dufour	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5-14-24
 DATE

CERTIFICATE
 Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11411-2024 passed on the 14 day of May 2024 by said council.
Carol Johnson
 Clerk of Council

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS.

 DIRECTOR OF LAW