

Ordinance No. 2007-OR- 2

BEFORE THE COMMON COUNCIL  
FOR THE CITY OF JEFFERSONVILLE  
IN THE STATE OF INDIANA

**AN ORDINANCE ESTABLISHING DEFINITIONS AND DEVELOPMENT  
STANDARDS FOR AUTO RELATED BUSINESSES**

**WHEREAS**, the Common Council of the City of Jeffersonville (“the Council”) has the statutory authority to enact ordinances to promote the general welfare of the citizens; and

**WHEREAS**, the City of Jeffersonville (“the City”) does not have an ordinance that effectively regulates auto related businesses; and

**WHEREAS**, the Council desires to establish certain regulations and procedures with the intent to establish definitions and development standards for auto related businesses; and

**WHEREAS**, on February 27, 2007, a public hearing was held before the Jeffersonville Plan Commission to gather information regarding proposed amendments to the Zoning Ordinance and a task force was created to review and revise the proposed amendments to the Zoning Ordinance; and

**WHEREAS**, on May 29, 2007, the Jeffersonville Plan Commission unanimously recommended that the City Council establish definitions and Development Standards for Auto Related Businesses; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council that the following definitions and Development Standards are established for auto related businesses:

**Section 1. AUTO SALES/OPEN AIR/NO SERVICES:**

**1. Definition**

- A. For the sale of primarily pre-owned vehicles and light trucks conducted with no showroom or mechanical repair facilities for consumer automobile maintenance and repair.

**2. Development Standards**

- B. Minimum Lot size: New lots One/Half acre. Reuse of existing lots subject to approval by Board of Zoning Appeals approval with conditions. The business must meet all minimum standards of the Bureau of Motor Vehicles.
- C. Zones allowed: C-2, I-1, I-2, or H-C. Special Exception Required.
- D. Maximum number of cars displayed for sale on lot: Because of varying sizes and shapes of properties that could possibly be used, a plan of usage must be adopted

during the approval hearing. Display area of usage must be identified, and vehicle may not be shown for sale in area other than approved display areas. Display areas must be shown in usage plan with parking spaces measuring 8feet wide, 17feet long minimum. Vehicles may be displayed double-parked or back- to- back only if vehicles may exit to a minimum of a 14foot wide drive in display area (neither side exiting to street or alley). Any other double- parking of vehicles is not allowed. Drive/isle ways must measure a minimum of 14' in width.

- E. Usage Restrictions: Display lot is restricted to display of motor vehicles only. All vehicles on display must be for sale.
- F. Other Areas Identified: Customer parking, office, area for storage of trades, repossessions, and auction cars are stored until made ready for resale. Any vehicle not for sale may not be stored over 90 days, unless it is in a screened area. Screened area would be blocked from view on all sides by a six-foot privacy fence.
- G. Lighting: Cut off fixtures with lighting plan to be presented for approval.
- H. Landscaping Plan: Required landscaping plan to be presented for approval, using berms and plantings between sales lot and other uses that might be impacted by lot sales. Monument sign to be included in plan.
- I. Setbacks: All Vehicles to be parked 8 feet from edge of paved surface of road with rubber parking bumpers or lane restraints in front. All intersecting roads or drives to be kept free of visual obstruction Lot may display vehicles for sale on up to three of four sides, any side adjoining residential must have acceptable buffer or privacy fencing, 4<sup>th</sup> side must have a 15 foot set back or privacy fence if set back is not possible because of land configuration.  
Off street parking for patrons and employees required with a minimum of 1 spot for every 10 vehicles offered for sale.
- J. Lot paved with hard dust free surface
- K. No lot storage of inoperable vehicles or outside storage of materials
- L. Permanent office (minimum of 100 square feet) with restrooms for patrons and staff with all vending machines secured inside.
- M. No outside buzzers, bells, or intercoms allowed.
- N. Other conditions as set out by the Special Exception and requirements as listed by the Indiana Bureau of Motor Vehicles.

### 3. Penalties

- O. Maintenance/Upkeep: Property owners or business operators after acquisition of the special exceptions must keep their property maintained in a clean, safe, and attractive condition. Failure to do so may result in revocation of the special exception.
  - 1. First infraction or citation, warning, no fine. 15-day compliance.
  - 2. Second infraction: citation with \$100.00 fine. 15-day compliance.
  - 3. Third infraction: Citation with \$500.00 fine.

After the third infraction the property owner/tenant will have 15 days to correct the problem. If the problem is not corrected by the 15<sup>th</sup> day, the city will move to immediately to correct the problem and place a lien upon the real estate for payment. Once a lien attaches or if the city moves to correct any three separate problems within a three-year period, the special exception is forfeited, conditional on a favorable hearing before the Board of Zoning Appeals.

**SECTION 2. AUTO SALES/OPEN AIR/LIMITED MECHANICAL SERVICES OR BODY SHOP OFFERED:**

**1. Definition**

- A. For the sale of primarily pre-owned vehicles and light trucks or recreational vehicles conducted with a service facility for light maintenance and minor repairs.

**2. Development Standards**

- B. Minimum Lot Size: One/half acre
- C. Zones Allowed: C-2, I-1, I-2, or H-C, Special Exception Required.
- D. Maximum Number of Vehicles allowed on lot: Ratio of 10 cars to each garage bay, 3 bay minimum. The Display lot shall have the majority of all vehicles in the front of the office.
- E. Lighting: Cut off fixtures required in lighting plan to be approved.
- F. Landscaping Plan: To be submitted with monument sign for approval
- G. Setbacks: All Vehicles to be parked 8 feet from edge of paved surface of road with rubber parking bumpers or lane restraints in front. All intersecting roads or drives to be kept free of visual obstruction.
- H. Off street parking: One parking place for each 10 vehicles offered for sale.
- I. Permanent office with restrooms for patrons and staff with all vending machines secured inside.
- J. No outside storage of inoperable vehicles or supplies or parts cars.
- K. No outside buzzers, bells or intercoms allowed.
- L. At least one service technician or mechanic on duty during regular business hours.
- M. Other conditions as set out in Special Exception.

**SECTION 3. AUTO SALES WITH SHOWROOM/OPEN AIR/FULL SERVICE MECHANICAL WITH OR WITHOUT BODY SHOP**

**1. Definition**

- A. For sale of new or pre-owned vehicles, including light and medium trucks, motorcycles, and recreational vehicles. The service facility shall offer major and minor repairs to vehicles sold or to individuals seeking service only. This would also include a warranty repair center.

## **2. Development Standards**

- B. Minimum lot size: One acre
- C. Zones: H-C, C-2, I-1, and H-C. Must comply with Commercial Corridor development plan requirements.
- D. Maximum number of cars: Ratio of One garage bay for every 10 vehicles for sale with a 4-bay minimum. Showroom to have a 3 car minimum size plus offices and restrooms. The Outside Display lot shall proportion the vehicles offered for sale to either side of the structure or in the front of the building with flexibility to reposition the vehicles for display
- E. Outside sales lot to have 1 off street parking spot for every 10 cars offered for sale.
- F. Lighting: cut off fixtures required with lighting plan to be approved. Security wall packs allowed on building rear.
- G. Landscape Plan: to be submitted for approval, including lighted monument sign.
- H. Setbacks: No parking of sale vehicles within 8 feet of road surface. All parking to have rubber bumpers or marked lane restraints. All intersecting roads or drives to be kept visually unobstructed.
- I. No outside bells, buzzers or intercoms allowed.
- J. Full time service department required daily during normal business hours.
- K. Any outdoor parking of vehicles under repair to be screened and secured from vision from street or neighboring property.

## **SECTION 4. AUTO BODY REPAIR SHOP**

### **1. Definition**

- A. This includes any major or minor repair or rebuilding of Body, Frame or Paint. This does not include those services typically performed by Mechanical Repair Shops, except minor mechanical repairs will be allowed if done in conjunction with Body Repair.

### **2. Development Standards**

- B. Minimum lot size: One/half acre.
- C. Zone requirement: Attached to same campus as Full Service Auto Sales (#3 above) or C-1, C-2, H-C, or any Industrial Zone.
- D. Body Shop Size: One bay required for each three vehicles on site, with a three bay minimum. Restrooms and waiting area for customers required and any vending machines to be located inside.
- E. Storage lot: Required buffering on all sides. Inoperable or parts vehicles to be restricted to on site for a maximum of 90 days or until the State Department of Transportation can schedule and conduct an auction. All other vehicles shall be salvaged and crushed and hauled away.
- F. Maximum number of cars on lot: 10 for each paint or service bay.