

ORDINANCE NO. 2022-O-28

AN ORDINANCE EXTENDING THE EXISTING 6 MONTH MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING AND/OR OCCUPANCY PERMIT APPROVALS FOR SMALL BOX DISCOUNT STORES AND THE ISSUANCE OF SUCH APPROVALS IN THE CITY OF MENTOR ON THE LAKE FOR A PERIOD OF TWO MONTHS, AND DECLARING AN EMERGENCY

WHEREAS, on June 28, 2022, the City of Mentor on the Lake passed a Six Month Moratorium Zoning Ordinance, Ordinance No. 2022-O-09, regarding Small Box Discount Stores in the City; and

WHEREAS, this Moratorium expires on December 28, 2022 and during this six month period a Special Committee of Council has been diligently working on the issues presented in the Moratorium Ordinance and a zoning amendment ordinance has been included on the City Council Meeting Agenda for the December 13, 2022 Council Meeting; and

WHEREAS, Council has determined that it needs to extend the Moratorium for an additional two months in order to allow Council the necessary time to study, contemplate and discuss the proposed zoning amendment ordinance regarding Small Box Discount Stores; and

WHEREAS, in accordance with the Constitution of the State of Ohio and the pertinent provisions of the Ohio Revised Code, the City of Mentor on the Lake has the power to enact planning and zoning laws and business license laws that are intended to protect the health, welfare and safety of the citizens of the City; and

WHEREAS, that City Council wishes to further study the impact of these types of stores relative to the concerns identified in Ordinance 2022-O-09; and

WHEREAS, this Council believes that a temporary moratorium on the acceptance and processing of appropriations for zoning and occupancy and business license permit proposals for small box discount stores will not deny property owners economically viable use of their property and will afford City Officials and this Council the time necessary to put in place reasonable zoning and business regulations to preserve the public health, safety and welfare.

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

SECTION 1. Council hereby extends the existing 6-month moratorium for a period of two additional months on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for small box discount stores and the issuance of such approvals. This extension of the Zoning Moratorium shall run from December 28, 2022 to February 28, 2023.

"Small Box Discount Store shall be defined as a retail store between 5,000 and 15,000 square feet that sells at retail an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods.

Small box discount stores do not include small box stores that:

1. Contain a prescription pharmacy;
2. Sell gasoline or diesel fuel;
3. Primarily sell specialty food items or daily prepared foods such as meat, seafood, cheese, or other similar food items;
4. Dedicate at least 15% of shelf space to fresh or fresh frozen foods.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with the statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Mentor on the Lake for the reason that it is necessary to impose this moratorium extension immediately to facilitate a study of current planning, zoning and business ordinances in order to determine appropriate rules and regulations for these types of businesses. Said Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Mentor-on the-Lake, Ohio.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.



ROBERT JOHNSON
PRESIDENT OF COUNCIL



DAVID R. EVA
MAYOR

Dated: 12/13/22

ADOPTED: December 13, 2022

ATTEST: Joyce M. Sape
Clerk of Council