

ORDINANCE NO. 2022-O-27 (AMENDED)

**AN ORDINANCE AMENDING CODIFIED
ORDINANCES 1240.02, 1258.02. AND CREATING NEW SECTION 1258.021
IN ORDER TO REGULATE SMALL BOX DISCOUNT STORES IN THE CITY**

WHEREAS, Council wishes to amend the Zoning Ordinances in order to regulate Small Box Discount Stores in the City and also to limit the number of Small Box Discount Stores in the City because Council based on its study of this matter and based on input from the community believes that an over concentration of Small Box Discount Stores is detrimental to the City and to its residents.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mentor-on-the-Lake, County of Lake and State of Ohio, as follows:

Section 1. That Codified Ordinance Sections 1240.02 is amended to add the following definition for a Small Box Discount Store:

"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: (a) contain a prescription pharmacy; (b) sell gasoline or diesel fuel; (c) primarily sell specialty food items or daily prepared foods such as meat, seafood, cheese, or other items similar food items; (d) dedicate at least 15% of retail space to fresh or fresh frozen foods.

Section 2. That Codified Ordinance Section 1258.02 is amended to add the Classification of "Small Box Discount Stores" to Ordinance 1258.02 Permitted Buildings and Uses and as amended that Section now reads as follows:

1258.02 PERMITTED BUILDINGS AND USES

The following buildings and uses are permitted or not permitted or allowed with a conditional use permit in the

Business District I and Business District II. Binary Use Structure is defined for the purposes of Chapter 1258 as building comprised of a condominium or an apartment built above a permitted business. ("P" is a permitted use, "NP" is a use that is not permitted and "C" is a conditional use that is approved pursuant to the provisions of Ordinance 142.03)

| Classification | Use | Business I | Business II |
|-----------------|--|------------|-------------|
| Office | | | |
| | Offices (Administrative, Professional, and Business) | P | P |
| | Sales office in completely enclosed building (no retail) | P | P |
| | Banks, Financial Institutions | P | P |
| | Mortuary | P | P |
| | Dispensaries, Medical Clinics, Urgent Care | P | P |
| | Research and Testing Laboratories | C | C |
| Retail/Services | | | |
| | Retail in completely enclosed building | P | P |
| | Automated Teller Machines (ATMs) | C | C |
| | Personal Services in completely enclosed building | P | P |
| | Restaurants (no sale of alcoholic beverages) | C | P |
| | Restaurants (including sale of alcoholic beverages) | C | C |
| | Dance floor/entertainment in association with permitted use | C | C |
| | Hotels, Motels, Inns, and Bed and Breakfasts | C | C |
| | Business Equipment and Supply | P | P |
| | Pet Shops | P | P |
| | Veterinary Hospitals, Animal Hospitals and Clinics | C | C |
| | Animal Boarding and Daycare Facilities | C | C |
| | Outdoor storage and display associated with a permitted use | C | P |
| | Drive-in/Drive-thru facility in association with a permitted use | C | P |
| | Pharmacy and associated convenience goods | P | P |

| | | | |
|---|--|----|----|
| Automotive Associated | Small Box Discount Stores as defined in Ordinance 1240.02, provided that not more than two Small Box Discount Stores are allowed in the Business II Zoning District at any given time pursuant to Ordinance 1252.021 | NP | C |
| | Gasoline Station | C | C |
| | Electric Vehicle Charging Stations | C | C |
| | Alternative Automotive Fuel Filling Station | C | C |
| | Car Wash/Car Detailing | C | P |
| | Automobile Service Station | C | C |
| | Car Sales Agency | C | P |
| | Automobile/Truck Rental Agency | C | P |
| | Parking Lot For noncommercial vehicles as principle use | NP | NP |
| | Recreational Vehicles – Trailers, Motor Homes, Mobile Homes Sales or Rentals | NP | C |
| Entertainment and Recreation | Motor Vehicle Repair, Autobody, Painting | NP | C |
| | Membership Sports/Fitness Club | P | P |
| | Studios for Instruction | P | P |
| | Indoor Commercial Recreation | P | P |
| | Family Fun Center | P | P |
| | Theater | C | P |
| | Assembly Hall, Meeting Place, Party Center | P | P |
| | Sound Studio | NP | C |
| Community Services and Facilities | Libraries, Museums | P | P |
| | Places of Worship, Public and Private Schools | P | P |

| | | | |
|-------------|--|----|----|
| | Public Safety Facility | P | P |
| | Child Daycare | C | C |
| | Adult Daycare | C | C |
| | Nursing Home | C | C |
| | Vocational, Technical, or Trade School | C | C |
| | Assisted Living Facilities | C | C |
| Residential | | | |
| | Apartments for the Elderly (ARTARP Only) | P | |
| | Binary Use (Condominium or apartment above Business Unit) | C | C |
| Storage | | | |
| | Self-Storage Facility | NP | P |
| | Outdoor Storage of Heavy Equipment | NP | NP |

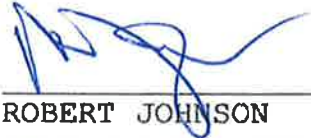
Section 3. That Codified Ordinance Sections 1258.021 is adopted to regulate the number of Small Box Discount Stores in the City and as adopted reads as follows:

1258.021 NUMBER OF SMALL BOX DISCOUNT STORES PERMITTED IN THE CITY

No more than Two (2) "Small Box Discount Stores", as that use or term is defined in Ordinance 1240.02, shall be permitted or allowed in the Business II Zoning District as a Conditional Use and Small Box Discount Stores shall not be allowed in any other zoning district of the City.

Section 4. That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which 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.

WHEREFORE, this Ordinance shall be in full force and effect thirty day after its passage by Council and approval by the Mayor.



ROBERT JOHNSON
PRESIDENT OF COUNCIL

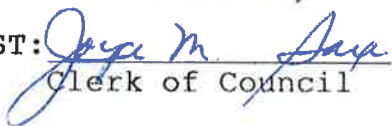


DAVID R. EVA

MAYOR

Dated: 3/28/23

ADOPTED: March 28, 2023

ATTEST: 
Clerk of Council