THE CITY COUNCIL OF
NORTH ROYALTON, OHIO

ORDINANCE NO. 20-120

INTRODUCED BY: Barath, Fenos, Krejci
Co-Sponsor: Marnecheck

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, CONDITIONAL USE AND/OR BUILDING PERMIT APPROVALS FOR SMALL BOX DISCOUNT STORES IN ALL ZONING DISTRICTS IN THE CITY OF NORTH ROYALTON, THE ISSUANCE OF SUCH APPROVALS, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton may legitimately regulate the location and approval of Small Box Discount Stores, which are defined as a retail store between 3,000 and 15,000 square feet in size, that sell direct to consumers a limited assortment of physical goods, products, or merchandise, personal grooming and health products, household goods, and other consumer products, including food or beverages for off premises consumption, most individual items being sold for $10.00 or less, and having less than 15% of shelf space dedicated to fresh food and produce; and

WHEREAS: The City Charter requires that at regular intervals a review be made of the city's Master Plan for development and that review is to be undertaken in the coming months and all recommendations be presented to Council and the electorate next year, 2021, and that such review will include the questions and concerns regarding Small Box Discount Stores; and

WHEREAS: This Council believes that a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Small Box Discount Stores in any Zoning District in the city, and on the issuance of such approvals, will not deny property owners the economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the North Royalton Zoning Code in conjunction with the Master Plan review and possible amendment thereof relative to the location and approval process for Small Box Discount Stores.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Council of the City of North Royalton hereby imposes a moratorium for a period of twelve (12) months from the effective date of this Ordinance or until the adoption of the Master Plan amendments whichever comes first, the city shall not accept or process any applications for zoning, occupancy, conditional use and/or building permit approvals for Small Box Discount Stores in any Zoning District in the city, and further shall not issue any such approvals during said period.

Section 2. 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the North Royalton Zoning Code in conjunction with the Master Plan review and possible amendment thereof relative to the location and approval process for Small Box Discount Stores.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all 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.

/s/ Paul F. Marnecheck
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz
MAYOR

DATE PASSED: October 6, 2020

DATE APPROVED: October 8, 2020

First reading suspended
Second reading suspended
Third reading October 6, 2020

ATTEST: /s/ Dana A. Schroeder
DIRECTOR OF LEGISLATIVE SERVICES

YEAS: Marnecheck, Fenos, Barath, Krejci
Dietrich, Weimer, Wos

NAYS: none