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NOTICE OF PUBLIC HEARING

CITY COUNCIL

Dennis Fiorelli
President
Sara Continenza
Joe Frank
Marty Gelfand
Jane Goodman
Ruth Gray
Jason Russell

MEETING OF: **ZONING & PLANNING
COMMITTEE**

CALLED BY: JASON RUSSELL, CHAIRMAN

DATE: **MAY 14, 2018**

LOCATION: COMMITTEE/JURY ROOM

TIME: 6:00 P.M.

RE: **ORD. 05-18** DARK STORE
LEGISLATION
ORD. 06-18 GAS STATION
ALCOHOL SALES

COMMITTEE MEMBERS:

MARTY GELFAND
JANE GOODMAN

COUNCIL MEMBERS:

SARA CONTINENZA
DENNIS FIORELLI
JOE FRANK
RUTH GRAY

ADMINISTRATION:

ERIC TUCK-MACALLA, BUILDING COMMISSIONER
MICHAEL LOVE, ECONOMIC DEVELOPMENT DIR.

THE CITY OF SOUTH EUCLID

ORDINANCE NO.: 05-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Planning Commission

March 12, 2018

AN ORDINANCE

AMENDING CHAPTER 731 "PERMITTED USES IN COMMERCIAL DISTRICTS", BY ENACTING NEW SECTION 731.07 "MAJOR RETAIL ESTABLISHMENTS" OF TITLE THREE "COMMERCIAL DISTRICT REGULATIONS" OF PART SEVEN "THE PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Planning Commission, by a vote of 4-0-0 on February 22, 2018, has recommended to Council that Chapter 731 be amended by enacting new Section 731.07 of Title Three of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio, regarding Major Retail Development; and

WHEREAS, notice of a Public Hearing on the aforesaid requested Zoning amendment has been duly given, and a full Public Hearing has been held thereon, pursuant to such notice and as prescribed by law; and

WHEREAS, Council deems that the aforesaid Zoning amendment should be made and the same is conducive to the public health, safety, convenience and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED that the Council of the City of South Euclid, Ohio:

Section 1: That new Section 731.07 of Title Three of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio, be and the same is hereby enacted to read as follows:

"731.07 MAJOR RETAIL ESTABLISHMENTS.

- (a) Major Retail Development. A Major Retail Development is defined as a singular Retail Sales Establishment or Shopping Center that involves any one, or a combination of the following and as is defined herein:
- (1) New construction of a singular Retail Sales Establishment that is greater than eight thousand (8000) gross square feet in size; or
 - (2) New construction of a Shopping Center on a parcel or combination of parcels of real property comprising one half (1/2) acres or more; or
 - (3) Expansion of a singular Retail Sales Establishment or Shopping Center existing as of the effective date of adoption of this Section and which said expansion will increase the square footage of a singular Retail Sales Establishment to become more than eight thousand (8000) gross square feet in area or increase the size of a Shopping Center to more than one half (1/2) acres.
 - (4) Retail Sales Establishment. A Retail Sales Establishment is defined as an establishment or place of business primarily engaged in the sales of goods or services directly to the consumer, where such goods or services are generally available for immediate purchase.
 - (5) Shopping Center. A Shopping Center is defined as a grouping of three (3) or more commercial units built primarily for Retail Sales Establishments on common property planned, developed, owned or managed as a unit with common off-street parking provided on the same site.
- (b) Unless otherwise specifically provided in a developer's agreement approved by the City, all Major Retail Developments shall be subject to the following provisions:

Passed this _____ day of _____, 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo , Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 06-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

March 12, 2018
Second Reading: April 9, 2018
Third Reading: May 14, 2018

AN ORDINANCE

REPEALING SECTION 731.06 "SALE OF GASOLINE AND/OR MOTOR VEHICLE FUEL FROM PREMISES AT WHICH ALCOHOLIC BEVERAGES ARE SOLD OR OFFERED FOR SALE; PENALTY" OF CHAPTER 731 "PERMITTED USES IN COMMERCIAL DISTRICTS" OF TITLE THREE "COMMERCIAL DISTRICT REGULATIONS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, as the codified ordinances are reviewed, City Council periodically finds the need to update certain legislation; and

WHEREAS, Section 731.06 is one such piece of legislation as City Council desires to repeal the legislation so that the codified ordinances are consistent with policy.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 731.06 "Sale of gasoline and/or motor vehicle fuel from premises at which alcoholic beverages are sold or offered for sale; penalty" of Chapter 731 "Permitted Uses in Commercial Districts" of Title Three "Commercial District Regulations" of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby repealed:

~~731.06 SALE OF GASOLINE AND/OR MOTOR VEHICLE FUEL FROM PREMISES AT WHICH ALCOHOLIC BEVERAGES ARE SOLD OR OFFERED FOR SALE; PENALTY.~~

~~—(a) No building or lot shall be used for the sale of, or for offering the sale of, gasoline and/or motor vehicle fuel if beer, wine and/or intoxicating liquor is sold or offered for sale at retail at or from such building or lot.~~

~~—(b) Any person, including, without limitation, the president, the chief executive officer, a responsible officer or other employee of a firm or organization, who is convicted of a violation of this section, shall be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both, for each offense.~~

~~—(c) For the purpose of this section, a separate offense shall be deemed committed each day during or on which a violation of this section occurs or continues.~~

~~—(d) The imposition of any penalty shall not preclude the Director of Law from instituting an appropriate action or proceeding, in a court of proper jurisdiction, to restrain, correct or abate a violation, to prevent the occupancy of a building, structure or premises or to require compliance with the provisions of this section or the orders or determinations of the Zoning Administrator, the Mayor or the Zoning and Building Standards Board of Appeals as said orders or determinations relate to this section.~~

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the City and therefore should be adopted at the earliest possible time. Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.