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## REMINDER

### NOTICE OF MEETING

#### 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: **January 14, 2019**

LOCATION: COMMITTEE/JURY ROOM

TIME: 7:00 P.M.

RE: **ORD. 05-18 COMMERCIAL  
DISTRICTS/DARK STORE  
ORDINANCE**

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#### **COMMITTEE MEMBERS:**

MARTY GELFAND  
JANE GOODMAN

#### **COUNCIL MEMBERS:**

SARA CONTINENZA  
DENNIS FIORELLI  
JOE FRANK  
RUTH GRAY

#### **ADMINISTRATION:**

LAURA HEILMAN, BUILDING COMMISSIONER  
MICHAEL LOVE, ECONOMIC DEVELOPMENT DIR.  
KEITH BENJAMIN, COMMUNITY SERVICES 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:

(1) The owner and tenant(s) shall maintain the Major Retail Development in compliance with all provisions of the Codified Ordinances of the City of South Euclid and/or a plan approved as part of a developer's agreement approved by the City. If the Major Retail Development or any part thereof is not found to be in compliance with Codified Ordinances of the City of South Euclid and/or a plan approved as part of a developer's agreement approved by the City, the City may take action to correct the situation pursuant to South Euclid Codified Ordinance Chapter 531.

(2) If the Major Retail Development becomes either: (a) a "Vacant Commercial Building" as is defined by South Euclid Codified Ordinance 1414; or (b) has more than fifty percent (50%) of the gross square footage of a Shopping Center unoccupied, the owner or operator of the Major Retail Development shall fully comply with South Euclid Codified Ordinance Chapter 1414.

(3) Fees: The annual registration fee shall be \$.05 per gross square foot for the first year, \$.10 per gross square foot for the second year, \$.20 per gross square foot for the third year, \$.30 per gross square foot for each year thereafter that the structure remains vacant.

(4) Prior to issuance of a building permit for any Major Retail Development, the owner and/or tenant(s), as may be required by the City, shall obtain, provide evidence to the City, and carry in full force and effect for the duration of the operation of the Major Retail Development or as may be stipulated in a development agreement with the City, a performance/surety bond in an amount which provides for the cost of demolition of the building or buildings identified by the City. Said bond shall specifically name the City as a beneficiary, and shall provide funds to the City for the cost of demolition of some or all of a Major Retail Development the City may undertake pursuant to the South Euclid Codified Ordinances.

(5) Buildings or Shopping Centers in existence at the adoption of this ordinance shall provide a performance/surety bond in an amount which provides for the cost of demolition of the building or buildings identified by the City when: (a) the Building or Shopping Center meets the criteria of a Vacant Building as identified in South Euclid Ordinance 1414; or, (b) has more than fifty percent (50%) of the gross square footage of a Shopping Center unoccupied. Said bond shall specifically name the City as beneficiary, and shall provide funds to the City for the cost of demolition of some or all of a Major Retail Development the City may undertake pursuant to the South Euclid Codified Ordinances.

(6) Prior to issuance of a building permit for any Major Retail Development, the owner and/or tenant(s), as may be required by the City, shall provide the Building Commissioner and Director of Law a copy of the written lease between the owner and each tenant to be located at the Major Retail Development. No lease that refers, relates or is in any way connected to a Major Retail Development shall contain a provision prohibiting the owner, agent, property manager, successor or assign of a Major Retail Development from re-leasing all or any portion of a Major Retail Development when a tenant has either involuntarily or voluntarily vacated all or any portion of a Major Retail Development."

Section 2: That it 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: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law and upon signature of the Mayor.

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:

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Michael P. Lograsso, Director of Law