

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2021-54

Introduced By: Mayor Matthew Castelli

**AN ORDINANCE
EXTENDING A MORATORIUM ON THE ACCEPTANCE, PROCESSING,
AND APPROVAL OF APPLICATIONS FOR ZONING, OCCUPANCY
AND/OR BUILDING PERMITS FOR DEALERS IN SECONDHAND
ARTICLES USE IN ALL ZONING DISTRICTS OF THE CITY
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance 2019-82, passed June 25, 2019 established a temporary moratorium on the acceptance, processing, and approval of applications for zoning, occupancy and/or building permits for dealers in secondhand articles use in all zoning districts of the City and Ordinances 2019-126, passed December 10, 2019 and 2020-44, passed May 21, 2020 and 2020-94, passed November 24, 2020 extended the moratorium for an additional period of six months from the effective date of the Ordinances; and

WHEREAS, The City of Middleburg Heights may regulate the location and approval of Dealers in Secondhand Articles; and

WHEREAS, The City of Middleburg Heights seeks to avoid an over-concentration of Dealers in Secondhand Articles and desires to encourage a greater diversity of retail activity and purchasing options within the City; and

WHEREAS, the City of Middleburg Heights is working together with the Cuyahoga County Planning Commission to develop a comprehensive, useable, and actionable Master Plan for the City of Middleburg Heights; and

WHEREAS, the Master Plan will document all recommendations regarding issues related to Land Use and Zoning, Building and Land Vacancy, Economic Development, Environment and Transportation; and

WHEREAS, the City is simultaneously undergoing a Zoning Code update project with the assistance of a land use planning and zoning professional; and

WHEREAS, this ordinance will temporarily preserve the status quo pending further study of a new Comprehensive Master Plan and Zoning Code update; and

WHEREAS, the Mayor and Council have determined the extension of this moratorium will protect the planning process and will be in the best interest of the community, health, safety and welfare to undertake a review of the Middleburg Heights Zoning Code and to consider updates so that any necessary regulations conform to the goals of the City of Middleburg Heights.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That the Mayor and Council hereby extend a moratorium for an additional period of six months from the effective date of this Ordinance, the City shall not accept, process, or approve any applications from or for Dealers in Secondhand Articles uses in all Zoning Districts of the City during said period.

Section 2: The purpose of this extended moratorium is so that the City Administration, Council, and Planning Commission can continue review of the Middleburg Heights Zoning Code and consider amendments thereof relative to the location and approval process for Dealers in Secondhand Articles.


Section 3: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall prevail.

Section 4: The extended moratorium shall be in effect for a period of six months from the effective date of this Ordinance, or until changes are enacted to amend the Codified Ordinance of the City of Middleburg Heights to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5: 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 that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 6: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City. Wherefore, provided this Ordinance receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 7/13/21



President of Council

Attest: M. Meola
Clerk of Council

Approved On: 7-12-2021

Presented to Mayor: 7/13/21



Mayor

	Yea	Nay
Bortolotto	<u>X</u>	_____
Ali	<u>X</u>	_____
Sage	<u>X</u>	_____
Meany	<u>X</u>	_____
McGregor	<u>ABSENT</u>	_____
Ference	<u>X</u>	_____
Grech	<u>ABSENT</u>	_____

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2021-54 adopted by the Council of the City of Middleburg Hts., on 7/13/21 was posted for a period of fifteen days, beginning 7/13/21 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meola
Clerk

CERTIFICATE

I, Mary Ann Meola Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2021-54 passed on the 13th day of July 2021 by said Council.

Mary Ann Meola
Clerk of Council