

ORDINANCE NO. 2023-32

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE PLANNING COMMISSION FOR A PROPOSED AMENDMENT TO CHAPTER 1145 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, TITLED “RETAIL DISTRICT;” SPECIFICALLY, SECTION 1145.03, TITLED “USES;” AUTHORIZING THE SUBMISSION OF THE PROPOSED AMENDMENT TO THE ELECTORS OF THE CITY AT THE NEXT GENERAL ELECTION, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willowick Charter and Chapter 1145 of the Codified Ordinances of the City of Willowick empower the City to establish the division of its municipal corporate limits into use district zones and the specific identification of permitted main and accessory uses therein; and

WHEREAS, the City of Willowick Planning Commission by public hearing reviewed a proposed amendment to Chapter 1145 of the Codified Ordinances of the City of Willowick, Ohio, captioned “Retail District;” specifically, Section 1145.03, titled “Uses,” and thereafter recommended approval of the requested amendment to this Council; and

WHEREAS, the Council and Administration believe it is in the best interests of the residents of the City of Willowick to amend Chapter 1145 and the specific uses set forth within the Retail District under Section 1145.03; and

WHEREAS, Section 3.15 of the Charter of the City of Willowick requires that a measure which provides for a change in the uses of a property from uses presently authorized by the existing zoning code of the City shall go into effect only after approval by a majority of the electors of the City voting upon it;

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Willowick, County of Lake, State of Ohio:

Section 1. That the Planning Commission’s recommendation as set forth immediately below to amend Chapter 1145 of the Codified Ordinances of the City of Willowick, titled “Retail District;” specifically Section 1145.03, titled “USES,” is hereby approved by Council and shall be submitted to the electorate of the City at the next general election on November 7, 2023.

1145.03 USES.

The Retail District shall have the following main uses, accessory uses, and prohibited uses:

(a) Main Uses Permitted.

- (1) Retail establishments.
- (2) Offices. Professional, administrative, medical, public, semi-public and civil offices and other civil establishments.
- (3) Professional business and service establishments. Professional, craftsman, artisan business uses and personal services when recommended by the Planning Commission and approved by City Council.

(4) Dining facilities, full service and drive through restaurants, ice cream parlors, pizza or other specialty food establishments.

(5) Grocery stores.

(6) School facilities.

(7) Health club facilities.

(8) Motor vehicle fueling stations.

(9) Maximum of four entertainment device arcade(s) per three square mile(s).

(10) Mechanical amusement devices and game rooms.

(b) Accessory Uses Permitted.

(1) Parking areas for the use of customers of the establishments permitted in Section [1145.03\(a\)](#).

(2) Building service facilities:

A. Facilities for the disposal of garbage and rubbish complying with the provisions of the Building Code.

B. Facilities shall be provided within an enclosed service area, separate from any pedestrian or vehicular traffic, for any accessory service needs to any retail establishment.

(c) Prohibited Uses.

(1) Retail establishments not conducive to those uses permitted in Section [1145.03\(a\)](#).

(2) Abortion clinics.

(3) Motels, hotels, or mobile home parks.

(4) Adult oriented material businesses.

(5) ~~Used car Sale of motor vehicles with the exception of the area identified in Section [1145.02\(e\)](#).~~

Section 2. 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 Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare and dignity of the residents of the City of Willowick, insofar as the zoning district amendment provides for a uniform application of the City's Planning and Zoning Code to all Use Districts.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2023

Monica Koudela, Council President

Submitted to the Mayor: _____, 2023

Michael J. Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council