

RESOLUTION NO. 022 -2023

A RESOLUTION IMPOSING AN ADDITIONAL TEMPORARY MORATORIUM ON THE ESTABLISHMENT, DEVELOPMENT AND CONSTRUCTION OF ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ALLOW ADDITIONAL DISCOUNT RETAIL LOCATIONS OR LIQUIDATION STORES IN THE CITY OF MAUMEE FOR A PERIOD NOT TO EXCEED TWENTY-FOUR (24) MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION IN ORDER TO ALLOW THE CITY ADMINISTRATION AND CITY COUNCIL TIME TO REVIEW APPLICABLE OHIO STATUTES, CODES AND REGULATIONS ALONG WITH THE CITY'S CODIFIED ORDINANCES RELATIVE TO SUCH ACTIVITY, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, the City of Maumee and other Ohio municipalities have the power to enact laws that are for the health, safety, and welfare of their citizens which may include restricting areas used for certain businesses and trades.

WHEREAS, this Council desires to issue an additional moratorium as to additional discount retail locations as defined herein and liquidation stores, for a temporary period of time, not to exceed twenty-four (24) months from the date of passage of this resolution, while it undertakes a review and/or study of the ordinances of the City of Maumee, including zoning, building, and business regulation sections of the Maumee Codified Ordinances that relate to discount stores; and

WHEREAS, City Council wishes to study the impact of the proliferation of discount stores and liquidation stores on the public health and safety of surrounding neighborhoods. Many discount stores dedicate less than 25% of the available shelf space to the sale of fresh produce and offer a limited amount of processed foods. Studies in other cities have shown that the saturation of cities or villages with discount stores and liquidation stores have an ultimately damaging effect on economic wellbeing of a community and reduced property values and reduced access to healthy food options. Additionally, studies have raised concerns about property values, safety and security in areas surrounding discount stores due to declines in property values and a high incidence of crime and theft in and around them.

WHEREAS, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace, and comfort of the citizens of the City of Maumee more effectively if a moratorium is in place.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MAUMEE, LUCAS COUNTY, OHIO:

Section 1 - That the Council of the City of Maumee hereby imposes a twenty-four (24) month moratorium on the consideration, approval, or authorization of any additional licenses, permits, permitted uses, special uses, accessory uses or variances that would enable the of the granting of any permits allowing additional discount stores or liquidation stores or establishments or shops within the City of Maumee. A "discount store" is considered and defined for this moratorium as any retail store that sells household products, prepackaged snacks and prepackaged food items, personal grooming and health products, and other consumer goods. This moratorium also applies to stores with the primary purpose is liquidation type sales of goods or merchandise or liquidation outlet stores. It does not include stores that primarily sell gasoline or diesel fuel or have development

agreements with the City. This moratorium would include a moratorium on the granting of building permits or certificates of occupancy for any additional building, structure, use or change of use or change of zoning that would enable said additional activity within the City. Said moratorium also extends to the submission, consideration, or approval of all applications for licenses, permits, general development plans, final development plans, special or accessory use permits, occupancy permits, building permits or the like. This moratorium extends to all additional discount and liquidation locations.

Section 2 - That this moratorium shall become effective on the date that this resolution, following its passage by the Council, shall remain in effect for twenty-four (24) months following the date upon which it became effective unless extended upon a majority vote of the Council for a period of no more than an additional six (6) months if the Council finds such continuance is required to allow sufficient time for the administration to complete its study and recommend what action, if any, the City of Maumee should take to safeguard the public health, safety and welfare through the provision of adequate planning, zoning, land use, or other regulatory controls that are specifically applicable to activities covered under this resolution.

Section 3 - That this moratorium suspends and tolls the Maumee Codified Ordinances, any time periods prescribed by law, within which any official or official body of the City of Maumee, is required to take action upon an application for a permit, license, special use permit, building permit, site plan approval or the like, for the development of land anywhere in Maumee for such discount stores or liquidation stores and that no such application shall be deemed to be approved by the failure of any other public official or official body to approve or deny said application during the time when this moratorium shall be in effect.

Section 4 - That the City Administration is hereby directed to begin a study to recommend what action, if any, the City of Maumee should take to preserve the public health, safety, and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to discount retail locations and liquidation stores. The Administrator is also directed to develop regulations that require repairs to Maumee standards of any infrastructure bordering the retail space including but not limited to building facade and building components, curbs, sidewalks, landscaping, irrigation, and adjoining parking area along with repairs and/or replacement of areas within the retail space.

Section 5 - If any section, phrase, sentence, or portion of this resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6 - That it is found and determined that all formal actions of the Council of the City of Maumee concerning and relating to the adoption of this resolution were taken in an open meeting of the Council of the City of Maumee and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 7 - That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Maumee, the immediate emergency being the necessity to impose a temporary moratorium on the consideration, approval or authorization of any applications for any activities conducted pursuant to the Ohio Revised Code, including, but not limited to any additional discount retail facilities or

liquidation stores in the City of Maumee to give City officials adequate time to consider what, if any, changes are required to current ordinances to adequately protect the public health, safety and welfare of the community; therefore, this resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

Motion to declare emergency:

Second:

Yeas:           Nays:

Second:

Motion to Pass:

Yeas:           Nays:

Passed: November 28, 2023.

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Mayor

ATTEST:

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Municipal Clerk

Approved as to form by:

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Law Director