

RESOLUTION NO. 74-24
CITY OF CENTERVILLE, OHIO

15th SPONSORED BY COUNCIL MEMBER Mark Engert ON THE
DAY OF July, 2024.

**A RESOLUTION BY THE CENTERVILLE CITY COUNCIL
IMPOSING A MORATORIUM ON ISSUANCE OR
GRANTING OF APPLICATIONS OR PERMITS FOR A
FUELING STATION, A CONVENIENCE STORE, AND/OR A
SMALL BOX DISCOUNT STORE IN THE CITY OF
CENTERVILLE, OHIO, FOR A PERIOD OF TWELVE
MONTHS (365 DAYS).**

WHEREAS, the City of Centerville has allowed fueling stations, convenience stores, and small box discount stores in the City; and

WHEREAS, the City defines a "fueling station" use as the same as a "gasoline station", which is defined as "[a] facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, such a facility may provide minor vehicle servicing and repairs;" and

WHEREAS, the City defines "convenience store" use as "[a] retail store that caters to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods, road maps, magazines and other publications, automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products, and other retail items that may be readily purchased. A convenience store does not sell gasoline or other fuels;" and

WHEREAS, for purposes of this resolution, the City defines "small box discount store" as a retail use that has a floor area of more than 5,000 square feet and less than 15,000 square feet, and that offers for sale (1) a combination and variety of convenience shopping goods and consumer shopping goods, and (2) which the majority of the items sold generally cost less than ten dollars per item or have a cost that is 20%-40% lower than the same type of goods, products, or merchandises sold at a grocery store or a pharmacy;" and

WHEREAS, the City of Centerville desires to coordinate the regulation of fueling stations, convenience stores, and small box discount stores in the City; and

WHEREAS, the current zoning regulations do not adequately guide the permitting of such uses; and

WHEREAS, this City Council desires to review legislation and to enact reasonable regulations as to the size, number, location, and permitting process of such uses in the City; and

WHEREAS, the City is in the process of evaluating and adopting a new comprehensive plan, *Centerville Forward: Pride in our past, momentum for our future*, for the City, which shall address the City's land-use policies and future land-use map; and

WHEREAS, the City Planner recommends reviewing and revising the current zoning regulations to conform to the City's goals of providing adequate regulations and the City Manager concurs with said recommendation; and

WHEREAS, Council further finds that a moratorium for twelve (12) months (365 days) is reasonable and will allow for the adoption of the new comprehensive plan, and allow the Centerville Planning Commission, City Manager, and City Planner time to propose and initiate action to address the issues outlined herein; and

WHEREAS, the comprehensive plan process for the City should be completed in 2025; and

WHEREAS, the zoning code amendment process outlined in the Unified Development Ordinance (UDO) could take at least four (4) months to complete from the application filing date through obtaining both Planning Commission and City Council approvals and until the zoning changes go into effect; and

WHEREAS, after completion of the new comprehensive plan, City staff needs time to research and propose zoning code amendments to be considered by the City for adoption; and

WHEREAS, individual applications for fueling stations, convenience stores, and/or small box discount stores will disrupt the coordination necessary to draft and implement new regulations governing such uses; and

WHEREAS, a moratorium on such applications and permits will prevent said disruption; and

WHEREAS, Council recognizes the acute nature of the problem faced by the City in allowing such applications and permits for fueling stations, convenience stores, and/or small box discount stores may disrupt the orderly growth and development of the City, and seeks a moratorium on applications and permits for such uses to preserve the public peace, health, safety, and welfare of the citizens of Centerville.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. In order to limit the duration of the moratorium, the Centerville Planning Commission, City Manager, and City Planner are hereby authorized and directed to immediately review and recommend a comprehensive zoning regulation for fueling stations, convenience stores, and small box discount stores within the twelve-month (365 days) period of the moratorium.

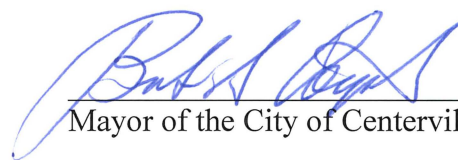
Section 2. Council hereby accepts the recommendation of the City Manager, and City Planner and hereby imposes a twelve (12) month (365 days) moratorium on applications and permits for fueling stations, convenience stores, and small box discount stores for a period of twelve (12) months (365 days) commencing with the date of passage of this resolution.

Section 3. Council further finds that a moratorium for twelve (12) months (365 days) is reasonable and will allow the Centerville Planning Commission, City Manager, and City Planner to propose and initiate action to address the issues outlined herein.

Section 4. Council hereby directs and orders that no applications or permits for fueling stations, convenience stores, and/or small box discount stores be accepted or allowed during the twelve months (365 days) period of this moratorium.

Section 5. This Resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS 15th day of July, 2024.



Mayor of the City of Centerville, Ohio

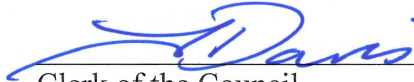
ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 74-24, passed by the Council of the City of Centerville, Ohio on the 15th day of July, 2024.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney