AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF SOLON THE QUESTION OF AMENDING THE CITY OF SOLON ZONING CODE TO EXPAND RESTAURANT USES IN THE C-2 (RESTRICTED COMMERCIAL) AND C-6 (GENERAL COMMERCIAL) ZONING DISTRICTS AND DECLARING AN EMERGENCY

WHEREAS, the Zoning Code currently permits fast food, casual and sit-down restaurants in all commercial zoning districts with exceptions in the C-2 (Restricted Commercial) and C-6 (General Commercial) Zoning Districts; and

WHEREAS, it is the recommendation of the Planning Director and the Planning Commission to amend the permitted uses and allow a full range of restaurant types that are permitted in other commercial zoning districts in the C-2 (Restricted Commercial) and C-6 (General Commercial) Zoning Districts; and

WHEREAS, the Planning Commission considered and reviewed the proposed amendment, held public hearings and recommended approval of the amendment to be placed on the ballot.

NOW, THEREFORE, be it ordained by the Council of the City of Solon, State of Ohio:

SECTION 1. That the City of Solon Zoning Code Section 1261.02 (Definitions), Section 1276.02, Item A-4 (C-2 Permitted Uses), Section 1276.02, Item C-7 (C-2 Prohibited Uses), Section 1281.02, Items A-5, A-6 and A-7 (C-6 Permitted Uses) and Section 1281.02, Items C4, C5 and C6 (C-6 Prohibited Uses) are hereby amended as outlined in the proposed amendment attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

SECTION 2. That the C-2 (Restricted Commercial) Zoning District and C-6 (General Commercial) Zoning District regulations that existed prior to the effective date of this Ordinance, be, and the same hereby are, repealed.

SECTION 3. That pursuant to Article XIV, Section 2, of the Charter of the City of Solon Codified Ordinances, the Clerk of Council be, and she hereby is, authorized and directed to forward a certified copy of this Ordinance to the Cuyahoga County Board of Elections for submission to the electors and placed on the March 17, 2020 Election Ballot.
SECTION 4. That the ballot language for the proposed rezoning issue shall read as follows:

"PROPOSED ORDINANCE
CITY OF SOLON

A Majority Affirmative Vote throughout the City
and in Wards 4 and 6
is Necessary for Passage

Shall the Ordinance amending the City of Solon Zoning
Code to expand restaurant uses in the C-2 (Restricted Commercial)
and C-6 (General Commercial) Zoning District be approved?

YES
NO"

SECTION 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary to file this Ordinance with the Board of Elections in a timely manner; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: December 2, 2019

[Signature]
Mayor

ATTEST:

[Signature]
Clerk of Council
PROPOSED AMENDMENT #1 - "C-2" (RESTRICTED COMMERCIAL) ZONING

AMEND SECTION 1276.02, ITEM A-4, AND SECTION 1276.02, ITEM C-7, TO ADD "FAST FOOD RESTAURANTS" AS A PERMITTED USE.

(Note: Existing wording is designated in "black" and proposed wording is designated in "red")

1276.02 PERMITTED USES:

A. PRINCIPAL USES:

The following uses shall be permitted in accordance with the provisions of this Ordinance:

1. Retail sales such as clothing stores, electronics stores, houseware stores, jewelers, office supply stores, bakeries, food stores, etc.;
2. Retail services such as beauty shops, barbers, travel agents, photographers, insurance sales, etc.;
3. Business and professional offices, including medical and dental offices;
4. Fast Food Restaurants;
5. Sit-down restaurants;
6. Casual restaurants;
7. Banks and other financial institutions;
8. Physical therapists;
9. Child day care and pre-schools;
10. Exercise and fitness studios;
11. Pet shops;
12. Any use that is determined by the City of Solon to be substantially similar to any of the above listed uses.

B. ACCESSORY USES:

C. PROHIBITED USES:

Prohibited uses within the "C-2" zoning district shall include, but are not limited to, the following. This list shall be considered to be supplementary to "Item A" (Principal Uses) and "Item B" (Accessory Uses) of this Chapter.
1. Residential use of any building or premises;
2. Hotels and Motels;
3. Churches, Synagogues, Temples, and other places of worship;
4. Gasoline sales;
5. Repair shops, including but not limited to automobile repair and/or servicing;
6. Automobile sales;
7. Fast food restaurants;
8. Contractor shops and landscape businesses;
9. Commercial self storage businesses;
10. Tattoo Parlors and/or body piercing shops;
11. Businesses selling products commonly used for drug paraphernalia;
12. Gambling establishments, including, but not limited to, internet gambling businesses;
13. Pawnshops, thrift stores, consignment shops, or any other businesses substantially dealing in the acquisition and/or resale of previously used goods;
14. Dance clubs and live entertainment venues;
15. Outdoor amusement enterprises;
16. Arcades and game rooms (however, "amusement devices", subject to the provisions of the Codified Ordinances of the City of Solon, shall be permitted as an accessory use.);
17. Laundry and dry cleaning shops, except that pickup and drop off facilities shall be permitted;
18. Any use that is determined by the City of Solon to pose a general nuisance, or an imminent danger to the health, safety and welfare of the general public;
19. Any use that is determined by the City of Solon to be substantially similar to any of the above listed Prohibited Uses.
PROPOSED AMENDMENT #2 - "C-6" (GENERAL COMMERCIAL) ZONING

AMEND SECTION 1281.02, ITEMS A-5 THROUGH A-7, AND SECTION 1281.02 ITEMS C-4 THROUGH C-6 OF THE ZONING CODE TO ADD "FAST FOOD RESTAURANTS", "CASUAL RESTAURANTS" AND "SIT DOWN" RESTAURANTS AS PERMITTED USES.

(Note: Existing wording is designated in "black", proposed wording is designated in "red", and wording proposed to be deleted is highlighted in "red and struck-through").

1281.02 PERMITTED USES

A. PRINCIPAL USES:

The following uses shall be permitted in accordance with the provisions of this Ordinance:

1. Retail sales such as clothing stores, electronics stores, houseware stores, jewelers, office supply stores, bakeries, food stores, etc.;
2. Retail services such as beauty shops, barbers, travel agents, dry cleaners, photographers, insurance sales, etc.;
3. Business and professional offices, including medical and dental offices;
4. Banks and other financial institutions;
5. Fast Food Restaurants;
6. Casual Restaurants;
7. Sit Down Restaurants;
8. Physical therapists;
9. Child day care and pre-schools;
10. Exercise and fitness studios;
11. Pet shops;
12. Post Office;
13. Any use that is determined by the City of Solon to be substantially similar to any of the above listed uses.

B. ACCESSORY USES:

C. PROHIBITED USES:
Prohibited uses within the "C-6" zoning district shall include, but are not limited to, the following. This list shall be considered to be supplementary to "Item A" (Principal Uses) and "Item B" (Accessory Uses) of this Chapter.

1. Residential use of any building or premises;
2. Hotels and Motels;
3. Churches, Synagogues, Temples, and other places of worship;
   4. Sit-down restaurants;
   5. Casual restaurants;
   6. Fast-food restaurants;
7. Gasoline sales;
8. Repair shops, including but not limited to automobile repair and/or servicing;
9. Automobile sales;
10. Contractor shops and landscape businesses;
11. Commercial self storage businesses;
12. Tattoo Parlors and/or body piercing shops;
13. Businesses selling products commonly used for drug paraphernalia;
14. Gambling establishments, including, but not limited to, internet gambling businesses;
15. Pawnshops, thrift stores, consignment shops, or any other businesses substantially dealing in the acquisition and/or resale of previously used goods;
16. Dance clubs and live entertainment venues;
17. Outdoor amusement enterprises;
18. Arcades and game rooms (however, "amusement devices", subject to the provisions of the Codified Ordinances of the City of Solon, shall be permitted as an accessory use.);
19. Any use that is determined by the City of Solon to pose a general nuisance, or an imminent danger to the health, safety and welfare of the general public;
20. Any use that is determined by the City of Solon to be substantially similar to any of the above listed Prohibited Uses.
PROPOSED AMENDMENT #3 - DEFINITION OF "FAST FOOD RESTAURANT"

AMEND SECTION 1261.02 (LIST OF DEFINITIONS)

(Nota: Existing wording is designated in "black", proposed wording is designated in "red", and wording proposed to be deleted is highlighted in "red and struck-through").

RESTAURANT, FAST FOOD – A restaurant where food may be consumed either onsite or off, and where most customers order food from a posted menu board at a counter or from a motor vehicle, and where food and beverages are dispensed in disposable wrappings or containers with disposable utensils. Carry-out and/or drive-through service may be a principal component of a fast food restaurant. (Ord. 2014-129)