

# **BRUNSWICK CITY PLANNING & ZONING COMMITTEE**

## **Agenda**

**SEPTEMBER 25, 2023**

**6:00 PM**

**or Immediately Following  
Services, Utilities, Technology & Cable Committee**

1. Discussion Items

- (a) **ORD. NO. 75-2023** - An emergency ordinance terminating the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for electric vehicle charging stations in all zoning districts of the City and the issuance of such approvals.- **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)
- (b) **ORD. NO. 76-2023** - An ordinance approving the final plat for the Market Highlands Glenmont Drive extension in the Market 42 Special Planning District No. 8, subject to final engineering approval and any other conditions imposed by Council. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)
- (c) **ORD. NO. 79-2023** - An emergency ordinance establishing a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all zoning districts of the City and the issuance of such approvals. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

2. General Discussion

3. Adjournment

## PROPOSED LEGISLATION



**DATE:** 9/25/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Grant Aungst

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 75-2023** - An emergency ordinance terminating the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for electric vehicle charging stations in all zoning districts of the City and the issuance of such approvals.- **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

**BACKGROUND:** On February 27, 2023, City Council adopted Ordinance No. 11-2023, establishing a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy, and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts of the City except as otherwise provided therein.

**PURPOSE AND EXPLANATION:** On September 25, 2023, City Council will consider adoption of Ordinance No. 45-2023 establishing Codified Ordinance Chapter 1292 to regulate Electric Vehicle Charging Stations, which will be effective on or about October 25, 2023.

**IMPLEMENTATION SCHEDULE:**

Immediately.

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:**

**RECOMMENDED ACTION:**

|                     |     |
|---------------------|-----|
| One Reading         | Yes |
| Two Readings        | No  |
| Three Readings      | No  |
| Emergency           | Yes |
| Suspension of Rules | Yes |

If emergency or suspension of the rules, why the request?

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to terminate the temporary moratorium.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 75-2023

BY: Mr. Delsanter, Mr. Lambert, Mrs. Piper

AN EMERGENCY ORDINANCE TERMINATING THE TEMPORARY  
MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS  
FOR ZONING, OCCUPANCY AND/OR PERMIT APPROVALS FOR ELECTRIC  
VEHICLE CHARGING STATIONS IN ALL ZONING DISTRICTS OF THE CITY AND  
THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: On February 27, 2023, City Council adopted Ordinance No. 11-2023, establishing a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy, and/or permit approvals for Electric Vehicle Charging Stations in all Zoning District of the City except as otherwise provided therein;

WHEREAS: On June 12, 2023, City Council adopted Ordinance No. 46-2023, extending the temporary moratorium established by Ordinance No. 11-2023 for an additional six (6) months up to and including February 27, 2024; and

WHEREAS: On September 25, 2023, City Council adopted Ordinance No. 45-2023 establishing Codified Ordinance Chapter 1292 to regulate Electric Vehicle Charging Stations, which will be effective on or about October 25, 2023.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: The temporary moratorium established by Ordinance No. 11-2023, as extended by Ordinance No. 46-2023 up to and including February 27, 2024, is hereby terminated as of the effective date of Ordinance No. 45-2023.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 action, were in meetings open to the public, in compliance with all legal requirements, including 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 health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to terminate the temporary moratorium. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

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PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

RULES SUSPENDED: AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Laura E. Timura

## PROPOSED LEGISLATION



**DATE:** 9/25/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Grant Aungst

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 76-2023** - An ordinance approving the final plat for the Market Highlands Glenmont Drive extension in the Market 42 Special Planning District No. 8, subject to final engineering approval and any other conditions imposed by Council. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

**BACKGROUND:** The Planning Commission, at their meeting on September 7, 2023, voted to recommend approval to City Council of the Market Highlands SPD-8 final plat, subject to final engineering approval, as per attached Exhibit "A".

**PURPOSE AND EXPLANATION:** Pursuant to Sections 1224.04(a)(3) and 1226.04 of the City of Brunswick Codified Ordinances, approval of the Market Highlands final plat, as part of Market 42 SPD-8, is required by City Council.

**IMPLEMENTATION SCHEDULE:** Immediately.

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:**

**RECOMMENDED ACTION:**

|                     |     |
|---------------------|-----|
| One Reading         | No  |
| Two Readings        | No  |
| Three Readings      | Yes |
| Emergency           | No  |
| Suspension of Rules | No  |

If emergency or suspension of the rules, why the request?

Recommend approval.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 76-2023

BY: Mr. Delsanter, Mr. Lambert, Mrs. Piper

AN ORDINANCE APPROVING THE FINAL PLAT FOR THE MARKET HIGHLANDS GLENMONT DRIVE EXTENSION IN THE MARKET 42 SPECIAL PLANNING DISTRICT NO. 8, SUBJECT TO FINAL ENGINEERING APPROVAL AND ANY OTHER CONDITIONS IMPOSED BY COUNCIL.

WHEREAS: On September 8, 2023, the Brunswick City Planning Commission recommended approval to City Council of the final plat for the Market Highlands Glenmont Drive Extension in the Market 42 SPD-8, subject to final engineering approval.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the final plat for the Market Highlands Glenmont Drive Extension in the Market 42 SPD-8, as attached hereto as Exhibit "A", is hereby approved subject to final engineering approval and any other conditions imposed by this Council.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Laure E. Timura

APPROVALS

This Plat was duly accepted by the Brunswick City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Ordinance No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

This Plat was duly accepted by the Brunswick City Planning Commission at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Secretary

This Plat was duly accepted by the Brunswick City Engineer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Engineer

All required central wastewater disposal facilities have been satisfactorily installed or adequate financial guarantees have been approved by the Medina County Sanitary Engineer on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Medina County Sanitary Engineer

Approved for transfer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Tax Map Draftsman

Received for transfer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Medina County Auditor

Received and recorded this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

At \_\_\_\_\_ A.M./P.M recorded in Plat Document No. \_\_\_\_\_.

Fee: \_\_\_\_\_.

\_\_\_\_\_  
Medina County Recorder

COVENANTS, RESTRICTIONS & EASEMENTS

The Subdivision shown on this plat is subject to the covenants, restrictions and easements contained in the declaration or restrictions, covenants and easements, filed for record on the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_ and recorded in Document No. \_\_\_\_\_ in the Medina County Recorders Records, State of Ohio.

SURVEYOR CERTIFICATION

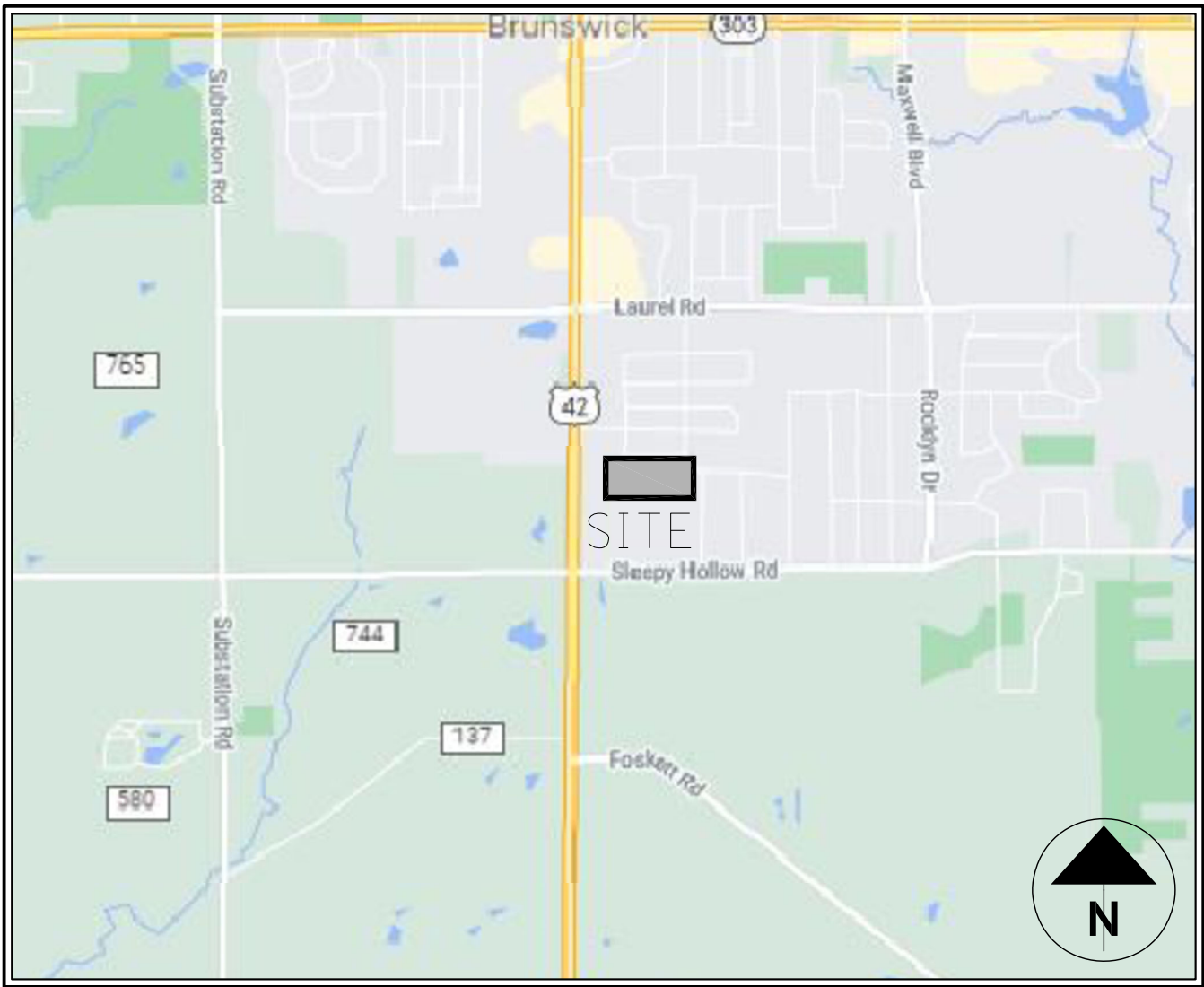
This Plat was prepared from a field survey, analysis of recorded plats, recorded deeds, and survey records, as applicable. Distances are given in feet and decimal parts thereof. All dimensional and geodetic details are correct and the survey balances and closes to the best of my knowledge. All monuments shown hereon exist or shall be set as shown.

\_\_\_\_\_  
Jeremy M. Sack      P.S. No. S-8557      \_\_\_\_\_  
Date



Market Highlands  
Creating Sublots 1 through 10, Blocks 'A' and 'B' and dedicating a portion of Glenmont Drive

Situated in the City of Brunswick, County of Medina and State of Ohio and known as being part of Original Brunswick Township Lot No. 16, Tract No. 1, further known as being a all of a 5.7517 acre parcel of land conveyed to Market 42 LLC by deed dated March 29, 2023 and recorded in Document No. 2023OR004285 of the Medina County Recorder's Records and all of Block 'D' as shown on Cherryshire Woods Phase 2, recorded in Document No. 2000PL000102 of the Medina County Recorder's Records.



LOCATION MAP

NOTES

\* Wetlands delineated by The Department of the Army, Corps of Engineers in a letter dated February 25, 2022

REFERENCES:

Deed & Plat documents as referenced by survey, Medina County Recorder's records.

"Survey for Howard J. & Lucille Lammermeier" by T.J. Hood, P.S. 3455, on file in Survey Book 9, Page 102a of the Medina County Engineer's Survey Records.

"Plat of Survey for Emilie Mateyka" by Charles A. Rolling, P.S. 5569, on file in Survey Book 14, Page 16b of the Medina County Engineer's Survey Records.

"Plat of Survey and Property Split" by Robert E. Knight, P.S. 6448, on file in Survey Book 32, Page 189 of the Medina County Engineer's Survey Records.

BASIS OF BEARINGS:

Centerline bearing of Pearl Road (S.R. 42) was calculated to be North 00°03'07" West, based upon Ohio State Plane Coordinate System, North Zone, NAD 1983, Ground.

SURVEY CONTROL NOTE:

All iron pins set at property corners are 5/8 inch by 30 inch and affixed with cap "DAVEY RESOURCE GROUP"

All iron pins set in centerline monument boxes are 3/4 inch and affixed with cap "DAVEY RESOURCE GROUP"

All iron pins found are 5/8 inch and affixed with caps "DRG ENG 7631-8557" unless otherwise noted

ACCEPTANCE

Know all men by these presents that \_\_\_\_\_, (Print Name/Title)

owner/agent of Market 42 LLC and the lands embraced within this subdivision hereby acknowledge this plat and subdivision to be my/their free act and deed and hereby dedicate to the public use forever the streets shown hatched as Glenmont Drive and grant all easements to the City of Brunswick as shown. I certify that there are no delinquent taxes or assessments against the lands embraced within this subdivision,

\_\_\_\_\_  
Owner/Agent      \_\_\_\_\_  
Date

County of Medina      SS  
State of Ohio

Before me a notary public in and for said county and state, personally appeared the above named \_\_\_\_\_  
Owner/Agent

who acknowledged the making of the foregoing instrument and the signing of this plat to be their own free act and deed. In testimony whereof I

have hereunto set my hand and official seal at \_\_\_\_\_, Ohio this day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary public      \_\_\_\_\_  
My commission expires

\_\_\_\_\_  
Witness

Know all men by these presents that \_\_\_\_\_, (Print Name/Title)

representative/agent of The City of Brunswick and the lands embraced within this subdivision hereby acknowledge this plat and subdivision to be my/their free act and deed and hereby dedicate to the public use forever the streets shown hatched as Glenmont Drive. I certify that there are no delinquent taxes or assessments against the lands embraced within this subdivision,

\_\_\_\_\_  
Representative/Agent      \_\_\_\_\_  
Date

County of Medina      SS  
State of Ohio

Before me a notary public in and for said county and state, personally appeared the above named \_\_\_\_\_  
Representative/Agent

who acknowledged the making of the foregoing instrument and the signing of this plat to be their own free act and deed. In testimony whereof I

have hereunto set my hand and official seal at \_\_\_\_\_, Ohio this day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary public      \_\_\_\_\_  
My commission expires

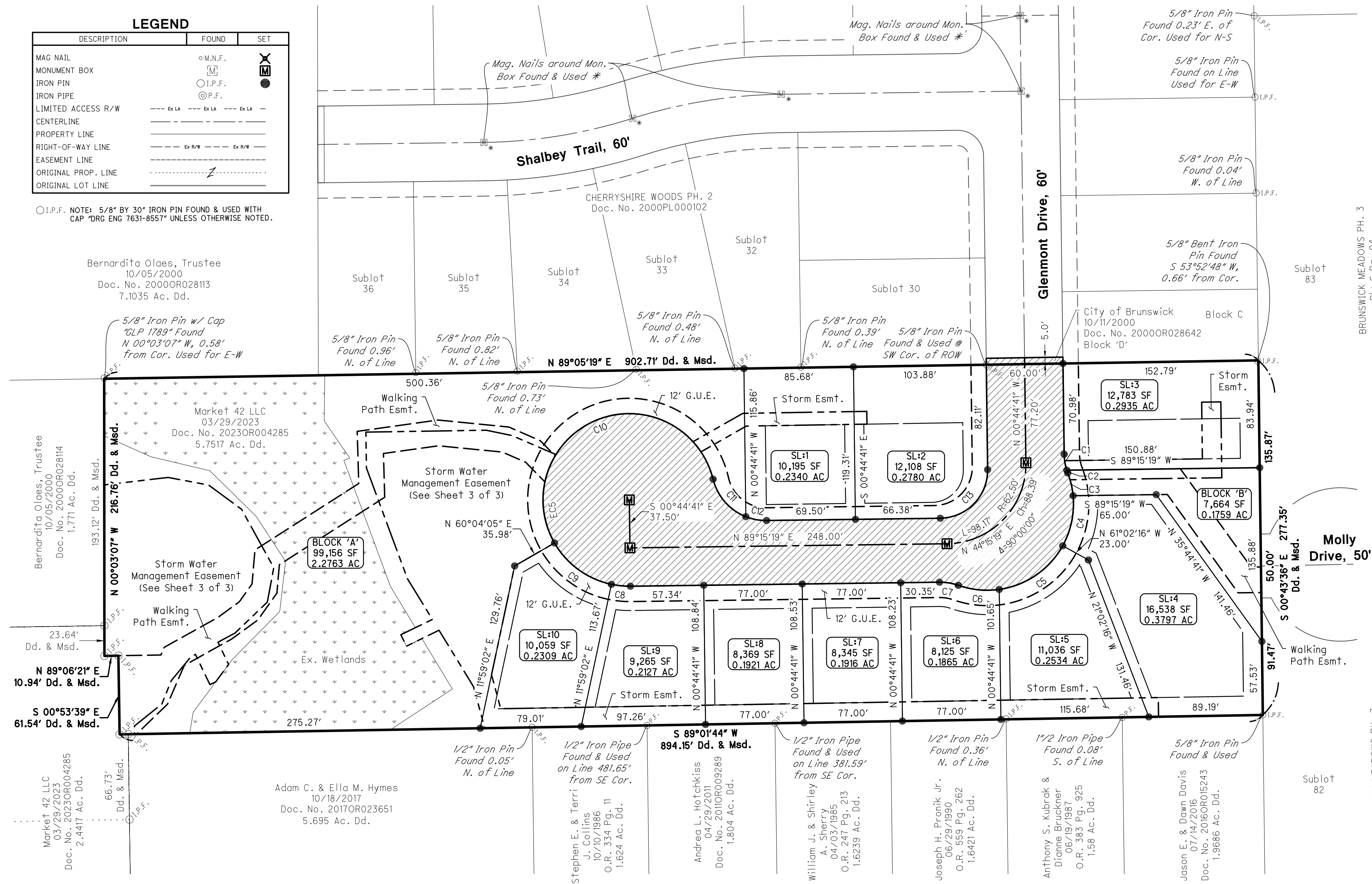
\_\_\_\_\_  
Witness

| Sheet List Table |             |
|------------------|-------------|
| Sheet Number     | Sheet Title |
| 1                | TITLE       |
| 2                | PLAN        |
| 3                | EASEMENTS   |

| AREA TABLE    |        |
|---------------|--------|
| NAME          | ACRES  |
| SUBLOTS 1-10  | 2.4524 |
| BLOCK 'A'     | 2.2763 |
| BLOCK 'B'     | 0.1759 |
| DEDICATED ROW | 0.8540 |
| TOTAL         | 5.7586 |

| DESCRIPTION         | FOUND                             | SET |
|---------------------|-----------------------------------|-----|
| MAG NAIL            | ○ M.N.F.                          | ⊗   |
| MONUMENT BOX        | ⊞                                 | ⊞   |
| IRON PIN            | ○ I.P.F.                          | ⊗   |
| IRON PIPE           | ⊙ P.F.                            | ⊗   |
| LIMITED ACCESS R/W  | --- Ex LA --- Ex LA --- Ex LA --- |     |
| CENTERLINE          | ---                               |     |
| PROPERTY LINE       | ---                               |     |
| RIGHT-OF-WAY LINE   | --- Ex R/W --- Ex R/W ---         |     |
| EASEMENT LINE       | ---                               |     |
| ORIGINAL PROP. LINE | .....                             |     |
| ORIGINAL LOT LINE   | ---                               |     |

○ I.P.F. NOTE: 5/8" BY 30" IRON PIN FOUND & USED WITH CAP "DRG ENG 7631-8557" UNLESS OTHERWISE NOTED.



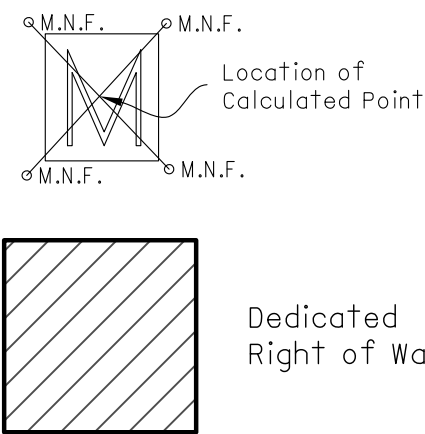
SURVEY CONTROL NOTE:

All iron pins set at property corners are 5/8 inch by 30 inch and affixed with cap "DAVEY RESOURCE GROUP"

All iron pins set in centerline monument boxes are 3/4 inch and affixed with cap "DAVEY RESOURCE GROUP"

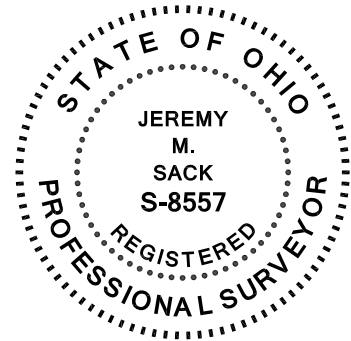
All iron pins found are 5/8 inch and affixed with caps "DRG ENG 7631-8557" unless otherwise noted

\*Monument Boxes found stuck closed. Points calculated from four Mag Nails found around each box:



| GENERAL CURVE TABLE |        |        |        |               |           |
|---------------------|--------|--------|--------|---------------|-----------|
| SEGMENT             | LENGTH | RADIUS | CHORD  | CHORD BEARING | DELTA     |
| C1                  | 12.71' | 42.50' | 12.67' | N 09°18'50" W | 17°08'18" |
| C2                  | 2.33'  | 42.50' | 2.33'  | N 19°27'17" W | 3°08'35"  |
| C3                  | 18.28' | 67.50' | 18.23' | N 13°16'02" W | 15°31'04" |
| C4                  | 40.61' | 67.50' | 40.00' | N 11°43'37" E | 34°28'14" |
| C5                  | 62.49' | 67.50' | 60.28' | N 55°29'04" E | 53°02'41" |
| C6                  | 32.43' | 67.50' | 32.12' | S 84°13'42" E | 27°31'47" |
| C7                  | 15.04' | 42.50' | 14.97' | S 80°36'15" E | 20°16'53" |

| GENERAL CURVE TABLE |         |        |         |               |            |
|---------------------|---------|--------|---------|---------------|------------|
| SEGMENT             | LENGTH  | RADIUS | CHORD   | CHORD BEARING | DELTA      |
| C8                  | 15.00'  | 67.50' | 14.96'  | S 84°22'50" E | 12°43'43"  |
| C9                  | 56.65'  | 67.50' | 55.00'  | S 53°58'27" E | 48°05'03"  |
| C10                 | 230.97' | 67.50' | 133.68' | S 68°05'36" W | 196°03'02" |
| C11                 | 40.41'  | 42.50' | 38.91'  | N 41°07'25" W | 54°29'04"  |
| C12                 | 16.60'  | 42.50' | 16.49'  | N 79°33'19" W | 22°22'45"  |
| C13                 | 58.90'  | 37.50' | 53.03'  | S 44°15'19" W | 90°00'00"  |



DAVEY Resource Group

1310 SHARON COPLEY ROAD, P.O. BOX 37  
SHARON-CENTER, OHIO 44274  
(PHONE) 330.590.8004 (FAX) 888.820.8423

DAVEY Resource Group

1310 SHARON COPLEY ROAD, P.O. BOX 37  
SHARON-CENTER, OHIO 44274  
(PHONE) 330.590.8004 (FAX) 888.820.8423

MARKET HIGHLANDS

PLAN

PROJECT NUMBER

2454

DATE

2023-08-08

2

4

BRUNSWICK MEADOWS PH. 3  
Pb: 6 Pg. 94

BRUNSWICK MEADOWS PH. 3  
Pb: 6 Pg. 94

0 25 50 100  
SCALE ( IN FEET )  
1 inch = 50 ft.

DAVEY Resource Group

1310 SHARON COPLEY ROAD, P.O. BOX 37  
SHARON-CENTER, OHIO 44274  
(PHONE) 330.590.8004 (FAX) 888.820.8423

Page 9 of

| EASEMENT LINE TABLE |        |               |
|---------------------|--------|---------------|
| SEGMENT             | LENGTH | DIRECTION     |
| E1                  | 50.34' | N 83°19'43" E |
| E2                  | 32.15' | S 79°19'23" E |
| E3                  | 32.01' | S 53°42'28" E |
| E4                  | 52.16' | S 28°51'08" E |
| E5                  | 27.42' | S 10°37'28" W |
| E6                  | 34.91' | S 46°14'17" W |
| E7                  | 15.20' | S 61°40'45" W |
| E8                  | 19.29' | S 25°35'41" E |
| E9                  | 16.95' | S 36°33'43" W |
| E10                 | 5.01'  | S 64°24'19" W |
| E11                 | 26.25' | N 25°35'41" W |
| E12                 | 4.06'  | S 61°40'45" W |

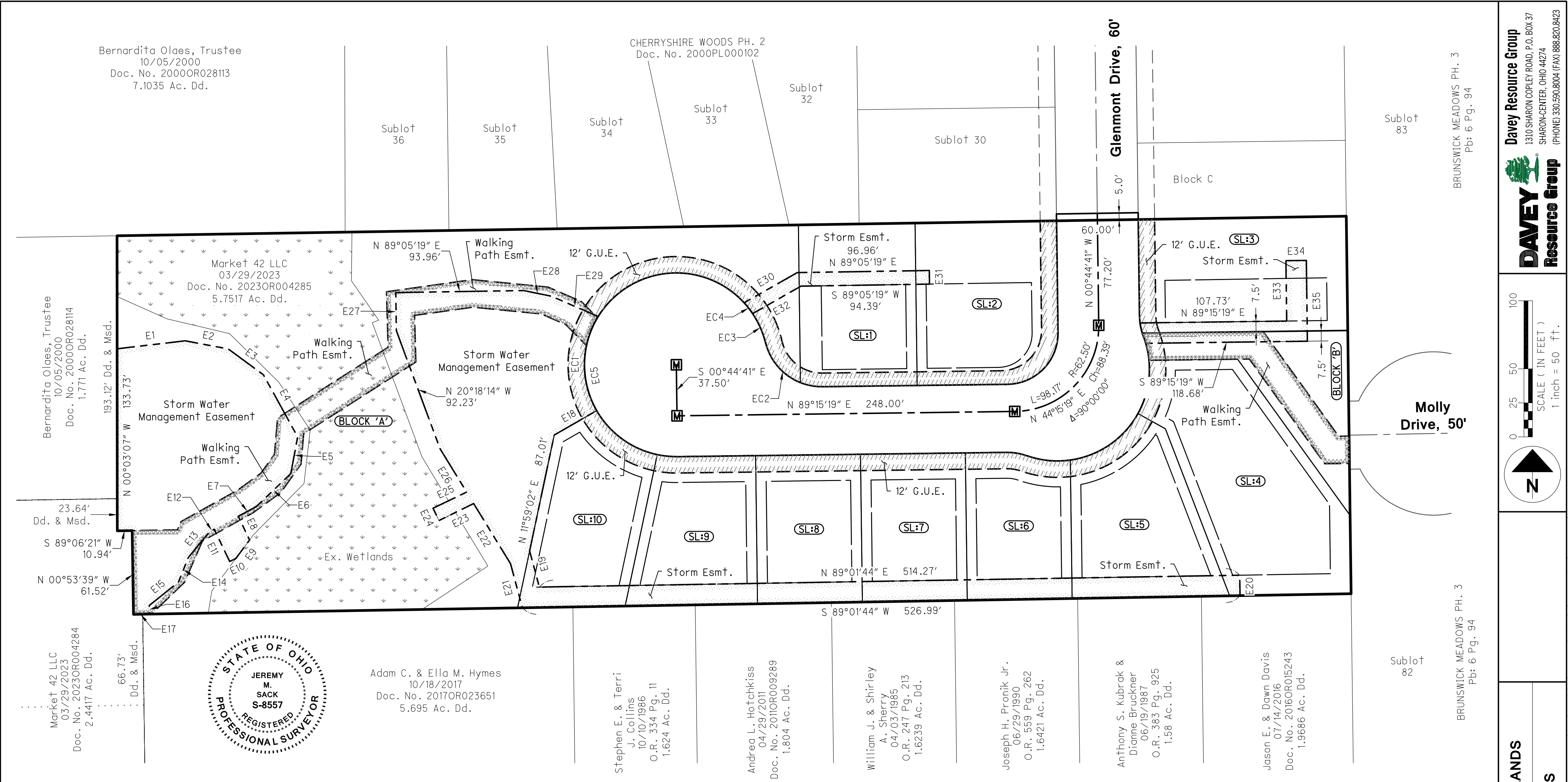
| EASEMENT LINE TABLE |        |               |
|---------------------|--------|---------------|
| SEGMENT             | LENGTH | DIRECTION     |
| E13                 | 24.18' | S 39°23'56" W |
| E14                 | 19.62' | S 21°55'16" W |
| E15                 | 27.51' | S 51°11'17" W |
| E16                 | 6.30'  | S 00°58'16" E |
| E17                 | 11.69' | S 89°06'21" W |
| E18                 | 35.98' | N 60°04'05" E |
| E19                 | 27.50' | S 15°06'54" E |
| E20                 | 15.00' | S 00°58'16" E |
| E21                 | 33.56' | N 15°06'54" W |
| E22                 | 51.81' | N 31°28'36" W |
| E23                 | 28.35' | N 63°53'52" E |
| E24                 | 10.00' | S 25°54'30" E |

| EASEMENT LINE TABLE |        |               |
|---------------------|--------|---------------|
| SEGMENT             | LENGTH | DIRECTION     |
| E25                 | 27.39' | N 64°15'20" E |
| E26                 | 37.50' | N 31°28'36" W |
| E27                 | 28.05' | N 00°54'41" W |
| E28                 | 20.71' | S 78°26'16" E |
| E29                 | 37.45' | S 66°34'41" E |
| E30                 | 44.83' | N 60°22'23" E |
| E31                 | 10.00' | S 00°49'41" E |
| E32                 | 40.77' | S 60°22'23" W |
| E33                 | 44.36' | N 00°43'27" W |
| E34                 | 15.00' | N 89°16'33" E |
| E35                 | 59.35' | S 00°43'27" E |

| EASEMENT CURVE TABLE |        |        |        |               |           |
|----------------------|--------|--------|--------|---------------|-----------|
| SEGMENT              | LENGTH | RADIUS | CHORD  | CHORD BEARING | DELTA     |
| EC1                  | 72.63' | 67.50' | 69.17' | S 00°53'29" W | 61°38'48" |
| EC2                  | 40.41' | 42.50' | 38.91' | N 41°07'25" W | 54°29'04" |
| EC3                  | 23.53' | 67.50' | 23.41' | N 23°52'08" W | 19°58'30" |
| EC4                  | 10.12' | 67.50' | 10.11' | N 38°09'07" W | 8°35'28"  |

| LEGEND              |     | FOUND    | SET |
|---------------------|-----|----------|-----|
| DESCRIPTION         |     |          |     |
| MAG NAIL            |     | ○ M.N.F. | ⊗   |
| MONUMENT BOX        |     | ⊞        | ⊞   |
| IRON PIN            |     | ○ I.P.F. | ●   |
| IRON PIPE           |     | ⊙ P.F.   | ⊙   |
| LIMITED ACCESS R/W  | --- | Ex LA    | --- |
| CENTERLINE          | --- | Ex LA    | --- |
| PROPERTY LINE       | --- | Ex LA    | --- |
| RIGHT-OF-WAY LINE   | --- | Ex R/W   | --- |
| EASEMENT LINE       | --- | Ex R/W   | --- |
| ORIGINAL PROP. LINE | --- | Ex R/W   | --- |
| ORIGINAL LOT LINE   | --- | Ex R/W   | --- |

○ I.P.F. NOTE: 5/8" BY 30" IRON PIN FOUND & USED WITH  
CAP "DRG ENG 7631-8557" UNLESS OTHERWISE NOTED.

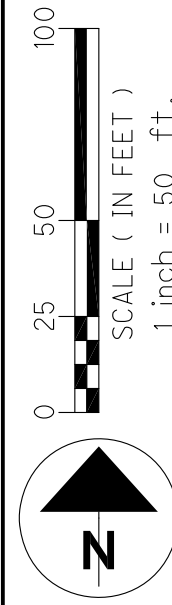


MARKET HIGHLANDS  
EASEMENTS

PROJECT  
NUMBER  
2454  
DATE  
2023-08-08

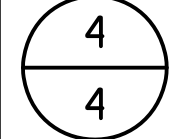
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4

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BRUNSWICK MEADOWS PH. 3  
Pb: 6 Pg. 94

BRUNSWICK MEADOWS PH. 3  
Pb: 6 Pg. 94



| LEGEND              |                                                                                       |                                                                                       |
|---------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| DESCRIPTION         | FOUND                                                                                 | SET                                                                                   |
| MAG NAIL            | ○ M.N.F.                                                                              |  |
| MONUMENT BOX        |  |  |
| IRON PIN            | ○ I.P.F.                                                                              |  |
| IRON PIPE           | ⊙ P.F.                                                                                |                                                                                       |
| LIMITED ACCESS R/W  | --- Ex LA                                                                             | --- Ex LA                                                                             |
| CENTERLINE          | _____                                                                                 | _____                                                                                 |
| PROPERTY LINE       | _____                                                                                 | _____                                                                                 |
| RIGHT-OF-WAY LINE   | _____ Ex R/W                                                                          | _____ Ex R/W                                                                          |
| EASEMENT LINE       | -----                                                                                 | -----                                                                                 |
| ORIGINAL PROP. LINE | .....                                                                                 | .....                                                                                 |
| ORIGINAL LOT LINE   | _____                                                                                 | _____                                                                                 |

## PROPOSED LEGISLATION



**DATE:** 9/25/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Grant Aungst

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 79-2023** - An emergency ordinance establishing a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all zoning districts of the City and the issuance of such approvals. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

**BACKGROUND:** The City of Brunswick may legitimately regulate the location and approval of establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in the City, as defined in Codified Ordinance Section 636.19.

**PURPOSE AND EXPLANATION:** For a period of six (6) months from the effective date of this Ordinance, the City shall not accept or process any applications for zoning, occupancy and/or building permit approvals for establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all Zoning Districts of the City, and further shall not issue any such approvals during said period.

**IMPLEMENTATION SCHEDULE:** Immediately.

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:**

**RECOMMENDED ACTION:**

|                     |     |
|---------------------|-----|
| One Reading         | Yes |
| Two Readings        | No  |
| Three Readings      | No  |
| Emergency           | Yes |
| Suspension of Rules | Yes |

If emergency or suspension of the rules, why the request?

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and/or Planning Commission necessary time to undertake a review of the Brunswick Codified Ordinances for possible amendment thereof.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 79-2023

BY: Mr. Delsanter, Mr. Lambert, Mrs. Piper

AN EMERGENCY ORDINANCE ESTABLISHING A TEMPORARY  
MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF  
APPLICATIONS FOR ZONING, OCCUPANCY AND/OR BUILDING  
PERMIT APPROVALS FOR ESTABLISHMENTS THAT INTEND TO  
ENGAGE IN RETAIL SALES AND/OR DISTRIBUTION OF  
TOBACCO PRODUCTS, VAPOR PRODUCTS, ALTERNATIVE  
NICOTINE PRODUCTS AND/OR ELECTRONIC SMOKING  
DEVICES IN ALL ZONING DISTRICTS OF THE CITY AND THE  
ISSUANCE OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in the City, as defined in Codified Ordinance Section 636.19.

WHEREAS: This Council believes that a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for establishments that intent to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all Zoning Districts of the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and/or Planning Commission necessary time to undertake a review of the Brunswick Codified Ordinances for possible amendment thereof.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY  
ORDAINS:

SECTION 1: For a period of six (6) months from the effective date of this Ordinance, the City shall not accept or process any applications for zoning, occupancy and/or building permit approvals for establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all Zoning Districts of the City, and further shall not issue any such approvals during said period.

SECTION 2: 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 control.

SECTION 3: It is found and determined that all formal actions of this Council concerning and

relating to the adoption 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 action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and/or Planning Commission necessary time to undertake a review of the Brunswick Codified Ordinances for possible amendment thereof. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

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PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

RULES SUSPENDED: AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Laura E. Timura