

**AN ORDINANCE AMENDING SECTION 1157.04(e) OF  
THE PLANNING AND ZONING CODE BY ADDING  
TWO NEW CONDITIONAL USE CLASSIFICATIONS;  
AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Article IV Section 12. of the City Charter, Council hereby initiates this ordinance and desires to submit it to the electors of the municipality at the next primary election for approval by a fifty-five percent (55%) favorable vote as required by said charter provision; and

**WHEREAS**, at its meeting on October 24, 2019, the Planning Commission, after its public hearing, made a motion that Section 1157.04(e) of the Planning and Zoning Code be amended by adding two new conditional use classifications as herein provided; and

**WHEREAS**, at its meeting on November 19, 2019, the City Council, upon the report and recommendation of the Planning Commission, made a motion to amend Section 1157.04(e) of the Planning and Zoning Code by adding two new conditional use classifications as herein provided.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** That Section 1157.04(e) be amended to read as follows:

“1157.04 USE REGULATIONS; MANUFACTURING-DISTRIBUTION DISTRICT.

(a) \* \* \* \* No change

(b) \* \* \* \* No change

(c) \* \* \* \* No change

(d) \* \* \* \* No change

(e) Conditional uses permitted. The following conditional uses may be permitted as an option of the city to grant by conditional use permit in accordance with the provisions of §1191.10 after recommendation of the Planning Commission and approval of Council:

(1) Child day care. In accordance with the requirements of §1153.16, Regulations for Child Day Care.

**(2) Retail sales and service uses in open yards. Garden equipment and supplies, lumber, garden furniture and nursery stock can be permitted outdoors provided that this is in conjunction with a main use retail establishment on the same lot and no goods are sold, stored or displayed in a required front or side yard.**

**(3) Any other use not listed above or in any subsequent classification may be permitted if determined by the Planning Commission to be appropriate in accordance with the procedures set forth in §1191.10.”**

**SECTION 2.** Pursuant to Article IV, Section 12 of the Brecksville City Charter, the Clerk of Council be and is hereby authorized and directed to certify a copy of this Ordinance to the Cuyahoga County Board of Elections with a request that same be placed on the March 17, 2020 Primary Election Ballot. The Clerk of Council be and is hereby further authorized and directed to advertise this election pursuant to the provisions contained in Article IV, Section 12 of the Brecksville City Charter.

**SECTION 3.** Unless specifically amended herein, Section 1157.04(e) as it existed prior to the effective date of this Ordinance shall remain in full force and effect.

**SECTION 4.** The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is to add two new conditional use classifications, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

1<sup>st</sup> READING: 11-19-2019

2<sup>nd</sup> READING: \_\_\_\_\_

3<sup>rd</sup> READING: \_\_\_\_\_

PASSED: December 17, 2019

APPROVED: December 17, 2019

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MAYOR

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CLERK OF COUNCIL