

Board of Zoning
P/C 3/20/24
S.P. CA 3/26/24
1st R 3/27/24 ✓
2nd R _____
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CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11396-2024

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE AMENDING SECTION 1121.23(c) (1) (D) (1)
OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED "U-3A BUSINESS
DISTRICT", AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of
Brook Park, State of Ohio, that:

SECTION 1: Section 1121.23(c) (1) (D) (1) of the Brook Park
Codified Ordinances, passed by Ordinance No. 3096-1970, on October
16, 1970 and reading as follows:

1121.23 U-3A BUSINESS DISTRICT.

(c) Permitted Uses. Buildings and land shall be used, and buildings
shall be designed, erected, altered, moved or maintained in whole or
in part in U-3A Business Districts only for the uses set forth in
the following schedule and regulations:

- (1) Main buildings and uses permitted.
 - A. Offices: professional, financial, governmental, public utility, executive and administrative; sales offices, provided only samples are displayed or stored on the lot, and no goods shall be distributed.
 - B. Mortuaries.
 - C. Motels, restaurants and assembly halls.
 - D. Retail stores and services.
 - 1. Retail sales in buildings.
 - a. Sale of all foods;
 - b. The sale and serving of all food and beverages;
 - c. The sale of all general merchandise, apparel, household furnishings, supplies and equipment, flowers, garden supplies, business equipment.

Is hereby amended to read:

1121.23 U-3A BUSINESS DISTRICT.

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shall be designed, erected, altered, moved or maintained in whole or
in part in U-3A Business Districts only for the uses set forth in
the following schedule and regulations:

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BROOK PARK CITY COUNCIL

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- B. Mortuaries.
- C. Motels, restaurants and assembly halls.
- D. Retail stores and services.
 - 1. Retail sales in buildings.
 - a. Sale of all foods;
 - b. The sale and serving of all food and beverages;
 - c. The sale of all general merchandise, apparel, household furnishings, supplies and equipment, flowers, garden supplies, business equipment.
 - d. Vape shop/Smoke shop.
 - 1. Any business whose principal product line for retail sale is alternative nicotine products / nicotine products / smoking paraphernalia or vape juice, or any combination of the above listed items. For the purposes of this section, alternative nicotine products refer to any products or devices that employ an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers alternative nicotine to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bong and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or electronic pipe. For the purposes of this section, vape juice refers to any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food grade flavoring, water, and can be used for vaping by means of an alternative nicotine product. For purposes of this code section, nicotine products refer to cigars, cigarettes and chewing tobacco and any smoking paraphernalia as referred to in Brook Park Codified Ordinance 513.12. For purposes of this code section, principal shall mean that alternative nicotine products, nicotine products,

- smoking paraphernalia, vape juice, or any combination of the above listed items constitute at least twenty-five percent (25%) of the businesses' retail space.
2. No vape shop/smoke shop may be established or operated within 1,000 feet of a school, church, public library, public playground, recreation center or public park in the City.
 3. No vape shop/smoke shop may be established, operated or enlarged within one-half mile of another vape shop/smoke shop.
 4. Not more than one vape shop/smoke shop shall be established or operated in the same building, structure, or portion thereof.
 5. For the purpose of subsections (1) and (2) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a vape shop/smoke shop is conducted, to the nearest property line of the premises of a vape shop/smoke shop or a school, recreation center, church, public library, public playground, or public park.
 6. Vape shops/Smoke shops shall not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

SECTION 2: Former Section 1121.23(c)(1)(D)(1) of the Brook Park Codified Ordinances, as passed by Ordinance No. 3096-1970, on October 16, 1970 is hereby expressly repealed.

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 of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Sections 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health, safety and welfare of said City, and for the further reason to amend Section 1121.23(c)(1)(D)(1) of the Brook Park Codified Ordinances therefore provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: April 2, 2024

[Signature]
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson
Clerk of Council

APPROVED: [Signature]
MAYOR

4/2/24
DATE

CERTIFICATE

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance / Resolution No. 11396-2024 passed on the 2 day of April 2024 by said council.

Carol Johnson
Clerk of Council

	Yea	Nay
Troyer	<u>✓</u>	<u> </u>
Mencini	<u>✓</u>	<u> </u>
Roberts	<u>✓</u>	<u> </u>
Scott	<u>✓</u>	<u> </u>
McCorkle	<u>✓</u>	<u> </u>
Poindexter	<u>Abstain</u>	<u> </u>
Dufour	<u>✓</u>	<u> </u>

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS.

[Signature]
DIRECTOR OF LAW