

**AN EMERGENCY ORDINANCE
ADOPTING A TEMPORARY MORATORIUM ON THE APPROVAL,
ISSUANCE AND PROCESSING OF ANY APPLICATIONS FOR
AND/OR THE APPROVAL OF ANY USE VARIANCES, CONDITIONAL USE PERMITS,
ZONING PERMITS, BUILDING PERMITS, CERTIFICATES OF OCCUPANCY OR OTHER
PERMITS OR LICENSES FOR ANY BUILDING STRUCTURE, USE, OR CHANGE IN USE
FOR ANY ASSISTED LIVING, MEMORY CARE, AND/OR NURSING HOME FACILITIES
IN MAYFIELD VILLAGE**

WHEREAS, pursuant to the Village's Charter, as well as the Ohio Constitution, this Council has the inherent power to enact planning, zoning and business regulations and laws that further the health, safety, welfare and peace of its citizens, including restricting or prohibiting the location and operation of certain business uses; and

WHEREAS, the Village currently regulates land uses in accordance with the Village's Zoning Code; and

WHEREAS, care for the elderly is constantly evolving as the region's population continues to age and many assisted living, memory care and/or nursing home facilities have recently opened in the immediate area to address those needs; and

WHEREAS, the Village desires to study the financial, safety and land development impact associated with adding assisted living, memory care and/or nursing home facilities in the Village; and

WHEREAS, upon the recommendation of the Village's Administration, this Council has determined it to be in the best interest of the community's health, safety and welfare to undertake a review of the applicable laws, ordinances, business regulations, building codes, available market studies, and model ordinances from other communities to study the potential impact of the addition of such facilities in the Village; and

WHEREAS, this Council believes that a temporary moratorium on the approval, issuance or processing of any applications for and/or the approval of any use variances, conditional use permits, zoning permits, building permits, certificates of occupancy and any other permits or licenses, will not deny property owners economically viable uses of their property, but will afford Village officials and this Council the necessary time to study any potential financial, safety and land development impact the addition of such facilities would have on the Village, its safety forces, and its resources and consider putting in place new or amended building, zoning and/or business regulations that may be found necessary.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio, that:

SECTION 1. For the reasons stated in the preamble above, the Village adopts, for a period of six (6) months from the effective date of this Ordinance, a temporary moratorium on the approval, issuance and

processing of any applications for and/or the approval of any use variances, conditional use permits, zoning permits, building permits, certificates of occupancy or other permits or licenses for any building structure, use, or change in use for an assisted living, memory care and/or nursing home facility.

SECTION 2. The moratorium suspends and tolls any time periods, prescribed by law, within which any Village Board, Commission or Official is required to take action on an application for any related approvals and/or permits.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of 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 health, safety and welfare of the residents of Mayfield Village, for the reason that it is necessary to impose an immediate temporary moratorium to study the financial, safety and land development impacts of adding assisted living, memory care and/or nursing home facilities, and to adopt updates to existing building, zoning and business regulations as may be necessary to address these impacts and protect the public interest. It shall, therefore, take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor, or otherwise, at the earliest time allowed by law.

STEPHEN SCHUTT
Council President

First Reading: _____, 2024

Second Reading: _____, 2024

Third Reading: _____, 2024

PASSED: _____, 2024

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

DIANE A. CALTA, ESQ., Director of Law

ATTEST: _____
MARY E. BETSA, MMC, Clerk of Council