

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, line 2, strike "review and".

2. Strike the first, second, third, and fourth whereas clauses in their entirety and insert:

"WHEREAS, "small box discount stores" means a retail store between 3,000 and 15,000 square feet that sells directly to consumers a limited assortment of physical goods, products, or merchandise, personal grooming and health products, household goods, and other consumer products, including food or beverages for off-premise consumption, most of which are sold for \$10.00 or less, and that does not dedicate at least 15% of shelf space to fresh food and produce; and

WHEREAS, "small box discount stores" as defined above do not include stores that dedicate less than 5% of shelf space to food sales, sell gasoline or diesel fuel, or contain a prescription pharmacy; and

WHEREAS, this City Council desires to foster businesses that improve access to a healthy diet by selling fresh and affordable food and produce and to protect neighborhoods' economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent owners; and

WHEREAS, there is a proliferation of small box discount stores in the City of Cleveland; and small box discount stores continue to announce plans to expand in urban areas where they cater to low and middle income customers looking for discounted goods and where there are often no neighborhood grocery stores; and".

3. Strike the sixth whereas clause in its entirety.

4. In the existing seventh whereas clause line 1, strike "usually less than 15% of shelf space" and insert "no or very limited shelf space".

5. Strike the existing twelfth whereas clause in its entirety.

6. In the existing thirteenth whereas clause, strike line 3 in its entirety and insert: "on the issuance of certain zoning permits, certificates of occupancy and other license".

7. Strike Section 1 in its entirety and insert:

Section 1. That, notwithstanding and as an exception to any provisions of the Codified Ordinances of Cleveland, Ohio, 1976 and for the reasons stated in the preamble, this Council establishes a moratorium on the issuance of zoning permits, certificates of occupancy and other license or permit applications to establish a small box discount store as a new use until November 1, 2020 or until such time as the City has established regulations regarding review and issuance of small box discount stores,

whichever is earlier. "Small box discount stores" means a retail store between 3,000 and 15,000 square feet that sells directly to consumers a limited assortment of physical goods, products, or merchandise, personal grooming and health products, household goods, and other consumer products, including food or beverages for off-premise consumption, most of which are sold for \$10.00 or less, and that does not dedicate at least 15% of shelf space to fresh food and produce.

Date: _____ (Signed): _____

Stephanie Melnyk
Chief Assistant Director of Law

Ord. No. 411-2019

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