

VILLAGE COUNCIL OF WAKEMAN, OHIO
RESOLUTION NO. 2021-R-3

A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON
STORAGE / SHIPPING CONTAINERS AS A PERMANENT
ACCESSORY STRUCTURE IN ANY ZONING DISTRICT AND
DECLARING AN EMERGENCY

WHEREAS, the Village Administrator / Zoning Officer expresses concerns regarding the placement of Storage / Shipping Containers in the village; and

WHEREAS, the Village has adopted and enacted a Planning and Zoning Code codified in Chapter Eleven of the Wakeman Codified Municipal Code regulating land use within the Village; and

WHEREAS, the Village Administrator / Zoning Officer reports that the Planning and Zoning Code does not currently regulate Storage / Shipping Containers as permanent accessory structures; and

WHEREAS, the Village Administrator / Zoning Officer recommends a moratorium on Storage / Shipping Containers as a permanent accessory structure in any zoning district to give village officials sufficient time to conduct a thorough analysis and assessment of this matter in consideration of possible future zoning code amendments while preventing the installation of potential eventual pre-existing non-conforming structures and to prevent negative impact and preserve the public health, safety and welfare through the provisions of adequate planning, zoning land use or other regulatory controls.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WAKEMAN, STATE OF OHIO: (RC 731.18)

SECTION 1. That Village Council finds this moratorium to be in the best interest of the residents of the village and temporarily necessary prevent any possible negative impacts and preserve the public health, safety and welfare.

SECTION 2. MORATORIUM. That the village hereby imposes a temporary moratorium on Storage / Shipping Containers as a permanent accessory structure in any zoning district.

SECTION 3. DEFINITION. That for this limited temporary moratorium, Temporary Storage Containers are defined as follows:

Storage / Shipping Container is defined as an enclosed container manufactured for transporting or shipping of cargo and or freight, and any other enclosed container designed to be movable, portable or transportable with a strength suitable to withstand shipment, storage and handling, including but not limited to metal shipping containers, mobile storage units,

and/or detached semi-truck trailers.

SECTION 4. EXCEPTIONS. That this Storage / Shipping Container moratorium does not apply to temporary enclosed staging, storage, shipping containers, including but not limited to "Portable-On Demand Storage" PODS ® (and similarly designed units) commonly used to temporarily store or stage home furnishings and other personal items on a temporary basis during a time of home repair, construction, renovation or relocation not to exceed 14 days with any reasonable short-term extensions authorized by the Zoning officer.

SECTION 5. DURATION. That this moratorium shall expire on 12/31/2021 and may be extended upon majority vote of council for a period not to exceed of one (1) year; but shall not remain in effect beyond 12/31/2022.

SECTION 6. ENFORCEMENT. That this Moratorium shall be administered and enforced pursuant to Chapter 1133 of the Wakeman Codified Municipal Code.

SECTION 6. DISPENSE WITH THREE READINGS. That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days. [R.C. 705.15 and 731.17(A)(2)]

SECTION 7. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this Ordinance/Resolution is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s): *to immediately prevent the installation of permanent structures with the potential of becoming permanent preexisting non-conforming structures should the zoning code be amended.*

SECTION 8. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall take effect at the earliest period allowed by law.

PASSED AND ADOPTED on this 8 day of February, 2021.

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 5 NAYS: 0 ABSTAIN: 0

AUTHENTICATION and ATTESTATION
(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.


MAYOR


FISCAL OFFICER

First Reading: February 8, 2021
Second Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))
Third Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

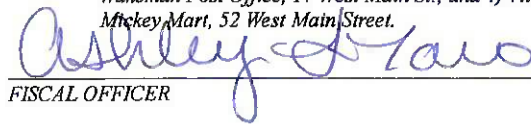
APPROVED AS TO FORM,

 (ALT)
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF POSTING
(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not less than fifteen days prior to the effective date at the following locations:

1) Wakeman Public Library, 18 East Abbott Street; and 2) Electronically online at official Village website.; and 3) Wakeman Post Office, 17 West Main St.; and 4) Village of Wakeman Municipal Building, 59 Hyde Street; and 5) Mickey Mart, 52 West Main Street.


FISCAL OFFICER