

ORDINANCE NO. 2026-46

CITY OF CLYDE, OHIO

DECLARING A TEMPORARY MORATORIUM ON THE APPROVAL AND PERMITTING OF NEW MOTOR VEHICLE FUEL DISPENSING FACILITIES, TRUCK STOPS, AND TRAVEL CENTERS WITHIN THE CITY OF CLYDE; DIRECTING THE CITY MANAGER TO COORDINATE WITH THE PLANNING COMMISSION TO DEVELOP UPDATED LAND USE STANDARDS FOR SUCH USES; ESTABLISHING THE DURATION AND TERMINATION CONDITIONS OF THE MORATORIUM; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Clyde, Ohio (the "City") is a home rule municipal corporation duly organized and operating under Article XVIII, Section 3 of the Ohio Constitution and the Charter of the City of Clyde, with authority to exercise all powers of local self-government and to adopt and enforce land use regulations within its territorial limits;

WHEREAS there are currently six (6) active motor vehicle fuel dispensing facilities within or within 500 feet of the City's corporate limits:

- HD Express Mart (1559 E McPherson Hwy)
- Certified Oil (1014 W McPherson Highway)
- Circle K (923 W McPherson Highway)
- Speedway (108 W McPherson Highway)
- Clark Gas (506 N Main Street)
- South Ridge Farm Market (1397 E McPherson Highway)

and;

WHEREAS the concentration of fuel dispensing facilities within a municipality of approximately 6,300 residents raises significant concerns regarding land use compatibility, environmental risk from underground storage tank leakage and soil contamination, the remediation burden associated with abandoned facilities, aesthetic impacts on commercial corridors, and the City's ability to attract diversified retail and economic development investment;

WHEREAS, the City's zoning standards applicable to motor vehicle fuel dispensing facilities, truck stops, and travel centers have not been comprehensively reviewed in recent years, and the Planning Commission has not yet developed updated recommendations addressing separation distances, site design, canopy lighting, stormwater pretreatment, financial assurance for decommissioning, or standards for the adaptive reuse of abandoned fuel sites;

WHEREAS a temporary moratorium on new approvals is necessary and appropriate to preserve the status quo while the City Manager, working in coordination with the Planning Commission, undertakes a thorough study and develops recommended standards for Council's consideration; and

WHEREAS Council desires to act promptly to protect the public health, safety, and welfare, and to ensure that future land-use decisions regarding fuel-dispensing facilities are informed by current best practices and the City's long-term development goals.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Clyde, State of Ohio:

SECTION 1. A temporary moratorium is hereby declared on the issuance of zoning certificates, conditional use permits, variances, site plan approvals, and building permits for the establishment, construction, or expansion of any new Motor Vehicle Fuel Dispensing Facility, Truck Stop, or Travel Center, as those terms are defined in Section 2, within the corporate limits of the City of Clyde, effective upon adoption of this Ordinance.

SECTION 2. As used in this Ordinance: (a) "Motor Vehicle Fuel Dispensing Facility" means any premises where gasoline, diesel fuel, compressed natural gas, hydrogen, or other motor vehicle fuel is dispensed to the public, whether or not combined with other retail uses; (b) "Truck Stop" means a facility designed or intended to serve commercial motor vehicles, offering fuel dispensing and parking for commercial vehicles, and which may include showers, laundry facilities, repair services, or food service; and (c) "Travel Center" means a large-format combined fuel, food service, and retail facility serving both passenger vehicles and commercial motor vehicles.

SECTION 3. The moratorium shall not apply to: (a) routine maintenance, repair, or in-kind replacement of existing equipment at lawfully established facilities, not constituting an expansion of use; (b) environmental remediation or decommissioning of existing or abandoned fuel facility sites; or (c) applications that received final zoning and building approval prior to the effective date of this Ordinance.

SECTION 4. The moratorium declared herein shall remain in effect through December 31, 2026, unless sooner terminated by Council upon adoption of updated zoning standards applicable to Motor Vehicle Fuel Dispensing Facilities, Truck Stops, and Travel Centers. In the event Council adopts such updated standards prior to December 31, 2026, the moratorium shall terminate automatically upon the effective date of the adopting ordinance. Council may, by resolution, extend the moratorium beyond December 31, 2026, if necessary to complete the study and rulemaking process.

SECTION 5. The City Manager is hereby directed to lead a study of land-use standards applicable to Motor Vehicle Fuel Dispensing Facilities, Truck Stops, and Travel Centers, in coordination with the Clyde Planning Commission. The study shall examine, at minimum: (a) appropriate zoning districts for such uses; (b) minimum separation distances between fuel dispensing uses and between such uses and residential zones; (c) site design, canopy lighting, and screening standards; (d) stormwater pretreatment requirements; (e) financial assurance requirements for site decommissioning and environmental remediation; and (f) standards for the reuse or adaptive redevelopment of abandoned fuel facility sites. The City Manager shall present findings and draft standards to the Planning Commission and City Council in sufficient time to allow adoption of amended zoning provisions prior to December 31, 2026.

SECTION 6. Any application for a zoning certificate, conditional use permit, or building permit for a new Motor Vehicle Fuel Dispensing Facility, Truck Stop, or Travel Center pending as of the effective date of this Ordinance shall be held in abeyance during the moratorium period and shall not be processed, approved, or denied until the moratorium terminates.

SECTION 7. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare, and safety of the residents of the City of Clyde, Ohio, and the immediate adoption of this legislation will preserve the status quo with respect to Fuel Facility development while the City conducts the land use study described herein, and to prevent the approval of applications that could prejudice or circumvent the outcome of that study.

Adopted: 6-2-2026

Authorized: Doug McAuley

Attest: Janet R. Dickman

Approved to form: [Signature]