



COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

DATE: June 8, 2016

TO: City of Hudson Planning Commission for June 13, 2016 Meeting

FROM: Greg Hannan, City Planner
Mark Richardson, Community Development Director

SUBJECT: LDC Text Amendment – Ordinance No. 16-87
Repealing Special Events Regulations

PC Case No: 2016-16

Project Introduction

The proposed ordinance would repeal administration of special events in the Land Development Code as special events are now administered by Ordinance 16-46 – Temporary Special Events, recently adopted by Council. The repeal of the subject section will remove any confusion about the approving authority of temporary special events. Council conducted its first reading of Ordinance 16-87 May 17, 2016. Council will conduct its own public hearing and take final action following receipt of Planning Commission’s recommendation.

Recommendation

Staff recommends that the Planning Commission recommend that Council adopt Ordinance 16-87, An Ordinance Repealing Section 1206.04(b)(3), “Special Events”, of the Land Development Code.

AN ORDINANCE REPEALING SECTION 1206.04(b)(3), "SPECIAL EVENTS," OF THE LAND DEVELOPMENT CODE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 16-46, this Council amended Chapter 872, "Temporary Special Events," of the Business Regulation Code of the Codified Ordinances of the City of Hudson to amend and update the City's regulations regarding temporary special events; and

WHEREAS, pursuant to Ordinance No. 16-55, this Council enacted new Chapter 874, "Mobile Food Vehicles," of the Business Regulation Code of the Codified Ordinances of the City of Hudson to establish regulations for food trucks used for temporary special events or private parties; and

WHEREAS, Section 1206.04(b)(3) of the City of Hudson Land Development Code contains other regulations regarding special events, some of which are inconsistent with those set forth in Chapter 872, "Temporary Special Events," or Chapter 874, "Mobile Food Vehicles," of the Business Regulation Code; and

WHEREAS, City staff has recommended that Section 1206.04(b)(3) of the Land Development Code be repealed due to the recent amendment of Chapter 872, "Temporary Special Events," and the enactment of new Chapter 874, "Mobile Food Vehicles" and in order to conform the City's special events regulations; and

WHEREAS, this Council has introduced the within Ordinance and referred it to the Planning Commission pursuant to its obligation under Land Development Code Section 1203.03 to follow said procedure; and

WHEREAS, the Planning Commission has submitted its recommendation to Council and Council has held its own public hearing on this Ordinance, and upon which Council determines that Section 1206.04(b)(3) of the Land Development Code should be repealed as being consistent with the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. Section 1206.04(b)(3), "Special Events," of the Land Development Code is hereby repealed because its provisions are covered elsewhere in the Codified Ordinances of the City of Hudson, specifically Chapter 872, "Temporary Special Events", and Chapter 874, "Mobile Food Vehicles" and the remaining provisions of Section 1206.04(b)(3) shall be renumbered accordingly as follows:

“1206.04 TEMPORARY USES.

* * *

(b) *The following temporary uses may be permitted by City Council:*

* * *

~~3. Special Events:~~

~~A. Special events shall be a permitted temporary use in the following Districts:~~

~~i. District 2 Rural Residential Conservation~~

~~ii. District 5 Village Core/Historic District~~

~~iii. District 7 Outer Village Commercial Corridor and Office Overlay Zone~~

~~iv. District 9 Darrowville Commercial Corridor~~

~~v. District 10 Ravenna Road Mixed-Use Corridor~~

~~B. The term of the temporary use permit shall not exceed three (3) weeks.~~

~~C. Permitted carnivals/circuses may occur within required zone district setbacks, provided that no display shall encroach into a required setback by more than fifty (50) percent of the required setback depth and provided that no display or related equipment shall be located within a required sight triangle.~~

~~43. Temporary Housing:~~

~~* * *~~

Section 2. 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 Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that Section 1206.04(b)(3) of the Land Development Code should be repealed at the earliest time possible to avoid inconsistent regulations regarding special events in the City; wherefore, this Ordinance shall go into effect immediately upon its passage, provided it receives the affirmative vote of five (5) members of Council elected thereto, except that six (6) affirmative votes shall be required if all members of Council are present at the meeting at which it is passed; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

David A. Basil, Mayor

ATTEST:

Elizabeth A. Slagle, Clerk of Council

AN ORDINANCE AMENDING CHAPTER 872, "TEMPORARY SPECIAL EVENTS," OF THE BUSINESS REGULATION CODE AND REPEALING ORDINANCE NO. 08-158 AND CHAPTER 810, "CIRCUSES AND CARNIVALS," OF THE BUSINESS REGULATIONS CODE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 08-158, this Council adopted a handbook and policy regarding the regulation of special events taking place within the City; and

WHEREAS, existing Chapter 872, "Temporary Special Events," and Chapter 810, "Circuses and Carnivals" of the Business Regulation Code of the Codified Ordinances of the City of Hudson also set forth regulations for temporary special events in the City; and

WHEREAS, the City administration has reviewed the City's temporary special events regulations and recommends that Chapter 872, "Temporary Specials Events," of the Business Regulation Code be amended to conform with proposed updates to the City's Special Events Policy; and

WHEREAS, the City administration recommends that Ordinance No. 08-158 and Chapter 810, "Circuses and Carnivals," of the Codified Ordinances of the City of Hudson be repealed since their provisions will be superseded by the proposed amendments to Chapter 872 set forth herein and proposed updates to the City's Special Events Policy; and

WHEREAS, Council desires to amend Chapter 872, "Temporary Special Events," of the Business Regulation Code as set forth herein and to repeal Ordinance No. 08-158 and Chapter 810, "Circuses and Carnivals," of the Business Regulation Code and finds these amendments to be in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. Existing Chapter 872, "Temporary Special Events," of the Business Regulation Code, of the Codified Ordinances of the City of Hudson is hereby amended to read as follows:

**"CHAPTER 872
Temporary Special Events**

872.01 PURPOSE OF CHAPTER.

The purpose of this chapter is to make provision for special events of a temporary nature which may be held on City-owned property within the Municipality regardless of the zoning provisions generally applicable to such property. Any such special events shall be subject to the requirements of this chapter.

872.02 PURPOSE OF EVENT; UTILIZATION OF NET PROCEEDS.

~~_____ The purpose of the event authorized by this chapter shall be either charitable, educational, cultural or religious, and the net proceeds of the event, if any, shall be utilized for such purposes.~~

DEFINITIONS.

As used in this chapter:

- (a) “Temporary Special Event” shall mean any outdoor activity or series of outdoor activities open to the public specific to an identifiable time and place that are most often produced in conjunction with community organizations. Temporary Special Events may be held on City-owned property; or events on private property open to the public that anticipate attendance of 250 persons at any given time and that include, but are not limited to, one or more of the following characteristics:
 - 1) Any activity involving entertainment and/or amplified sound, food, beverage, merchandise sales or any activity such as a festival, carnival/circus, sports event, trade show, craft show, car show, public dance, concert or performance;
 - 2) Any activity that may substantially increase or disrupt the normal flow of traffic on any street or highway;
 - 3) Any activity which involves the use of City facilities;
 - 4) Any activity which involves the use of City services that would not be necessary in the absence of such an event; or
 - 5) Any activity which includes a mobile food vehicle, as defined in Codified Ordinance Chapter 874, as part of the event.
- (b) “Private Event” shall mean a small social gathering on private property that is not a Temporary Special Event but at which a mobile food vehicle, as defined in Codified Ordinance Chapter 874, will operate.
- (c) “City facilities” shall mean City-owned parking lots and City-owned restrooms.
- (d) “City Manager” shall mean the City Manager or the Manager’s designee.

872.03 PERMIT REQUIRED.

No person or entity shall hold a Temporary Special Event within the City of Hudson without a permit issued by the City Manager as required by this Chapter.

872.034 APPLICATIONS.

(a) Application for a temporary special event shall be made through the City Manager for presentation to the City Council. The City Manager shall be notified in writing of the pending application at least two weeks prior to the Council meeting at which it will be presented. Any person wanting to hold a Temporary Special Event shall submit a Special Event Application with the fee and proof of insurance required by this section to the City Manager no later than sixty (60) days prior to the date of the requested Event. Events on private property that are open to the public and with an anticipated attendance of 250 persons at any given time shall complete a Pre-Application form from which the City Manager will determine if a Special Event Application is necessary for that Event based on the characteristics set forth in Section 872.02(a)(1)-(5) of this chapter.

(b) A \$25.00 non-refundable application fee is due at the time of application.

(b) Each application shall describe the type of event, the location, the proposed activity and the number of days on which it is to be held. Each applicant shall provide a letter of permission from the owner of the property on which the ~~event~~ Temporary Special Event is to be held.

~~(c) Each application shall set forth the number, size and location of any proposed signs, which may be limited by Council. Such signs shall be in compliance with Section 1276.10(c)(2)A. and E. of the Planning and Zoning Code.~~

(d) Each application shall contain a description of the number and types of display units and/or temporary structures proposed in connection with the ~~event~~ Temporary Special Event.

(e) Each application shall set forth any potential parking problems and the proposed resolution of the same.

(f) Any activity not expressly stated in an approved application shall be prohibited.

872.045 CONFLICTS WITH PREVIOUSLY SCHEDULED EVENTS.

~~No temporary special event shall be permitted which would conflict with other civic or special events, whether previously authorized by Council or by other appropriate authorities. Each Temporary Special Event date will be considered for approval on a first-come, first-served basis, based on the date the application was submitted to the City Manager. No Temporary Special Event will be permitted which would conflict with other civic or special events, whether previously authorized by the City Manager or by other appropriate authorities. The application must include all required supporting materials, fees and insurance requirements before the City Manager will approve the requested event.~~

872.046 LIABILITY INSURANCE.

~~Each applicant for a Temporary Special Event shall provide proof of general liability insurance, in an amount not less than one million dollars (\$1,000,000), which shall indemnify and save harmless the City from any and all judgments, costs or expenses which the City may incur or suffer by permitting the Temporary Special Event. The certificate of general liability insurance must establish that the City is an additional insured. Additional insurance is required for fireworks and pyrotechnics.~~

872.057 SIDEWALK OBSTRUCTIONS.

~~Any proposed sidewalk obstructions for a Temporary Special Event shall be limited in scope so as not to be hazardous or constitute a nuisance.~~

~~872.07 POWERS OF COUNCIL.~~

~~Council reserves the right to prohibit or limit the size, location, duration or type of temporary special event for good and justifiable reason.~~

872.08 CITY SERVICES.

~~The City shall invoice the applicant for City services provided to Temporary Special Events at rates set by the City Manager. The City Manager or the Manager's designee reserves the right to determine the services and levels of services provided to any event.~~

872.09 VENDORS.

If the event includes vendors or concessionaires other than the applicant or a sponsoring organization, each vendor must submit a vendor application form and proof of insurance through a certificate of insurance for a minimum \$1 million coverage per occurrence, and establishing that the City is an additional insured.

872.10 PERMITS, LICENSES, INSPECTIONS.

The applicant is responsible for obtaining all permits, licenses and/or inspections required by outside agencies and organizations.

872.11 MOBILE FOOD VEHICLES.

An applicant that plans to use mobile food vehicles, as defined in Codified Ordinance Chapter 874, at a Temporary Special Event or Private Event must provide proof that all mobile food vehicle owners/operators have applied for and received an annual mobile food vehicle license from the City, as required by Codified Ordinance Chapter 874.

872.12 ADDITIONAL CONDITIONS OR REQUIREMENTS.

The City Manager reserves the right with respect to all Temporary Special Events to establish such additional conditions or requirements as the Manager, in his/her discretion, deems advisable. Any Temporary Special Event or Private Event that does not abide by the regulations set forth in this chapter or other requirements established by the City Manager is subject to immediate cancellation by the City Manager.

872.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.”

Section 2. Existing Chapter 872, “Temporary Special Events,” of the Business Regulation Code of the City of Hudson is hereby repealed.

Section 3. Existing Chapter 810, “Circuses and Carnivals,” of the Business Regulation Code of the City of Hudson is hereby repealed.

Section 4. Ordinance No. 08-158 is hereby repealed.

Section 5. 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 Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that it is immediately necessary to adopt updated regulations for temporary special events before the spring and summer months when these events are usually scheduled; wherefore, this

Ordinance shall go into effect immediately upon its passage, provided it receives the affirmative vote of five (5) members of Council elected thereto, except that six (6) affirmative votes shall be required if all members of Council are present at the meeting at which it is passed; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

PASSED: April 19, 2016

David A. Basil, Mayor

ATTEST:

Elizabeth A. Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on April 19, 2016.

Elizabeth A. Slagle, Clerk of Council

First Reading: March 15, 2016

Second Reading: April 5, 2016

Third Reading: April 19, 2016