

Meeting Date:
July 26, 2021

Location:
District 1

Request:
Land Development Code
Text Amendment

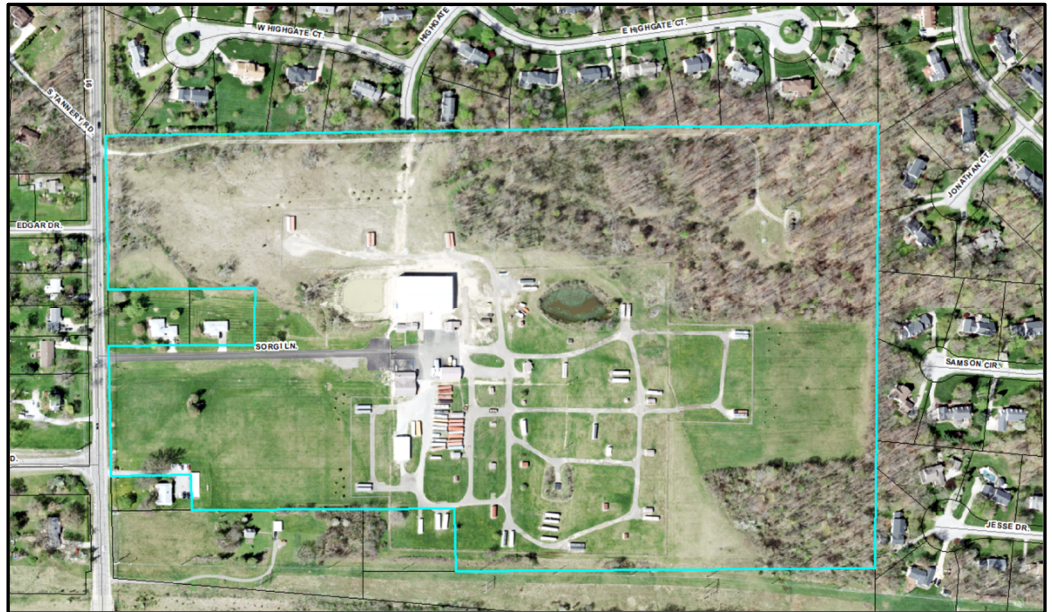
Applicant:
Diana Calta, Mansour
Gavin LPA

Zoning:
D1- Suburban Residential
Neighborhood

Case Manager:
Nick Sugar

Contents

- Letter from applicant, 6.14.21
- Proposed text amendment, 6.14.21
- Site Plan, 8.24.20
- Letter from Shawn Kason, Fire Marshall, 7.22.21



Existing Conditions, City of Hudson GIS

Project Introduction:

Application has been received for a proposed LDC text amendment to establish *Fireworks Storage and Retail Facility* as a conditional use within District 1. The amendment has been proposed to accommodate future growth of American Fireworks which has been in operation at 7041 Darrow Road for over 100 years. The facility was regulated as a non-conforming use under the Hudson Township and City of Hudson Land Development Code (LDC) ordinances. The business has received several approvals for expansion under both the township and city regulations; however, is now limited for further expansion due to the current LDC restrictions on the percent growth permitted for a non-conforming use. If the LDC amendment is approved, the applicant could then apply to the Planning Commission for a conditional use request to expand the facility.

Adjacent Development to 7041 Darrow Road:

The subject property is surrounded by single family homes to the north in the Di Novi Acres Subdivision and to the east in the Woods of Western Reserve Subdivision. To the south is the Ohio Turnpike and to the west is single family development along Darrow Road.

Hudson Planning Commission	ZONING MAP AND TEXT AMENDMENT
Case No. 2021-689	July 26, 2021

Development Background - American Fireworks Facility

The existing American Fireworks facility was a non-conforming use under the Hudson Township zoning regulations and is a non-conforming use per the LDC. Staff notes the site received approvals for an expansion of a non-conforming use under Hudson Township regulations in 1967, 1971, and 1995.

2013: BZBA Case 2013-19: Approval for an expansion to the non-conforming use

November 21, 2013: Mr Sorgi introduced the case, the recently installed containers, and represented that he was unaware the use had become non-conforming. The case was tabled for further discussion.

February 20, 2014 meeting: Atty Robert Phillips, representing the applicant, asked the board to consider the use area to not only be the structures, but the fenced in area dictated by regulations. Atty Phillips noted the request was for six magazines recently installed without a zoning permit and four additional proposed magazines. Mr. Sorgi stated the fenced area was needed to operate the business and this was the last time the fence could be expanded. The board approved the request subject to enlargement not exceeding twenty-five (25) percent of the area occupied (within the enclosed fence) as of the effective date of the code.

2014: Zoning Permit #2014-079: Eight storage containers and chain link fence (per the authorization of the use expansion approved by the BZBA)

2015: Zoning Permit #2015-355: Four containers at the southwest portion of the site (away from adjacent residences) and the relocation of fencing. Staff reviewed the case history and understands the improvements were authorized under the 2014 BZBA enlargement approval.

Zoning Permit #2015-473 warehouse facility: Planning Commission approval for the improvements was on November 9, 2015 per Case 2015-28. As the warehouse building was located primarily “inside” the fence enclosure it was not considered an expansion of the use area.

2019: Zoning Permit #19-982 for Tree Removal: Removal of trees within approximately four acres of the property commenced in September 2019 without city authorization. A stop work order was issued on September 13, 2019. Applicant proceeded to apply through the approval process prior to the issuance of the certificate in December 2019

2020: BZBA Case 2020-49:

American Fireworks applied to the BZBA for another enlargement of their nonconforming use. The proposed enlargement would add a total of 10 additional fireworks storage containers to the site at five additional locations. The case was introduced on February 20, 2020. The case was continued to a second meeting after significant discussion and testimony expressing concern about further expansions.

On September 24, 2020 the case was further discussed. The applicant submitted documentation which referenced proposed restrictions to the site outside of the fenced in area and enhanced screening in response to meetings held between the applicant and some adjacent property owners since the February BZBA meeting. The BZBA stated they did not have the authority to deviate from the 25% expansion of a non-conforming use limitation; and that that such consideration could only be granted through a legislative amendment to the Land Development Code. The board further discussed the restriction on BZBA’s ability to override the 2014 BZBA decision which determined the use area to be the outer

Hudson Planning Commission	ZONING MAP AND TEXT AMENDMENT
Case No. 2021-689	July 26, 2021

perimeter of the fenced in area which was accepted by the applicant and not appealed at the time of the decision in 2014. Mr. Sorgi requested to withdraw the application.

2021: Neighborhood meeting February 17, 2021: A neighborhood meeting was hosted by City officials to meet with both American Fireworks and neighbors to discuss the concept of a LDC text amendment and possible protections and site enhancements to consider.

April 23, 2021: Letter submitted from American Fireworks to City Council requesting the city proceed with a city initiated LDC text amendment.

May 4, 2021: City Council Meeting: City Council indicated that a City initiated application would not be initiated; therefore, any consideration of a LDC text amendment would need to be initiated and filed as a private property owner application per Section 1203.03(a)(3) of the LDC.

June 14, 2021: Private party application submitted by American Fireworks for a text amendment to D1 to establish *Fireworks Storage and Retail Facility* as a conditional use within District 1.

Summary of Proposed Amendments to the LDC

The following text amendments have been proposed:

- **Section 1205.04 District 1: Suburban Residential Neighborhood**
 - *Fireworks Storage and Retail Facility* added as a conditional use in the district.
 - Use would require a minimum lot size of fifty (50) acres.
 - Setbacks for containers/buildings from property lines, residential structures, and gas wells/tank batteries would be established based on net weight of structures/containers.
 - Bufferyard E would be required for any fireworks storage and retail facility abutting a residential use.
- **Section 1206.01: Table of Permitted and Conditional Uses by District**
 - *Fireworks Storage and Retail Facility* added as a conditional use in the D1
- **Section 1206.02: Conditional Use Standards**
 - Conditional use standard for *Fireworks Storage and Retail* facilities added requiring containers to be painted a compatible color to blend in with any landscaping and mounding.

Considerations

District Standards (Section 1204.01) Zoning Map and Text Amendments

All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the nine standards set forth within Section 1204.01 of the Land Development Code (LDC).

(a). Whether or not the proposed amendment is in accordance with the basic intent and purpose of the Land Development Code;

The purpose and intent of the Land Development Code is listed in Section 1201.03 and is reprinted as follows:

- a) Promote the public health, safety, convenience, comfort, prosperity, and general welfare;
- b) Secure safety of persons and property from fire, flood, and other dangers, and to secure adequate open spaces for light, air, and amenity;

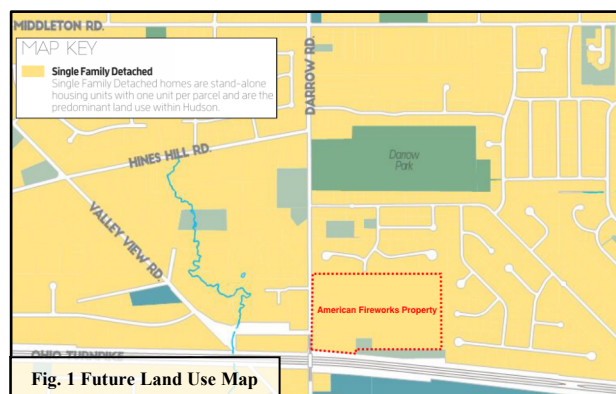
Hudson Planning Commission	ZONING MAP AND TEXT AMENDMENT
Case No. 2021-689	July 26, 2021

- c) Conserve and stabilize property values through the most appropriate uses of land in relation to one another;
- d) Preserve and protect forests and woodlands, existing trees and vegetation, agricultural lands, floodplains, stream corridors, wetlands, and other sensitive environmental areas from adverse impacts of urban and suburban development;
- e) Facilitate the economic provision of adequate public facilities such as transportation, water supply, sewage disposal, drainage, electricity, public schools, parks, and other public services and requirements;
- f) Prevent congestion in travel and transportation, reduce community dependence on automobile travel, and encourage trip consolidation;
- g) Preserve and protect the architecture, history, and small-town character of the historic village core;
- h) Encourage innovative residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by conservation and more efficient use of open space ancillary to such dwellings;
- i) Encourage nonresidential development that preserves and protects the character of the community, including its natural landscape, and that minimizes objectionable noise, glare, odor, traffic and other impacts of such development, especially when adjacent to residential uses or to the historic village core;
- j) Manage overall community growth, including population and employment growth, to benefit the community and to encourage fiscally efficient and orderly development; and
- k) Encourage a balance of residential and non-residential uses and development in the community so that future growth occurs in a fiscally prudent manner.

(b). Whether or not the proposed amendment furthers the long-range planning goals of the City (as outlined in the City's Comprehensive Plan's goals and objectives);

Within the Comprehensive Plan, the Land Use and Development Plan identifies desired future land uses for all areas within the city and provides a framework to guide future planning and land use policy decisions. After review of the Land Use Plan staff notes the following:

- The parcels containing American Fireworks are identified as single family detached development within the future land use map.
- The plan recommends concentrating commercial corridor uses along Route 303 and 91.
- The plan recommends directing new non-residential development to areas planned for such uses within the Land Use Plan, so that future land use patterns maximize the use and efficiency of public services, existing and planned infrastructure and protect and reinforce existing land uses.
- The plan notes when industrial uses are adjacent to residential neighborhoods, buffering and screening should be in place to appropriately mitigate any potential negative impacts.



(c). Whether or not conditions within the City have changed since the Land Development Code was last adopted/amended, or there was a mistake in the Land Development Code, that justifies the amendment;

Staff is not aware of conditions within the city that have changed since the code was last adopted/amended nor an error in the LDC related to justification of the proposed amendment.

(d). Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;

Staff notes American Fireworks has operated at this location since 1902, well before subsequent township and City of Hudson zoning regulations were established. The property; however, has been zoned residential dating back to prior township zoning resolutions.

The property is bordered by the Woods of Western Reserve Subdivision to the east and the Dinovi Acres subdivision to the north. The adjacent homes were built during the period circa 1986-1997.



(e). Whether or not the amendment avoids unlawful exclusionary zoning;

Staff is not aware of this application creating unlawful exclusionary zoning.

(f). With respect to zoning map amendments, whether the proposed zoning map amendment is consistent with the zoning classifications of the surrounding land;

The proposed amendment is a text amendment which would permit Fireworks Storage and Retail Facilities throughout District 1 provided the proposed standards are met. District 1 is typified by single-family detached residential housing development. Thus, any proposed text amendment in this district should be sensitive to potential impacts.

Staff notes the following:

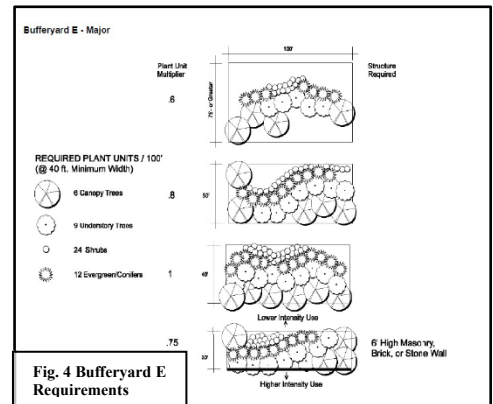
- **Setbacks:** The applicant has proposed a tiered setback based on the net weight of the fireworks storage. Setbacks to a property line as well as setbacks to residential structures are given based on current ATF requirements. The application also suggests these setbacks may change based on ATF requirements.

Net weight of fireworks ¹ (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway ^{2, 4} (feet)	Distance between magazines ^{2, 3} (feet)
0-1000	150	100
1,001-5,000	230	150
5,001-10,000	300	200
Above 10,000	Use Table § 555.218	

Fig. 3 Excerpt from ATF Regulations 2012

Staff notes a tiered setback structure in addition to references to possible changing ATF standards would be challenging to regulate/monitor. Establishing a standard setback for all containers of three hundred (300) from the property lines would be more appropriate and consistent with other current setback regulations concerning commercial/industrial conditional uses when such use is adjacent to residential uses.

- **Bufferyard:** The proposed Bufferyard E (40 ft depth) is the maximum bufferyard described in the LDC. It is typically applied between industrial and residential development. The proposed amendment also makes reference to mounding; however, the proposal is unclear if such mounding is required. Incorporating both mounding and Bufferyard E would be appropriate for all storage containers adjacent to a residential property line.
- **Minimum Lot Size:** The proposed amendment would permit Fireworks Storage and Retail Facilities throughout District 1 provided the proposed 50 acre minimum lot size is met. Staff notes only lands owned by the City of Hudson, Hudson City Schools, the Country Club of Hudson, and American Fireworks presently meet the 50 acre threshold within District 1.
- **Container Color:** A special condition for the use is proposed requiring all containers on site to be painted a compatible color to blend with the landscape.
- **Compliance with State and Federal Agencies:** Staff notes any proposed fireworks storage facility would also be subject to ATF and State of Ohio Division of State Fire Marshal requirements.



(g). With respect to zoning map amendments, whether all of the new requirements attendant to the proposed zoning classification can be complied with on the subject parcel(s);

Staff notes a concept plan was submitted with the application depicting the existing storage containers and seven (7) proposed storage container locations. Question whether all existing containers would be screened by the proposed Bufferyard E and painted to blend in with landscaping.

(h). Does the amendment affect the city's ability to provide adequate services, facilities, or programs that might be required if the application were approved; and

Staff notes the amendment is not anticipated to significantly impact the ability to provide adequate services, facilities, or programs that might be required.

(i). Whether or not the amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.

Staff notes the proposed text amendment would address a longstanding nonconforming use. The nonconforming status has resulted in a complicated regulatory process through various local boards and review bodies.

Addition Comments

- Fire Marshal Shawn Kasson forwarded comments dated July 21, 2021 and has indicated that they refer to the ATF and SFM for safety regulations and licensure of fireworks facilities.
- Staff notes the proposed text amendment would have regulations specific to *Fireworks Storage and Retail Facilities* in both Section 1205.04 District 1 and 1206.02 Conditional Use Standards.

Hudson Planning Commission	ZONING MAP AND TEXT AMENDMENT
Case No. 2021-689	July 26, 2021

Consolidating relevant standards for *Fireworks Storage and Retail Facilities* within 1206.02 would be appropriate to follow the current format of the LDC:

- Section 1205 District 1: list the proposed use as noted. The proposed text related to minimum acreage, side yard setback, rear yard setback, and bufferyard could be relocated to Section 1206.
- Section 1206:
 - List the use in the use table of 1206.01 as noted
 - Add the following existing Section 1206.02(c) Special Conditions:
 - (4) Where applicable, certification or licensing by the sponsoring state or federal governmental agency shall be a prerequisite to issuance of a zoning certificate by the City. A copy of an annual report with evidence of continuing certification shall be submitted to the Community Development Director in January of each year.
 - (15) The use or building housing such use shall be located a minimum of 300 feet from the lot line of any residentially zoned parcel.
 - (17) All property lines that adjoin a residential use or district shall be screened with a bufferyard that is equivalent or exceeds screening provided by Bufferyard E as defined in Section 1207.04.
 - Proposed Special conditions #33 should specify proposed minimum lot size, setbacks, and container color/blending.
- Section 1213: A definition of the proposed use category should be established

Required PC Action

The PC shall conduct a public hearing, make specific recommendations to the City Council, and transmit the application to the City Council, together with the text and map amendments pertaining thereto, within 120 days from the date of initiation of the application for text or official zoning map amendments.

The City Council shall hold a public hearing and take final action within twenty days of said public hearing. An amendment before the City Council for consideration shall take effect only if passed or approved by not less than five members of the City Council.

Recommendation

Staff recommends the Commission receive testimony at the public hearing and then proceed with consideration of a formal recommendation to City Council.

June 14, 2021

Planning Commission
City of Hudson
1140 Terex Rd.
Hudson, Ohio 44236

**Re: American Fireworks proposed text amendments to Land Development Code
regarding the property at 7041 Darrow Road
Property Information: 56.71 acres
Owner: 7041 Darrow Road Ltd.
Parcel Number: 3004219**

Dear Chairman Stolle and Members of the Planning Commission:

Please accept this application by and on behalf of American Fireworks and Roberto Sorgi and his family. The application proposes certain text amendments to the Land Development Code. The text of the proposed amendments, along with a site plan are attached. The proposed amendments will allow American Fireworks to continue its operations, at its current location, which have been in existence for over 100 years, under a conditional use permit as opposed to as a non-conforming use.

The amendments are to the following sections of the Land Development Code:
Section 1206.01 to add Fireworks Storage and Retail Facilities to the Table of Permitted and Conditional Uses by Zone District.
Section 1206.02 to add minimum lot size, setbacks from property lines and residential structures, buffer, and other prerequisites.
Section 1205.04 to add permitted colors for storage containers.

We have been advised that all applications for text or zoning map amendments shall be reviewed by the Planning Commission and City Council for compliance with the following guidelines which we have addressed:

(a) Whether or not the proposed amendment is in accordance with the basic intent and purpose of the Land Development Code;

The basic intent and purpose of the Land Development Code is set out in Section 1201.03. The proposed text amendments are consistent with those goals and objectives, especially Sections 1201.03(i) and (k).



- (i) Encourage nonresidential development that preserves and protects the character of the community, including its natural landscape, and that minimizes objectionable noise, glare, odor, traffic and other impacts of such development,
 - (k) Encourage a balance of residential and non-residential uses and development in the community so that future growth occurs in a fiscally prudent manner.
- (b) Whether or not the proposed amendment furthers the long-range planning goals of the City (as outlined in the City's Comprehensive Plan's goals and objectives);

The goals and objectives of the City's Comprehensive Plan are to address future land use and development in the City over the next 10-20 years. The proposed text amendments are consistent with those goals and objectives by maintaining the current use of the development for at least the next 10-20 years.

- (c) Whether or not conditions within the City have changed since the Land Development Code was last adopted/amended, or there was a mistake in the Land Development Code, that justifies the amendment;

The most recent update to the Land Development Code was silent as to the use of the subject property for Fireworks Storage and Retail Facilities and its ability to expand due to its classification as a non-conforming use.

- (d) Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;

The text amendment will in fact correct an inequitable situation created by the Land Development Code that at present could preclude any further expansion of the current use on the properties 50+ acres and could impact negatively on the ability of American Fireworks to continue its business operations on the property and in the City of Hudson.

- (e) Whether or not the amendment avoids unlawful exclusionary zoning;

The proposed text amendments do not present any sort of unlawful exclusionary zoning. Instead the amendments will permit a use that has been existing on the property for approximately 100 years to continue under the current Land Development Code as a permitted conditional use.

- (f) With respect to zoning map amendments, whether the proposed zoning map amendment is consistent with the zoning classifications of the surrounding land;

This guideline is not applicable because the subject request is for a text amendment, not a zone map amendment.

- (g) With respect to zoning map amendments, whether all of the new requirements attendant to the proposed zoning classification can be complied with on the subject parcel(s);

This guideline is not applicable because the subject request is for a text amendment, not a zone map amendment.

- (h) Does the amendment affect the City's ability to provide adequate services, facilities, or programs that might be required if the application were approved; and

The text amendments do not in any way affect the City's ability to provide adequate services, facilities, or programs that might be required if the text amendments are approved.

- (i) Whether or not the amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.

The text amendments are necessary to allow a business to continue operations in the subject property and in the City of Hudson where its operations have been conducted for approximately 100 years and predate the current Land Development Code.

We are available to answer any questions or submit any additional materials you may deem necessary. Please feel free to contact me or Anthony J. Coyne directly. On behalf of American Fireworks, we thank the Commission for your consideration of this request.

Very truly yours,

Diane A. Calta

Diane A. Calta
MANSOUR GAVIN LLP

cc: Roberto Sorgi by email only
Anthony J. Coyne by email only

1205.04 DISTRICT 1: SUBURBAN RESIDENTIAL NEIGHBORHOOD.

(a) Purpose. District 1 is established to preserve and protect an existing community character typified by single-family detached residential housing developed at densities varying from one dwelling unit per one-half acre to one dwelling unit per two and one-half acres. The district is relatively more rural in density given its distance from the Village Core. The amount of prior development has left few environmental constraints on additional development; on the other hand, there remain few potential development areas. District regulations are intended to continue the predominant single-family detached use, while providing for additional parks and open space, supporting institutional uses (such as churches and schools), and public service uses. Densities will mirror existing densities and character, and be permitted up to a maximum of two dwelling units per acre. Protection of remaining sensitive environmental areas will also be a high priority.

(b) Uses By-Right. The following uses shall be permitted by right in District 1 subject to meeting all applicable requirements set forth in this section and this Code.

(1) Residential.

- A. Family day care homes, small (one to six children).
- B. Residential group homes for up to five handicapped or elderly people.
- C. Single-family, detached.

(2) [Reserved.]

(3) Planned developments.

A. Planned developments, subject to standards and procedures set forth in Sections 1203.04 and 1204.02.

(4) Institutional/civic/public.

- A. Public park or recreation areas, including multipurpose trails.
- B. Public recreational facilities, indoor or outdoor, provided they are no greater than 10,000 square feet in gross floor area.
- C. Public safety and emergency services.
- D. Essential public utility and public service installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.

(5) Accessory uses. See Section 1206.03 , Accessory Uses.

(c) Conditional Uses. The following uses shall be conditionally permitted in District 1 subject to meeting all applicable requirements set forth in this section and in Section 1206.02 , Conditional Uses.

(1) Residential.

- A. Model homes.
- B. Open space conservation subdivisions.
- C. Residential group homes for the handicapped or elderly (from six to eight people).
- D. Single-family, attached.
- E. Townhomes.

(2) Agricultural.

A. General agricultural operations.

(3) Commercial/retail.

A. Bed and breakfast inn.

B. Golf courses, private.

C. Private-membership recreational facilities or clubs.

D. Fireworks storage and retail facility with appropriate licensure/certification from requisite state and federal agencies.

(4) Institutional/civic/public.

A. Cemeteries.

B. Golf courses, public.

C. Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use.

D. Public recreational facilities, indoor or outdoor, greater than 10,000 square feet in gross floor area.

E. Public safety and emergency services, including police or fire stations and emergency medical services, provided the size of the building housing the facility or service shall not exceed 10,000 square feet.

F. Schools, public or private—preschool, elementary, secondary, or post-secondary.

(5) Accessory uses.

A. Oil and gas exploration and extraction of lots of at least twenty acres in size under single ownership.

B. Shared driveways for dwellings.

C. See Section 1206.03, Accessory Uses.

(d) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207 , Zoning Development and Site Plan Standards, development in District 1 shall comply with the following development/design standards (all standards are minimums unless otherwise noted):

(1) Maximum net density: two dwelling units per acre.

(2) Open space. In addition to compliance with the standards and requirements governing open space set forth in Section 1207.05 , developments in District 1 shall set aside a minimum of twenty-five percent of the gross land area for private open space.

(3) Minimum lot size.

A. Residential uses on lots fronting an arterial: one acre.

B. All other residential uses: 20,000 square feet, except that the minimum lot size may be reduced to a minimum of 6,000 square feet if open space conservation subdivision lots are developed pursuant to the requirements set forth in Section 1207.06.

C. Non-residential uses other than fireworks storage and retail facility: one and one-half acres.

D. Fireworks storage and retail facility: Fifty acres.

(4) Minimum lot width.

A. Lots fronting an arterial: 200 feet.

B. All other lots: 100 feet.

(5) Setbacks. Unless modified pursuant to Section 1203.08 , Minor Modifications, or unless developed as lots subject to the yard setback requirements in Section 1207.06 , Open Space Conservation Subdivision, yard setbacks in District 1 shall be:

A. Minimum front yard setbacks:

1. Non-residential uses: 100 feet.

2. Residential uses: fifty feet, provided that averaging shall be required for residential uses as follows: Except for new residential development on lots fronting arterial roads, the front setback shall not differ by more than ten percent from the average of the front yard setbacks existing on the two properties immediately adjoining the subject property, unless approved by the Architectural and Historic Board of Review. If one or more of the adjoining properties is vacant, the front yard setback shall be fifty feet.

3. All uses on lots fronting arterial roads: 100 feet, of which the front fifty feet shall comprise a bufferyard that shall be landscaped pursuant to Section 1207.04(k).

B. Front yard setbacks–lots fronting arterial roads: 100 feet, of which the front fifty feet shall comprise a bufferyard that shall be landscaped pursuant to Section 1207.04(k).

C. Side yard setbacks:

1. Principal residential structures: fifteen feet.
2. Principal non-residential structures: thirty feet.
3. Side-facing attached garage: twenty-five feet.
4. All other accessory structures: fifteen feet.
5. Corner lots: fifty feet for street side not designated as "front."

6. Fireworks storage and retail facility whether buildings or containers and whether or not a corner lot: two hundred feet from the property line; the distance required by ATF Regulations as they may be amended from time to time in Section 555.224 Table of distances for the storage of display fireworks, which at present is three hundred feet from a residential structure for fireworks having a net weight of 5001-10,000 pounds, two hundred and thirty feet from a residential structure for fireworks have a net weight of 1,001-5,000 pounds; and, one hundred and fifty feet for fireworks having a net weight of 0-1000 pounds; two hundred feet from a gas well/tank battery or per the requirements of the Ohio Revised Code, whichever is less.

D. Rear yard setbacks:

1. Principal structure: fifty feet.
2. Accessory garage: fifteen feet.
3. Other accessory structure: fifteen feet.

4. Fireworks storage and retail facility whether buildings or containers and whether or not a corner lot: See Section 1205.04(d)(5)(C)(6).

E. Arterial setbacks: See arterial setback and landscaping requirements in Section 1207.04(l), Landscaping/Buffering.

(6) Maximum structure height: thirty-five feet.

(7) Building siting and orientation. The following building siting and orientation requirements shall apply to new development in District 1, except for new development with a front yard depth of 130 feet or more:

A. Principal residential structures.

1. The main entrance to the residence shall face the street.
2. The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.

B. Principal residential structures on corner lots.

1. In general, the structure shall face one of the streets and not the corner.
2. One side of the structure shall be designated the "front" and shall be subject to the requirements set forth in division (d)(7)A. of this section.

C. Private garages.

1. Doors of attached garages shall not face the street.
2. Detached garages shall be located only in the rear yard.
3. New development of a principal single family detached dwelling shall provide space for the storage of at least two cars within an enclosed garage.

D. Non-residential development.

1. The main entrance to the principal structure shall face the street.
2. The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
3. The main body of the principal structure shall be closest to the street.
4. An accessory garage shall be sited so that its door is not visible from the primary direction of approach.

(8) Bufferyard requirements for lots abutting a historic landmark. New development on lots that abut a historic landmark shall establish a bufferyard equivalent to or greater than "Bufferyard C" as set forth in Section 1207.04 (g). The bufferyard shall be established on the boundary that abuts the historic landmark.

(8.1) Bufferyard requirements for fireworks storage and retail facility that abuts a residential use. Fireworks storage and retail facilities that abut a residential use shall establish a bufferyard equivalent to a "Bufferyard E" as set forth in Section 1207.04 (g). The bufferyard may be established on the boundary line that abuts the residential use.

(9) Driveway curb cuts.

- A. Lot widths of 150 feet or less: No more than one driveway curb cut per lot.
- B. Lot widths of more than 150 feet: No more than two driveway curb cuts per lot.
- C. See Section 1207.13(c)(5) regarding limits on curb cuts to arterial and collector roads.

(10) Location of parking. In addition to the off-street parking requirements set forth in Section 1207.12 , off-street parking shall be located to the side or rear of the principal building.

(11) Pedestrian/bicycle pathways and linkages.

A. Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e).

B. Any amount of land set aside for trails in a development shall be credited toward either the public or private open space requirements set forth in this section and in Section 1207.05.

C. Sidewalks at least five feet wide shall be provided on both sides of all streets in District 1, shall run parallel to the street within the right-of-way, and shall be separated from the curb by a planting strip of at least seven feet in width.

D. To the maximum extent feasible, provision shall be made in the design of developments for interconnections with existing or planned streets and pedestrian or bikeway systems on adjoining properties, unless the City determines that such interconnections would have adverse impacts on open spaces, wetlands, sensitive environmental areas, or other significant natural areas.

(12) Architecture and design standards. See architectural design guidelines located in Appendix D .

(Ord. 16-44, § 1. Passed 7-19-16; Ord. 16-148, § 9. Passed 2-21-17; Ord. 18-93. Passed 10-15-19.)

1206.01 TABLE OF PERMITTED AND CONDITIONAL USES BY ZONE DISTRICT.

The use table set forth below provides a tabular summary of the land uses allowed either by-right or conditionally within each base zone district. Where applicable, the table references (with an asterisk) district limitations on a listed use's size or other features. Those limitations can be found in Chapter 1205, which sets forth zone district use, density, and other property development/design regulations. In addition, the table references by number special conditions applicable to the listed use. The numbered special conditions in the table correspond to the same-numbered special conditions set forth and described in Section 1206.02(c), Conditional Uses: Special Conditions and Standards. In the event of a conflict between the use table and the zone district use regulations set forth in Chapter 1205, the text of the zone district use regulations shall prevail.

Illustration: A new 3,500 square foot retail clothing store is proposed to be opened on the ground floor of a building located on Main Street in the Village Core—i.e., in District 5. To determine whether such use is permitted, first look up "Retail" uses in the Table of Permitted and Conditional Uses below. Retail uses are a permitted use ("P") in District 5, but are subject to limits set forth in Chapter 1205 (marked with an "**"). To find out what the limit is on retail uses in District 5, turn to Section 1205.08 , District 5: Village Core/Historic District, and see that retail uses are permitted by-right provided that any ground floor retail use is less than 5,000 square feet—meaning the 3,500 foot clothing store is within the permitted bounds.

Illustration: An existing residence in District 3 (Outer Village Residential Neighborhood) is proposed to be converted to a group home for up to six senior citizens. To determine whether such use is permitted, first look up "group home" uses in the Table of Permitted and Conditional Uses below. Group homes for the elderly are permitted as a conditional use ("C") in District 3, which means they must satisfy all the general criteria and standards set forth in Section 1206.02 (b), plus any applicable special conditions noted in the "special conditions" column in the Table. As seen, group homes for less than eight persons are subject to three special conditions (numbers 5, 15, and 22). These numbers refer to the same-numbered conditions set forth in Section 1206.02 (c)(4), (c)(14), and (c)(22), which require that a group home use meet licensing criteria and adequately address other potential concerns or impacts such as emergency access, twenty-four-hour staffing, and building code compliance.

(a) **By-Right Permitted Uses.** Uses identified in a zoning district column of the Use Table with a "P" are permitted by-right and shall be allowed subject to applicable zone district requirements and other zoning development and site plan standards set forth in this Code.

(b) **Conditional Uses.**

(1) Uses identified in a zone district column of the use table with a "C" are conditional uses and shall be allowed only if reviewed and approved in accordance with the procedures set forth in Section 1203.05 and with the general conditions and standards set forth in Section 1206.02.

(2) Conditional use approval shall also be subject to such special conditions as may be indicated in the "special conditions" column of the use table below. Numbers in the "special conditions" column of the use table refer to special conditions and standards applicable to a particular use in all of the districts in which such use is allowed. The referenced special conditions and standards appear in Section 1206.02(c). For example, special condition "1" refers to the special use condition set forth in Section 1206.02(c)(1).

(c) **Uses Not Permitted.** Uses not identified in a zoning district column of the use table as permitted by-right ("P") or conditionally ("C") are not allowed in such zone district unless otherwise permitted either through a rezoning or the "use determination" process set forth in Section 1206.06 .

<i>P = Permitted By Right C = Conditional</i>													
<i>*Size or Other Limits Apply—See Zone District Regulations, Chapter 1205</i>													
<i>Zoning Districts</i>													
<i>Use Type</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>7ol</i>	<i>8</i>	<i>8ol</i>	<i>9</i>	<i>10</i>	<i>Special Conditions</i>
<i>Residential Uses</i>													
Assisted Living		C	C	C	C	C			C	C			4, 10, 11, 12, 14
Duplex		C	C	C	P					P*			
Dwelling units stacked above or mixed with offices or other commercial space					P					C*	P		
Family day care home, small (1-6 children)	P	P	P	P	P							P	4
Model Home	C	C	C	C	C					C			18

Multi-Family				C	C					C*			
Residential group homes for up to 5 handicapped/elderly people	P	P	P	P	P					P*		P	4, 14, 22
Residential group homes for 6-8 handicapped/elderly people	C	C	C	C						C*			4, 14, 22
Single Family, Attached	C	C	C	C	P					P*			
Single Family, Detached	P	P	P	P	P					P*		P	
Townhomes	C		C	C	P					P			
Open Space Conservation Subdivisions	C	C	C									C	
Accessory Uses/Structures—See Section 1206.03													
Shared Driveways for Dwellings	C	C	C	C	P					C		C	
Commercial/Retail													
Adult businesses									P*				25
Artisan studios, photography studios and shops, and art galleries					P		P*	C			P	P	30
Assembly and Meeting Halls					P		P		C		P		
Automated teller machines (ATMs)					P* C*		P				P		13
Automobile repair and services							C*		C*		C*		6, 7, 8, 10, 15, 17
Automobile service stations					C		C*						6, 7, 8, 10, 15, 17, 23
Automotive dealers							C*						6, 8, 17
Bank or other financial institution					P* C*	P*	P*	P	P*		P*		13
Bar or tavern					P*		P*				P*		
Bar or tavern located within 200 feet of a residential use					C		C*				C		27
Bed and breakfast inn	C	C	C	C	P			C		C	C	C	26
Boarding Kennel		C											
Family day care home, large (7-12 children)			C									C	3, 4, 12
Car Wash							C*						10, 17
Commercial nurseries		C							C		P	P	

Commercial operations that involve operation, parking, and maintenance of vehicles, cleaning of equipment, or work processes involving solvents, transfer stations, storage of goods, including self storage									C				6, 8, 10, 16, 17, 19
Convenience store					C		C*				C	C	11, 24
Day care center, child or adult						C	C*		C		C		3, 4, 12
Entertainment and amusement facilities, indoor					C						C		
FIREWORKS STORAGE AND RETAIL FACILITY	C												33
Funeral home					C		C*	C			C		1, 4, 10, 12, 30
Golf course, private	C	C	C										1, 3, 5, 7, 21
Liquor store					C		C*				C		4
Lodging					C	C			C				
Medical clinics					P*	C	P*		P		P		3
Office, business or professional					P*	P	P	P	P	C*	P*	P*	31
Office business park						P		P	P				
Parking lot as principal use					P								
Parking structure as principal use					C								
Private membership recreational facility or club	C	C	C	C						C			5, 21
Recording, radio or television studios					P*	P	P*	C	P		P*		
Recreational facilities, commercial or sports training facility		C				C			C		C	C	5, 12, 21
Recreational facilities, outdoor					C						C		5, 11, 12, 21
Restaurant					P*	P*	P*		P*	C*	P*		31
Restaurant located within 200 feet of a residential use					C*		C*				C*		27
Retail Uses					P*/C*	P*	P*/C*		P*	C*	P*	P*	31
Retail with outdoor sales or storage					C		C				C*	C	17, 19
Services, business					P*	P*	P*	C	P*	C*	P*	P*/C*	30, 31
Services, personal					P	P*		C	P*	C*			30, 31
Services, repair					P	P*			P*				
Showrooms and salesrooms for wholesale distribution						P			P				

Wholesale trade						P			P				
Vehicle and equipment rentals						C			C				6, 8, 10, 17, 19
Vehicle repair/services						C			C				7, 9, 11, 16, 17
Veterinary facility, small animal clinic (allow overnight, indoor boarding)		C			C		C	C				C	1, 4, 29, 32
Wireless telecom facilities						C			C				
Industrial Uses													
Industrial use, light						P*			P				
Industrial use, heavy									C				
Industrial business park						P*			P				
RV, boat, or truck storage									C				
Research laboratory						P*			P				
Resource recovery operations									P*				
Warehousing, distribution, and storage						P*			P*				
Workshops and custom small industry uses						P			P				
Planned Developments													
Planned Development	P	P	P		P	P	P		P	C	P	P	
Institutional/Civic/Public Uses													
Cemetery	C	C	C	C	C								20
Continuing care retirement community			C			C			C				4, 10, 11, 12, 14, 22
Convention or conference center					C	C			C				
Installations by essential public utility and public services, including but not limited to bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage	P	P		P	P	P			P	P	P	P	
Golf course, public	C	C	C										1, 3, 5, 7, 21
Government administrative offices, and services					P	P	P	P	P		P	P	19
Government public works and service facilities		P			C	P			P				
Hospitals, including heliports as accessory use						C			C				4, 8, 9, 11, 14, 16, 17
Institutional residential for the hand- icapped or elderly (for 9 or more people)			C			C			C				4, 14, 22

Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use.	C	C	C	C	C							C	1, 11, 12
Public safety and emergency services	P	P	P	P	P	P	P	P	P	P	P	P	6, 7, 8, 9, 10, 17
Public (non-commercial) facility for composting		C											
Public recreational facilities, indoor or outdoor	P*/C*	P	P	P	P	P			P	P	P	P	
Public, non-profit, or private cultural facilities including but not limited to libraries and museums.			C	C	P								
Public park or recreation area, including multi-purpose trails	P	P	P	P	P	P			P	P	P	P	
Schools, public or private— preschool, elementary, secondary, or post-secondary, ** (including dormitories)	C	C	C	C**	C						C	C	1, 2, 11, 12, 14
Transportation facilities without repairs (bus terminal, depot, etc.)					C								10, 12, 17
Agricultural													
General agricultural operations	P*/C	P	P*/C						C		P	P	
Accessory Uses/Structures - See Section 1206.03													
Temporary Uses - See Section 1206.04													

(Ord. 16-148, § 11. Passed 2-21-17; Ord. 18-93. Passed 10-15-19.)

1206.02 CONDITIONAL USE STANDARDS.

(a) General Provisions. Conditional uses are listed for each zone district in Chapter 1205 . Only those uses expressly listed as conditional uses in a particular district may be considered in that zone district. All applications for a conditional use shall demonstrate compliance with the general criteria and standards, as well as any special criteria and standards specific to the requested use as set forth in the Table of Permitted and Conditional Uses by Zone District (1206.01) and in this section.

(b) Conditional Uses: General Criteria and Standards. In addition to any special conditions and standards listed in the following division (c) and/or the Table of Permitted and Conditional Uses by Zone District, all applications for a conditional use shall demonstrate that:

(1) The use is consistent with the policies and intent of the corresponding plan district in which it is located, as set forth in the City Comprehensive Plan (as amended from time to time).

(2) The use is physically and operationally compatible with the surrounding neighborhood and surrounding existing uses. Conditions may be imposed on a proposed conditional use to ensure that potential significant adverse impacts on surrounding existing uses will be reduced to the maximum extent feasible, including, but not limited to, conditions or measures addressing:

A. Location on a site of activities that generate potential adverse impacts such as noise and glare;

B. Hours of operation and deliveries;

C. Location of loading and delivery zones;

D. Light intensity and hours of full illumination;

E. Placement and illumination of outdoor vending machines;

F. Loitering;

G. Litter control;

H. Placement of trash receptacles;

I. On-site parking configuration and facilities;

J. On-site circulation;

K. Privacy concerns of adjacent uses.

(3) The use can generally be accommodated on the site consistent with any architectural and design standards set forth in the applicable district regulations of this Code, and in conformance with all dimensional, site development, grading/drainage, performance, and other standards for the district in which it will be located.

(4) To the maximum extent feasible, access points to the property are located as far as possible, in keeping with accepted engineering practice, from road intersections and adequate sight distances are maintained for motorists entering and leaving the property proposed for the use.

(5) On-site and off-site traffic circulation patterns related to the use shall not adversely impact adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

(6) The use will be adequately served by public facilities and services. Public facilities and services that may be considered in light of this standard include, but are not limited to, water, sewer, electric, schools, streets, fire and police protection, storm drainage, public transit, and public parks/trails. See also Section 1207.11, Adequate Public Facilities.

(7) The use provides adequate off-street parking on the same property as the use, in compliance with standards set forth in Section 1207.12.

(8) Unless addressed in the special conditions and standards set forth below, the use will be screened with fencing and/or landscaping in excess of what is required in Section 1207.04, as appropriate, if the use may otherwise result in an adverse impact on adjacent property benefitting from such screening.

(9) The residential use is proposed at a density consistent with that of the existing neighborhood density or is compatible by its use of architecture, orientation of structures and parking, and landscape buffer.

(c) Conditional Uses: Special Conditions and Standards. For every use listed in the Table of Permitted and Conditional Uses by Zone District as a conditional use ("C"), the column titled "Special Conditions" may contain one or more numbers that correspond to the same-numbered special conditions and standards listed in this division. The proposed conditional use must satisfy all such special conditions and standards in addition to the general criteria and standards set forth in division (b) of this section.

Special Conditions Addressing Operations.

(1) The only dwelling on the property, if one is provided, shall be for the priest, deacon, minister, or rabbi associated with the place of worship, or for a facility's manager, caretaker, or maintenance person, and related family.

(2) All preschools shall provide a play area of at least 6,000 square feet, and all elementary and secondary schools shall be accredited and licensed by the State of Ohio and shall include academic instruction.

(3) The use shall contain no overnight accommodations.

(4) Where applicable, certification or licensing by the sponsoring state or federal governmental agency shall be a prerequisite to issuance of a zoning certificate by the City. A copy of an annual report with evidence of continuing certification shall be submitted to the Community Development Director in January of each year.

(5) Amplification of music, live entertainment, or other noise emanating from the use that is audible at the property line shall not be allowed.

(6) All vehicle maintenance or repairs shall be wholly conducted within an enclosed structure.

(7) The storage of hazardous materials for longer than thirty days shall not be permitted.

(8) Bulk storage in excess of 1,000 gallons of flammable liquids or in excess of 125 cubic feet of flammable gases shall be underground. A disaster/spill plan shall be completed and shall remain on file with the Fire and Police Departments.

Special Conditions Addressing Parking, Circulation, and Access.

(9) Points of ingress and egress for police, fire, and other emergency services shall be located to maximize sight distances along adjacent public streets.

(10) Adequate vehicle turning areas shall be provided on the site so that vehicles and equipment can be maneuvered on site without interrupting traffic flow or blocking public streets.

(11) The parking area for the use shall be a minimum of fifty feet from adjacent properties used for residential purposes.

(12) Safe areas for pick-up and discharge of persons shall be provided.

(13) Drive-through teller or ATM facilities for banks and other financial institutions shall not have direct access to, or from, a public street.

(14) Adequate provisions shall be made for access by emergency medical and fire vehicles on two sides of the building.

Special Conditions Addressing Compatibility.

(15) The use or building housing such use shall be located a minimum of 300 feet from the lot line of any residentially zoned parcel.

(16) The use or building housing such use shall be located a minimum of 500 feet away from the lot line of any residential use, except for a transfer station or any building housing a transfer station, shall be located a minimum of 1,000 feet away from the lot line of any residential use.

(17) All property lines that adjoin a residential use or district shall be screened with a bufferyard that is equivalent or exceeds screening provided by Bufferyard E as defined in Section 1207.04.

(18) Special conditions for model homes:

A. Such use shall be temporary only and conditional use approval shall automatically lapse and be null and void after two years from the date of PC approval or BZBA approval on appeal, whichever is later.

B. A paved parking area for visitors shall be provided.

C. No business other than new home sales or leasing shall be conducted from the model home.

D. The number of employees on-site at the model home shall not exceed three sales and marketing personnel.

E. A model home shall not be open for public viewing or business before 9:00 a.m. or later than 8:00 p.m.

(19) Special conditions for outdoor activity and storage areas.

A. Outdoor operations or activities shall not include the storage or accumulation of waste products, including tires, waste oils, grease, or other flammable, toxic, or hazardous materials.

B. The manner of outdoor operations or activities shall facilitate access for firefighting, shall prevent hazards from fire or explosion, and shall prevent accumulation of stagnant water.

(20) Special conditions for cemeteries:

A. Grave sites shall be setback from property and street lines at least 100 feet.

B. Trees shall be removed from the property only to the extent necessary to accommodate projected new grave sites one year in advance. Existing areas on the site that are not forested shall be used first. There shall be no crematorium on the property.

C. Maintenance buildings and outside storage areas shall be screened from view of adjacent public roads and dwellings. Bufferyard C shall be used, as defined in Section 1207.04.

D. The City may require fencing along the perimeter of the cemetery.

E. The term cemetery shall include pet cemetery. However, no pet cemetery shall be within or abutting a cemetery used for human burial.

F. Adequately funded programs and provisions that meet the approval of the City's solicitor shall be provided to guarantee perpetual care of all cemetery ground. This provision shall apply to all existing cemeteries for which expansions are proposed.

(21) Special conditions for commercial recreational facilities and golf courses:

A. Commercial recreational facilities shall generally be limited to fishing clubs, ice skating rinks, miniature golf courses, golf driving ranges, fishing lakes, sports training facility, tennis clubs, or swim clubs. The category shall not be construed to include concert halls or outdoor concert areas, race tracks of any kind, stadiums, or similar facility intended to attract large crowds in excess of 1,000 people.

B. The use of firearms shall not be permitted as a part of user activities at a commercial recreational facility.

C. A traffic impact study shall be submitted that assesses the impacts of the proposed use on existing roads, intersections, and circulation patterns, and that demonstrates compliance with the traffic facility standard set forth in Section 1207.11, and/or sets forth mitigation measures to eliminate or substantially reduce such impacts.

D. The only dwelling on the property, if one is provided, shall be that of a manager or a caretaker of the facility and related family.

E. The City may restrict access to the facility, storage of vehicles or materials on the property, and hours of operation to ensure no adverse impacts on adjacent properties.

F. The City may restrict outdoor lighting on the property to a greater extent than this Code may otherwise require, in order to eliminate glare on abutting public roads and private property.

G. All principal structures such as pools, bath houses, restaurants, or clubhouses shall be set back at least 100 feet from the front property line and at least fifty feet from other property lines.

H. Golf course development shall, to the maximum extent feasible, adhere to the principles governing planning and siting, design, construction, maintenance, and facility operations contained in the publication entitled "Golf and The Environment: Environmental Principles for Golf Courses in the United States" (Center for Resource Management, c. 1996), as amended from time to time. A copy of this publication can be found at the City of Hudson Community Development Department.

(22) Special conditions for group homes and institutional residences:

A. A plan for security of the premises shall be prepared if the facility is a transitional group home. The PC may require full-time security personnel on the premises at all times if the PC finds that the facility poses a potential security threat to the surrounding neighborhood.

B. Twenty-four-hour supervision shall be provided by qualified staff at all transitional group homes, group homes for the handicapped, and institutional residences for the handicapped or elderly.

C. No kitchen facilities shall be located in any bedroom.

D. Except for institutional residences, or as otherwise limited by zone district restrictions, the number of residents occupying the use at any one time, including staff and family of staff, shall not exceed twelve persons. The number of clients or boarders shall not exceed eight persons.

E. The use shall comply with any maximum occupancy standards and off-street parking requirements set forth in this Code or in any other applicable City ordinance, code, or regulation.

F. Such use proposed to be sited in an existing structure and proposed to house more than five clients shall, to the maximum extent feasible, meet the requirements set forth in the current BOCA Building Code.

G. If active and continuous operations are not carried on for a period of twelve consecutive months in a group home or institutional residence that was approved pursuant to this Code, the group home or institutional residence use shall be considered to be abandoned. The use may be reinstated only after obtaining a new conditional use approval.

H. Group homes shall be designed as single-family homes in appearance.

(23) Special conditions for automobile service stations:

A. The structure housing the station shall be of modern fireproof construction and shall have a minimum enclosed area of 1,200 square feet.

B. All service stations shall contain separate lavatories for men and women, separated by soundproof walls.

C. All minor repair work, vehicle washing, lubrication, and installation of parts and accessories shall be wholly performed within an enclosed structure.

D. All automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence. A chain link fence with slats shall not constitute acceptable screening or fencing for the purposes of this provision.

E. All vehicles awaiting repair shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored on or obstruct access to a public right-of-way.

F. Gasoline pumps shall be located at least thirty feet from the edge of the right-of-way of a public street. Tanks shall be limited to a maximum capacity of 5,000 gallons and to one tank for each grade of fuel sold.

G. All tanks containing fuel, oil, waste oils and greases, or similar substance shall be placed underground at least fifty feet from any property line, and vented, in accordance with Ohio Code requirements.

H. All discarded materials such as tires, cans, drums, and the like, shall be stored in an enclosed area and under cover.

I. A canopy over the fuel pumps that is detached from the principal building may be erected provided that such structure is located at least ten feet from any property line or street right-of-way, and such structure is not enclosed.

J. There shall be adequate space on the subject property to allow up to three cars to stack in a line for services without using any portion of an adjacent public street.

(24) Special conditions for convenience stores:

A. The maximum size of a convenience store shall be 3,500 square feet of gross floor area.

B. If gasoline is sold as part of the convenience store operation, the conditions for automobile service stations above shall also apply. In addition, parking areas for retail sales and gasoline service shall be separated from each other, and circulation within the property to each parking area shall be separate and clearly marked or evident.

C. The applicant shall submit a litter control plan as part of the application for conditional use approval.

D. No drive-through service shall be permitted as part of the operation of a convenience store.

(25) Special conditions for adult businesses. See Section 1207.19(a), Adult Uses.

(26) Special conditions for bed and breakfast inns:

A. Up to twenty-five percent of the gross floor area may be in nonliving-quarter accessory uses, including newsstands, gift shops, lounges, restaurants, and similar incidental uses, provided any incidental business is conducted primarily as a service to guests, and there is no entrance to such place of business except from inside the building.

B. No operator shall permit a guest to occupy such accommodations for a consecutive period of more than thirty days.

C. The size of bed and breakfast inns is limited to four guest rooms.

D. Breakfast shall be the only meal served.

(27) Special conditions for restaurants, bars, or taverns within 200 feet of a residential use:

A. Business shall be conducted within an enclosed building, except that meal service may be provided on an outside patio, provided the patio is no more than one-third the floor area of the entire use.

B. Amplified outdoor live performances shall not be permitted.

C. The use shall be screened from adjacent residential properties with Bufferyard D, as defined in Section 1207.04.

(28) Special conditions for oil or gas exploration:

A. The use shall demonstrate compliance with the special development standards set forth in Section 1207.19(c) and with the standards set forth in Chapter 838 of the City's Codified Ordinances.

(29) Special conditions for District 7 Office Overlay Zone:

A. The maximum impervious surface area shall be fifty percent of the gross floor area.

B. The parking area for the use shall be a minimum of fifty feet from adjacent properties used for residential purposes.

C. No building shall have a wall sign.

D. No parking shall be permitted between a building and the Darrow Road right-of-way.

(30) Special conditions for shared driveways for dwellings:

A. Permanent provisions for maintenance, repair, cleaning and replacement shall be documented.

(31) Special conditions for District 8 Hike Bike (HB) Senior Housing Overlay Zone: Any restaurant, retail use, business or personal or repair service, and business or professional office shall be located only at a distance that does not exceed 1,000 feet from both the Metro parks Hike and Bike Trail and Zoning District 9.

(32) Special conditions for crematory services for dogs, cats, and other comparable household or domestic pets when permitted as a conditional accessory use:

A. Crematory services for dogs, cats, and other comparable household or domestic pets may be permitted as an accessory use to veterinary facility/small animal clinic principal uses subject to the following condition:

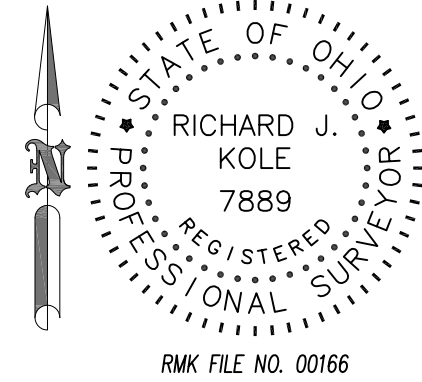
1. The crematory facility shall be located a minimum of 200 feet from any residential zoned district or residentially used lot.

(33) Special conditions for a Fireworks Storage and Retail Facility in a D1 Suburban Residential District: Any containers on site shall be painted a compatible color to blend with the landscape and any mounding to meet the Bufferyard E requirements shall be equal to the height of the nearest storage container.

(Ord. 18-93. Passed 10-15-19.)

SITE PLAN
for
AMERICAN FIREWORKS COMPANY
Sited in the Township of Hudson, County of Summit and State of Ohio
and known as being part of Original Hudson Township Lot No. 76.
Dimensions are expressed in feet and decimal parts thereof, all of which I
certify to be correct to the best of my professional knowledge and belief.

Richard J. Kole
Richard J. Kole, P.S. 7889



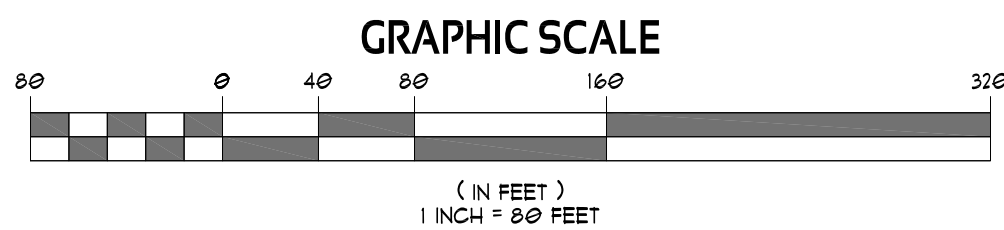
FIELD SURVEY DATE: JULY 18, 2019
DRAWING DATE: JANUARY 21, 2020
REVISED: JANUARY 22, 2020
REVISED: FEBRUARY 4, 2020
REVISED: AUGUST 24, 2020

RMKOLE
& ASSOC. CORP.

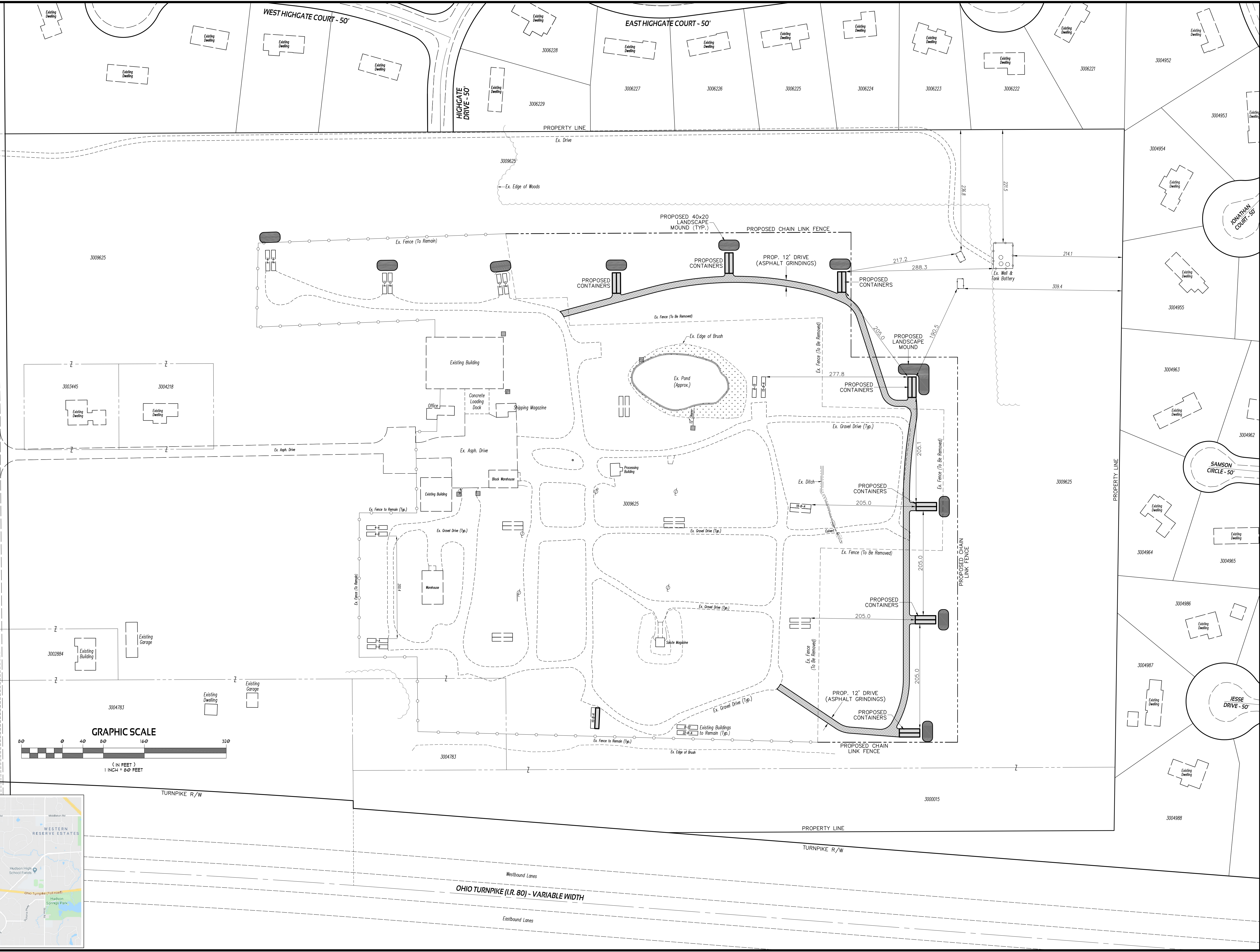
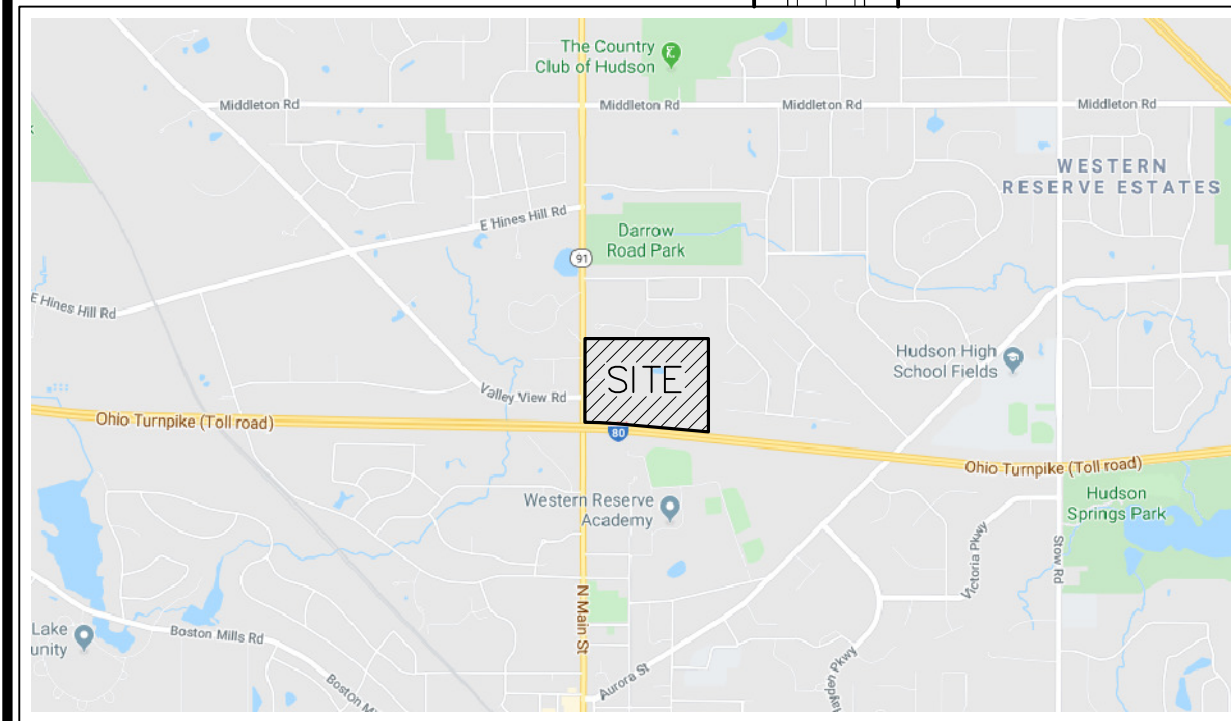
5316 Ridge Road - Cleveland, Ohio 44129
Phone 440.885.7137 - Fax 440.885.7139
www.kolesurvey.com

OHIO
Utilities Protection
SERVICE
Call Before You Dig
(800) 362-2764

DARROW ROAD (S.R. 9) - 60'



VICINITY MAP - NO SCALE





SHAWN KASSON
Fire Marshal

skasson@hudson.oh.us
(330) 342-1869

M E M O R A N D U M

DATE: July 22, 2021

TO: Nick Sugar, City Planner

FROM: Shawn Kasson, Fire Marshal SK

SUBJECT: American Fireworks Company – 7041 Darrow Road

I am writing regarding the proposed Land Development Code (LDC) text amendments submitted on behalf of American Fireworks Company – 7041 Darrow Road. I have reviewed the application documents dated 06/14/21 and the 08/24/20 revision of the site plan for the proposed additional storage containers. I understand that the applicant has proposed text amendments to the following LDC sections:

- Section 1206.01 to add Fireworks Storage and Retail Facilities to the Table of Permitted and Conditional Uses by Zone District.
- Section 1206.02 to add minimum lot size, setbacks from property lines and residential structures, buffer, and other prerequisites.
- Section 1205.04 to add permitted colors for storage containers.

Upon review and consultation with Chief Varnes, Hudson Fire Department has no comments regarding the proposed LDC text amendments. The United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and State of Ohio Division of State Fire Marshal (SFM) are the agencies with licensing authority for fireworks facilities. Application must be made to the ATF and SFM for placement of the proposed containers on the licensed premises. The ATF and SFM must approve locations of the proposed containers on-site and quantities of specific materials stored within the containers as part of the licensure process.

The scope of this review is limited to the proposed LDC text amendments.

Please contact me with any questions.







COMMUNITY DEVELOPMENT • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

Date: April 16, 2021
To: File
From: Greg Hannan, Community Development Director
CC: Thomas J. Sheridan, Asst City Manager
Re: American Fireworks, 7041 Darrow Road

Notes from call with Erika Whalen, ATF Inspector, Cleveland Office, conducted April 15, 2021.

1. Container setbacks are regulated per ATF Federal Explosives Law and Regulations 2012 table 555.224 (attached).
2. Facility contains paired containers which together are regulated as a single unit which can store a maximum of 10,000 lbs
3. The ATF required setback for these containers includes a 300 ft separation from an inhabitable building and a 200 ft separation to another container.
4. Both setback standards can be reduced in half with the use of barricading (earthen mounds). Site containers are currently not barricaded.
5. The two existing single-family houses oriented to the access drive are not subject to the setbacks as they are considered part of the business operation.
6. Inspector Whalen was not aware of a setback requirement specific to the existing gas well and tank battery but notes the required 50 foot setback to spark producing devices and to volatile materials would likely be applicable.
7. The existing facility permit and regulations do not require a submittal/approval process. ATF does complete regular inspections to confirm the site and any completed improvements are in compliance with applicable standards.
8. Facility stores low level explosives with no on-site manufacturing.
9. American Fireworks is in good standing with ATF regulations.
10. Attached are referenced table and definitions.

Excerpt from ATF Federal Explosives Law and Regulations 2012

§ 555.224 Table of distances for the storage of display fireworks (except bulk salutes).

Net weight of fireworks¹ (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway^{3 4} (feet)	Distance between magazines^{2 3} (feet)
0-1000	150	100
1,001-5,000	230	150
5,001-10,000	300	200
Above 10,000	Use Table § 555.218	

¹Net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

²For the purposes of applying this table, the term “magazine” also includes fireworks shipping buildings for display fireworks.

³For fireworks storage magazines in use prior to (30 days from the date of publication of the final rule in the Federal Register), the distances in this table may be halved if properly barricaded between the magazine and potential receptor sites.

⁴This table does not apply to the storage of bulk salutes. Use table at § 555.218.

Artificial barricade. An artificial mound or revetted wall of earth of a minimum thickness of three feet, or any other approved barricade that offers equivalent protection.

Barricaded. The effective screening of a magazine containing explosive materials from another magazine, a building, a railway, or a highway, either by a natural barricade or by an artificial barricade. To be properly barricaded, a straight line from the top of any sidewall of the magazine containing explosive materials to the eave line of any other magazine or building, or to a point 12 feet above the center of a railway or highway, will pass through the natural or artificial barricade.

Inhabited building. Any building regularly occupied in whole or in part as a habitation for human beings, or any church, school-house, railroad station, store, or other structure where people are accustomed to assemble, except any building occupied in connection with the manufacture, transportation, storage, or use of explosive materials.



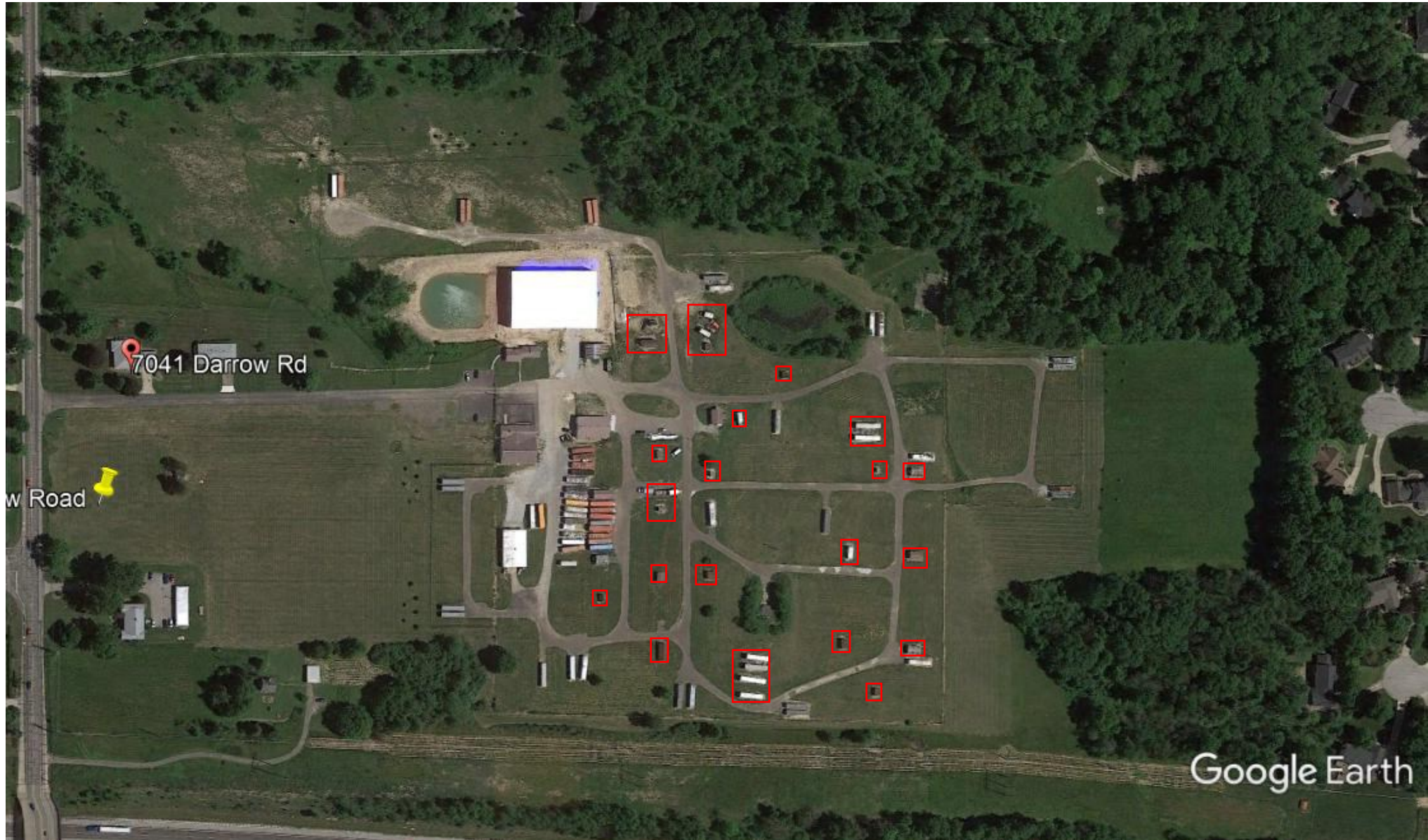
COMMUNITY DEVELOPMENT • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

Date: April 16, 2021
To: File
From: Greg Hannan, Community Development Director
CC: Thomas J. Sheridan, Asst City Manager
Re: American Fireworks, 7041 Darrow Road

Notes from call with Tom Smoot, Summit County Emergency Management Agency Director ATF Inspector, Cleveland Office, conducted April 13, 2021. Mr. Smoot was conducted to get some initial information regarding how emergency response would function for the site in the case such was needed.

1. Mr. Smoot noted being familiar with the American Fireworks Facility.
2. Mr Smoot noted the local Emergency Planning Committee meets quarterly to keep trained/ready for local response issues for facilities such as American Fireworks.
3. Noted the facility contains storage of fireworks rather than manufacturing and that while the county stays ready for response to such a site, **it is not considered a high tier/risk site within the county compared to other sites. Noted manufacturing facilities and sites with use of chemicals are more significant from an emergency response perspective.**
4. Summit County is a Type I Hazmat certified team which contains the highest level of capabilities
5. Noted the SCEMA is not typically the lead in overseeing for such responses at the local level. The county EMA is critical in support, communications, and resource management.
6. Local emergency response agencies (City of Hudson Fire and Police) would be the immediate first responders and managers of an incident.

American Fireworks Company



Removal of over 30 Structures Since 2016

Robert M. Griesse
2068 East Highgate Court
Hudson, OH 44236

After reading through the proposed text amendment, I am extremely concerned about the impact to the neighboring residential properties which share a property line with American Fireworks. Below is a summary of my concerns:

Fireworks Storage and Retail Facility

- Retail facility does not have Fireworks immediately in front of the word. In my opinion, this opens the land use for both “fireworks retail” and “**other** retail” (Dollar General, Gas Station, Distribution Center, Shopping Center).
- By having retail facility without specifically identifying “Fireworks” it potentially allows retail in open parcels within residential zoning areas throughout Hudson. An attorney could argue the 50-acre requirement is discriminatory against other parcels.
- Add “local” within the language “with appropriate licensure/certification from state and federal agencies”. Hudson should also have the authority to set rules regarding this property. I leave this up to the City Solicitor to make appropriate modifications to maintain the City of Hudson’s appropriate governance over this property.

Residential Structure terminology

- “Residential Structure” per the text amendment submission is not the same term used in the ATF regulations. It should be inhabited building. By definition, “inhabited building” includes other structures.
 - ***Inhabited building:*** Any building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building occupied in connection with the manufacture, transportation, storage, or use of explosive materials.
- The full ATF definition should be addressed in the text amendment including ATF rulings. The text amendment, as written, is incomplete and should be corrected.
- My reading of the “other structure” definition should include many items which would be considered appropriate for a backyard in Hudson. “Structures” is used throughout the Hudson Land Development Code and the City’s definition should be what is used in this situation to avoid confusion.
- While I am not an attorney, my reading of the ATF Regulations and Rulings seem to indicate the goal of these safety zones/blast zones is to ensure people do not regularly occupy these safety zone/blast zone areas which would be unavoidable when backyard structures/play areas/playhouses/she-sheds/etc. are in the zone. Since these “other structures” have not been formally defined or excluded as structures in **written guidance by the ATF Washington DC office**, the City of Hudson should err on the side of neighborhood safety in its definitions within the Land Development Code or not include neighboring backyards in the safety zone/blast zone.

200 Feet from the Property Line

- For the display fireworks proposed storage being discussed as part of the text amendment requiring 300 feet for a safety zone/blast zone, up to 100 feet would be included in the neighboring backyards. This, in effect, zones 100 feet of the surrounding residential properties as “Fireworks Storage and Retail” since these backyards are required to accomplish this expansion. This would include any future use

either by American Fireworks or any successor who would want to maximize fireworks storage on this site.

- In prior BZBA meetings, property owners impacted have either verbally or in writing, objected to the use of their backyards for this safety/blast zone.
- There is no mention in this text amendment which specifically addresses the property rights of the adjoining properties and that this text amendment does not grant American Fireworks any “right of use” of these adjoining properties. Without this, the text amendment is incomplete.
- “Right of Use” should be written into this text amendment so that American Fireworks is not granted an “easement” to use the adjoining residential properties or the space above or below these residential properties in any way. Without this, the text amendment is incomplete.
- *The Planning Commission Staff Report recommendation for a 300-foot property line setback for fireworks storage, which also matches the 300-foot property line setback requirement for new gas wells/gas tank batteries, should be written into this text amendment for fireworks storage.*
- **Ohio Residential Property Disclosure Form** – The utilization of up to 100 feet of backyards (300 Foot ATF Blast Zone minus 200 Foot Setback = 100 Feet in Neighboring Property backyards) will likely result in a required disclosure under M) BOUNDARY LINES/ENCROACHMENTS/SHARED DRIVEWAY/PARTY WALLS. This disclosure, which did not previously exist when the residences were purchased, will now likely be required for all properties bordering the American Fireworks property. This will result in negative consequences and reduced value to each neighboring property.
- Since this text amendment also impacts the property owned by the Ohio Turnpike Commission, have they been notified and provided written input, or have they signed off on this text amendment?

Fire Marshal Comments

- These should include a proposed action plan set forth by the Hudson Fire Department in the event of a fireworks explosion occurring similar to the fireworks explosion in Hudson in May 1955. Let’s not allow history to repeat itself in the same city. This would be a tragedy.

The Planning Commission needs to thoroughly review the rights of the neighboring properties and provide written guidance indicating each of the above concerns has been researched by the City attorneys. This would allow the neighboring property owners to understand the City of Hudson’s legal position. With less than two weeks notice to review the draft text amendment and Hudson Staff Report, this did not allow the neighboring property owners the time to adequately respond to this text amendment and staff report. It is also important to hear the discussion of the text amendment by the Planning Commission. A second and third planning commission meeting should be added in August/September to allow for additional input on this text amendment by the City of Hudson and by the impacted neighbors, with the third meeting to discuss unresolved differences. We should not short cut a process that will impact the City of Hudson and our neighborhood for years to come.

Tina L. Griesse
2068 East Highgate Court
Hudson, OH 44236

Dear Planning Commission, Greg Hannan, Nick Sugar and city staff:

My name is Tina Griesse. I live at 2068 East Highgate Court.

Let me begin by saying I am not in support of allowing American Fireworks to expand at their current site in any fashion; with any land development code. The BZBA has already ruled on this expansion and they said, "No". The land code revision is simply a way to circumvent the BZBA and their decision. If this is how things are going to move forward in the future, the purpose of the BZBA appears to be obsolete and should be eliminated immediately. All future projects and expansions originally handled by the BZBA should go directly to the planning commission.

Next, I am concerned about allowing American Fireworks to use our backyards as part of their blast zone; should something happen to the storage containers which will be placed at the back of each of our properties. My property line should not be crossed. I don't have the right or authority to use their property and therefore, they should not have the right or authority to use my property in any capacity.

From the beginning my primary concern has been for the safety of my neighbors, my community and ultimately the city of Hudson. With safety being my focus, I would like to share some information with you which you may or may not be aware of at this time.

- 1) Local History: Fireworks disaster, a blast from the past. Article posted April 26, 2020
- 2) Man killed in firework incident at Huntington County property. Article posted July 4, 2021
- 3) Four hurt after teens toss lit incendiaries at truck full of fireworks. Article posted July 5, 2021
- 4) Discarded fireworks blamed for fire that killed 1 child; injured another. Article posted July 4, 2021
- 5) 17 injured after an explosion inside a Los Angeles police bomb disposal truck. Article posted July 1, 2021

- 6) Fireworks injuries are skyrocketing in the U.S. Article posted July 1, 2021
- 7) Autopsy: NHL goalie Matiss Kivlenieks killed by firework at Novi house party. Article posted July 5, 2021

With the exception of the historical event in Hudson; these events happened in the last 4 to 6 weeks. None of the examples I have shared with you happened at a fireworks storage facility. All of these happened at either a home party or in a police bomb squad vehicle.

Since none of us actually knows what or how much explosives will be stored in the proposed shipping containers are you prepared to assure our neighborhood nothing similar to these events will happen to all of us? Ultimately, how would a dangerous explosion at their storage facility affect our city safety services? Are our city safety services prepared to help our neighborhood and all of our residents?

Akron Beacon Journal

Local history: Fireworks disaster a blast from past

By Mark Price

Beacon Journal

Posted Apr 26, 2020 at 4:28 PM

The Fifth of May was more thrilling than the Fourth of July.

A 1955 inferno at a fireworks factory in Hudson Township created a pyrotechnic display that was as frightening as it was dazzling.

“A spectacular series of fireworks explosions followed by a raging fire that lighted the sky like an atomic blast rocked northern Summit County early today and leveled the Hudson Fireworks Co.,” the Beacon Journal reported May 5, 1955.

Sleeping Ohioans fell out of bed as the earth shook at 1:40 a.m. at the 8-acre complex at Route 91 and Hudson Drive. Explosions could be heard 30 miles away in Summit, Cuyahoga and Portage counties, and many residents initially believed the state was under attack from the Soviet Union.

Flames shot 500 feet into the air and rockets fired in every direction as firefighters converged on the chaotic scene. It looked like dozens of grand finales from fireworks shows had detonated at once.

Company owner A.J. DiMichele, one of the first people to arrive, frantically directed firetrucks on the property. The blasts destroyed 13 buildings, including the main office and 11 storehouses. Twelve other buildings were knocked off their foundations.

“Somebody must have set this off,” DiMichele told a reporter. “It couldn’t have been an accident.

“Who knows who it was? I had no trouble with anyone. Maybe it was some kids looking for firecrackers or something. But we don’t make firecrackers here, only fireworks displays.”

Brothers-in-law A.J. DiMichele and Jim Sorgi, Italian immigrants who had settled in Hudson in the early 20th century, formed a fireworks company in 1917. A year later, the partnership dissolved with DiMichele founding the Hudson Fireworks & Display Co. south of the city and Sorgi establishing the American Fireworks Display Co. on Route 91 north of Hudson.

Business boomed for both companies. By mid-century, they were producing more than 100 shows per year across the country. Hudson Fireworks’ displays included Fourth of July festivities at Cleveland’s Edgewater Park and postgame pyrotechnics for Indians games at Municipal Stadium.

More than two years of fireworks shows were in storage when the company exploded in 1955. Nobody was injured at the factory — all six employees were off duty — but several nearby residents suffered cuts when their windows shattered.

A Cuyahoga Falls man had a heart attack on Bailey Road after the explosions startled him in his sleep. Thousands of phone calls poured in to local police stations.

And thousands more gathered in the darkness along Route 91 to watch the fiery spectacle.

“No insurance,” DiMichele said. “Just liability insurance for my employees. No company would insure the property against such a risk.”

Damage was estimated at \$150,000 (about \$1.5 million today). DiMichele later paid \$30,000 in damages to nearby property owners.

Unexploded fireworks showered the neighborhood for blocks around. Authorities urged residents to let experts pick up the bombs and warned residents not to try to explode any on their own.

In the morning, a parade of gawkers in slow-moving automobiles passed the charred rubble of Hudson Fireworks.

Investigators didn't believe the disaster was an accident. There had been no safety violations when a state inspector visited the plant Sept. 24, 1954.

Summit County Sheriff's Deputy Steve Hadinger theorized that an arsonist ran from storehouse to storehouse, lighting fuses with a blowtorch. Authorities found a gasoline-soaked sweater, and Hadinger suspected the arsonist had used it to light the torch.

A witness reported seeing an automobile drive south on Route 91 with its headlights off just after the first blast.

No one was ever charged in the conflagration.

Dr. Joseph Kasa, a Hudson dentist whose home was damaged in the explosions, began to circulate a petition to stop the company from rebuilding at the site.

Initially, Hudson Township Zoning Commission Chairman Burton Shellenbach was skeptical of neighbors' concerns, saying: "There is no reason why this couldn't become the fireworks center of the world."

Ultimately, Hudson Fireworks bowed to public pressure and moved its manufacturing to an 80-acre site off Work Road in Portage County's Shalersville Township.

A.J. DiMichele was 75 when he died Oct. 22, 1969, after a long illness. A week earlier, he had sold his company to Nolan Maher of Buckeye Fireworks in Cleveland.

The company continued for another two decades before going out of business.

In July 1989, two girls were killed and a boy was seriously injured when fireworks were detonated behind a Shalersville home. Portage County authorities said the fireworks had been stolen from a storage area at the defunct fireworks plant.

The owner pleaded guilty to felony charges stemming from the deadly accident, including unlawfully possessing high explosives.

State officials ordered the company to raze all of its storage buildings in a \$250,000 cleanup.

White flames shot more than 20 feet high as hazardous materials experts from the Ohio Fire Marshal's Office destroyed about a ton of fireworks in a controlled burn at the Shalersville plant.

National Guardsmen used heavy equipment to dig deep trenches in which the explosives were soaked in diesel fuel and burned under the U.S. Army's Explosive Ordnance Disposal Detachment from Wright-Patterson Air Force Base in Dayton.

Experts took another 75 pounds of fireworks to Ravenna Arsenal to be destroyed.

It was the grand finale for a once-mighty company.

Mark J. Price can be reached at mprice@thebeaconjournal.com.

Man killed in firework incident at Huntington County property

[LOCAL NEWS](#)

Posted: Jul 4, 2021 / 06:35 PM EDT / Updated: Jul 4, 2021 / 11:45 PM EDT

HUNTINGTON COUNTY, Ind. (WANE) — A Hartford City man was killed early Sunday after he was struck by a firework at a Huntington County property.

Police and medics were called around 12:20 a.m. Sunday to a home at 0965 W. CR 700 South in Salamonie Township, northwest of Warren, on a report of a fireworks incident there. Crews arrived to find a victim suffering from a wound to the abdomen.

A report from the Huntington County Coroner's Office said life-saving efforts were attempted, but the man ultimately died of his injuries.

[Fireworks injuries and deaths are on the rise; here are tips to stay safe](#)

An investigation found a mortar shell exploded in a tube, which blew the tube apart. Shrapnel struck 41-year-old Steven E. Sims.

An autopsy will be performed to determine the extent of injuries, the coroner's office said. Toxicology results are pending.

Four hurt after teens toss lit incendiaries at truck full of fireworks

By [David Meyer](#)

July 5, 2021 | 6:08pm

A U-Haul truck carrying fireworks exploded in Ohio on Sunday — setting off a dramatic chain-reaction that injured four people, according to reports.

The blast went off around 10:30 p.m. in East Toledo after a group of teens were seen tossing multiple “homemade” incendiaries into the truck, [the Blade reported](#).

The U-Haul truck full of fireworks exploding in Toledo, Ohio on July 4, 2021. [WTOL11](#)

Flames quickly spread to other fireworks, which were stacked up on a nearby curb, igniting the explosives, according to witnesses and video.

Live video [shared on Facebook](#) shows Fourth of July revelers enjoying the light show when the truck suddenly erupts in flames.

Barely a second passes before the fireworks strewn nearby begin firing off in all directions, rendering the street a bright-lit danger zone.

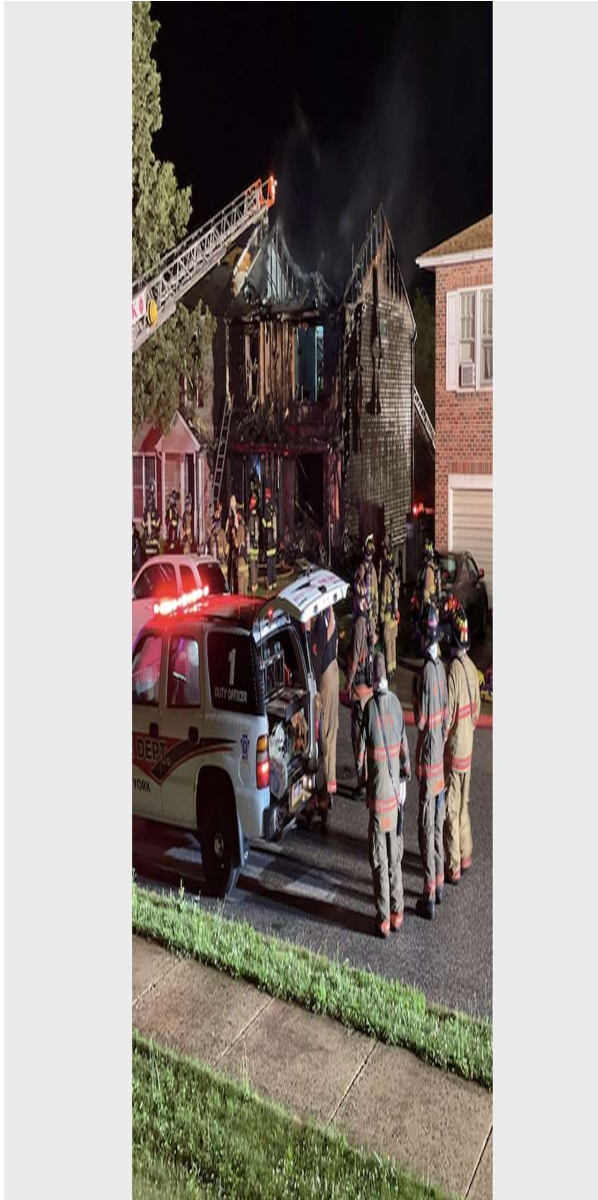
“It blew the U-Haul up, and from there it caught all of our fireworks that we had stacked up on the curb,” said witness Tevin Jones, who jumped the gate to a house behind the truck to escape the explosion.

No charges have been filed in the incident, which injured four — Steven Thomas Dukeman, 22; David Zuniga, 19; Dave Galdieux, 55; and one other person.

Investigators have yet to determine the cause of the initial explosion.

Discarded fireworks blamed for fire that killed 1 child, injured another: police

Updated Jul 04, 2021; Posted Jul 04, 2021



West York police and firefighters are investigating a house fire that killed one child and injured another Saturday night. Discarded fireworks are to blame, investigators say. (West York police).

523
shares

By [Steve Marroni | smarroni@pennlive.com](mailto:smarroni@pennlive.com)

One child died and another is being treated at a burn center after a fire, likely caused by discarded fireworks, destroyed a duplex in York County Saturday night.

West York Fire Department Assistant Chief James Hope said firefighters were called to a fire on the 1500 block of West Poplar Terrace around 11 p.m.

Fire crews arrived and found the front of a duplex was completely in flames.

Three people got out of the home, but Hope said he called out a second alarm when he learned a child was still inside.

Fire crews removed the child and two family pets.

The child who was trapped inside and another child who got out were both rushed to a specialty burn unit, where one of them died from their injuries, West York Chief of Police and Public Safety Matthew Millsaps said.

Police have not yet released the names of the people involved but said the ages of the two children are 6 and 8.

17 injured after an explosion inside a Los Angeles police bomb disposal truck

By Alexandra Meeks, CNN

Updated 1:12 PM ET, Thu July 1, 2021



NOW PLAYING

Watch blast rip through police truck

[CNN](#)

00:08/01:09

Now Playing Watch blast rip through...

Source: [CNN](#)

Watch blast rip through police truck 01:09

(CNN) At least 17 people were injured Wednesday evening in Los Angeles after an explosion occurred inside a police bomb squad disposal truck, officials said.

"This vessel should have been able to dispose of this material," Los Angeles Police Department Chief Michel Moore said at a news conference. "Something happened in that containment vehicle that should not have happened and we do not know why."

Earlier in the day, the LAPD received a call about illegal fireworks, Moore said. When officers arrived at the residence, they found commercial-grade fireworks stacked approximately 8-10 feet high. They also found improvised explosives, he said.

The explosion occurred as officers intentionally detonated the improvised devices in the truck, Moore said.

One person was arrested and charged with possession of a destructive device, the chief said. The illegal fireworks came from out of state and were intended for sale around the Fourth of July holiday, he added.



Local business were damaged in the explosion.

Of the 17 people injured, 10 were responding officers and seven were civilians, Moore said.

Fireworks Injuries Are Skyrocketing In The U.S. [Infographic]

Niall McCarthy

Contributor

[Business](#)

Data journalist covering technological, societal and media topics

Ahead of the Fourth of July, [a report](#) has found that fireworks injuries are skyrocketing in the United States. The results of a U.S. Consumer Product Safety Commission (CPSC) analysis show that 18 people died from non-occupational fireworks incidents in the U.S. in 2020 compared to 12 in 2019. Between 2005 and 2020, there were 136 deaths from fireworks misuse in total or 8.5 deaths per year on average. Along with the noticeable uptick in deaths, injuries from pyrotechnic misuse are skyrocketing.

The research states that an estimated 15,600 people required emergency room treatment in U.S. hospitals due to accidents involving fireworks last year, up from approximately 10,000 in 2019. By comparison, the total number of fireworks injuries recorded just over a decade earlier - in 2008 - came to about 7,000. The report found that around 66% of all annual fireworks injuries recorded last year occurred between June 21 and July 21, with firecrackers and sparklers the main culprits.

During that period, hands/fingers accounted for the highest proportion of body parts injured by fireworks at 30%, followed by the head, face or ear at 22% and eyes at 15%. When it comes to the type of injury, burns were the most frequent diagnosis by far at 44% while contusions or lacerations and fractures or sprains were also fairly common.

Given that the U.S. is currently experiencing a firework shortage due to constricted supply chains as a result of the pandemic, this year's selection is expected to be limited and more expensive. As a result, the industry has warned that supply will be down 30% and it will be interesting to see whether that leads to a reduction in emergency department admissions in 2021.

Autopsy: NHL goalie Matiss Kivlenieks killed by firework at Novi house party

Athlete suffered a percussion injury

NOVI, Mich. – A goalie from the [National Hockey League](#) was killed this weekend in Novi.

Matiss Kivlenieks, 24, a goalie for the Columbus Blue Jackets, was at a gathering Sunday night in Novi when there was some type of fireworks malfunction, according to [Novi police](#).

Original Story: [NHL player killed in Novi when firework strikes him in chest, autopsy reveals](#)

Novi police previously said Kivlenieks slipped and hit his head while fleeing a hot tub due to a firework malfunction, but on Monday an autopsy revealed he was killed by blunt force trauma to the chest, authorities said.

“The cause of death includes trauma to the chest area with massive internal injuries,” said Lieutenant James Meier with the Novi Police Department.

Kivlenieks was stepping out of the hot tub when a large mortar-type firework tipped and fired right at him. Police say the goalie was about 10 feet away

from that mortar at the time. Kivlenieks suffered what is called a percussion injury, or blast injury.

It was a direct shot right to his chest that did massive internal damage to the organs.

“There is no indication that anything criminal happened. We are treating this as a tragic accident,” said Meier

Here is a statement from the Blue Jackets:

“It is with profound sadness that the Columbus Blue Jackets announce goaltender Matiss Kivlenieks passed away last night at the age of 24 as the result of a tragic accident. The Riga, Latvia native suffered an apparent head injury in a fall. Medical personnel were called immediately, but he succumbed a short time later.

“We are shocked and saddened by the loss of Matiss Kivlenieks, and we extend our deepest sympathies to his mother, Astrida, his family and friends during this devastating time,” said Blue Jackets President of Hockey Operations John Davidson. “Kivi was an outstanding young man who greeted every day and everyone with a smile and the impact he had during his four years with our organization will not be forgotten.”

“Kivlenieks, who signed with Columbus as a free agent in May 2017, went 2-2 with a 3.09 goals-against average and .899 save percentage in eight career games with the club. He made his NHL debut at Madison Square Garden on Jan. 19, 2020, stopping 31-of-32 shots to beat the New York Rangers, 2-1. He posted a 33-35-9 mark, 3.31 GAA, .896 SV% and three shutouts in 85 career games with the Cleveland Monsters, the Blue Jackets’ American Hockey League affiliate from 2017-21. He represented Latvia at several international tournaments including the 2021 IIHF World Championships this spring, where he went 1-2 with a 2.18 GAA, .922 SV% and one shutout in four games.”