

Meeting Date:  
September 13, 2021

Location:  
District 1

Request:  
Land Development Code  
Text Amendment

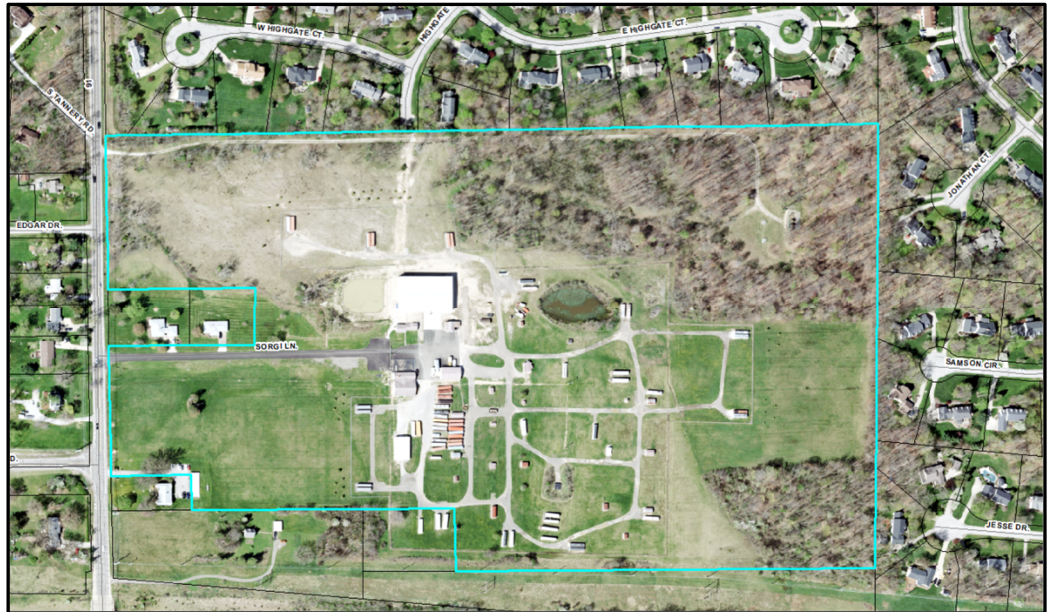
Applicant:  
Diana Calta, Mansour  
Gavin LPA

Zoning:  
D1- Suburban Residential  
Neighborhood

Case Manager:  
Nick Sugar

Contents

- Proposed text amendment (Revised), 9.1.21
- Site Plan, 8.24.20
- Map exhibits (prepared by city staff), 9.6.21
- Agency roles summary table (prepared by city staff), 9.8.21
- Ohio facilities regulation summary



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:**

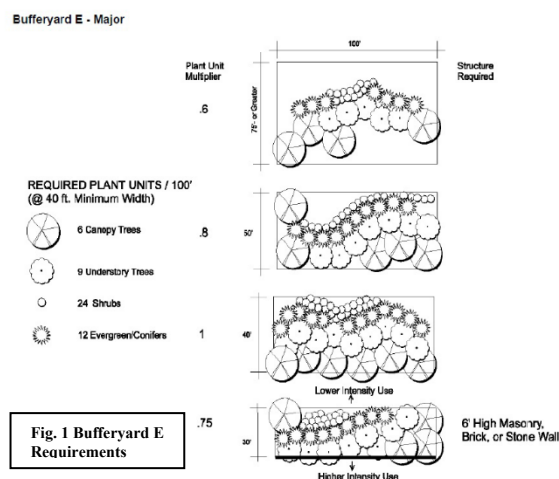
The subject property is surrounded by single family homes to the north in the Di Novi Acres Subdivision and to the east in the Woods of Western Reserve Subdivision. To the south is the Ohio Turnpike and to the west is single family development along Darrow Road.

## Updates from the July 26, 2021 Planning Commission Discussion

The Planning Commission requested the following topics be further studied:

### Topics for further review by the applicant

- PC Request:** Applicant requested to revise the proposed text amendment based on the discussion and staff comments.  
**Staff Comment:** The applicant has provided a revised text amendment including the following changes. The document in its entirety is attached for reference.
  - Specific regulations for *Fireworks Storage and Fireworks Retail Facilities* have been moved from Section 1205.04 (district regulations) to Section 1206.01(conditional use requirements) as previously suggested by staff.
  - Special conditions addressing operations include requirements for state and federal licensing where applicable, Bufferyard E, a two hundred (200) foot minimum setback, minimum lot size of fifty (50) acres, and painting containers to blend in with landscaping. Staff notes the previous staff report recommended including mounding and a three hundred (300) foot setback from residentially zoned properties. The 300 foot setback standard is already listed as a standard in the LDC and is applicable to automobile repairs and service stations.
  - A definition for Fireworks Storage and Fireworks Retail Facilities has been proposed in Section 1213.02 Definitions.
- PC Request:** In the proposed text amendment, clarify the level of retail proposed, update the use term (if needed), and propose a definition concerning the same.  
**Staff Comment:** Staff notes a definition has been submitted which distinguishes between the retail sale of fireworks (1.4G) and the storage of display fireworks (1.3G); however, does not establish area limits on the amount of retail or storage that can occur. 1.3G fireworks are the commercial grade display fireworks not for sale to the general public. 1.4G fireworks are the retail grade consumer fireworks and are not generally regulated at the federal level.
- PC Request:** Clarify whether mounding is a requirement for the proposed conditional use text amendment.  
**Staff Comment:** The applicant has stated mounding is not proposed; however, noted Bufferyard E would be required (See figure 1). Staff recommends mounding for all storage containers at the perimeter of the site in addition to Bufferyard E.
- PC Request:** Provide list of the other six communities where company operates storage facilities.  
**Staff Comment:** Mr. Sorgi gave testimony at the July 26<sup>th</sup> meeting that American Fireworks operates in six other communities. The applicant was requested to submit the list of those communities as part of PC requested information on how other communities regulate applicable facilities. Staff notes the applicant did not submit the requested information and instead provided a list of cities that contain fireworks facilities run by other companies.



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- **PC Request:** Review whether a maximum explosive weight could be capped for the proposed conditional use.

**Staff Comment:** The applicant states an appropriate maximum weight for the text amendment is still being discussed; however, the American Fireworks property would be capped at 265,000 lbs of 1.3g commercial grade ATF regulated fireworks. Staff notes a weight requirement would be difficult to regulate by city staff and would be unique to any other standard in the Land Development Code.

### **Topics for further review by city staff**

- **PC Request:** Review feasibility of a development agreement as part of an LDC text amendment request.

**Staff Comment:** Staff has reviewed the feasibility of a development agreement and has determined such would not be appropriate for a text amendment. Development agreements are typically only applicable to site specific requests. The request before Planning Commission represents a citywide text amendment. A development agreement would be more appropriate for a site plan or conditional use request.

- **PC Request:** Prepare graphics related to the setback discussions.

**Staff Comment:** Staff has prepared two attached graphics:

- Graphic #1: Depicts ATF setbacks from inhabited buildings and the proposed two hundred (200) foot setback from a residentially zoned parcel.
- Graphic #2: Depicts proposed two hundred (200) foot setback from a residentially zoned parcel and the staff recommended three hundred (300) foot setback from a residentially zoned parcel.

- **PC Request:** Review how existing improvements (storage containers) would be regulated under proposed text amendment.

**Staff Comment:** Staff has determined existing improvements (storage containers) would not be subject to a new text amendment. If the proposed text amendment were approved, any existing containers would be considered pre-existing nonconforming and subject to the regulations contained in Section 1206.05 regulating Nonconforming Uses/Structures/Lots.

- **PC Request:** Review how setbacks could be impacted if adjacent residential properties proposed additions in future years.

**Staff Comment:** Staff has determined the setbacks required by the ATF from inhabited buildings are imposed on the fireworks facilities and not adjacent residential properties; however, staff suggests increasing the proposed container setback to three hundred (300) feet from a property line to align with the ATF's largest setback requirement. This would help ensure future containers do not have an ATF setback which encroaches onto neighboring properties. Based on recent inquiry with the State of Ohio Fire Marshal, staff understands the state also dictates a set of setback requirements similar to the ATF. The text amendment should reference such and indicate how those setback could impact surrounding properties.

- **PC Request:** Research how other cities regulate similar facilities.

**Staff Comment:** Staff researched the Ohio cities provided by the applicant and contacted the ATF and Ohio State Fire Marshal to locate additional similar uses. Staff notes the following findings:

- Facilities were almost exclusively located in rural township areas.
- Only one other researched location was in a municipality (City of Bluffton). The site was in a commercial/industrial setting adjacent to a highway interchange.
- No locations had a comparable population density to the areas surrounding American Fireworks.
- Facilities were typically either zoned industrial or unzoned.
- Facilities were commonly located near major highways.

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## **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;**
- (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);**
- (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;**
- (d). Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;**
- (e). Whether or not the amendment avoids 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;**
- (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);**
- (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**
- (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 has provided comments on the applicable criteria of Section 1204.01 as part of the July 26, 2021 staff report.**

## **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 initial application date was June 22, 2021 allowing for Planning Commission consideration to be forwarded by October 20, 2021.

The City Council shall then 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.



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### Recommendation

Staff recommends the Commission receive testimony at the public hearing and then proceed with consideration of a formal recommendation to City Council. Staff notes the following items in need of clarification or resolution:

1. Container setbacks: Staff suggested a minimum setback of 300 feet be incorporated to a residential property line. Additionally, the applicant should clarify the setbacks required by the State of Ohio Fire Marshal and how the text amendment responds to the required setbacks of the both the ATF and the State Fire Marshal.
2. Mounding: The applicant submitted concept plan depicts mounding; however, the applicant has stated such is not proposed as part of the text amendment.
3. Retail sales: The Planning Commission requested information to define the amount of retail permitted within the text amendment; however, this was not addressed with the September 1, 2021 submittal.
4. Maximum Weight: The Planning Commission requested information of the possible maximum weight of fireworks explosives to be stored. The applicant September 1, 2021 submittal notes this issue is still being discussed.
5. Comparison Cities: The Planning Commission requested a list of the six additional communities where American fireworks has operations. The applicant has not responded to the request. This information is relevant to determine how their type of operation is regulated. Staff also suggests the Planning Commission request the applicant provide information on municipalities in Ohio which regulate similar facilities.

## Nick Sugar

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**From:** Diane A. Calta <dcalta@mggmlpa.com>  
**Sent:** Wednesday, September 1, 2021 11:01 AM  
**To:** Nick Sugar  
**Subject:** American Fireworks  
**Attachments:** hudsonoh-oh-1206.01 Adding Fireworks Storage (bold).pdf; Section 3743.01 - Ohio Revised Code \_ Ohio Laws.pdf; hudsonoh-oh-1206.02 Text Amendment (redline).docx; hudsonoh-oh-1205.04 Fireworks Text Amendment (redline).docx; hudsonoh-oh-1213.02 Definition of Fireworks Use.docx

Nick- Enclosed you will find the following related to LDC Text Amendment for American Fireworks:

- 1) Revised Proposed LDC Text Amendment to 1206.01; 1206.02; 1205.04 and 1213.02.  
In the table to 1206.01- The specific conditions from 1206.02(c) have been added to the table- 4, 17 and 33.  
Section 1206.02 has been amended to include condition 33 and addresses the acreage, container color, and setback requirements.  
Section 1206.05.04(c)(3) adds "Fireworks storage and fireworks retail facility" as a conditionally permitted use.
- 2) Section 1213.02 adds a definition for "Fireworks storage and fireworks retail facility" from the Ohio Revised Code. I have also attached the ORC Section for your quick reference.
- 3) Mounding is not being included but the Bufferyard E is included.
- 4) Ohio has over 40 different retail fireworks locations. All have fireworks storage along with them. A few in Ohio, Pennsylvania, Indiana and Michigan are listed below.

Holland, Ohio  
Wilmington, Ohio  
Lancaster, Ohio  
New Castle, Pennsylvania  
Clearfield, Pennsylvania  
La Porte, Indiana  
Sunman, Indiana  
Manchester, Michigan  
Kawkawlin, Michigan

- 5) We are still discussing what an appropriate maximum weight could be. (This property would be capped at 265,000 lbs of 1.3g commercial grade ATF regulated fireworks.)
- 6) We can discuss a Development Agreement again during the conditional use permit process.
- 7) We would like to review the final version of your graphics in advance of the meeting to provide comment and potential feedback.
- 8) It is our position that the existing structures should not be regulated by the new text amendment. They should be considered existing operations that are grandfathered. If however, they are moved in the future they would need to comply with the new text amendment.
- 9) Based upon the text amendment being proposed, since the setback runs from the property line, there would be no impact to any residential property additions in the future. Based upon the state code, which runs the setback from any habitable structure, any residential property additions in the future could impact the capacity of the storage container. This would be regulated and enforced by the state Fire Marshal. Neither

scenario would create a hardship or preclude the residential property owner from considering a proposed addition to their residential property in keeping with the requirements of Hudson's Code for residential setbacks, etc.

10) See No. 4 above. From our research most other cities do not specifically regulate fireworks storage and retail facilities. Instead they rely on regulation at the state and federal level.

I am available at your convenience to further discuss or answer any questions you may have.

PS- Let me know if you would like me to upload the documents into the portal. I can do that this afternoon.

**Diane A. Calta**

Attorney at Law



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## 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	
<b>Accessory Uses/Structures—See Section 1206.03</b>													
Shared Driveways for Dwellings	C	C	C	C	P					C		C	
<b>Commercial/Retail</b>													
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	

**FIREWORKS STORAGE AND  
FIREWORKS RETAIL FACILITY**

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		
<b>FIREWORKS STORAGE AND FIREWORKS RETAIL FACILITY</b>	<b>C</b>												<b>4, 17, 33</b>
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				
<b>Industrial Uses</b>													
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				
<b>Planned Developments</b>													
Planned Development	P	P	P		P	P	P		P	C	P	P	
<b>Institutional/Civic/Public Uses</b>													
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
<b>Agricultural</b>													
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 Fireworks Retail Facility in a D1 Suburban Residential District: Any such Facility shall be located on a lot having a minimum size of fifty (50) acres. Any storage containers whether for consumer fireworks (1.4G fireworks) or display fireworks (1.3G fireworks) on site shall be painted a compatible color to blend with the landscape. Any storage containers for display fireworks (1.3G fireworks) shall be set back a minimum of two (200) feet from the property lot line of any residentially zoned parcel. 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.)

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#### 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 fireworks 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.)

## 1213.02 DEFINITIONS.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section:

(1) "Access drive" shall mean a way or means of approach, other than a street or road, to provide vehicular entrance to a property. See "driveway."

(2) "Accessory building" shall mean a building detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.

(3) "Accessory structure" shall mean a structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.

(4) "Accessory use" shall mean a use of land or of a building or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building and ordinarily located on the same lot with such principal use.

(5) "ADT" shall mean the average daily traffic volumes on a street or road.

(6) "Adequate public facilities (APF)" shall mean the public facilities and services necessary to maintain the adopted level of service standards.

(7) "Adult arcade" shall mean any place to which the public is permitted or invited where either or both: (i) motion picture machines, projectors, video or laser disc players, or other video image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and (ii) where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(8) "Adult bookstore", "adult novelty store," or "adult video store" shall mean a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, videodisks, CD-ROM disks, or video reproductions, slides or other visual representations that are characterized by the depiction of or description of specified sexual activities, or

B. Specified anatomical areas; or instruments, devices or paraphernalia, other than prophylactics, that are designed for use in connection with specified sexual activities.

(9) "Adult business" shall mean an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.

(10) "Adult cabaret" shall mean a nightclub, bar, restaurant or similar commercial establishment that regularly features:

A. Persons who appear in a state of nudity or a state of semi-nudity;

B. Live entertainment characterized by the depiction or description of specified anatomical areas or by specified sexual activities;

C. Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or

D. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(11) "Adult motion picture theater" shall mean a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, videodisks, CD-ROM disks, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(12) "Adult theater" shall mean a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by the depiction or description of specified anatomical areas, specified sexual activities, or live entertainment of an erotic nature, including exotic dancers, strippers, male or female impersonators, or similar entertainment.

(13) "Affordable housing" shall mean housing that will be affordable to those families or persons earning not more than fifty percent of the median family income of the City of Hudson as determined by the City Manager from available regional, state or federal data, assuming that such families or persons shall not be required to expend more than thirty percent of their gross income on housing costs.

(14) "Agricultural operations, general" shall mean uses of property generally accepted under Ohio law to be agricultural in nature, and may include general farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, as well as accessory uses for packing, treating, or storing produce provided that the operation of the accessory uses shall be secondary to that of the general agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. This does not include boarding kennels for domestic pets, accessory horses, or the accessory keeping of chickens on residential property.

(15) "Alley" shall mean a minor way used primarily for vehicular service access to the back of properties abutting on a street.

(16) "Allocation year" shall mean the period from August 1 to July 30 of the succeeding year.

(17) "Alteration" shall mean any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

(18) "Amendment" shall mean any addition, deletion, or revision of the text of this Code or any addition, deletion, or revision of the Official Zoning Map adopted by the City Council after public hearings.

(19) "Antenna" shall mean a device, designed and intended for transmitting or receiving television, radio or microwave signals. An antenna includes all mounting and stabilizing items, such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items. For purposes of this Code, "antenna" does not include "wireless

telecommunication antenna" as defined and used elsewhere in this Code and does not include amateur radio antennas. Antennas are also "structures" within the meaning of this Code.

(20) "Annual residential development allocation" shall mean the maximum number of residential units that will be available for allotment in any allocation year as established by City Council on advice of the City Manager and Planning Commission.

(21) "Applicant" shall mean a developer, landowner, or other person with a legal property interest, including heirs, successors, and assigns, who has filed an application for subdivision or development.

(22) "Application for subdivision or development" shall mean the application form and all accompanying submittal documents and exhibits required of an applicant by an approving authority for review of site plans, conditional uses, subdivisions, planned developments, and other similar development or land use purposes.

(23) "Art gallery" shall mean an institution or business devoted to the exhibition and/or sale of works of art to the public.

(24) "Artisan studio" shall mean the workshop of an artist, sculptor, or craftsperson.

(25) "Assembly" or "meeting halls" shall mean an establishment primarily providing space for group meetings and engaged in the preparation and serving of meals and/or beverages to either the private membership of the establishment or to groups on a prearranged and contractual basis.

(26) "A-Scale sound level (dBA)" shall mean the measurement of sound approximating the auditory sensitivity of the human ear and used to measure the relative noisiness or annoyance of common sounds.

(27) "Assisted living" shall mean residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

(28) "Automated teller machine (ATM)" shall mean a mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility.

(29) "Automotive dealer" shall mean the use of any building, land area, or other premises for the display and sale of new or used automobiles generally, but may include light trucks or van, trailers, or recreational vehicles, and including any vehicle preparation or repair work conducted as an accessory use.

(30) "Automobile repair and services" shall mean any building, land area, or other premises, or portion thereof, used for the servicing and minor repair of automobiles and as permitted accessory uses the sale, application, or installation of lubricants, tires, batteries, and similar vehicle accessories. "Automobile repair and services" shall not include premises where automobile repair activities of automobile painting and body work are conducted.

(31) "Automobile service station" shall mean any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of vehicular fuels; servicing and minor repair of automobiles; and as a permitted accessory use the sale, application, or installation of lubricants, tires, batteries, and similar vehicle accessories. "Automobile

service stations" shall not include premises where automobile repair activities of automobile painting, and body work are conducted.

(32) "Bank or financial institution" shall mean establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.

(33) "Bar or tavern" shall mean an establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary.

(34) "Barn" shall mean a farm building used to store farm products or shelter livestock as an agricultural use.

(35) "Basement" shall mean a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet (as distinguished from a cellar which has less than one-half of its floor-to-ceiling height above the average level of the adjoining ground or has a floor-to-ceiling height of less than six and one-half feet).

(36) "Bed and breakfast inn" shall mean an establishment operated in a dwelling unit, or portion thereof, that provides short-term lodging, with or without the service of a morning meal only, for compensation and where the operator lives on the premises, or in adjacent premises.

(37) "Bedroom" shall mean a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

(38) "Berm, in the context of landscaping or bufferyard requirements," shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

(39) "Bikeway" shall mean either of the following:

A. "Bicycle lane" shall mean a portion of the roadway designated for bicycles by striping, signage and/or pavement markings for preferential or exclusive use of bicycles. Bike lanes must be located on both sides of the road to accommodate bicyclists traveling in the same direction as the adjacent vehicular lane.

B. "Bicycle path" shall mean a facility physically separated from the roadway and intended for bicycle use. A bicycle path is designed for the use of two-lane, two-way bicycle traffic. Paths may be located within open space through a development, along an abandoned rail line or adjacent to an existing road.

(40) "Boarding kennel" shall mean a facility for the keeping, breeding, raising, grooming or training of four or more domestic animals, that are not owned by the owners or occupant of the premises, for commercial purposes. This does not include animals in pet shops or veterinary facilities.

(41) "Building" shall mean any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:

- A. Is permanently affixed to the land;
- B. Has one or more floors and a roof; and
- C. Is bounded by either open space or the lot lines of a lot.



(42) "Building footprint area" shall mean the area of a lot or site included within the surrounding exterior walls and supporting columns of a building. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof. Building footprint area does not include patios and decks.

(43) "Building, principal" shall mean the building or structure on a lot used to accommodate the primary permitted use, such use possibly occurring in more than one building or structure.

(44) "Building mass" shall mean the three-dimensional bulk of a building: height, width, and depth.

(45) "Bufferyard" shall mean open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

(46) "Bus" shall mean a rubber tire vehicle designed for roadway operation for public transportation.

(47) "Bus shelter" shall mean a small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

(48) "Business park, office or industrial" shall mean a tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial or office uses, with consideration given to overall on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

(49) "Business services" shall mean establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; commercial printing services; and personal supply services.

(50) "BZBA" shall mean the Board of Zoning and Building Appeals.

(51) "Capacity" shall mean, where used in reference to any street, the maximum traffic volume for which such street can provide an adequate level of service.

(52) "Car wash" shall mean any building, structure, or premises or portions thereof used for washing automobiles, and includes automatic car washes.

(53) "Cartway" shall mean the portion of a street, drive, or alley that is designed and intended for vehicular traffic.

(54) "Cellar" shall mean a space having less than one-half of its floor-to-ceiling height above the average level of the adjoining ground or a floor-to-ceiling height of less than six and one-half feet. See "basement."

(55) "Cemetery" shall mean land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.

(56) "Certificate of appropriateness" shall mean the official document issued by the Architectural and Historic Board of Review approving and/or concurring in the approval of construction, erection, alteration, removal, moving, or demolition of any structure or building located in the Historic District or of any historic landmark.

(57) "Certificate of zoning compliance. See "zoning certificate."

(58) "Character" shall mean those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

(59) "Church" shall mean a building or structure, or groups of buildings or structures, and associated accessory uses that by design and construction are primarily intended for conducting organized religious services.

(60) "Clear sight triangle." See "sight distance."

(61) "Clearing" shall mean any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die. Such acts include, but are not limited to, damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.

(62) "Clinic." See "medical clinic."

(63) "Club" shall mean an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues, or regular meetings, excluding clubs operated for profit and places of worship.

(64) "Clustering" shall mean a site design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

(65) "Co-location" shall mean the use of a wireless telecommunication facility by more than one wireless telecommunication provider.

(66) "Commercial development" includes office, retail, service business, and other similar nonresidential development.

(67) "Common open space" shall mean land within or related to a development, not individually owned or dedicated for public use but generally owned and maintained by a homeowners association, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate.

(68) "Compatible or compatibility" shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. "Compatibility" does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development with respect to lot size, building setbacks, location and use of driveways, location and use of open space, preservation of historic resources, and preservation of natural resources so as to be harmonious with and not at variance to nearby existing development.

(69) "Composting" shall mean the biological decomposition of organic material such as vegetable scraps, leaves, grass clippings, wood shavings, and non-human manures to produce material for fertilizing and conditioning soil.

(70) "Comprehensive Plan" shall mean the Comprehensive Plan of the City of Hudson adopted in August 1995, as amended from time to time, or the most recently adopted comprehensive plan of the City of Hudson.

(71) "Conforming commercial earth station" shall mean a satellite earth station that is two meters or less in diameter and is located in an area where commercial, office or industrial uses are permitted under this Code. Such an area would not extend to those portions of a site where most land uses are forbidden or severely restricted, such as, for example, street areas, utility easements, visibility triangles, required setback areas, and bufferyards.

(72) "Connector road" shall mean a road designed for dedication to the City to provide local access to nonresidential development as described in the State Route 91 Traffic Corridor Study or similar document. These roads are designed to reduce traffic volume and the number of access points on nearby highways and arterial roads. Compliance with district regulations shall be based on access-road easement or right-of-way lines.

(73) "Connecting walkway" shall mean (1) any street sidewalk, or (2) any walkway that directly connects a building entrance(s) to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings, or follow parking lot outlines that are not aligned to a logical route.

(74) "Continuing care retirement community" shall mean a residential and institutional complex containing dwelling units of any type permitted by this Code for independent living, and assisted living or institutional residential uses or both, with each dwelling or room occupied by not more than two residents at least one of whom is fifty-five years of age or older. Said complex shall have available on site: passive and active recreational facilities; common dining facilities; and provide primarily non-medical resident services to individuals in need of personal assistance essential for sustaining activities of daily living such as assistance or supervision in matters such as dressing, bathing, diet, financial management, transportation, evacuation of a residence in the case of an emergency, or administered medication.

(75) "Convenience store" shall mean a retail establishment offering for sale food products and beverages for off-site consumption, household items, newspapers and magazines, and other general merchandise. The retail dispensing or sale of vehicular fuels as an accessory use to a convenience store may be permitted.

(76) "Convention and conference center" shall mean a facility used for business or professional conferences and seminars, and may include accommodations for sleeping, eating, and recreation.

(77) "Corner lot" shall mean a lot that abuts two or more streets that intersect at one or more corners of the lot.

(78) "Cultural facility" shall mean establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and

include museums, botanical or zoological gardens and libraries, and similar establishments that document and present natural, historic, educational, or cultural interests.

(79) "Culvert" shall mean a drain, ditch, or conduit, not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way.

(80) "Curb" shall mean a stone, concrete, or other improved boundary usually demarcating the edge of a roadway, parking lot, or other paved area.

(81) "Curb cut" shall mean the opening along the curb line at which point vehicles may enter or leave the roadway.

(82) "Cut" shall mean the excavating of earth from the ground surface during the process of land development.

(83) "Cutoff" shall mean the point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground.

(84) "Cutoff angle" shall mean the angle formed by a line drawn from the light source to a line perpendicular to the ground beyond which no light is emitted from the light source.

(85) "Day care center" shall mean a building or structure where care, protection, and supervision are provided for individuals on a regular basis away from their primary residence for less than twenty-four hours a day, with or without compensation and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, and centers for mentally retarded children, but specifically excludes any family day care home or group home as defined in this chapter.

(86) "Density." See "density, net."

(87) "Density, net" shall mean the measure of dwelling units permitted per acre of land area contained in the development, excluding streets, easements, public open space, land under water, and certified wetlands and floodplains. Wetland and other sensitive area setbacks and private open space shall not be excluded in calculating net density. Unless otherwise indicated in this Code, any specified residential density shall be net density.

(88) "Developer" shall mean the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable property interests in such land.

(89) "Development" shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two or more parcels (see "subdivision").

A. Development shall include:

1. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
2. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
3. Any change in use of land or a structure;
4. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland;

5. The clearing of land as an adjunct of construction;
6. The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling or excavation on a parcel of land;
7. The demolition of a structure;
8. The deposit of refuse, solid or liquid waste, or fill on a parcel of land; and
9. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property.

B. Development shall not include:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
2. Work by any utility and other entity or person(s) engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing, on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like;
3. A change in the ownership or form of ownership of any parcel or structure; and
4. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

C. When appropriate in context, development shall also mean the act of developing or the result of development.

(90) "Development, major" shall mean development that meets the requirements for a major development set forth in Section 1203.09.

(91) "Development, minor" shall mean development that meets the requirements for a minor development set forth in Section 1203.09.

(92) "Developmentally disabled" shall mean a person five years of age or older with a severe, chronic disability that:

- A. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- B. Is manifested before the person attains age twenty-two;
- C. Results in substantial functional limitations in three or more of the following areas of major life activity:
  1. Self-care;
  2. Receptive and expressive language;
  3. Learning;
  4. Mobility;
  5. Self-direction;
  6. Capacity for independent living; and
  7. Economic self-sufficiency; and
- D. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services and supports which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, shall mean individuals from birth to

age five years, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services or supports are not provided.

(93) "Diameter at breast height (DBH)" shall mean tree trunk diameter measured in inches at a height of four and one-half feet from the ground or, in the case of a tree that is divided into multiple trunks below four and one-half feet, as measured at the most narrow point beneath the point of division.

(94) "District" shall mean a zone or zoning district.

(95) "Dormitory" shall mean a building used as group living quarters for a student body as an accessory use for a college, university, or boarding school.

(96) "Downtown" shall mean the central business district of the City of Hudson as defined by the boundaries of Zoning District 5, "Village Core," as shown on the Official Zoning Map, on file in the office of the Clerk of Council.

(97) "Drainage" shall mean surface water runoff or the removal of surface water or groundwater from land by drains, grading, or other means, which includes runoff controls to minimize erosion and sedimentation during and after construction or development.

(98) "Drip line" shall mean a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

(99) "Drive aisles" shall mean the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term "drive aisle" does not include lanes used only or primarily for drive-in customer service.

(100) "Drive-through use" shall mean an establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

(101) "Driveway" shall mean a private roadway providing access to a street or highway from a building or structure.

(102) "Driveway, shared" shall mean a single driveway serving two or more adjoining lots or uses.

(103) "Duplex." See "dwelling, duplex."

(104) "Dwelling" shall mean a building used principally for residential occupancy, including single-family dwellings, duplexes, and multi-family dwellings, and that contains: (a) a minimum of 800 square feet of floor area, or (b) in the case of a permitted accessory dwelling a minimum of 500 square feet of floor area and a maximum of 850 square feet of floor area. The term dwelling shall not include tents, cabins, trailers or trailer coaches, hotels, motels, tents, or other structures designed or used primarily for temporary or transient occupancy.

(105) "Dwelling, accessory" shall mean a second dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping.

(106) "Dwelling, duplex" shall mean a dwelling designed and built to contain two dwelling units, side-by-side and totally separated from each other by an unpierced wall extending from ground to roof.

(107) "Dwelling, mixed use" shall mean a dwelling that is located on the same lot or in the same building as a non-residential use.

(108) "Dwelling, multi-family" shall mean a building containing five or more dwelling units, typically including units located one over the other, but not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

(109) "Dwelling, single-family" shall mean a dwelling containing no more than one dwelling unit.

(110) "Dwelling, single-family attached" shall mean a single-family building of three but no more than four single-family dwellings by common attached walls and typically arranged in a cluster configuration. The term includes triplexes and quadruplexes but does not include multi-family dwellings, such as apartment buildings, and does not include other dwelling types more specifically defined in this section such as duplexes or townhome dwellings.

(111) "Dwelling, single-family detached" shall mean a single-family dwelling which is not attached to any other dwelling or building by any means.

(112) "Dwelling, townhome" shall mean a single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

(113) "Dwelling unit" shall mean one or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single-family for living, cooking and sanitary purposes, located in a single-family, duplex, or multi-family dwelling or mixed-use building.

(114) "Easement" shall mean a grant of one or more property rights (e.g., access) by the owner to, or for the use by, the public, a corporation, or another person or entity.

(115) "Elderly" shall mean a person sixty-two years of age or older.

(116) "Employees" shall mean the total number of persons reasonably anticipated to be employed in a building or on land during normal periods of use.

(117) "Entertainment facilities and amusement facilities" shall mean a building or part of a building devoted to providing entertainment for a fee, including movie theaters and theatrical space for dramatic, musical, or live performances, indoor pinball/video arcades, bowling alleys, and including such activities as billiards and pool, other table games, and similar-scale amusements.

(118) "Entrance drive." See "access drive" and "driveway."

(119) "Essential public utility and public services" shall mean the erection, construction, alteration, or maintenance by public utilities having the power of eminent domain, or by municipal departments, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, substations, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, equipment shelters, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or for the public health or general welfare, but not including buildings, outdoor storage yards, water

towers, transfer stations, power transmission tower lines, coal conveyor belt lines, and other similar uses not primarily service the City.

(120) "Excavation" shall mean the removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.

(121) "Exterior architectural feature" shall mean the architectural style and general arrangement of the exterior of a structure, including the type and texture of building materials, all windows, doors, lights, and signs and other fixtures appurtenant thereto.

(122) "Family" shall mean an individual living alone, or a group of individuals not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single household, under a common housekeeping management plan based on an intentionally structured relationship that provides organization and stability. See "household."

(123) "Family day care home" shall mean a facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child under the age of sixteen years who is not related to the provider and in which no more than three children are under two years of age, including the children of the provider. A family day care home shall provide care, protection, and supervision to no more than twelve children at one time, including the children of the provider.

(124) "Farm animals" shall mean animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, mules and alpacas. A limited number of hen chickens may be kept on a residential property as an accessory use.

(125) "Fence" shall mean an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

(126) "Fill" shall mean sand, gravel, earth, or other materials of any composition whatsoever excavated from elsewhere and deposited to build up the ground surface in the process of grading.

(127) "Fire lane" shall mean an unobstructed paved or improved surface area clearly defined by pavement markings and signs, and designed to provide access for fire-fighting equipment.

(\*\*\*) "Fireworks Storage and Fireworks Retail Facilities" shall mean any building, land area or other premises, or portion thereof, used for the retail sale of fireworks (1.4G fireworks) and/or the storage of fireworks for display (1.3G fireworks) as are more fully defined by Ohio Revised Code 3743.01.

(128) "Floodplain" shall mean any portion of land within the City that may be subject to flooding in the 100-year floodplain area as delineated in the U.S. Department of Housing and Urban Development Flood Hazard Boundary Map, Summit County, Ohio, dated April 7, 1978, as revised.

(129) "Floor area, gross" shall mean the gross floor area of a building as measured along the outside walls of the building and including each floor level, but not including open balconies; garages or other enclosed automobile parking areas; basements used only for heating, mechanical, and similar equipment; and one-half of all storage and display areas for hard goods.



(130) "Floor area ratio (FAR)" shall mean the amount of gross floor area of all buildings and structures on a building lot divided by the total lot area.

(131) "Footcandle" shall mean a unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

(132) "Frontage" shall mean the distance across the front of a lot between side lot lines, normally the width of the lot abutting the street to which the lot has access.

(133) "Funeral home" shall mean a building used for the preparation of the deceased for burial or cremation, for the display of the deceased, and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies.

(134) "Garage" shall mean an accessory building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and intended for the storage of motor vehicles and equipment with facilities for mechanical service or repair of a commercial or public nature.

(135) "Government administrative offices" shall mean lands and buildings owned or operated by a local, state, federal, or international governmental entity to provide legislative, judicial, administrative, or regulatory services for the public, but not including essential public utility and public services.

(136) "Government public works and service facilities" shall mean lands and buildings owned and operated by a local, county, state, federal, or international governmental entity as a repair, storage, or production facility or public works yard including but not limited to water treatment plant, sanitary sewer treatment plant, and public power and services equipment and material storage.

(137) "Grade" shall mean the vertical alignment of a surface of land, as it exists or as rendered by cut and/or fill activities.

(138) "Grade, finished" shall mean the final elevation of the ground level after topsoil has been applied to graded slopes, as measured six feet from the exterior walls of the structure.

(139) "Grade, natural" shall mean the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

(140) "Grading" shall mean rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades when the total amount of earth or land rearranged or disturbed is more than three cubic yards. "Grading" shall also mean the rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades, regardless of the total amount of earth or land rearranged or disturbed, when the rearrangement or disturbance of earth is within five feet of any property line. "Grading" shall not include the placement of mulch on the earth's surface for landscaping purposes.

(141) "Grocery store, specialty" shall mean a retail store selling predominately food with emphasis on prepared food, specialty foods based on season, nationality, holidays and dietary needs, and providing in-store dining and having a ground floor area of 20,000 square feet or less.

(142) "Group home" shall mean a residence operated as a single dwelling, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age, or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

(143) "Group home, transitional" shall mean a group home serving persons who are in the process of transitioning or returning from an institutional remedial setting to independent living.

(144) "Handicapped person" shall mean a person with (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

(145) "Hazardous waste or materials" shall mean those chemicals or substances which are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Fire and Building Codes in accordance with the Code of Federal Regulations Title 29 and other nationally recognized standards.

(146) "Height" shall mean the distance above a given level. Height shall be measured according to the methods described in Section 1201.07(e).

(147) "Heliport" shall mean an area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for landing, loading, and takeoff of helicopters, but not including auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment. Allowed only as an accessory use to a permitted hospital.

(148) "Historic and/or architectural significance" shall mean a building or structure that has a special historic or aesthetic interest or value as part of the development, heritage, or cultural character of the city, region, state, or nation.

(149) "Historic District" shall mean the Hudson Historic District as listed in the National Register of Historic Places in December, 1990, as amended, plus those areas containing any land or buildings having notable character or qualities of historic and/or architectural significance as recommended by the Architectural and Historic Board of Review and approved by the City Council. A Historic District may include structures or other physical improvements on, above, or below the surface of the earth.

(150) "Historic landmark" shall mean any individual building or structure determined by the Architectural and Historic Board of Review and approved by the City Council as historically and/or architecturally significant.

(151) "Home occupation" shall mean an activity carried out for monetary gain by a resident conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

(152) "Homeowners association" shall mean an organization formed to manage the common open space and common facilities within a development that are not to be publicly maintained; membership in, and financial support of such organization, is mandatory for all owners of property in the development.

(153) "Hospital" shall mean an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

(154) "Household" shall mean a family living together in a single dwelling unit, with common access to and common use of all living and eating areas and of all areas and facilities for the preparation and serving of food within the dwelling unit. See "family."

(155) "Impervious coverage" shall mean that portion of a lot that is covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of stormwater into the existing water table such as paving and driveways.

(156) "Industrial use" shall mean both of the following type uses:

A. "Industrial use, heavy." A use engaged in the basic processing and/or manufacturing of materials or products predominately from extracted or raw materials, and which has processes that involve hazardous materials or commonly recognized offensive conditions such as those uses identified as grouped by the most recently adopted version of the Ohio Building Code as High-Hazard Group H, as amended.

B. "Industrial use, light." A use engaged in the manufacture, predominantly from previously prepared materials or lightly treated raw materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories and the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal and related industries.

(157) "Infrastructure" shall mean those manmade structures that serve the common needs of the population, such as: potable water systems; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas and other utilities; bridges; roadways; multi-purpose paths and trails; pedestrian sidewalks, paths and trails; and transit stops.

(158) "Institutional/civic/public use" shall mean an educational, religious, health, or public use, such as a church, library, museum, public or private school, hospital, institutional residences such as intermediate or long-term care facilities for the elderly or developmentally disabled, or government-owned or operated building, structure, or land used for public purpose, and in which goods, merchandise, and services are not provided for sale on the premises.

(159) "Institutional residential uses" shall mean residences for nine or more unrelated persons who are elderly or developmentally disabled and who may or may not require facilities and services including restorative care and treatment, nursing services, aid with daily living skills, meal service, regular or as-needed medical supervision, social care, or

other services that are supportive, restorative, or preventive in nature. Institutional residential uses include, but are not limited to, long-term care facilities, nursing homes, group homes for nine or more clients, and intermediate care facilities. "Institutional residential uses" do not include assisted living facilities, group homes for eight or fewer clients, day care centers, or family day care homes.

(160) "Land Development Code" shall mean Part Twelve of the Codified Ordinances of the City of Hudson.

(161) "Land Development Ordinances" shall mean all ordinances of the City of Hudson, including Part Twelve of the Codified Ordinances (zoning and subdivision), that regulate or control the development of land within the community.

(162) "Land use" shall mean the activity or activities for which a lot or property and the buildings or structures on it are devoted.

(163) "Landfill" shall mean a disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

(164) "Landscaping" shall mean any combination of living plants such as trees, shrubs, plants, vegetative ground cover and turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains and the like. "Landscaping" shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation, and the preservation, protection, and replacement of existing trees.

(165) "Lattice tower" shall mean a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

(166) "Level of service (LOS)" shall mean a qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. LOS is usually expressed in terms of six levels, designated A through F, with A (free flow of traffic with minimum intersection delay) being the best, and F (forced flow, jammed intersections, long delays) being the worst.

(167) "Limits of disturbance" shall mean the area(s) of a site, as established pursuant to Section 1207.01, that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, parking areas, roads, drainage and stormwater management facilities, and/or utilities.

(168) "Liquor store" shall mean a retail establishment licensed by the State of Ohio Department of Liquor Control to sell alcoholic beverages in containers, including wine, beer, and hard liquor, for consumption off-premises (carry-out).

(169) "Loading area" shall mean an off-street area of a lot where goods are received and/or from which they are shipped, and where adequate space is available to permit maneuvering of vehicles entirely on the lot.

(170) "Lodging" shall mean a facility containing five or more guest rooms and offering transient overnight accommodations at a daily rate to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

(171) "Lot" shall mean a piece or parcel of land established by plat, subdivision, or otherwise permitted by law to be used, occupied, or intended to be occupied by one or more buildings, structures, or uses, together with such open spaces and access to or frontage on a public street, as required by this Code.

(172) "Lot area or size" shall mean the amount of horizontal (plan view) land area within lot lines expressed in acres or square feet, based on deed description or registered surveyor's survey, excluding any street rights-of-way. One acre equals 43,560 square feet.

(173) "Lot depth" shall mean the horizontal distance between the mid-point of the front and of the rear lot lines.

(174) "Lot line" shall mean any of the lines describing the perimeter of a lot.

(175) "Lot line, front" shall mean the lot line describing the edge of the lot abutting the street to which the structure is oriented. Orientation shall be determined by factors such as the formal entrance and the placement of the main mass. For existing development on a corner lot, the front lot line shall be determined by the location of the front entrance of the structure.

(176) "Lot line, rear" shall mean the line opposite the front lot line.

(177) "Lot line, side" shall mean any lot lines other than front lot line or rear lot line.

(178) "Lot width" shall mean the horizontal (plan view) distance between the side lot lines as measured along the building front setback line.

(179) "Maximum extent feasible" shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining maximum extent feasible.

(180) "Medical clinic" shall mean an establishment where patients are admitted for examination and treatment on an outpatient basis by more than one physician, dentist, other medical personnel, psychologist, or social worker, and where patients are not usually lodged overnight.

(180.1) "Medical marijuana" shall mean "marihuana", as defined in R.C. § 3719.01, that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose. In accordance with Section 1206.01(d), the cultivation, processing, dispensing, or sale of medical marijuana shall not be permitted in any zoning district within the City.

(181) "Mixed use" shall mean the development of a lot, tract or parcel of land, building or structure with two or more different uses including, but not limited to, residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

(182) "Mobile home" shall mean a transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation.

(183) "Mobile home park" shall mean a parcel of land which has been planned, improved, or is currently used for the placement of mobile homes and contains more than one mobile home lot.

(184) "Model home" shall mean a dwelling representative of other dwellings offered for sale or lease or to be built in an area of residential development within the City. "Model home" also includes a temporary and permitted use of a residential facility as a real estate sales office.

(185) "Monopole" shall mean a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

(186) "Neighborhood park" shall mean a park that serves the recreational and open space needs of residents of surrounding neighborhoods.

(187) "Nonconforming building" shall mean a building that was lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present setback, height, or other site development requirements of this Code.

(188) "Nonconforming lot" shall mean a lot whose area, dimensions, or location were lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.

(189) "Nonconforming sign" shall mean any sign lawfully existing under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.

(190) "Nonconforming structure" shall mean a structure that was lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present setback, height, or other site development requirements of this Code.

(191) "Nonconforming use" shall mean a use that was lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.

(192) "Nonconformities" shall mean a nonconforming use, sign, structure, or building.

(193) "Nonresidential development" shall mean any public or private development, including civic, commercial, industrial, institutional, and other projects that does not provide housing or dwelling units for occupation other than on a transient basis (such as hotels). Any residential portion of a mixed-use development shall be defined as a residential development for purposes of the residential allocation system.

(194) "Nude model studio" shall mean any place where a person who appears in a state of nudity or semi-nudity or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

(195) "Nudity, state of nudity, or nude" shall mean the exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state,

even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

(196) "Nursery, commercial" shall mean an establishment primarily engaged in the sale and/or cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

(197) "OBC antenna regulations" means the antenna regulations in the Ohio Building Code as adopted and amended.

(198) "Off-street parking area" shall mean all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display, or operation of, motor vehicles, including driveways, entrance drives, or access drives in and to such areas, but not including public streets and rights-of-way.

(199) "Off-street parking space" shall mean a demarcated area within a parking lot abutting an access lane and of such dimensions, as specified by this Code, to accommodate one vehicle.

(200) "Office, business or professional" shall mean an establishment providing executive, management, administrative, or professional services, including medical or dental services, but not involving the sale of merchandise, except as incidental to a permitted use. Such uses include, but are not limited to, real estate, insurance, property management, investment, travel, advertising, law, doctor, dentist, out-patient medical laboratories, architecture, design, engineering, accounting, and similar offices.

(201) "Open space" shall mean any parcel or area of land or an area of water designed and intended for recreation, resource protection, amenity, and/or buffers. "Open space" shall not include areas set aside for public facilities, driveways, parking lots, other surfaces intended or designed for vehicular travel, and any other areas as set forth in Section 1207.05.

(202) "Open space conservation subdivision" shall mean a subdivision in which lot sizes are reduced for the purpose of preserving larger contiguous blocks of open space while maintaining the underlying base density allowed on the site.

(203) "Ordinary high-water mark" shall mean the line on the bank to which the high water ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means taking into consideration the characteristics of the surrounding areas, as determined by the City Manager. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark shall be measured so as to include the entire stream feature.

(204) "Orient" shall mean to bring in relation to, or adjust to, the surroundings, situation, or environment; to place with the most important parts facing in certain directions; to set or arrange in a determinate position: to orient a building.

(205) "Outdoor activity" shall mean any enterprise, operation, or activity that occurs in an unroofed area as part of a permitted use on a lot and any outdoor display of materials, machinery, vehicles, or things that may or may not be for sale or rent.

(206) "Outdoor storage" shall mean the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

(207) "Overall access management plan" shall mean a plan that depicts the post-development flow of vehicular access to a site and where such flow interfaces with existing or proposed pedestrian, bicycle, and adjacent public street traffic.

(208) "Overlay zone" shall mean a zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.

(209) "Parking access" shall mean the area of a parking lot that allows motor vehicle ingress and egress from the street or way.

(210) "Parking aisle" shall mean the traveled way by which cars enter and depart parking stalls or spaces.

(211) "Parking area" shall mean any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

(212) "Parking lot" shall mean an off-street, ground-level open area for the temporary storage of motor vehicles.

(213) "Parking, shared" shall mean joint use of a parking lot or area for more than one use.

(214) "Parking stall or space" shall mean the space or area in which vehicles park in a private or public parking lot or structure.

(215) "Parking structure" shall mean a building or structure consisting of more than one level and used to temporarily park or store motor vehicles.

(216) "Party-in-interest" shall mean a person who has standing to appeal the final action, decision or order of the City Manager (or designee), a City board or a City commission to the Board of Zoning and Building Appeals, Planning Commission or City to the extent an appeal is provided for in this Code. For purposes of this definition, a person who has standing is either:

A. An applicant or owner of property (or properties) which is the subject of the application and for which a final action, decision, or order is rendered by the City Manager (or designee), a City board or a City commission; or

B. A person who meets both of the following criteria:

1. A person who testified in person, or was represented in person through an authorized legal representative, before the Planning Commission at a hearing on the matter sought to be appealed; and

2. Who owns property, or is a resident or tenant at a property, located within 300 feet of the property (or properties) which is the subject of the final action, decision or order of the Planning Commission.

(217) "Pedestrian path" shall mean a facility physically separated from the roadway and intended for pedestrian use. A walking path is designed for the use of two-lane, two-way pedestrian traffic. Paths may be located within open space through a development, along an abandoned rail line or adjacent to an existing road. See "trail."

(218) "Pedestrian way." See "pedestrian path."

(219) "Performance standard" shall mean a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases,



and other objectionable or dangerous elements generated by and inherent in or incidental to a land use.

(220) "Personal services" shall mean establishments primarily engaged in providing services generally involving the care of the person or such person's apparel, such as laundry and dry-cleaning retail outlets, portrait/photographic studios, beauty and barber shops, mailing and quick copy shops. "Personal services" shall also mean establishments engaged in the provision of informational, instructional, personal improvement, and similar services, such as portrait shops, photography studios, art and music schools, licensed massage therapists, driving schools, health and fitness studios, and handicraft or hobby instruction.

(221) "Personal wireless services" shall mean commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. (332(c)(7).

(222) "Pet, household or domestic" shall mean any variety of domesticated creature, such as birds, cats, dogs, and hamsters, normally kept within a dwelling or residential yard area, but not including farm animals, exotic or wild animals, reptiles, insects, or snakes.

(223) "Photography shop" shall mean a retail establishment that sells photography equipment, materials, and related supplies such as photo albums and frames, and which may also provide instruction and classes in photography.

(224) "Photography studio" shall mean the workshop of a photographer, which may include the retail sale of portraits and/or photographs produced by the photographer and a photography shop.

(225) "Places of religious worship" shall mean a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. "Places of worship" shall include churches, synagogues and the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture or stage productions.

(226) "Planned development" shall mean a development of a property as a single entity for residential, commercial, industrial, or mixed residential/commercial/retail purposes, when the zoning regulations that would normally apply are superseded by controls that allow a more sensitive and more economical arrangement of buildings and streets on the site, and when development is spaced over a period of years in a predetermined program.

(227) "Practical difficulty" shall mean an impediment to a permitted use of property resulting from strict compliance with any of the standards of the Code that is determined by the Board of Zoning and Building Appeals by its weighing of the factors set forth in Section 1204.03(a).

(228) "Preliminary plan" shall mean the preliminary drawings indicating the proposed layout of a subdivision to be submitted to the Planning Commission for its approval.

(229) "Preschool." See "day care center."

(230) "Principal use" shall mean the primary or predominant use of any lot or parcel.

(231) "Public facilities" shall mean transportation systems or facilities, water systems or facilities, waste water systems or facilities, storm drainage systems or facilities, fire, police and emergency medical services or facilities, electric utilities, gas utilities, cable facilities, and other public utilities.

(232) "Public hearing" shall mean a formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this Code.

(233) "Public use" shall mean any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by City, county, state or federal governments.

(234) "Public safety and emergency services" shall mean a public use that provides police or fire services or services for personal injury or life threatening events including, but not limited to, ambulance, paramedic, or fire and rescue services.

(235) "Public utility" shall mean a common carrier supplying electricity, telephones, natural gas, water, sewage disposal, railroads or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic generating activity, or any person or entity that provides wireless telecommunication services to the public. See "essential public utility and public services."

(236) "Random selection" shall mean a selection from a group of applicants based upon chance.

(237) "Rational method" shall mean a method used for estimating runoff from small drainage areas, usually pavement. The design discharge "Q" is obtained from the equation  $Q = CiA$  where:

C = Coefficient of runoff.

i = Average rainfall intensity, in inches per hour, for a given storm frequency and for a duration equal to the time of concentration.

A = Drainage area, in acres.

The time of concentration is the time required for runoff to flow from the most remote point of the drainage area to the point of concentration. The point of concentration could be a culvert inlet or the checkpoint in a roadway ditch used to determine the need for protection. Time of concentration is ordinarily designated by T and is the summation of the time of overland flow "to" and time of ditch flow "td."

(238) "Recording, radio, or television studio" shall mean a place for radio (oral), television (visual), or musical recording production. Radio or television studio shall mean only that part of a radio or television station from which the signal originates and shall not include the transmitter or antenna parts of the station.

(239) "Recreational facility" shall mean a place designed and equipped for the conduct of sports and passive and active recreational activities.

(240) "Recreational facility, commercial" shall mean a privately owned, for-profit recreational facility open to the public at large for a fee.

(241) "Recreational facility, indoor" shall mean a permanently enclosed recreational facility.

(242) "Recreation facility, outdoor" shall mean a recreational facility devoted to active sports or recreation such as go-cart tracks, miniature golf, golf driving ranges, skating rinks, archery ranges, and the like, but shall not include concert halls, stadiums, race tracks of any kind, or other similar facilities intended to attract large crowds in excess of 1,000 persons.

(243) "Recreational facility, private-membership" shall mean a recreational facility for the exclusive use of more than three families who are residents of a development or the members of the organization owning the lot, but not open to the general public, such as a pool or community room.

(244) "Recreational vehicle and equipment" shall mean a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and may be designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes or designed to be used for recreational transportation, including but not limited to boats, boat trailers, small jet powered boats ridden by straddling a seat, and snowmobiles and their trailers.

(245) "Repair services" shall mean an establishment primarily engaged in the provision of repair services to individuals, households, or other businesses, but excluding automotive or other vehicle repair and farm machinery and tractor repair. Typical uses include appliance repair shops, furniture repair and re-upholstery shops, watch or jewelry repair shops, and musical instrument repair shops.

(246) "Research laboratory" shall mean an industrial establishment or other facility engaged in scientific research, investigation, product engineering development, product development and testing, market development, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

(247) "Reservation" shall mean a commitment for a residential development allotment in a future year.

(248) "Resource recovery operations" shall mean an industrial establishment engaged in the process of obtaining materials or energy, particularly from solid waste.

(249) "Restaurant" shall mean an establishment where the principal business is the sale of food and beverages in a ready-to-consume state where (1) fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use; (2) where there is no service to a customer in an automobile; and (3) where the design or principal method of operation consists of one or more of the following:

A. A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages by a restaurant employee at the same table or counter at which the food and beverages are consumed; or

B. A cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant;

C. A carryout and/or take out where food is prepared on the premises for consumption off the premises.

(250) "Restaurant, drive-through" shall mean an establishment in which the principal business is the sale of foods or beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

(251) "Required parking" shall mean the minimum number of parking spaces required to be provided in connection with the particular use of a lot as specified by this Code.

(252) "Residential development allotment" shall mean an award of a specific number of units from the annual residential development allocation by City Council. An allotment is an approval required as a condition precedent to obtaining a zoning certificate or filing a preliminary subdivision plan unless otherwise provided by this chapter.

(253) "Residential unit" shall mean for purposes of a residential development allotment, a permanent residential dwelling which shall be counted in the following manner: One-half unit for an efficiency living unit; one-third unit for each occupant of a group home residence; one-sixth unit for each occupant of an assisted living facility or institutional residence; one unit for any other type of permanent dwelling unit; but no unit for an accessory dwelling unit, a bed and breakfast, hotel, or motel providing transient occupancy.

(254) "Retail" shall mean establishments that sell or rent commonly used goods and merchandise for personal or household use, but excludes those uses classified more specifically in this section (e.g., adult businesses or restaurants). Typical uses include grocery stores, department stores, furniture stores, clothing stores, and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor coverings, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques, or automotive parts and accessories.

(255) "Revegetation" shall mean restoration and mitigation measures for disturbed areas in accordance with the requirements of Chapter 1207.

(256) "Right-of-way" shall mean a strip of land dedicated to and/or improved for vehicular and/or pedestrian travel by the public.

(257) "Roadway" or "road." See "street."

(258) "Satellite earth station" shall mean an antenna, usually parabolic in shape, designed and intended for transmitting or receiving television, radio or microwave signals to or from earth satellites. This definition does not include a small antenna or a conforming commercial earth station.

(259) "Schedule of fees" shall mean the list of charges adopted by resolution of the City Council, and not a part of this Code, to cover the costs of administering the review, decision, and/or appeal processes required by a development proposal, such costs to be borne by the developer, paid in advance, and subject to periodic revision by the City Council.

(260) "School, elementary, secondary, or post-secondary" shall mean any building or part thereof used for instructional purposes and licensed by the state to provide elementary, secondary, or post-secondary education.

(261) "Screening," as required or recommended by this Code, shall mean the use of landscaping or berms, fences, walls, or the like to mask structures or property uses from the view of users of public streets or occupants of adjacent properties.

(262) "Self storage facility" shall mean a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses solely for self-service storage of personal property, with no outdoor sales or storage.

(263) "Seminudity, state of seminudity, or seminude" shall mean exposing to view with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast

exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

(264) "Setback" shall mean the minimum or maximum distance a building or structure shall be required to be situated from an adjacent lot line, except as modified according to this Code. Certain building projections and uses of the lot may extend into the setback area only as expressly allowed in this Code.

(265) "Setback line" shall mean an imaginary line within a lot describing the limits within which building construction can occur, or any part of such line, as established by the required front, side, and rear yard depths for each zone district.

(266) "Sexual encounter center" shall mean a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is seminude.

(267) "Showrooms and salesrooms for wholesale distribution" shall mean an establishment whose principal business is wholesale trade or distribution of manufactured products, supplies, and equipment, and which may include accessory offices.

(268) "Sidewalk" shall mean a paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

(269) "Sight distance" or "clear sight triangle" shall mean the minimum distance the driver of a vehicle can see unencumbered by intervening buildings, structures, land forms, or vegetation, to safely negotiate an intersection of streets, usually measured between three and one-half feet and eight feet above the road surface.

(270) "Sign" shall mean any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of this Code, the word "sign" does not include flag, pennant, badge, or insignia of any government or governmental agency.

(271) "Signable area" shall mean that portion of a building facade that can accommodate a sign within an open area framed by the architectural elements of the building.

(272) "Sign, A-Frame" shall mean a temporary, pedestrian oriented, portable sign sometimes referred to as a Sandwich Board Sign that is comprised of two separate panels or faces typically joined together at the top of the panels or faces with a hinge and widened at the bottom of the sign to form a shape similar to that of the letter "A".

(273) "Sign, animated" shall mean any sign that uses flashing lights or movement of the sign or some element thereof, to depict action or create a special affect or scene.

(274) "Sign, awning or canopy" shall mean any sign that is painted on, printed on or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window.

(275) "Sign, banner" shall mean a sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.

(276) "Sign, billboard" (synonymous with off-site advertising) shall mean a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.

(277) "Sign, building" shall mean any sign attached parallel to any part of a building and including wall signs, awning or canopy signs and window signs.

(278) "Sign, changeable copy" shall mean a portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified manually or by electronic or mechanical devices from time to time as situations change, such as a bulletin board or announcement board.

(279) "Sign face" shall mean the area or display surface used for the message.

(280) "Sign, illuminated" shall mean a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

(281) "Sign, entrance or exit" shall mean a sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.

(282) "Sign, flag" shall mean a piece of flexible material having a distinctive size, color, and design, used as a symbol, standard, signal, or emblem.

(283) "Sign, ground" shall mean a sign supported from the ground and not attached to any building.

(284) "Sign, instructional" shall mean a sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity such as, but not limited to, specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority, utility, public service organization, or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Instructional signs may, in addition to the instructional purposes, be used to express non-commercial speech.

(285) "Sign, marquee" shall mean a sign attached to a structure, other than an awning or canopy sign, projecting from a wall of a building above an entrance and extending over a street, sidewalk, or part thereof.

(286) "Sign, mobile" shall mean a sign that is on wheels, runners, casters, or has a frame to which wheels, runners, or casters may be affixed, parked trailers, parked vehicles, or other mobile devices, including tethered and/or anchored balloons.

(287) "Signplate" shall mean a wall sign not exceeding two square feet.

(288) "Sign, permanent" shall mean a sign that is not temporary.

(289) "Sign, projecting" shall mean a sign that is attached to a building wall and extending twelve inches or more beyond the face of the wall.

(290) "Sign, roof" shall mean a sign erected, constructed or maintained wholly upon or over the roof or parapet wall of any building with the principal support on the roof structure.

(291) "Sign, temporary" shall mean a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, attached to a structure or installed in the ground, and which contains information or message other than the name of the business or occupant and of duration less than the occupancy of the use.

(292) "Sign, wall" shall mean a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall and not extending more than twelve inches there from and which does not project above the roofline or beyond the corner of the building.

(293) "Sign, window" shall mean a sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building except for signs that are not legible from a distance of more than three feet beyond the building in which such sign is located.

(294) "Site" shall mean any lot, plot, or parcel of land or combination of contiguous lots or parcels of land.

(295) "Site development" shall mean the improvement of a site in accordance with an approved site plan and zoning certificate (where applicable), including construction of buildings and structures and the rearrangement of the land surface.

(296) "Site plan" shall mean the proposed layout of a lot showing all elements of the site development as well as utility and drainage lines, and existing buildings, structures, trees, and vegetation to remain.

(297) "Small antenna includes the following: (i) an antenna that is designed to receive direct satellite service, including direct-to-home satellite service, that is one meter or less in diameter, (ii) an antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint services, and that is one meter or less in diameter or diagonal measurement, and (iii) an antenna that is designed to receive television broadcast or radio signals and is not parabolic in shape.

(298) "Solar energy systems" shall mean devices that collect energy from the sun and convert light into electricity and/or use the sun's energy to heat water or another fluid such as oil or antifreeze.

A. "Solar energy systems–freestanding solar array" shall mean a solar energy system not attached to a building which stands on its own, usually mounted on a pole or support framing.

B. "Solar energy systems–panel" shall mean solar energy systems that consist of enclosed panels, usually rectangular in shape and secured onto the roof or wall of a building.

(299) "Specified anatomical areas" shall mean:

A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

B. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(300) "Specified sexual activities" shall mean any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy;

C. Excretory functions as part of or in connection with any of the activities set forth in divisions A. or B. above.

(301) "Stormwater management plan" shall mean a plan to govern the collection, retention, and release of stormwater in a manner to minimize damage to downstream property.

(302) "Stormwater detention basin" shall mean a facility for the temporary storage of stormwater runoff, constructed to receive and temporarily hold stormwater for release at a controlled rate. Such devices may include graded depressions in the ground, parking lots with concave surfaces, roof tops, or buried tanks or pipes.

(303) "Stormwater retention basin" shall mean a facility, such as a pond, pool or basin, used for the permanent storage of stormwater runoff, constructed to receive and hold stormwater for release at a controlled rate.

(304) "Story" means that portion of a building, between the surface of a floor and the ceiling immediately above it.

(305) "Stream" shall mean a system including permanent or seasonally flowing water, a defined channel, flood plain, and riparian ecosystem. Streams have no defined size range, but generally are considered smaller than rivers.

(306) "Stream corridor" shall mean the corridor defined by the stream's ordinary high water mark.

(307) "Street" shall mean an improved vehicular passage within a right-of-way that primary means of access to abutting lots. The term "street" includes avenue, drive, circle, road, roadway, parkway, boulevard, or any other similar term.

(308) "Street, arterial" shall mean a major arterial street and consisting of one of the following roadway or roadway segments:

Barlow Road between Terex Road and Stow Road

Boston Mills Road (cont'd)

Darrow Road (State Route 91)

Hines Hill Road, West of Valley View Road

Main Street (State Route 91)

Norton Road, west of Darrow Road

Seasons Road

Stow Road

Streetsboro Road (State Route 303)

Terex Road

(309) "Street, collector" shall mean a roadway other than an arterial street or a local street, that meets one or more of the following criteria: serves both land access and traffic circulation in residential and commercial/industrial areas, penetrates residential neighborhoods, distributes and channels traffic between local streets and arterial streets.

(310) "Street, cul-de-sac" shall mean a street with a single common ingress and egress and with a turnaround at the end.



(311) "Street line" shall mean the edge of a street right-of-way where it abuts private property.

(312) "Street, local" shall mean a roadway that meets one or more of the following criteria: provides direct access to adjacent land, provides access to collector streets, carries no through traffic movement.

(313) "Street, public" shall mean a right-of-way intended to be used for travel by the public, improved for such purpose, and accepted by the City of Hudson for perpetual maintenance.

(314) "Streetscape" shall mean a design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquee, signs, and lighting.

(315) "Structural framework" shall mean the supporting members of the exterior walls and roof of a building such as bearing walls, columns, beams, and girders.

(316) "Structure" shall mean any manmade construction in, on, or over the ground or water. The term structure includes buildings and, among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, and display signs.

(317) "Subdivider or developer" shall mean any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale and lease of a development.

(318) "Subdivision" shall mean:

A. The platting of a lot or the division of a lot, tract, or parcel of land into two or more lots, plots, or sites for the purpose, whether immediate or future, of transfer of ownership; or

B. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets; the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders; or division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

(319) "Subdivision, minor" shall mean the subdivision of a parcel of land, after the original tract has been completely subdivided, into three or fewer lots and that does not involve the opening, widening, or extension of any street or road or easements for access.

(320) "Swimming pool" shall mean a structure whether in-ground, or above ground, for the containment of water in excess of eighteen inches in depth or greater than 100 square feet in surface area for private, public, semi-public, or commercial use.

(321) "Technically suitable" shall mean the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the FCC to operate without a significant loss of communication capability within developed areas of the City.

(322) "Telecommunication(s)" shall mean the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or magnetic systems and includes the term "personal wireless services."

(323) "Temporary housing" shall mean a dwelling that may be permitted pursuant to this Code to be placed on a lot that already contains one dwelling, based on a family hardship encountered by the residents of the existing dwelling that can be cured during the extent of the hardship by the presence of the second dwelling.

(324) "Thoroughfare plan" shall mean the official plan of highways, primary, and secondary thoroughfares and parkways, designated as such on the Comprehensive Land Use Plan adopted by the Planning Commission, and including the proposed opening, widening, or extension of any streets or roads which have been declared necessary by the City in the public interest.

(325) "Townhome. See "dwelling, townhome."

(326) "Traffic impact study" shall mean a report analyzing anticipated roadway conditions with and without an applicant's development, and may also include a parking study and overall access management plan for the development site.

(327) "Trail" shall mean a multipurpose path designed for use by pedestrians or bicyclists.

(328) "Trailer" shall mean any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for the storage or conveyance for tools, equipment or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

A. "Trailer, utility" means a non-motorized vehicle which is generally pulled by a motorized vehicle and features an open-top or enclosed cargo area and is used for the hauling.

(329) "Transportation facility" shall mean mass transit stations including bus or rail terminals/stations, transfer points, and depots without vehicle repair or storage.

(330) "Tree" shall mean any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of two inches or more.

(331) "Tree, significant" shall mean any tree with a DBH of nine inches or more.

(332) "Truck" shall mean a motorized vehicle with a manufacturer-defined "curb weight" (fully-fueled vehicle weight with no passengers or cargo) of three tons (6,000 pounds) or more and which is licensed by the Ohio Bureau of Motor Vehicles as a truck.

(333) "Use" shall mean the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

(334) "Use, principal." See "principal use."

(335) "Variance" shall mean a grant by the Building and Zoning Board of Appeals permitting deviation from the provisions of this Code when the property is otherwise being used for a permitted use under this Code because the Board finds that exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with a particular zoning standard, provided that such relief will not have the effect of nullifying or impairing the intent and

purpose of the zoning standard. In determining "practical difficulty", the Board shall be guided by the factors set forth in Section 1204.03(a). The term "variance" does not include a grant to allow a use not specifically permitted in this Code or a use expressly or by implication prohibited under the terms of this Code for the zoned district containing the property for which the variance is sought.

(336) "Vegetation" shall mean trees, shrubs, or vines.

(337) "Vehicle repair/services" shall mean any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of automobile, light trucks or vans, trailers, or recreational vehicles is conducted or rendered.

(338) "Vehicle and equipment rentals" shall mean the use of any building, land area, or other premises for the rental of cars, light trucks, and/or light equipment, and shall not include vehicle repair/services.

(339) "Vehicle sales" shall mean the use of any building, land area, or other premises for the display and sale or lease of any new or used car or light truck, and including outside storage of inventory, any warranty repair work, and other repair service conducted as an accessory use.

(340) "Veterinary facility/small animal clinic" shall mean any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases wherein the animals are limited to dogs, cats and other comparable household and domestic pets and wherein short-term, overnight, indoor boarding of said animals is allowed as an accessory use.

(341) "Violation" shall mean any act which is prohibited or made or declared to be unlawful or an offense under the Land Development Code (Part Twelve) or Building and Housing Code (Part Fourteen) of the Codified Ordinances, including affirmative acts as well as omissions and/or failures to act where the act is required by Part Twelve or Part Fourteen (Building and Housing Code) of the Codified Ordinances.

(342) "Walkway. See "pedestrian path."

(343) "Warehouse" shall mean an establishment, conducted within a completely enclosed building, that is engaged in the storage of materials, equipment, or products that will be distributed to wholesalers or retailers.

(344) "Warehousing, distribution, and enclosed storage" shall mean a use engaged in enclosed storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, including accessory offices and showrooms, and including incidental retail sales, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

(345) "Water table" shall mean an underground boundary between the soil surface and the area where groundwater saturates space between soils, sediments, and cracks in rock.

(346) "Wellhead protection area" shall mean those areas in an aquifer recharge area that are located within the one-mile and five-mile time of travel limits and that are shown on a map entitled "City of Hudson, Ohio, Wellhead Protection Areas Map," the original of which may be found at the office of the Director of the Community Development Department.

(347) "Wireless telecommunication antenna" shall mean the physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal

Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

(348) "Wireless telecommunication equipment shelter" shall mean the structure or cabinet in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

(349) "Wireless telecommunication facility" shall mean a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.

(350) "Wireless telecommunication tower" shall mean any structure which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

(351) "Wetlands" shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(352) "Workshop" and "custom small industry" shall mean a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, custom care or motorcycle restoring, and other similar uses.

(353) "Yard" shall mean the front, side, or rear area of a lot between the lot line and the setback line, extending open and unobstructed from the ground upward except as otherwise provided in this Code, and the depth of which is specified by the regulations for the zone district in which the lot is located.

(354) "Yard depth" shall mean the shortest distance between a lot line and the adjacent parallel setback line on a lot.

(355) "Yard, front" shall mean the yard between the front lot line and the front building line and extending to the side lot lines, and measured perpendicular to the building at its closest point to the front lot line.

(356) "Yard, rear" shall mean the yard extending the full width of the lot between the rear lot line and rear building line and measured perpendicular to the building at its closest point to the rear lot line.

(357) "Yard, side" shall mean the yard between the side lot line and the building, extending from the front yard to the rear yard, and measured perpendicular from the side lot line to the closest point of the building.

(358) "Zero lot line" shall mean the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

(359) "Zoning certificate" shall mean a written statement issued by the Community Development Department authorizing buildings, structures, or other uses consistent with the terms of this Code and for the purpose of carrying out and enforcing its provisions. Also referred to in this Code as "certificate of zoning compliance."

(360) "Zone or zoning district" shall mean a contiguous area of land on all parts of which the same uniform opportunities for development apply.

(361) "Zoning district boundary" shall mean the perimeter line completely enclosing a zone district.

(362) "Zoning Map" shall mean the official zoning map, showing all zone district and their boundaries, adopted by the City by ordinance, and as amended.

(Ord. 16-44, § 9. Passed 7-19-16; Ord. 16-57, § 7. Passed 12-20-16; Ord. 16-148, § 15. Passed 2-21-17; Ord. 17-99. Passed 10-3-17; Ord. 18-93. Passed 10-15-19; Ord. 19-173. Passed 3-3-20.)

September 10, 2021

*Via Email Only*

Ron Stolle, Chair  
Hudson Planning Commission  
1140 Terex Rd.  
Hudson, OH 44236

**Re: American Fireworks' Request for Text Amendment to the Land Development Code**  
Planning Commission Case No. 21-689

Dear Mr. Stolle:

We represent a significant number of American Fireworks' neighbors in the Di Novi Acres Subdivision – Aaron and Ashley Hoschar, Bill and Joann Heitman, Bob and Tina Griesse, Brian and Janie See, Craig and Jan Resnick, Tess Ellenberger, Jason and Angelique Berry, Jeannette Fulton, Jeffrey and Cheryl Morris, John and Sarah Stride, Justin and Lisa Eggleston, Lisa Yerrace, Ralph and Pat Zuponic, Steve Nutt, Dustin Ellenberger, and Tim and Katie Sheehan – who ardently oppose American Fireworks' attempt to circumvent the City of Hudson's existing restrictions through special zoning regulations that, by its own definition, bestow benefits only upon it. On their behalf, we strongly urge the Planning Commission to reject the proposed text amendments.

Our clients appreciate that the Planning Commission did not take any action on the proposed amendments at its special meeting on July 26, 2021. The meeting was helpful in highlighting many of the issues raised that evening. This letter is being written based on American Fireworks' proposal, the staff report, and the testimony and comments at that special meeting. We reserve our right to supplement, revisit, or amend our comments based on the planning staff's responses to the commissioners' requests when those comments become available.

American Fireworks brushed off the neighbors' concerns, assuring the Planning Commission that, rather than addressing them and the numerous issues in the actual text, it would do so through a separately negotiated development agreement with the City. As was noted at the meeting, this "dual track" is extremely unusual, and no one recalls it having previously happened. For good reason. A text amendment should apply generally throughout the City and the districts to which the proposed language applies. Only if the language is adopted by Council and survives a referendum should a party be allowed to seek to have those changes applied to them. American Fireworks is intentionally seeking to avoid this process, by asking the City to zone for one specific piece of property, the definition of the elusive spot zoning.

What is clear, however, is that American Fireworks has *not* met the City's criteria for amending the Land Development Code:

All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the following guidelines:

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

(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);

(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;

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

(e) Whether or not the amendment avoids 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;

(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);

(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

(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.

Section 1204.01. Rather than focusing on how the proposed text amendment would benefit the City, the entire analysis has focused on how American Fireworks benefits. The proverbial cart is before the horse.

American Fireworks has been a successful member of the Hudson community for more than a century, but, as all acknowledge, it has been a non-conforming use for more than half of that time. The staff reports that American Fireworks was already a non-conforming use *in 1967* when it applied for an expansion. (This is contrary to Mr. Sorgi's assertion in his April 23, 2021 letter to City Council in which he claimed that American Fireworks' facility was "given" "non-conforming status" after it had been in business for over 80 years.) In other words, the conditions within the City have not changed since the Land Development Code was adopted and then amended. Nor was a mistake made in the Land Development Code that justifies the amendment. The Township and then the City extended American Fireworks several more expansions. It has now been told "no more." This, American Fireworks claims, harms it economically.

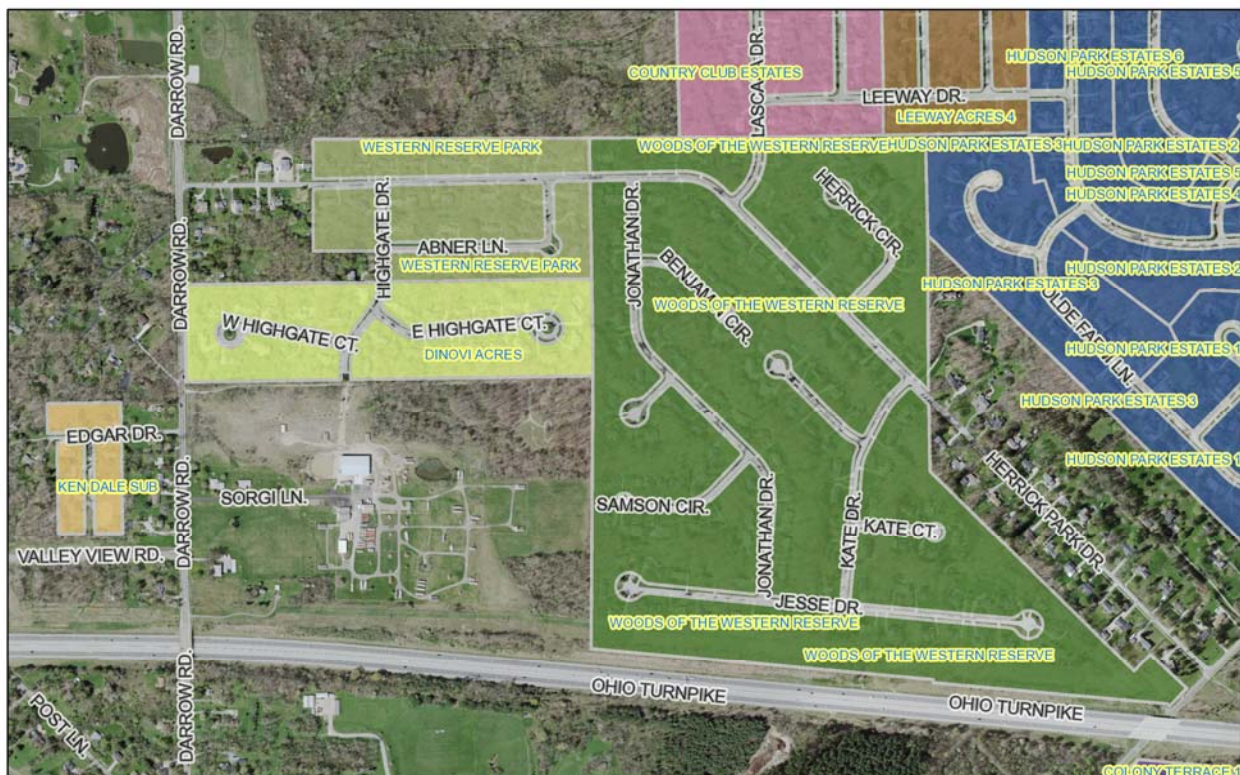
This is not accurate. Mr. Sorgi explained that American Fireworks can expand their pod use to the west, but they would have to reallocate the space they use to shoot off fireworks one time a year. Far from being an inequitable situation, this is American Fireworks' choice: it could be more economical with the use of its property to allow it to continue operations at this property, but it chooses not to be. Yet it now demands special privileges from the City by asking to expand at the expense of its neighbors but not itself. The City should not cower in the face of American Fireworks' threats.



The people of Hudson have repeatedly said they do not want fireworks storage and sale as a use in their Township and City by keeping this use *out* of the Land Development Code, whether as a permitted or conditional use. If they wanted to *allow* this use, then they would have addressed it in the recent update to the Land Development Code. They did not. This silence should not, as American Fireworks claims in its application letter, be interpreted as an oversight but as the affirmative will of the people to stop any further development of this use, knowing that they cannot force the existing use's cessation. The staff report correctly notes that the only property to which this proposed language would apply (7041 Darrow Road) is already zoned for its appropriate future land use (single-family detached development) consistent with the Comprehensive Plan's recommendation that commercial and industrial uses be developed elsewhere. That is not something new. This property has been zoned for something other than its current use for more than a half-century.

During that time, American Fireworks could have bought the adjacent properties when they came up for sale. It could have expanded. It could have avoided its current dilemma. It didn't. It instead allowed these properties to be sold to individuals who later developed them into residential subdivisions.

Subdivisions Adjacent to American Fireworks



These neighborhoods have been, and now are, part of Hudson's neighborhoods that are the "building blocks" of the community. (Comp. Plan, p. 26) The Planning Commission undercuts this if it accepts these proposed changes, telling these residents that it does not matter that they bought their home based on these longstanding principles and zoning classifications that limited American Fireworks' use to its existing



footprint. American Fireworks' facility is simply not consistent with the zoning classifications of the adjacent properties and neighborhoods.

Hudson has long been viewed by regional and local officials as a leader in planning and zoning. This proposed amendment distorts the Land Development Code and only highlights the special privilege that American Fireworks seeks. A conditional use must be "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)." Section 1206.02(b)(1). A conditional use must also be "physically and operationally compatible with the surrounding neighborhood and surrounding existing uses." Section 1206.02(b)(2). American Fireworks meets neither criteria. Shoehorning a special conditional use for "Fireworks Storage and Retail Facility" into the current list of conditional uses in District 1 – residential group homes, single family (attached), townhomes, open-space conservation subdivisions, shared driveways for dwellings, bed-and-breakfast inns, golf courses (private and public), private membership recreational facilities or clubs, cemeteries, religious-worship spaces, public recreational facilities, schools, and agricultural operations – highlights this special privilege that simply does not fit.

American Fireworks fails to establish that its application meets the City's legal standard for amending the Land Development Code. As the staff notes in their report and as was mentioned during the special meeting, American Fireworks has a very recent history of not following the City's laws, including the issuance of a stop-work order because American Fireworks was removing trees without the City's permission. This also means the City needs to be enforcing its prior directives, such as having American Fireworks plant appropriately-sized trees to block the sightlines from the properties on West Highgate Court.

Finally, until the planning staff releases its responses and recommendations, my clients reserve any comment on the language that may or may not appear in the proposed text amendment if the Planning Commission decides to make "Fireworks Storage and Retail Facility" an allowed use within the suburban residential neighborhood district.

No matter what the Planning Commission chooses to do, my clients – and your residents and voters – must be fully protected. This means that the regulations which govern "Fireworks Storage and Retail Facilities" should be established by Hudson in its Land Development and should not be set to whatever regulations the federal Bureau of Alcohol, Tobacco, and Firearms may enact. This provides the American Fireworks (and the neighbors) with the certainty that it claims to be seeking.

Certainty is also established when the setbacks (which can vary depending on the weight and type of fireworks being stored, as in the ATF regulations) are determined from the property line, not from the existence or non-existence of certain types of structures on adjacent properties. Allowing a "Fireworks Storage and Retail Facility" to use the adjacent owners' property raises significant legal issues. Once a "Fireworks Storage and Retail Facility" establishes its footprint, an adjacent property owner arguably cannot build within that "buffer zone." The City will have essentially taken the neighbors' property by preventing them from building on their own property for no reason other than to protect American Fireworks. Verbal assurances from the City cannot change the text in the proposed amendment.

*Stolle, Ron*  
*September 10, 2021*  
*Page 5 of 5*

My clients agree with the staff that mounding should be required in addition to a Bufferyard E and that existing containers should be screened by both and painted to blend in with the landscaping. This is not unfair, as American Fireworks should bring its property up to the standards in the Land Development Code if it is to receive the special privileges of being brought within the Land Development Code.

For these reasons, and those that the residents have already presented and that are part of the record in this case, the Planning Commission should deny the application. Our clients and I look forward to the opportunity to further present their opposition at this Monday's meeting.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Matthew Vansuch', with a stylized flourish at the end.

Matthew G. Vansuch

cc: Nick Sugar, City Planner (via email)  
[nsugar@hudson.oh.us](mailto:nsugar@hudson.oh.us)

[1343953.5]

**Ralph and Patricia Zuponcic**  
2028 E. Highgate Court  
Hudson, Ohio 44236

Mr. Ron Stolle, Chair  
Hudson Planning Commission  
1140 Terex Rd.  
Hudson, OH 44236

**Re: American Fireworks' Request for Text Amendment to the Land Development Code**  
Planning Commission Case No. 21-689

Dear Mr. Stolle:

We are neighbors to the American Fireworks company in Hudson, Ohio. Our property directly borders the American Fireworks north property line. We strongly oppose American Fireworks' attempt to sidestep the City of Hudson's existing restrictions through special zoning regulations. We strongly urge the Planning Commission to reject the requested text amendment.

The American Fireworks plan calls for the placement of a 10,000 pound storage location directly behind our home. This location causes the 300 feet ATF requirement to encroach into our property. Essentially, American Fireworks is using our property as a blast zone in the event of an explosion. This is simply not acceptable. As homeowners in the City of Hudson, we deserve the full protection from explosion that all residents of Hudson enjoy. Our grandchildren visit at our home several days each week and play in the backyard within the blast zone that American Fireworks has proposed.

The American Fireworks company has steadily grown since its founding. It is not the same business it was even five years ago. It now stores over 200,000 pounds of explosives in the center of our community. The request for a text amendment will increase the storage capacity to approximately 250,000 pounds. To put it in perspective, 250,000 pounds is more than six times (6x) the payload capacity of a U.S military B2 bomber. While thousands of Hudson citizens drive past American Fireworks every day, they are unaware of how much explosives are at the center of our community. We are not suggesting that American Fireworks leave Hudson. Rather, the storage capacity be permanently capped at current capacity levels ensuring that the residents be protected.

Sincerely,



Ralph and Pat Zuponcic

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

Case #21-689

I am writing this as a follow-up to my comments made prior to the July 26<sup>th</sup> Planning Commission meeting. Based upon review of the new submissions from American Fireworks, their appear to be new and even greater concerns with the Text Amendment proposal.

#### **American Fireworks Text Amendment E-mail**

Per the September 1, 2021, e-mail to Nick Sugar from Diane Calta:

- Point 3) – American Fireworks appears to have removed the mounding from the document. Is this correct?
- Point 4) – American Fireworks did not provide a list of their locations as requested but instead provided another list of cities. Why not theirs?
  - The Ohio Facilities Summary Table put together by City Staff in lieu of American Firework's location listing is excellent and proves my point. Below are key excerpts from that City/Township table:
    - Semi-rural area
    - Rural area
    - Commercial industrial area
    - Very rural area
  - NONE OF THE EXAMPLES ARE IN A RESIDENTIAL AREAS-What makes Hudson so smart?

#### **Additional information related to my prior points from July**

**Right of Use/Encroachment/Adverse Easement** - It's important to note the amount of neighbor's yards being taken with the 200-foot property setback per the Text Amendment proposal leaves a 100-foot encroachment of the blast zone into the neighboring properties. I went to the Summit County ArcGIS Webmap application and pulled up the neighborhood map. Based upon my measurements using the site tools, the north and east property lines with the American Fireworks property is approximately 3,370 feet in total. Using the discussed Display Fireworks storage with the 300-foot blast zone and 200-foot setback from the property lines, leaves 100 foot of the blast zone in neighborhood properties. Now here is where it gets scary. I added up the total square footage of the neighboring properties being encroached upon in the proposed Text Amendment verbiage for blast zone clearance. The total per my estimate equals 337,000 square feet or the equivalent of 7.7 acres of encroached property-with the only benefit going to American Fireworks! City Staff can check my measurements and math, but this is clearly a land grab and/or non-negotiated adverse easement which has not been agreed to by the neighboring property owners resulting in decreased value to their properties and increased safety risk. This is clearly an inequitable situation for the surrounding property owners.

Please keep in mind the language in the current proposed Text Amendment overrides any proposed maps being provided by American Fireworks and would allow the placement of additional fireworks storage containers if American Fireworks and/or its successors chose to reconfigure the storage locations maximizing space usage using the proposed text amendment. Even the City Staff admits this is something the city cannot manage, audit, or enforce.

## Inhabited Building and Other Structures

I want to point out the “Inhabited Building” definition and accompanying regulations and distance requirements are intended to **protect people**, not buildings and other structures:

Per the ATF in Rul. 75-20:

“These provisions are intended to provide **protection to persons** who inhabit buildings located near premises where explosives are manufactured, stored, etc.”

These discussions and documents provided have not focused on the adults and children regularly assembling **in the blast zone** if allowed to encroach upon the surrounding residential neighborhood. I cannot find another city in the U.S. willing to take this risk. The ATF has not identified the fact pattern proposed here in Hudson to provide a specific rule for guidance – **probably because they assume a city and its liability insurers would not allow storage of display fireworks of this magnitude and destructive power in a residential neighborhood and write this terrible idea into its Land Development Code**. I want to ask this question to the Planning Commission - if American Fireworks had a common border with one of the Hudson school’s playgrounds, would the Planning Commission allow 100 feet of the blast zone to cross the property line into the school playground? If your answer is no, why would you allow it here? The City of Hudson does more to protect its citizens from fireworks mishaps at Barlow Park during the 45-minute July 4<sup>th</sup> celebration than what is currently being proposed with this Text Amendment for our neighborhood.

## Land Development Code requirements for a Text Amendment

How does this Text Amendment not grant special privileges to American Fireworks which do not significantly impact the surrounding neighborhoods? With 100 feet of blast zone encroachment, surrounding homeowners will now have:

- A huge safety risk in a large portion their backyards (100 feet)
- A required legal disclosure of this encroachment when they sell their homes which will reduce the value of their homes. This loss of value will cascade to the other homeowners as houses sell.

How does this Text Amendment reflect changes in social values, new planning concepts, or economic conditions in the areas affected? It clearly does not and is not consistent with the long-term goals of the city.

## Per the Staff Report

I went into this process thinking that the property rights of the surrounding homeowners would be treated as equal to those of American Fireworks. The City Staff continues to recommend a 300 foot setback from the property line taking into account property rights and the legal ramifications of ignoring them. I recommend following the City Staff recommendation on this. I believe we need to include comments on these property rights from the City Solicitor.

Based upon the discussion from the July Planning Commission meeting, I am concerned the Planning Commission is putting its thumb on the scale in trying to accommodate American Fireworks needs at the expense of the legal rights and safety of the surrounding homeowners, children, and grandchildren. I ask for common sense to prevail.

Sincerely,

Robert M. Griesse

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.

While I sit here writing yet another letter to another committee regarding this infuriating situation which my neighbors and I continue to deal with; I ask myself "WHY"? So, with that simple question in mind, I would like to ask some questions of all of you for the benefit of myself and my neighbors.

- 1) Back on September 24, 2020 the BZBA made their decision. I could quote it for you, but I'm certain you can locate it in the staff report on page 2. The applicant simply didn't like the decision they made so the applicant decided to withdraw their application with the BZBA. The applicant then had to develop a new plan; circumventing the rules and decisions previously made by the BZBA to find a different way to achieve what they wanted. So, WHY do we need the BZBA if their decision can be overruled and their decisions mean nothing?
- 2) According to the staff reports the applicant has applied and received approval for expansion in 1967, 1971, 1995, 2013, 2014, 2015, and again in 2019. When does the applicant outgrow the property, they own? When does the city say, enough is enough, you are finished receiving approval to expand as you have reached your limit? Many companies outgrow their existing facilities and have to expand in other areas. Recently, it was brought to my attention the applicant owns other properties here in Hudson. Place the needed containers on those properties. If not, WHY?
- 3) The staff reports note the applicant has consistently done things without city authorization. Direct examples from the staff reports:
  - a. 2013 recently installed containers
  - b. 2015 warehouse built
  - c. 2019 trees removed
  - d. This does not demonstrate the behavior of a responsible business owner and a good neighbor. If any one of these examples had been committed by a private citizen on their property, they would have been fined, possibly asked to return the property to the way it existed before and or made to compensate the neighborhood where they reside. WHY do we continue to not hold this company to the same strict standards as the rest of the citizens?
- 4) At the last Planning Commission meeting I submitted to you for your review many examples of horrendous fireworks accidents, having occurred in the last three months, which included deaths, serious injuries and tremendous property damage. I am hopeful at least some of you did your research and read up on those accidents. The city staff and various committees continue to downplay these incidents by not acknowledging the seriousness of accidents like these. I ask you, WHY? Because to date, nothing has happened on the applicant's property which we know about? The examples I submitted are ALL accidents. One such accident I shared with all of you was a major explosion of a specially designed bomb squad vehicle which happened in Los Angeles back in July of this year. I am quite certain no one expected a bomb squad vehicle to be completely destroyed, a neighborhood to be rocked, it's residents to be displaced and 17 people to be injured all from fireworks. No one plans for accidents. The chances of these accidents happening here in Hudson continue to increase with each expansion the city allows and with the

amount of poundage stored on the applicant's property. WHY does no one want to address the safety concerns and the fact these are explosives; they are meant to BLOW UP? Does this mean we should all just sit back and wait for something to happen and then we will decide how to handle the situation?

- 5) Based on the staff report at the bottom of page 3 and continued on page 4 points are made in regards to the "purpose and intent of the Land Development code", my interpretation of this only serves to benefit the applicant; with no regards for the residents whose homes border the applicant's property. WHY? Are the residents just not important enough since we haven't lived here for over 100 years?
- 6) Per the staff report at the bottom of page 4, the plan notes: "when industrial uses are adjacent to residential neighborhoods, buffering and screening should be placed to appropriately mitigate any potential negative impacts". Are you all aware several of the neighboring properties continue to have basement and property flooding problems; which have continued to worsen and become more frequent since the removal of all the trees in 2019? WHY, have they not had to place "buffering and screening to appropriately mitigate any potential negative impacts", up to this point?
- 7) Another crucial point which continues to be overlooked is the fact the applicant has already placed storage containers behind several of my neighbors' homes. These containers have now been there since 2013 with no buffering and screening. Since these containers were placed without city approval as noted in the staff report they should be considered for removal until any further decisions are made as to how many containers, where they should be placed, proper distances, and what the city decides to do about all of the storage containers. The applicant should not be allowed to benefit from their bad behavior and my neighbors should not be punished because the BZBA and the city did not look at this situation thoroughly.
- 8) Last, but certainly not least, the applicant had the opportunity some 30+ years ago to purchase the properties where we all reside. They could have held on to the properties, developed the properties or expanded the properties to benefit themselves. BUT, they didn't. WHY? As a result, the city decided to zone it residential. Once the city decided to zone it residential it became the cities job to enforce the rights and property lines of the residents. I have NOT given up any of my rights as a property owner and I am NOT allowing anyone to cross my property line in any fashion to use my property for their benefit! When can we expect our city to step up and protect us and our families?

Ultimately, the question is "WHY"?

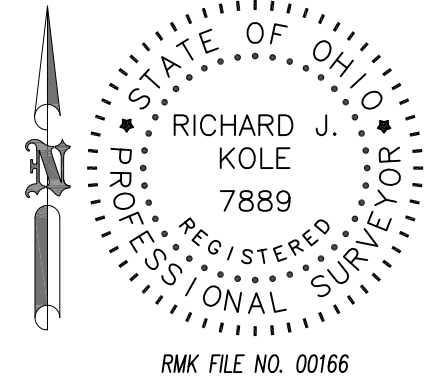
WHY do we have to continue to battle about our property rights, property lines and the protection of our families?

Respectfully,  
Tina L. Griesse



**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



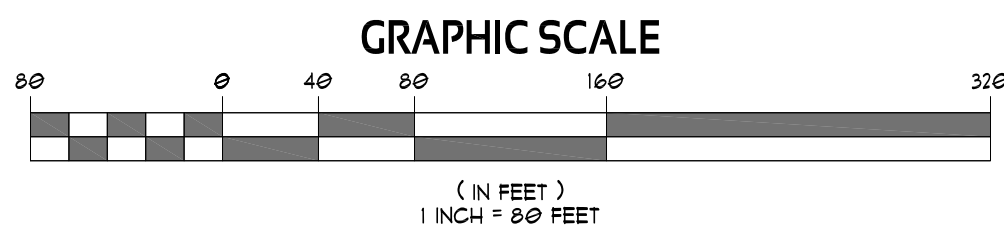
FIELD SURVEY DATE: JULY 18, 2019  
DRAWING DATE: JANUARY 21, 2020  
REVISED: JANUARY 22, 2020  
REVISED: FEBRUARY 4, 2020  
REVISED: AUGUST 24, 2020

**RMKOLE**  
& ASSOC. CORP.

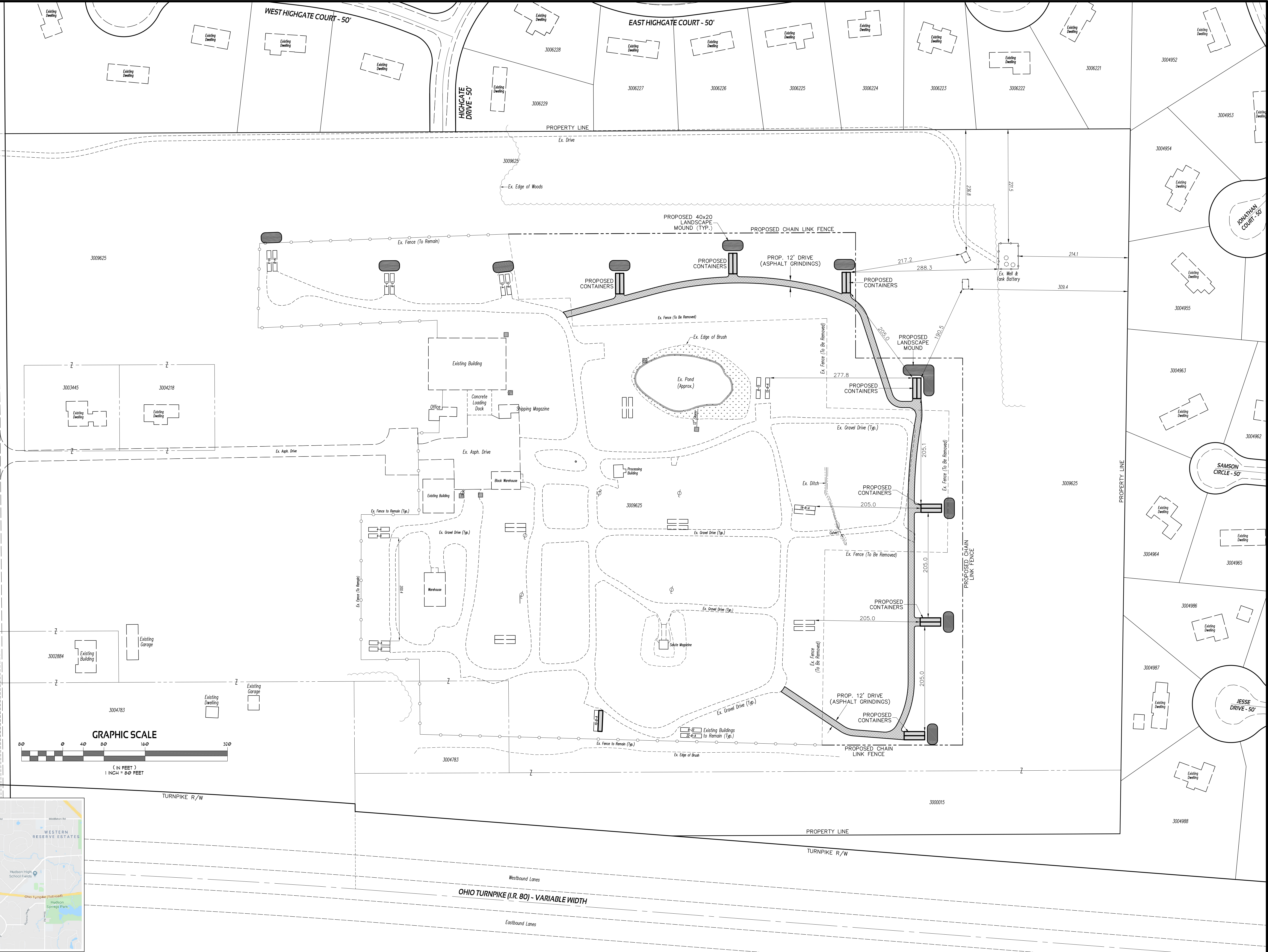
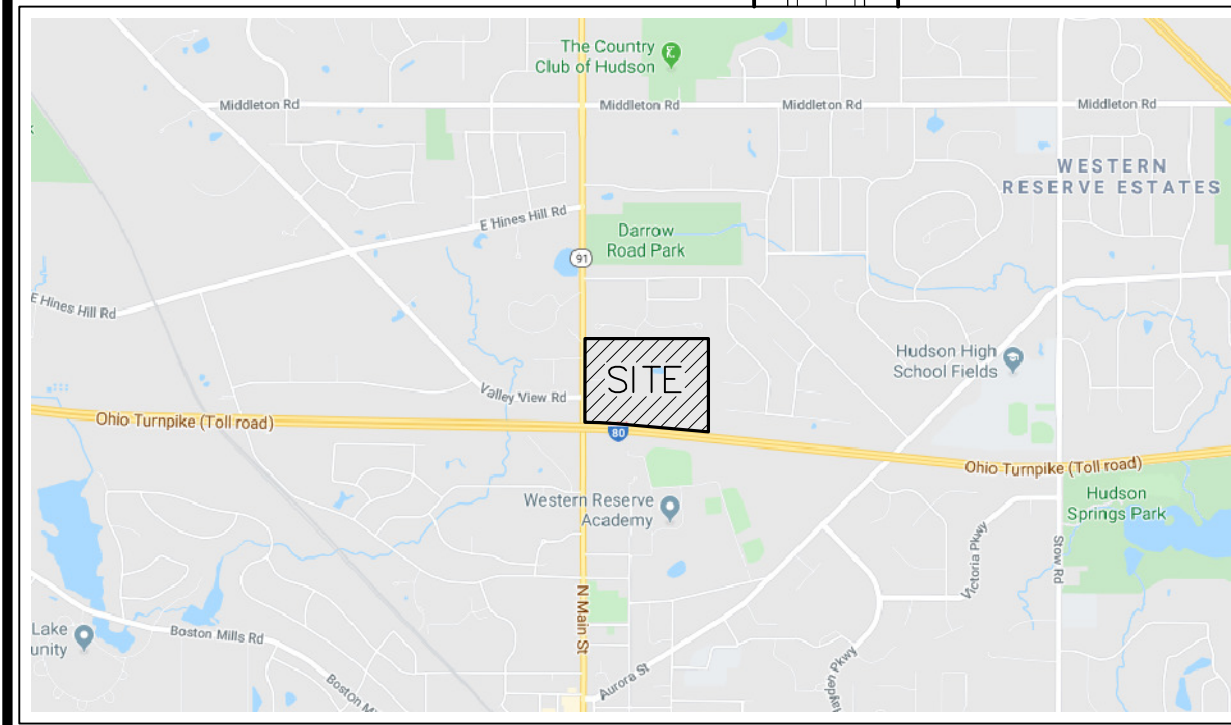
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VICINITY MAP - NO SCALE





# Case 2021-689

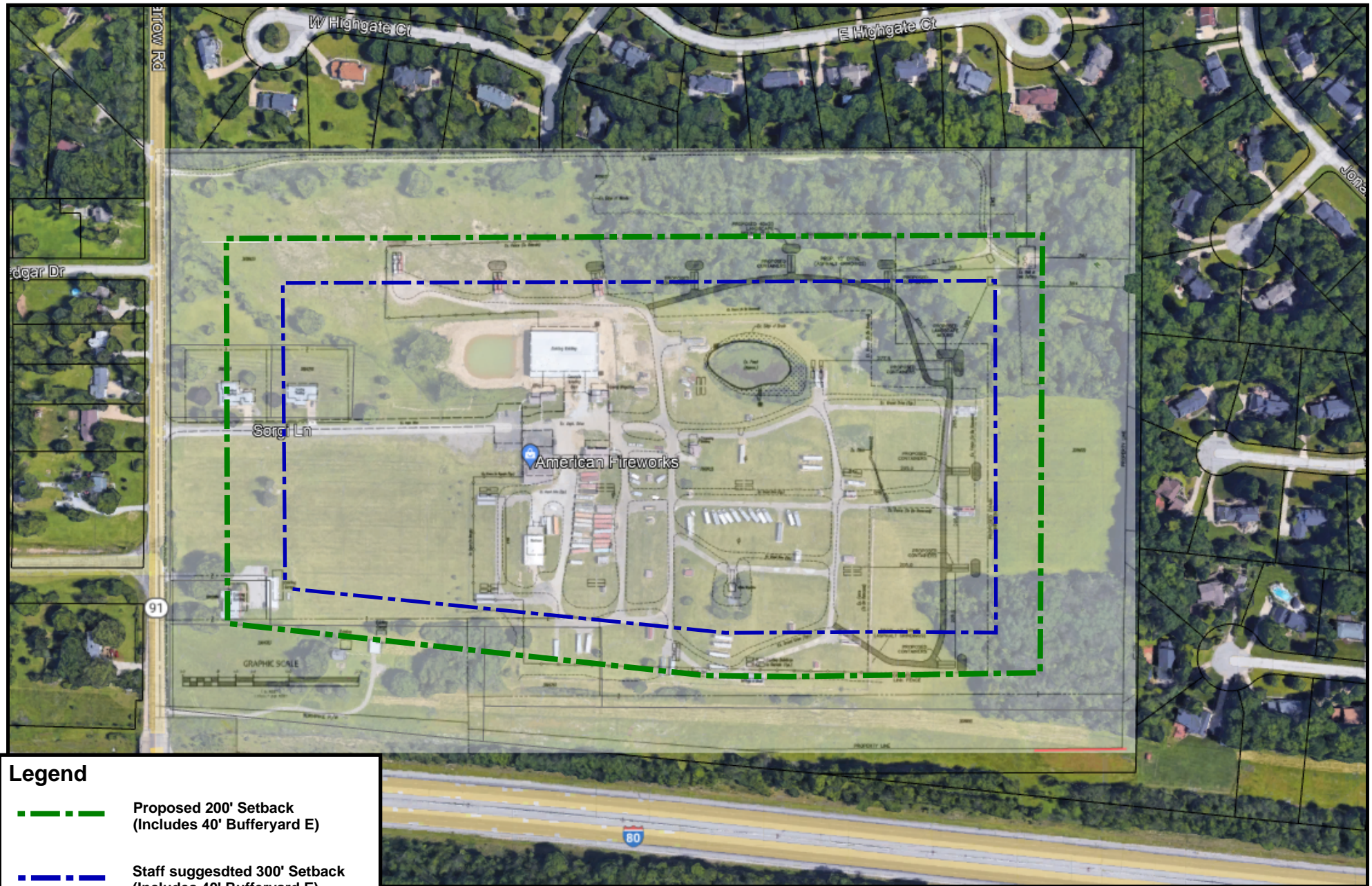
## Setback Exhibit Page 1





# Case 2021-689

## Setback Exhibit Page 2



## Ohio Facilities Regulation Summary Table

Company	Mailing Address	Jurisdiction	Notes
Phantom Fireworks	Holland (Lucas Cty)	Spencer Township	<ul style="list-style-type: none"> <li>○ Semi-rural area</li> <li>○ No storage containers observed</li> <li>○ Zoned Industrial</li> </ul>
Hamburg Fireworks	Lancaster (Fairfield Cty)	Bernie Township	<ul style="list-style-type: none"> <li>○ Rural area</li> <li>○ Storage containers observed</li> <li>○ Zoned General Business-Light Industrial</li> </ul>
None observed	Wilmington (Clinton Cty)	City of Wilmington	<ul style="list-style-type: none"> <li>○ Spoke with City on 9.3.21 – confirmed no fireworks facilities in city</li> </ul>
Miller Fireworks	Holland (Lucas Cty)	Springfield Township	<ul style="list-style-type: none"> <li>○ Semi-rural area</li> <li>○ Storage containers observed</li> <li>○ Zoned Heavy Industrial</li> </ul>
Springfield Fireworks	Bluffton (Hancock Cty)	City of Bluffton	<ul style="list-style-type: none"> <li>○ Commercial industrial area</li> <li>○ Storage containers observed</li> <li>○ Calls to verify zoning not returned</li> </ul>
Wholesale Fireworks	Hubbard (Trumbull Cty)	Hubbard Township	<ul style="list-style-type: none"> <li>○ Commercial/Industrial area</li> <li>○ No storage containers observed</li> <li>○ Unincorporated area</li> </ul>
American Promotional Events(TNT)	Dayton (Montgomery Cty)	Jefferson Township	<ul style="list-style-type: none"> <li>○ Rural area</li> <li>○ Storage containers observed</li> <li>○ Zoned Industrial</li> </ul>
LA Sparks (Ace Midwest)	Conneaut (Ashtabula Cty)	City of Conneaut	<ul style="list-style-type: none"> <li>○ Very rural area</li> <li>○ No storage containers observed</li> <li>○ Zoned Highway Service Business</li> </ul>
Pyrotechnics by Presutti	Bellaire (Belmont Cty)	Pultney Township	<ul style="list-style-type: none"> <li>○ Very rural area</li> <li>○ Storage containers observed</li> <li>○ Township does not have zoning</li> </ul>
Rozzi Company	Martinsville (Clinton Cty)	Washington Township	<ul style="list-style-type: none"> <li>○ Very rural area</li> <li>○ Storage containers observed</li> <li>○ Township does not have zoning</li> </ul>

## Agency Roles Summary Table

Agency	Primary Responsibility	Notes
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)	Administers licenses and permits related to the storage, sale, manufacturing, and importation of 1.3G (commercial grade display) fireworks.	<ul style="list-style-type: none"> <li>○ Typically inspect every 2-3 years. During inspections, ATF conducts a full inventory on property.</li> <li>○ Inspections are unannounced.</li> <li>○ ATF noted American Fireworks is in good standing.</li> </ul>
State Fire Marshal	Administers various licenses for storage, sale, and manufacturing of both 1.3G (commercial grade display) fireworks and 1.4G (retail grade consumer) fireworks. Ensures compliance with the Ohio Fire Code.	<ul style="list-style-type: none"> <li>○ Licenses are renewed each year, requiring inspections. Typically inspect at time of license renewal application and major holidays such as 4<sup>th</sup> of July and Memorial Day.</li> <li>○ State limits total number of licenses that can be distributed.</li> <li>○ State Fire Marshal noted American Fireworks is in good standing.</li> </ul>
Hudson Fire Department	Plans/prepares for emergency response. Reviews, inspects, and oversees fireworks displays	<ul style="list-style-type: none"> <li>○ The emergency response plan is called a “pre-plan”. This pre-plan is frequently updated to ensure the fire department has proper access, water supply, and understanding of current site layout.</li> <li>○ Fireworks displays are reviewed by Hudson Fire and Police. A site visit is performed before the display. An inspector is present through the duration of the show.</li> </ul>