



# City of Hudson, Ohio

## Staff Report

File Number: 23-154

Meeting Date: 3/19/2024

Version: 7

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

### **AN ORDINANCE AMENDING CHAPTERS 1205 “ZONING DISTRICTS-CITY OF HUDSON MAP” AND 1206 “USE REGULATIONS” OF THE LAND DEVELOPMENT CODE RELATIVE TO THE REGULATION OF VAPE SHOPS, PAWN SHOPS, TATTOO PARLORS, AND MARIJUANA FACILITIES.**

***Brief Description:*** Proposed Land Development Code text amendment relative to the regulation of Vape Shops, Pawn Shops, Tattoo Parlors, and Marijuana Facilities.

#### **Legislative History**

This topic was most recently discussed at the March 12, 2024 Workshop.

#### **Purpose & Explanation**

Please see the attached memorandum

Based on discussion at the March 12, 2024 workshop, staff understands Council preference to consider proceeding with the Planning Commission recommendation to limit the use Category to District 9. The attached draft ordinance file updated February 8, 2024 incorporates the Planning Commission recommendations.

#### **Timing Considerations**

None

#### **Fiscal Impact**

Currently Budgeted (Account #, \$)

Supplemental Appropriation Required (Account #, \$)

Appropriation Not Required.

#### **Suggested Action**

Staff recommends City Council conduct a third reading and proceed with action on the draft ordinance with the proposed recommendation from the Planning Commission.

#### **Submitted by,**

Thomas J. Sheridan, City Manager

Greg Hannan, Community Development Director

OHIO  
HUDSON

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

Date: September 14, 2023  
To: City Council  
From: Greg Hannan, Community Development Director  
CC: Thomas J. Sheridan, Asst City Manager, Nick Sugar, City Planner  
Re: LDC Text Amendment – Vape, Pawn, and Tattoo Shops

City staff has prepared the following Land Development Code draft text amendment in response to the City Council discussion regarding the establishment of regulations specific to Vape Shops and similar uses.

City staff completed research of several surrounding communities regarding vape shops:

Stow, Twinsburg, Solon, Westerville, Cuyahoga Falls

1. No reference in zoning code
2. Multiple stores present

Aurora, Hudson

1. No reference in zoning code
2. No stores operating

Strongsville

1. Regulated as conditional use
2. Multiple stores present
3. The Strongsville regulations group together the below uses with additional use specific criteria:

Pawn Shops, Paraphernalia Stores, Vape Shops, Vaporizer Stores, Tattoo Parlors, Hookah Lounges, Smoke Lounges and Vapor Lounges. In addition to complying with all other requirements of this Zoning Code, these uses shall comply with the following requirements and standards:

- A. No such use shall be established or operated within 500 feet of a school.
- B. No such use shall be established or operated within 500 feet of an existing use of the same specific type.
- C. No such use shall be operated or open for business between the hours of 12:00 midnight and 8:00 a.m.

Proposed Amendment:

Staff has prepared the following draft based on the framework established by the Strongsville Ohio Ordinance.

**District allowance:**

Establish as a use by right in District 7, and 9.

Comment: District 7 and 9 contain a mix of more intensive commercial/retail based uses as compared with District 5. If the amendment proposed to limit the use to a single district such could be challenged as too restrictive. The use has been proposed a by right (administrative) rather than conditional (Planning Commission) as the significant setbacks would be the primary regulations to address surrounding area concerns. The exterior design and functioning of such uses are not anticipated to need excess buffering or other compatibility considerations typical of a conditional use review.

**Definitions**

**Pawn Shop:** A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

**Tattoo Parlor:**

“Tattoo,” “tattooed” or “tattooing” refers to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

“Tattoo establishment” means the location wherein tattooing is performed.

**Vape and Smoke Shop:** A retail establishment that derives more than fifty percent (50%) of its gross revenue or more than 50% for its floor area from the sale of electronic cigarettes or similar devices, cigars, cigarettes, pipes, or other smoking devices for burning tobacco and related smoking accessories in which the sale of other products is merely incidental. The term Vape and Smoke Shop shall include hookah lounge, paraphernalia stores, vaporizer stores, smoke lounges and vapor lounges.

Chapter 1205 Zoning Districts – City of Hudson Zoning Map

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1205.10 District 7: Outer Village Commercial Corridor and Office Overlay Zone

(b) Uses by Right, except as limited by division (d) of this section.

(1) Commercial/retail Uses

...

**(K) Pawn Shops, Vape and Smoke Shops, and Tattoo Parlors provided that such use is located at least 500 feet from a school, a residentially zoned parcel, and another use of the same category.**

1205.12 District 9: Darrowville Commercial Corridor

(b) Uses by Right, except as limited by division (d) of this section.

(2) Commercial/retail Uses

...

...

**(L) Pawn Shops, Vape and Smoke Shops, and Tattoo Parlors provide that such use is located at least 500 feet from a school, a residentially zoned parcel, and another use of the same category.**

1213 Definitions

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### PUBLIC HEARING NOTICE

Pursuant to the provisions of Chapter 1202.01 and 1203.13 of the City of Hudson Land Development Code of the City of Hudson, Ohio, the Council of the City of Hudson will conduct a public hearing at 7:30 p.m. on **Tuesday, February 6, 2024**, in the Meeting Room (second floor) of the Town Hall, 27 East Main Street, Hudson, Ohio, on Ordinance No. 23-154 entitled “AN ORDINANCE AMENDING CHAPTERS 1205 “ZONING DISTRICTS-CITY OF HUDSON MAP” AND 1206 “USE REGULATIONS” OF THE LAND DEVELOPMENT CODE RELATIVE TO THE REGULATION OF VAPE SHOPS, PAWN SHOPS, TATTOO PARLORS, AND MARIJUANA DISPENSARIES.”

A copy of the proposed Ordinance No. 23-154 and the Planning Commission’s recommendation are on file in the office of the Clerk of Council, 1140 Terex Road, Hudson, Ohio, and are available for public inspection on the Public Hearings page of the City’s website or by emailing a request to [clerkofcouncil@hudson.oh.us](mailto:clerkofcouncil@hudson.oh.us).

By: **Aparna Wheeler**  
Clerk of Council  
HHT 1-7-24 & 1-14-24



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## PLANNING COMMISSION

### CASE NO. 2023-1087

CITY OF HUDSON LAND DEVELOPMENT CODE TEXT AMENDMENT TO CHAPTERS 1205 “ZONING DISTRICTS-CITY OF HUDSON MAP” AND 1206 “USE REGULATIONS” OF THE LAND DEVELOPMENT CODE RELATIVE TO THE REGULATION OF VAPE SHOPS, PAWN SHOPS, TATTOO PARLORS, AND MARIJUANA DISPENSARIES.”

### RECOMMENDATION

Based on the evidence and representations to the Commission by City staff at a public hearing of the Planning Commission held at the regular meeting of December 11, 2023 the Planning Commission finds the proposed text amendment to be in substantial compliance with the appropriate review standards of Section 1204.01 and recommends approval of the amendment with the following recommendations to City Council:

1. Amend the use tables in Section 1206.01 to incorporate the proposed category.
2. Relocate the setback criteria from the 1205 use text to a special condition No. 34 within Section 1206.
3. Revise Whereas Clause #4 to state “the city has a legitimate, substantial, and compelling interest in encouraging economic investment in the community, while protecting the general health, safety, and welfare of the community”.
4. Revise Whereas #7 to state “community” instead of “citizens”.
5. Review the proposed definition of marijuana dispensaries and confirm the proper Ohio Revised Code reference (Chapters 3780, 3796) is incorporated for recreational marijuana as the proposed citation may refer to medical marijuana.
6. Limit the allowable zoning district allowance to District 9.
7. Revise the amendment to add “Hookah Lounge” to the list to described and permitted uses.
8. Revise the definition of Vape and Smoke Shop to “retail establishments that drive more than 25% of its gross revenue or 25% of its floor area” rather than the proposed 50%.
9. Revise the definition of “Tattoo” to reference method of placing *permanent* designs.
10. Resolve the Land Development Code conflict between the proposed amendment and the existing regulations applicable to Medical Marijuana facilities in Section 1206.

Dated: December 18, 2023

CITY OF HUDSON  
PLANNING COMMISSION

*Ron Stolle*

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Ron Stolle, Chair



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

Date: March 5, 2024  
To: City Council  
From: Greg Hannan, Community Development Director  
CC: Thomas J. Sheridan, City Manager  
Re: LDC Amendment – Vape, Tattoo, Pawn, and Marijuana Facilities

The initial draft LDC Amendment proposed permitting the category of uses within D7 and D9 as a conditional use along with setback requirements. The recommendation submitted by the Planning Commission was to limit the use to District 9. On February 13, 2024, Council discussed the appropriateness of D9 vs consideration of D10 as suggested within public comment. After discussion regarding the semi-rural nature of D10 and the limited existing commercial uses, Council discussed the appropriateness of D8 and requested review by staff.

The proposed use category could be considered for District 8 Industrial Business Park. With District 8, commercial/retail uses are presently subject to restrictions which narrow such uses to be limited in scale and to be part of multi-tenant development rather than stand alone facilities (Page 3 below under Special Conditions). These existing restrictions would be applicable to the proposed use category. The proposed amendment additionally has the category specific setback requirements of 500 feet to any residential zoned parcel, to any school, and to another use of the same category. As a final item for consideration, staff recommends the 500ft setback to a residentially zoned parcel be changed to acknowledge the setback is applicable to residentially zoned or used parcels.

Section 9.02 of the Charter (Planning Commission – Powers and Duties) states:

Four (4) votes by Council shall be required to return a recommendation to the Planning Commission for further consideration, and this may be done only once.

Staff recommends City Council proceed with a vote consideration on March 19, 2024 to send the proposed amendment back to the Planning Commission for conducting a public hearing and providing recommendation regarding consideration of District 8.

## **Text Amendment Consideration for District 8**

### 1205.11 DISTRICT 8: INDUSTRIAL/BUSINESS PARK.

#### (a) Purpose.

(1) District 8 contains the bulk of prime, potential commercial development areas in the City of Hudson, and is intended to provide sites to accommodate the majority of future job growth in the community. The district enjoys good access to both rail and key arterial highways, and will be the focus of several significant interchange improvements. Accordingly, permitted uses encourage the development of large-scale office, industrial, and business parks. Only clean manufacturing and other industrial uses are permitted; industries that produce significant quantities of hazardous substances are specifically prohibited.

(2) Only to the extent necessary to serve employers and employees in the district or only as an accessory use to a principal office or industrial use, retail and services are permitted. The district also contains significant sensitive environmental areas, in particular wetlands, floodplains, and waterways. The district regulations thus require all new development to be sited in consideration of such environmental areas and, to the maximum extent feasible, to leave such areas as natural, open spaces. District 8: Hike Bike (HB) Senior Housing Overlay Zone begins at division (f) of this section.

(c) Conditional Uses. The following uses shall be conditionally permitted in District 8 subject to meeting all applicable requirements set forth in this section and Section 1206.02, Conditional Uses.

#### (1) Residential uses.

A. Assisted living.

#### (2) Commercial/retail uses.

A. Automobile repair and services, but not including automobile wrecking or salvage, provided any accessory retail sales use shall not exceed 2,500 square feet in gross floor area.

B. Commercial nurseries.

C. 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.

D. Day care centers, child or adult.

E. Lodging.

F. Recreational or sports training facilities, commercial.

G. Vehicle and equipment rentals.

H. Vehicle repair/services.

I. Wireless telecommunication facilities, including towers as regulated by the requirements of Section 1207.15.

#### **(J) Pawn Shops, Vape and Smoke Shops, Tattoo Parlors, Hookah Lounges, and Recreational Marijuana Facilities .**

#### (3) Industrial uses.

#### (4) Institutional/civic/public uses.

#### (5) Accessory uses.



(d) Special Conditions.

(1) Commercial and retail uses permitted by right or conditionally and that reference this division whether the use is one or more than one business establishment, shall be permitted in Districts 6 and 8 only if one of the following conditions is met:

A. The commercial or retail activity is part of a planned development and the total commercial or retail use does not exceed 10,000 gross square feet in any one building and the total commercial and/or retail uses does not exceed 40,000 gross square feet within any planned development; or

B. The total commercial or retail uses does not exceed the lesser of 10,000 gross square feet or twenty-five percent of the gross floor area of any one building used or designed for office or industrial uses and does not exceed 40,000 gross square feet of the existing combined building gross floor area on the same parcel; or

C. Commercial or retail uses may occupy a building separate from an office or industrially-used building, provided there exists at least 30,000 gross square feet of building space used or designed for office or industrial use on the same parcel. The total commercial or retail uses shall not exceed twenty-five percent of the gross floor area of the total building gross floor area on the parcel, and shall not exceed a total of 40,000 gross square feet on the same parcel.

**1206.01 TABLE OF PERMITTED AND CONDITIONAL USES BY ZONE DISTRICT.**

<i>P = Permitted By Right C = Conditional</i>											
<i>*Size or Other Limits Apply—See Zone District Regulations, Chapter 1205</i>											
<b><u>Zoning Districts</u></b>											
<b><u>Commercial</u></b>											
<b><u>Use Type</u></b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>3</u></b>	<b><u>4</u></b>	<b><u>5</u></b>	<b><u>6</u></b>	<b><u>7</u></b>	<b><u>8</u></b>	<b><u>9</u></b>	<b><u>10</u></b>	<b><u>Special Conditions</u></b>
<b><u>Pawn Shops, Vape and Smoke Shops, Tattoo Parlors, Hookah Lounges, and Marijuana Facilities</u></b>								<b><u>C</u></b>			<b><u>34</u></b>

**1206.02 CONDITIONAL USE STANDARDS**

**(c)(34) Special conditions for Pawn Shops, Vape and Smoke Shops, Tattoo Parlors, Hookah Lounges, and Recreational Marijuana Facilities**

**A. The use or building housing such use shall be located a minimum of 500 feet from the lot line of any residentially zoned OR used parcel.**

**B. The use or building housing such use shall be located a minimum of 500 feet from the lot line of any school.**

**C. The use or building housing such use shall be located a minimum of 500 feet from the lot line of another use of the same category.**

**AN ORDINANCE AMENDING CHAPTERS 1205 “ZONING DISTRICTS-CITY OF HUDSON MAP” AND 1206 “USE REGULATIONS” OF THE LAND DEVELOPMENT CODE RELATIVE TO THE REGULATION OF VAPE SHOPS, PAWN SHOPS, TATTOO PARLORS, AND MARIJUANA FACILITIES.**

WHEREAS, the bulk of the City’s current Land Development Code was adopted in 1999 and has now been codified in Part Twelve of the City’s Codified Ordinances as the “Planning and Zoning Code”; and

WHEREAS, City Council adopted the 2015 Comprehensive Plan on January 19, 2016; and

WHEREAS, the City Administration routinely reviews the Land Development Code standards to address language in need of clarification, respond to development trends, and consider amendments based on feedback from City Council and residents;

WHEREAS, the City has a legitimate, substantial and compelling interest in encouraging economic investment in the community while protecting ~~residents from criminal activity and health risks~~ the general health, safety, and welfare of the community; and

WHEREAS, Council believes that the operation of Pawn Shops, Vape and Smoke Shops, Marijuana ~~Dispensaries~~ Facilities and Tattoo Parlors may have inappropriate impacts on children, surrounding neighborhoods and adjacent retail space; and

WHEREAS, the location of these business uses near places frequented by children, such as schools, creates unnecessary exposure; and

WHEREAS, Council finds that it is in the best interests of the health, safety, and welfare of the ~~citizens~~ community to regulate these business uses so as to protect children and neighborhoods, maintain property values and generally preserve and protect the quality of residential and business neighborhoods in the City of Hudson.

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

Section 1. Codified Ordinance Chapters 1205 “Zoning Districts - City of Hudson Zoning Map” AND 1206 “Use Regulations,” of the Land Development Code, be amended in part to provide as follows:

Chapter 1205

Zoning Districts – City of Hudson Zoning Map

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~~1205.10 District 7: Outer Village Commercial Corridor and Office Overlay Zone~~

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~~(C) Conditional uses, except as limited by division (d) of this section. The following uses shall be conditionally permitted in District 7 subject to meeting all applicable requirements set forth in this section and Section 1206.02, Conditional Uses.~~

~~(1) Commercial/retail uses No use shall exceed a gross floor area of 10,000 square feet except as allowed by division (c)(1)L. of this section.~~

~~\*\*\*~~

~~**(M) Pawn Shops, Vape and Smoke Shops, Tattoo Parlors, and Marijuana Dispensaries provided that such use is located at least 500 feet from a school, a residentially zoned parcel, and another use of the same category.**~~

1205.12 District 9: Darrowville Commercial Corridor

(c) Conditional Uses. The following uses shall be conditionally permitted in District 9 subject to meeting all applicable requirements set forth in division (d) of this section, including the restrictions of division (d)(5)C., Maximum Floor Area to Lot Area Ratio, Maximum Building Footprint, and Section 1206.02, Conditional Uses

(1) Commercial/retail

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**(N) Pawn Shops, Vape and Smoke Shops, Tattoo Parlors, Hookah Lounges, and Recreational Marijuana Facilities Dispensaries provided that such use is located at least 500 feet from a school, a residentially zoned parcel, and another use of the same category.**

1206.01 TABLE OF PERMITTED AND CONDITIONAL USES BY ZONE DISTRICT.

<i>P = Permitted By Right C = Conditional</i>											
<i>*Size or Other Limits Apply--See Zone District Regulations, Chapter 1205</i>											
Zoning Districts											
Commercial											
Use Type	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	Special Conditions
<u>Pawn Shops, Vape and Smoke Shops, Tattoo Parlors, Hookah Lounges,</u>									<u>C</u>		<u>34</u>

and Marijuana FacilitiesDispensaries																				

1206.02 CONDITIONAL USE STANDARDS

(c)(34) Special conditions for Pawn Shops, Vape and Smoke Shops, Tattoo Parlors, Hookah Lounges, and Recreational Marijuana DispensariesFacilities

A. The use or building housing such use shall be located a minimum of 500 feet from the lot line of any residentially zoned parcel.

B. The use or building housing such use shall be located a minimum of 500 feet from the lot line of any school.

C. The use or building housing such use shall be located a minimum of 500 feet from the lot line of another use of the same category.

1213 Definitions

**Recreational Marijuana FacilitiesDispensaries: An establishment engaged in the cultivation, processing, dispensing, or sale of marijuana, cannabis, or related products as defined in O.R.C. Chapter 3780.**

**Pawn Shop: A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.**

**“Tattoo,” “tattooed” or “tattooing” refers to any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.**

**“Tattoo Parlor” means an establishment wherein tattooing is performed.**

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Section 2. Codified Ordinance Chapters 1201, “General Provisions,” 1205 “Zoning Districts - City of Hudson Zoning Map,” 1206, “Use Regulations,” 1207 “Zoning Development and Site Plan Standards,” 1213 “Definitions,” and Appendix D, “Architectural Design Standards,” of the Land Development Code, to the extent not amended by this Ordinance shall remain in full force and effect.

Section 3. All formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public,


or otherwise in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 9, 2024

  
\_\_\_\_\_  
Jeffery L. Anzevino, Mayor

ATTEST:

  
\_\_\_\_\_  
Aparna Wheeler, Clerk of Council

I certify that the foregoing Ordinance No. 23-154 was duly passed by the Council of said Municipality on April 9, 2024.

  
\_\_\_\_\_  
Aparna Wheeler, Clerk of Council

First Reading & Referral to Planning Commission: November 21, 2023  
Public Hearing: February 6, 2024  
Second Reading: February 6, 2024  
Third Reading: March 19, 2024