

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

~~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 (e)(1)L. of this section.~~

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~~**(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

(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>											
<u>Zoning Districts</u>											
<u>Commercial</u>											
<u>Use Type</u>	<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>	<u>Special Conditions</u>
<u>Pawn Shops, Vape and Smoke Shops, Tattoo Parlors, Hookah Lounges,</u>									<u>C</u>		<u>34</u>

<u>and Marijuana Facilities</u> <u>Dispensaries</u>											

1206.02 CONDITIONAL USE STANDARDS

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

Vape and Smoke Shop: A retail establishment that derives more than ~~fifty-twenty five~~ percent (2550%) of its gross revenue or more than 2550% 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

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:

Jeffery L. Anzevino, Mayor

ATTEST:

Aparna Wheeler, Clerk of Council

I certify that the foregoing Ordinance No. 23-__ was duly passed by the Council of said Municipality on _____, 2023.

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: