

ORDINANCE NO. 2019-9

AN ORDINANCE AMENDING SECTION 1121.04, "DEFINITIONS," SECTION 1125.03, "B-3 GENERAL DISTRICT," SUBSECTION (f), "INDUSTRIAL DEVELOPMENTS," OF SECTION 1126.05, "PLANNED DEVELOPMENT PROJECTS," SECTION 1126.09, "UNIVERSITY PARK PLANNED INDUSTRIAL DEVELOPMENT PROJECT OVERLAY ZONE", AND ENACTING NEW 1126.17, "REGULATIONS FOR INDUSTRIAL GREENHOUSES," OF THE PLANNING AND ZONING CODE WITHIN THE CODIFIED ORDINANCES OF THE CITY OF HURON TO REGULATE INDUSTRIAL GREENHOUSES, AND DECLARING AN EMERGENCY

WHEREAS, through an annexation, an industrial greenhouse currently exists in the City of Huron and the Planning and Zoning Code does not have specific regulations for this type of use; and

WHEREAS, City Council recognizes the benefits to the City of permitting industrial greenhouses in certain zoning districts, but also recognizes that this type of use can have negative secondary effects on surrounding properties including, interior lighting emissions from the use of grow lights; and

WHEREAS, in recognition of the foregoing and in the interest of enacting reasonable and effective zoning regulations applicable to industrial greenhouses, the City hired a lighting consultant who performed a site visit of the existing industrial greenhouse, took lighting measurements of existing conditions, and based on industry standards prepared reasonable standards to include in the Planning and Zoning Code to regulate interior lighting emissions at industrial greenhouses in the City; and

WHEREAS, the City also hired a zoning lawyer to assist in drafting zoning regulations to establish the industrial greenhouse use as a planned development in the B-3, General Business District, and to establish site plan review procedures for this use; and

WHEREAS, pursuant to Section 1139.03 of the Codified Ordinances, the City Planning Commission reviewed the proposed amendments to the Planning and Zoning Code set forth in this Ordinance and recommended that Council approve the proposed amendments; and

WHEREAS, pursuant to Section 1139.03 of the Codified Ordinances, City Council has duly advertised and held a public hearing on this matter; and

WHEREAS, Huron City Council finds and concludes that the amendments to the Planning and Zoning Code set forth in this Ordinance promote the public necessity, convenience and general welfare, and further constitute good zoning practice.

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF HURON, OHIO:

Section 1. That Section 1121.04, "Definitions," of the Planning and Zoning Code within the Codified Ordinances of the City of Huron, Ohio is hereby amended as follows:

"1121.04 DEFINITIONS.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Zoning Ordinance. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; "building" includes "structure"; "used" includes "arranged, designed, constructed, altered, converted, rented, leased" or "intended to be used." "May" is permissive; "shall" is mandatory.

(36.1) **"Greenhouse" means any glass building or building constructed of similar transparent or translucent material in which plants are grown.**

(36.2) **"Greenhouse, commercial" means any greenhouse used for commercial purposes, the area of which comprises less than 20 acres of growing area.**

(36.3) **"Greenhouse, industrial" means any greenhouse used for commercial or industrial purposes, the area of which comprises 20 acres or more of growing area.**

(36.4) **"Guest room" means a room intended or designed or arranged to be occupied, or which is occupied, by one or more guests, but in which no provision is made for cooking and not including dormitories for sleeping purposes.**

Section 2. That Section 1121.04, "Definitions," of the Planning and Zoning Code within the Codified Ordinances of the City of Huron, Ohio as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 3. That Section 1125.03, "B-3 General District," of the Planning and Zoning Code within the Codified Ordinances of the City of Huron, Ohio be amended to read as follows:

"1125.03 B-3 GENERAL DISTRICT.

(a) **Principal Permitted Uses.** Any use permitted and as regulated in the B-2 District, plus those hereinafter specified in this section:

(2) Any wholesale business, storage and warehousing; commercial greenhouses, **but excluding industrial greenhouses except in the Planned Industrial Development Project Overlay Zone.**

Section 4. That Section 1125.03, "B-3 General District," of the Planning and Zoning Code within the Codified Ordinances of the City of Huron, Ohio, as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 5. That subsection (f), “Industrial Developments,” of Section 1126.05, “Planned Development Projects,” of the Planning and Zoning Code within the Codified Ordinances of the City of Huron, Ohio is hereby amended to read as follows:

“1126.05 PLANNED DEVELOPMENT PROJECTS.

(f) **Industrial Developments.** If the proposed development is to be an industrial planned development project, the Planning Commission shall be guided by the following requirements and standards:

- (1) The site shall be located in an overlay zone as specified in Section 1126.09 or Section 1126.10 and shall meet the requirements specified therein.
 - A. The ~~University Park~~ Planned Industrial Development Project Overlay Zone shall be referred to hereinafter as the Class A Planned Industrial Development Project District.
 - B. The River Park Planned Industrial Development Project Overlay Zone shall be referred to hereinafter as the Class B Planned Industrial Development Project District.
- (2) Permitted uses in a Class A District include:
 - A. Research. Research offices and laboratories, including testing, provided such testing complies with the performance standards established in Section 1126.06.
 - B. Offices. Corporate headquarters, regional headquarters and administrative offices with twenty-five or more employees. Local service offices, such as real estate sales, insurance agencies, doctor’s offices or other offices typically found in commercial districts may be included only in a structure or integrated complex of at least 50,000 square feet of developed gross floor area.
 - C. Manufacturing. Industries that manufacture medical equipment and/or supplies, communications equipment, electronic components or measuring, analyzing and controlling instruments; any use listed as a permitted use in the I-1 Zone.
 - D. **Industrial Greenhouse Facilities. Industrial Greenhouse Facilities shall meet the following requirements:**
 - (i) **Site Plan Review, which shall include:**
 - (a) **Design review and approval, including building placement, footprint(s) and elevations, parking, site ingress and egress, maintenance, fire prevention and safety plans and landscaping.**
 - (b) **Electrical requirements review, including review and approval of all electrical requirements for the facility at various hours of the day (such as daytime requirements vs. nighttime requirements).**
 - (c) **Lighting plan review, which shall include a comprehensive review of the applicant’s proposal for any proposed light emissions of the**

Industrial Greenhouse Facility in excess of ten percent (10%) of the maximum unshaded light emitted by the facility, which is intended to occur at the facility after dusk.

1. The applicant shall be permitted to emit no more than ten percent (10%) of the maximum unshaded light emitted by the facility, under circumstances where the facility requires nighttime ventilation, provided however, that when emissions exceed 10%, the Facility management shall provide notice to the City Manager and follow the procedures set forth in the approved contingency plan.

(d) Proposed contingency plan for how Facility management will handle any necessary or emergency violation of nighttime lumen maximums established by Planning Commission, including notice to City Manager, maximum duration of emergency before automatic penalties will be imposed and other relevant factors.

(e) Agreement by Facility owner and management and successors to be bound by penalty provisions of Site Plan Permit, which penalties will be automatically imposed for a violation of the Facility's lighting plan, as submitted and approved pursuant to the Site Plan Review process.

(f) Refusal by Facility owner and management to agree to be bound by the penalty provisions of the Site Plan Permit shall be grounds for rejecting the Site Plan and refusing to grant the Site Plan Permit. Refusal of a successor management to be bound by the provisions of the Site Plan Permit shall be grounds for immediate revocation of the Site Plan Permit.

(g) Review to ensure compliance with Section 1126.17, "Regulations for Industrial Greenhouses."

DE. Other uses. Conference facilities; recreational and cultural facilities limited to health clubs, tennis courts and other such facilities primarily of service to employees of the project; cafeterias primarily oriented toward serving project employees; common open space and outdoor recreational facilities; accessory uses including, but not limited to, facilities for administration,

maintenance and fire prevention and safety; accessory warehouse or storage structures developed to serve a primary use on the same site, provided that the floor area of such limited use constitutes no more than twenty-five percent (25%) of the developed floor area of the primary use.

- (3) Permitted uses in a Class B District include: All uses permitted in a Class A District, plus all uses that are principal permitted uses in the I-2 District, plus planned mobile home parks, but excluding poultry slaughterhouses, meat packing, storage of junk and rags, auto or truck storage or repair, and veterinary clinics and kennels.
- (4) Site development standards.
- A. In a Class A District, there shall be set aside for common open space not less than two acres of land for every ten acres of land devoted to office, research, industry, business or commercial use.
 - B. In a Class B District, there shall be set aside for common open space not less than one acre of land for every ten acres of land devoted to office, research, warehouse, industry, business or commercial use.
 - C. Such common open spaces shall be designed by a registered landscape architect and maintained in a professional manner. These spaces shall be designed and located as to fulfill the Policies Plan with regard to public and private non-farm open space and street parkways as indicated on the long-range plan map of the Policies Plan.
 - D. In a Class A District, such common open spaces shall be provided with paved six-foot wide pedestrian/jogging/bicycle paths throughout the project area and connecting with surrounding properties and public land.
 - E. Wet runoff retention basins shall be provided in common areas, landscaped as an integral part of the design and provided with aerating fountain jets to reduce stagnation, to retain surface and meter it into the existing drainage network at no greater velocity and volume than that generated prior to development.
 - F. In the Class A District, all permanent utility lines, pipes and conduits shall be located below ground, and all other utility installations and appurtenances shall be adequately screened.
 - G. The landscaping and off-street parking requirements of Sections 1126.13 and 1126.01 shall be met in each project.
 - H. Design review approval by the Planning Commission of an overall development plan for the site area, including circulation, parking, landscaping and proposed building elevations shall be required prior to the approval of any partition or subdivision of the site area.
 - I. Except at railroads or where a building site directly abuts a required public or private non-farm open space as designated on the long-range plan map of the Policies Plan, each perimeter building site, where it abuts land beyond this District or a public

road, shall provide an on-site landscaped setback of no less than fifty feet.

- J. Each development site in the District shall have no less than 100-foot frontage on a public street.
- K. No less than twenty-five percent (25%) of the total site area of each development site shall be used for landscaping, designed by a registered landscape architect and maintained by a professional landscape maintenance corporation. Undeveloped portions of a site shall be seeded, mowed and maintained as lawn area.
- L. All exterior building walls and structures shall be constructed with attractive and durable materials, such as textured concrete, masonry, stone, brick, finished wood, stucco or glass. In the Class A District, no metal-paneled or pole structures shall be permitted.

M. For Industrial Greenhouse Facilities only: As part of the Industrial Greenhouse Facility Site Plan review and approval process provided for in this Section, the Planning Commission shall include in the Site Plan approval the penalties set forth below which shall be automatically imposed on the Facility in the event that the Facility violates the approved maximum nighttime light emissions provided for in this section and the Facility's permit.

(i) No automatic penalty shall be imposed if the Facility owner or management establishes that it is in compliance with the lighting emergency contingency plan approved as part of the approved site plan, or if otherwise deferred by the City Manager, for good cause shown.

(ii) The automatic penalty shall be set forth in the Site Plan as approved pursuant to this Section, and shall include the following:

(1) Facility owner or management shall shut off all interior grow lighting until the violations are corrected to the satisfaction of the City Manager or designee.

(2) If Facility owner or management fail to comply as set forth in (1), the City Manager or designee shall suspend or revoke the zoning permit and shut down the Facility until the violations are corrected to the satisfaction of the City Manager or designee.

(3) In addition to the foregoing, the Facility shall pay a civil penalty of \$1,000 per day for each day a violation exists until corrected.

* * *

Section 6. That subsection (f), “Industrial Developments,” of Section 1126.05, “Planned Development Projects,” of the Planning and Zoning Code within the Codified Ordinances of the City of Huron, Ohio as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 7. That Section 1126.09, “University Park Planned Industrial Development Project Overlay Zone,” of the Planning and Zoning Code within the Codified Ordinances of the City of Huron, Ohio is hereby amended as follows:

“1126.09 ~~UNIVERSITY PARK~~ PLANNED INDUSTRIAL DEVELOPMENT PROJECT OVERLAY ZONE.

Upon submission of a petition signed by the owners of eighty percent (80%) or more of the property located within the area designated as “IND” on the long-range plan map of the Policies Plan that is located south of the current railroad tracks, north of Bogart Road and east of Rye Beach Road, including the half-width of contiguous areas designated for new streets or public and private non-farm open area, and upon submission of an approved plan of development for that entire area that is consistent with the Policies Plan and meets the requirements of a “Class A” Planned Industrial Development Project as specified in this Zoning Ordinance, such area shall be rezoned as a “Class A” Industrial Planned Development Project.”

Section 8. That Section 1126.09, “University Park Planned Industrial Development Project Overlay Zone,” of the Planning and Zoning Code within the Codified Ordinances of the City of Huron, Ohio as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 9. That new Section 1126.17, “Regulations for Industrial Greenhouses,” of the Planning and Zoning Code within the Codified Ordinances of the City of Huron, Ohio is hereby enacted and shall read in its entirety as follows:

“1126.17 REGULATIONS FOR INDUSTRIAL GREENHOUSES.

(a) Purpose. To establish limitations on industrial greenhouses within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of industrial greenhouses within the City including, but not limited to, interior light emissions, all in order to promote the health, safety, and welfare of the citizens of the City.

(b) Definitions.

- (1) “Fully Shaded Luminaire” means a luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire’s lowest light-emitting part.
- (2) “Glare” means lighting entering the eye directly from luminaires or indirectly from reflective surfaces that cause visual discomfort or reduced visibility.
- (3) “Lamp” means a generic term for a source of optical radiation (i.e., “light”), often called a “bulb” or “tube.” Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

- (4) "Light Pollution" means any adverse effect of artificial light including, but not limited to, glare, light trespass, sky-glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.
- (5) "Light Trespass" means light that falls beyond the property it is intended to illuminate.
- (6) "Lighting" means "electric" or "man-made" or "artificial" lighting. See "Lighting Equipment."
- (7) "Lighting Equipment" means equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(es), and related structures, electrical wiring, and other necessary or auxiliary components.
- (8) "Lumen" means the unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt," a measure of power consumption).
- (9) "Luminaire" means the complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.
- (10) "Mounting Height" means the height of the photometric center of a luminaire above grade level.
- (11) "New Lighting" means lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.
- (12) "Owner" means any person, corporation, or firm that owns or operates an industrial greenhouse, including any agents or representatives of the owner.
- (13) "Replacement Lighting" means lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.
- (14) "Sky Glow" means the brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky Glow is caused by light directed or reflected upward or sideways and reduces one's ability to view the night sky.

(c) Interior Lighting.

- (1) This section shall apply to all interior artificial lighting installed within industrial greenhouses for the purpose of extending the growing day and commercial atrium spaces which enhance the human experience and wellbeing within the City of Huron.
- (2) As used in this section, unless the context clearly indicates otherwise.
 - A. Interior Lighting applications includes any indoor lighting device, fixture (luminaire), lamp, or similar device, permanently installed or portable, which is intended to provide illumination for either plant growth, visibility or decorative effects. Such device shall include, but not be limited to, wall, ceiling, suspended or cove for:
 - (i) Controlled Growth Environment
 - (ii) Circulation
 - (iii) Kiosks

- (iv) Gathering Areas, Food Courts
- (v) Special Events

- (3) The provisions in this section are based on several documents. They include the Illuminating Engineering Societies Recommended Practices, International Dark Sky research, the new Well Being Standard and research from the agricultural industry.
- (4) The use of interior lighting is necessary for enhanced plant growth, nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principal among these concerns is:
 - A. The degradation of nighttime visual environment by production of unsightly and dangerous glare;
 - B. Lighting practices the produce excessive glare and brightness that interferes with the health and safety of the City of Huron and visitors;
 - C. Unnecessary waste of energy and resources in the production of too much light or wasted light;
 - D. Interference in the use or enjoyment of property that is not intended to be illuminated at night by light trespass, and the loss of the scenic view of the night sky due to increased urban sky-glow; and
 - E. The impact of inappropriately designed interior lighting that disrupts nocturnal animal behavior.
- (5) It is therefore the intent of this section to encourage lighting practices and systems which will:
 - A. Minimize light pollution, glare and light trespass;
 - B. Conserve energy and resources while maintaining night time safety, utility, security, and productivity; and
 - C. Curtail the degradation of the night time visual environment.

(d) Conformance with Applicable Codes. All interior lighting applications shall be installed in conformance with the provisions of this section and the applicable Electrical, Energy and Building Codes currently in effect in the City of Huron under appropriate permit and inspection.

(e) Applicability.

- (1) Existing Buildings and Uses. Any new interior lighting applications installed in industrial greenhouses or atria shall meet the requirements of this section with regard to shielding.
- (2) New Uses, and Major Additions or Modifications.
 - A. The requirements of this section apply to any and all new or major additions to land uses, developments, buildings, or structures.
 - B. If a major addition occurs on a property, the entire property shall comply with the requirements of this section. For purposes of this section, the following are considered to be major additions:
 - (i) Additions of 25 percent or more in terms of additional gross floor area, either with a single addition or with

cumulative additions subsequent to the effective date of this section; or

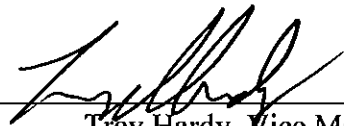
- (ii) Single or cumulative modification or replacement of interior legally installed lighting applications.
 - (3) Minor Additions or Modifications. Additions or modifications of less than 25 percent in terms of gross floor area shall require the submission of a complete inventory and site plan detailing all existing and any proposed new or modified interior lighting. Any new or modified interior lighting on the site shall meet the requirements of this section with regard to shielding.
 - (4) Change of Use. Except as provided in the City of Huron Building Codes (Nonconforming Interior Lighting), whenever the use of any existing building, structure or premise is intensified through the incorporation of additional gross floor space of 25 percent or more either with a single change or cumulative changes subsequent to the effective date of this section, then all interior lighting shall be reviewed and brought into compliance with the requirements for this section before the use is resumed to the maximum extent feasible as determined by the City Engineer.
 - (5) Abandonment. If a property or use with non-conforming lighting is abandoned, then all interior lighting shall be reviewed and brought into compliance with this section before the use or new use is resumed.
- (f) Lighting Control Requirements.
- (1) For industrial greenhouses with interior grow lighting, side wall block out curtains will be deployed at one hundred percent (100%) between sunset and sunrise during lighting operations.
 - (2) For industrial greenhouses with interior grow lighting, roof top block out curtains will be deployed at a minimum of ninety percent (90%) between sunset and sunrise during lighting operations.
 - (3) For industrial greenhouses, all interior lighting shall be fully shielded.
 - (4) For atria, all fixtures (luminaires) under the glass area shall be fully shielded.
 - (5) Lighting fixtures (luminaires) in atria shall be dimmed within thirty (30) minutes after the close of business or special event to the level of security lighting.
 - (6) Any noted system failures, or reported failures, will have seventy-two (72) hours for corrections before a warning is issued and a fine imposed, however, the City Manager or designee has the sole discretion to extend the seventy-two (72) hour time period at upon a showing of good cause.
- (g) Plans and Documents.
- (1) Interior Lighting submissions shall contain, but shall not be limited to the following:
 - A. Plans indicating:
 - (i) the location, number, type, position, elevation and mounting height of all interior Light Fixtures (luminaires);

- (ii) the number and location of interior Light Fixtures (luminaires) to be equipped with automatic controls; i.e., photosensors, asymmetric clocks, building automation controls, or internet;
 - (iii) any building design or other feature which may affect the nature, intensity or direction of light emission from interior Light Fixtures (luminaires); and
 - (iv) any shading devices to be utilized, their opacity, area to be covered, and method of deployment and backup operation.
- B. Description of and background information regarding all interior Light Fixtures (luminaires), including:
 - (i) input power (in watts);
 - (ii) light source;
 - (iii) light distribution, horizontal and vertical planes;
 - (iv) total lumens;
 - (v) mounting details; and
 - (vi) complete manufacturers ordering number, and cut sheet.
- (2) The above required plans and descriptions shall be sufficiently complete to enable the City Manager or designee to readily determine whether the requirements of this section are met.
- (3) If the plans and documents submitted do not enable the City Manager or designee to readily determine compliance with this section, further information will be requested from the owner to show evidence of compliance, such as reports of tests evidencing compliance.
- (4) Once the submitted documents for Interior Lighting have been determined to be in compliance with this section, a permit will be issued.
- (h) Enforcement and Penalties.
 - (1) The City Manager or designee is authorized and directed to perform all acts necessary and appropriate to enforce and to give effect to this section.
 - (2) Any penalty provided for as part of the industrial greenhouse site plan approval pursuant to Section 1126.05(f) of these Codified Ordinances shall supersede the penalties provide for in this section. To the extent there is no penalty set forth in the site plan approval, the following apply:
 - (i) The City shall order facility owner or management to shut off all interior grow lighting until the violations are corrected to the satisfaction of the City Manager or designee.
 - (ii) If the owner fails to comply as set forth in (i), the City Manager or designee shall suspend or revoke the owner's zoning permit and shut down the Facility until the violations are corrected to the satisfaction of the City Manager or designee.
 - (iii) The owner shall pay a civil penalty of \$1,000 per day for each day a violation exists until corrected.
 - (3) In addition to the foregoing, every person, corporation or firm who violates any provision of this section shall be guilty of a misdemeanor of the first degree. Each and every day during which a violation continues shall be deemed a separate offense.

- (4) Nothing in section (h)(2) above or Section 1126.05 of these Codified Ordinances prohibits the City from seeking such other penalties and remedies as are provided by Ohio law, including, but not limited to, seeking a court order to declare the property a public nuisance and order the nuisance abated or other action to abate or remove a violation.

Section 10. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. § 121.22

Section 11. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the residents and for the further reason that this Ordinance shall be immediately effective so the City can apply the zoning regulations to industrial greenhouses within the City at the earliest time possible to address existing concerns about grow lighting emissions; **WHEREFORE**, this Ordinance shall take effect immediately upon its adoption.



Trey Hardy, Vice Mayor

ATTEST: 
Clerk of Council

ADOPTED: 23 JUL 2019