



The City of Huron, Ohio
417 Main St.
Huron, OH 44839
www.cityofhuron.org
Office (419) 433-5000
Fax (419) 433-5120

Agenda for the regular session of City Council
May 22, 2018 at 6:30p.m.

- I. Call to order** Moment of Silence followed by the Pledge of Allegiance to the Flag
- II. Roll Call of City Council**
- III. Approval of Minutes**
- Work session & regular meeting of April 24 and regular meeting of May 8, 2018.
- IV. Audience Comments**
- Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3 minute time limit)
**Topics other than the amendments to the Zoning Code related to recreational and medical marijuana topics*
- V. Old Business**
- Resolution 2018-41 A resolution authorizing an employment service agreement with Michael D. Kaufman pertaining to Prosecuting Attorney Services. (second reading)
- VI. New Business**
- Public Hearing** **Zoning Code Amendment- Recreational Marijuana Dispensaries: Prohibition of recreational marijuana sales/dispensaries.** (Citizens may express their support or opposition of the proposed zoning amendment- 3 minute time limit)
- Ordinance 2018-10 An ordinance amending the Planning and Zoning Code, creating Section 1121.08-Regulations Applying to All Districts, which would prohibit recreational marijuana retail dispensaries in all zoning districts of the City of Huron.
- Public Hearing** **Zoning Code Amendment-Medical Marijuana Dispensaries: 1) Prohibition of medical marijuana dispensaries or 2) Designation of appropriate zoning districts pertaining to medical marijuana dispensaries** (Citizens may express their support or opposition of the proposed zoning code amendments- 3 minute time limit)
- Ordinance 2018-11 An ordinance amending Section 1121.08 -Regulations Applying to All Districts, of the Planning and Zoning Code which would prohibit medical marijuana retail dispensaries in all zoning districts of the City of Huron.

*Ordinance 2018-12	An ordinance amending Section 1121.04-Definitions, of the Planning and Zoning Code to incorporate recreational and medical marijuana dispensary definitions.
*Ordinance 2018-13	An ordinance amending Section 1125.04 I-1 Light Industrial District, of the Planning and Zoning Code, authorizing medical marijuana retail dispensaries to be an allowable use in I-1 Districts.
*Ordinance 2018-14	An ordinance amending Section 1125.05 I-2 General Industrial District, of the Planning and Zoning Code, authorizing medical marijuana retail dispensaries to be an allowable use in I-2 Districts.
*Ordinance 2018-15	An ordinance amending the Planning and Zoning Code, creating Section 1126.16 Medical Marijuana Retail Dispensaries within Chapter 1126-Special Provisions, to establish limitations and regulations with regard to location & other restrictions.
*Ordinance 2018-16	An ordinance amending the Business Regulation Code, creating Chapter 751-Medical Marijuana Dispensary to establish limitations and regulations relative to the requirement of a dispensary license.
Motion	Setting a Public Hearing on the 2019 Tax Budget (June 26, 2018 at 6:30p.m.)

* Note: if Ordinance 2018-11 is adopted, there is no need to consider these ordinances.

VII. City Manager's Discussion

VIII. Mayor's Discussion

IX. For the Good of the Order

X. Executive Session

XI. Adjournment



TO: Mayor Hartung and City Council
FROM: Andrew D. White, City Manager
RE: Resolution 2018-41 (Second Reading)
DATE: May 16, 2018

Subject Matter/Background

Resolution 2018-41 was placed on the agenda for May 8, 2018. Due to a vote of 3-2 on waiver of the three reading rule, Resolution 2018-41 was unable to be acted upon. This resolution is now before Council on its second reading for May 22, 2018 at which time Council can dispense with the three reading rule if desired.

As discussed at the May 8, 2018 meeting, Administration, following the directive of City Council to outsource this function, is recommending adoption of this agreement in order to continue expediently with the restructure plans that Administration has discussed. The Law Department is currently staffed with one employee. In addition to the duties of her office, the Law Director represents all city, county, and state law enforcement agencies in the Huron Municipal Court on criminal and traffic cases. Court is held every Tuesday and Friday morning. Per the Huron Municipal Court 2017 Annual Report 101 court sessions were convened. The addition of an assistant prosecuting attorney will allow the Law Director to dedicate time previously spent in court to other municipal responsibilities.

The addition of an assistant prosecuting attorney has been discussed at the City Council meetings of December 27, 2017, City Council Work Session on November 28, 2017, City Council Work Session on November 18, 2017, Finance Committee meeting of November 29, 2017, Finance Committee meeting on September 25, 2017, Finance Committee meeting on September 18, 2017, and the Finance Committee meeting on December 5, 2016. The minutes for those meetings have been included within your correspondence packet.

The Employment Agreement is for a term of 12 months and is subject to automatic renewal. The Agreement provides that the City will withdraw federal, state, and local tax withholdings as well as state required pension contributions. The Agreement does not provide for any additional roll-ups traditionally associated with a city employee such as medical, dental and life insurance, or paid time off (sick, vacation, and personal), or overtime.

Michael Kaufman became a licensed practicing attorney in the State of Ohio in May, 1998. In addition to his private practice, Michael serves as the Prosecuting Attorney for the Village of Kelleys Island and the Village Solicitor for the Village of Bay View. Additionally, Michael previously served as Assistant Prosecutor for Sandusky Municipal Court for nine years.

Financial Review

The 2018 adopted budget included a \$25,000.00 projected expense for the provision of an Assistant Prosecuting Attorney. It is anticipated that that the total 2018 exposure will be 67% of the budgeted total.

Legal Review

The addition of an Assistant Prosecuting Attorney to assist with the cases in Huron Municipal Court will provide additional availability of the Law Director to address other city matters. A contractual services agreement provides the most flexibility by allowing the City to terminate the relationship, or choose not to renew the agreement at the end of the twelve month term. The matter has been reviewed, follows normal legislative procedure and is properly before you.

Recommendation

If Council is in support of the request, a motion to adopt Resolution No. 2018-41 is in order.

RESOLUTION NO. 2018-41

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HURON, OHIO
APPROVING THE PROSECUTING ATTORNEY SERVICES CONTRACT WITH
MICHAEL D. KAUFMAN FOR A PERIOD OF ONE YEAR.**

WHEREAS, Michael D. Kaufman has experience as a prosecuting attorney for other cities and has agreed to be the prosecuting attorney for the City of Huron in all cases wherein he does not have a conflict; and,

WHEREAS, such representation and obligations are set out in the Contract attached hereto as Exhibit "A"; and,

WHEREAS, Michael D. Kaufman is a member in good standing of the Ohio State Bar Association and has experience in criminal law; and ,

WHEREAS, it is necessary to have a prosecuting attorney available so that he can represent the City in criminal cases; and,

WHEREAS, the City and Mr. Kaufman will enter into an agreement regarding a one year contract to ensure continual representation for the City; and,

WHEREAS, the City Council of the City of Huron finds that it is in the best interest of the City and the residents of the City to enter into an agreement with Michael D. Kaufman for prosecuting attorney services for one year in the Huron Municipal Court, now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. The Huron City Council authorizes the City Manager to execute the Contract for Prosecuting Attorney Services between Michael D. Kaufman and the City of Huron, said agreement to be substantially in the form of Exhibit "A" attached hereto and made a part hereof.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution 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 of the Revised Code.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

Trey Hardy, Vice Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

EMPLOYMENT AGREEMENT

This Employment Agreement is entered into by and between the City of Huron, Ohio, a Charter Municipality located at 417 Main Street, Huron, Ohio (hereinafter referred to as "City") and Michael D. Kaufman of Kaufman, Kaufman & Associate's Co. LPA located at 422 East Monroe Street, Sandusky, Ohio (hereinafter referred to as "Attorney") for the provision of legal services as Assistant Prosecuting Attorney for the City of Huron.

SECTION 1. SCOPE OF WORK

1.1 Attorney shall serve at the pleasure of the City under the direction of the Law Director/Prosecuting Attorney and City Manager. Attorney shall represent the City as Assistant Prosecuting Attorney in all proceedings before the Huron Municipal Court, including jury trials, bench trials, pre-trial hearings, arraignments, show cause hearings, and other hearings as required by the Huron Municipal Court. The duties of the Assistant Prosecuting Attorney shall include the review and signing of citations and complaints as required; review of police incident reports and supporting documents for charging determination; appearance at hearings and trials; telephone conversations; meetings with officers, victims, opposing counsel and witnesses as necessary; and prepare all documents necessary in the pursuit of prosecution of all criminal and traffic cases before the Huron Municipal Court.

1.2 Attorney shall be at all times during the life of this Agreement a licensed practicing attorney in good standing with the Ohio Supreme Court.

SECTION 2. TERM

2.1 This Agreement shall be effective upon execution by all parties. The term shall remain extend for twelve months at which time it shall automatically renew for successive twelve month periods. Renewal of this Agreement shall include all of the terms and conditions stated herein unless written notice is provided by a party to the Agreement of an intent to terminate the Agreement or renegotiate the Agreement's terms within sixty [60] days prior to the expiration of the original one year term.

2.2 Either party may terminate this Agreement during the original or renewal period upon effectuating thirty days written notice to the other party of their intent to terminate.

2.3 Early termination of this Agreement shall relieve the City of any obligation to provide compensation in excess of days and hours actually worked. Upon properly served notice of early termination, the City shall compensate Attorney for all compensation due upon the effective date of termination.

SECTION 3. COMPENSATION

3.1 The annual salary for this position shall be established at \$25,000.00 and shall be payable in bi-weekly installments.

3.2 Compensation provided pursuant to the terms herein shall be subject to all federal, state, and local tax withholdings.

3.3 Compensation provided pursuant to the terms herein shall be subject to all statutorily required pension obligations. The City shall reduce Attorney's gross compensation which is subject to and qualifies as compensation subject to contributions to the Ohio Public Employee's Retirement System by the statutory member amount and shall contribute to the Ohio Public Employee's Retirement System that amount which is statutorily required as employer contribution.

3.4 The City shall, in reporting and making remittances to the Ohio Public Employees Retirement System, report that Attorney's contribution has been made as provided by statute.

SECTION 4. HOURS OF WORK

4.1 Attorney shall be available for all periods when Huron Municipal Court is in session. In the event that Attorney is unavailable, prior notice shall be given to allow for sufficient coverage to be established. Attorney understands and agrees due to the nature of this appointment, Attorney will be available twenty-four hours a day, seven days a week in emergency circumstances or necessary consultation with law enforcement personnel.

4.2 Attorney understands and agrees that this appointment is not subject to overtime compensation.

SECTION 5. HEALTH, DISABILITY, AND LIFE INSURANCE BENEFITS

5.1 Attorney understands and agrees that this appointment is not subject to receipt of health, disability, and life insurance benefits.

5.2 The Parties agree that this Agreement shall supersede any obligation of the City to provide health, disability, and life insurance benefits.

SECTION 6. VACATION, SICK, HOLIDAYS AND PERSONAL LEAVE BENEFITS

6.1 Attorney understands and agrees that this appointment is not subject to receipt of vacation, sick, holidays and personal leave benefits.

SECTION 7. OTHER TERMS AND CONDITIONS

7.1 The City, upon agreement with the Attorney, may fix such other terms and conditions of appointment as Assistant Prosecuting Attorney, as it may determine from time to time, that are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, Codified ordinances or other applicable law.

7.2 All notices pursuant to this Agreement, shall be sent by simultaneous U.S. Certified mail, return receipt required and U.S. Regular Mail to the following:

City of Huron
Attn: City Manager
417 Main St.
Huron OH 44839

Michael D. Kaufman, Esq.
Kaufman, Kaufman & Associates
422 East Monroe Street
Sandusky, Ohio 44870

7.3 This Agreement sets forth the entire agreement between the Parties and shall be interpreted in accordance with the laws of the State of Ohio.

7.4 The Parties, by mutual written agreement, may amend this Agreement during its life. Such amendments shall be incorporated as an exhibit and approved by the City and Attorney.

7.5 This Agreement shall be binding on Attorney, his heirs, executors, personal representatives and agents, and on the city and the successors to the Council members.

7.6 The invalidity or partial invalidity of any portion of the Agreement shall not affect any other provision. In the event that any provision or partial provision is held to be invalid by a court of competent jurisdiction, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement of judicial modifications of the invalid provision or partial provision.

For the City

For the Attorney

Andrew D. White, City Manager

Michael D. Kaufman

Date

Date

Approved as to Form:

Laura E. Alkire
Law Director



TO: Mayor Hartung and City Council
FROM: Andrew D. White, City Manager
RE: Public Hearings & Legislation- Zoning Code Amendments-Recreational & Medical Marijuana
DATE: May 16, 2018

Subject Matter/Background

On May 22 during the regular meeting of City Council, two separate Public Hearings will be held on the topics of amendments to the Zoning Code pertaining to Recreational Marijuana Dispensaries and Medical Marijuana Dispensaries respectively. During the public hearings, citizens may voice their support or opposition to the proposed amendments, there will be a 3 minute time limit.

1) Public Hearing: Zoning Code Amendment- Recreational Marijuana Dispensaries:

Recommendation: Prohibition of recreational marijuana sales/dispensaries.

This action was initiated by City Council in a motion to the Planning Commission. On March 28, 2018 the Planning Commission held a public hearing to consider the motion and make recommendation to City Council. The Planning Commission supported and recommended the Prohibition of recreational marijuana sales/dispensaries within the City of Huron. Pursuant to the code, City Council set Public Hearing advertising for same as required at least 30 days in advance of the hearing. During the public hearing period on May 22, 2018, citizens may voice their support or opposition to this proposed amendment to the Zoning Code (3 minute time limit). Following the public hearing, City Council can choose to accept, amend, or reject the recommendation of the Planning Commission by considering the legislation that has been prepared to add a section to Chapter 1121-Districts Established; Boundaries; General Regulations:

Ordinance No. 2018-10

Subject Matter/Background

Ordinance No. 2018-10 authorizes an amendment to the Planning and Zoning Code by the establishment of Section 1121.08-Regulations Applying to All Districts, and will prohibit the retail dispensing of marijuana for recreational purposes in all zoning districts within the City of Huron. Section 1121.08 shall read as follows:

1121.08 Regulations Applying to All Districts. The retail dispensing of marijuana for recreational purposes is prohibited in all zoning districts of the City of Huron.

Financial Review

N/A

Legal Review

The matter has been reviewed, follows normal legislative procedure and is properly before you.

Recommendation

If Council is in support of the request, a motion to adopt Ordinance No. 2018-10 is in order.

2) Public Hearing: Zoning Code Amendment-Medical Marijuana Dispensaries:

Prohibition of medical marijuana dispensaries

City Council passed a motion for Planning & Zoning Code regulations related to the location and operation of a medical marijuana dispensary forwarding these to the Planning Commission. (Staff Report to the Planning Commission is attached). On March 28, 2018 the Planning Commission held a public hearing to consider the motion and make recommendation to City Council. In this case, the Planning Commission did not make a recommendation on the amendments presented; rather the Planning Commission recommended the prohibition of medical marijuana sales/dispensaries within the City of Huron. During the public hearing period on May 22, 2018, citizens may voice their support or opposition to the proposed amendment to the Zoning Code (3 minute time limit). Following the public hearing, City Council can choose to accept, amend, or reject the recommendation of the Planning Commission by considering the legislation that has been prepared to amend Section 1121.08 of Chapter 1121-Districts Established; Boundaries; General Regulations:

Ordinance No. 2018-11

Subject Matter/Background

Ordinance No. 2018-11 authorizes an amendment to the Planning and Zoning Code by the amendment of Section 1121.08-Regulations Applying to All Districts, and will prohibit the retail dispensing of marijuana for medical purposes in all zoning districts within the City of Huron.

1121.08 Regulations Applying to All Districts. The retail dispensing of marijuana for recreational and medical purposes is prohibited in all zoning districts of the City of Huron.

Financial Review

N/A

Legal Review

The matter has been reviewed, follows normal legislative procedure and is properly before you.

Recommendation

If Council is in support of the request, a motion to adopt Ordinance No. 2018-11 is in order.

Note: If Ordinance 2018-11 is adopted, there is no need to consider the subsequent ordinances appearing on the agenda.

The following ordinances are the result of action initiated by City Council in the original motion to the Planning Commission to acknowledge and address the public concern and comment relative to the proposed location of a medical marijuana dispensary in the former Burger King location.

Planning & Zoning Code amendments as well as an amendment to the Business Regulation Code pursuant to the motion made by City Council have been prepared to establish limitations and regulations relative to medical marijuana dispensary operations.

The staff report to the Planning Commission which detailed explanation of the changes to the code is **attached**. Ordinance 2018-12 through Ordinance 2018-16 legislatively authorizes the proposed changes.

Ordinance No. 2018-12

Subject Matter/Background

Ordinance 2018-12- will authorize an amendment to the Planning & Zoning Code, Section 1121.04- Definitions of Chapter 1121 Districts Established; Boundaries; General Regulations to incorporate the definitions of medical and recreational marijuana retail dispensaries.

Financial Review

N/A

Legal Review

The matter has been reviewed, follows normal legislative procedure and is properly before you.

Recommendation

If Council is in support of the request, a motion to adopt Ordinance No. 2018-12 is in order.

Ordinance 2018-13

Subject Matter/Background

Ordinance 2018-13 -will authorize an amendment to the Planning & Zoning Code, Section 1125.04 – I-1 Light Industrial District , adding Medical Marijuana Retail Dispensaries to Section 1125.04 (b) Conditionally Permitted Uses. This ordinance will allow a Medical Marijuana Retail Dispensary to be located within an I-1 Light Industrial District.

Financial Review

N/A

Legal Review

The matter has been reviewed, follows normal legislative procedure and is properly before you.

Recommendation

If Council is in support of the request, a motion to adopt Ordinance No. 2018-13 is in order.

Ordinance 2018-14

Subject Matter/Background

Ordinance 2018-14 –will authorize an amendment to the Planning & Zoning Code, Section 1125.05 – I-2 General Industrial District , adding Medical Marijuana Retail Dispensaries to Section 1125.05 (b) Conditionally Permitted Uses. This ordinance will allow a Medical Marijuana Retail Dispensary to be located within an I-2 General Industrial District.

Financial Review

N/A

Legal Review

The matter has been reviewed, follows normal legislative procedure and is properly before you.

Recommendation

If Council is in support of the request, a motion to adopt Ordinance No. 2018-14 is in order.

Ordinance 2018-15

Subject Matter/Background

Ordinance 2018-15 –will authorize an amendment to the Planning & Zoning Code, Chapter 1126 Special Provisions, by creating Section 1126.16 –Medical Marijuana Retail Dispensaries which will establish limitations on medical marijuana dispensary operations, by limiting location to Industrial Districts, stipulating the inclusion of a prohibition of 1,000 ft. from any parcel on which sits a school, church, public library, public playground or public park and limiting the number of dispensaries in the city to one (1).

Financial Review

N/A

Legal Review

The matter has been reviewed, follows normal legislative procedure and is properly before you.

Recommendation

If Council is in support of the request, a motion to adopt Ordinance No. 2018-15 is in order.

Ordinance 2018-16

Subject Matter/Background

Ordinance 2018-16 –will authorize an amendment to the Business Regulation Code to establish a new Chapter. Chapter 751 Medical Marijuana Dispensary will establish limitations and regulations including, but not limited to, the requirement of a Medical Marijuana License from the City of Huron, fees, license renewals, inspections, license revocation, regulations to operations, loitering and exterior lighting and monitoring requirements, and penalties.

Financial Review

N/A

Legal Review

The matter has been reviewed, follows normal legislative procedure and is properly before you.

Recommendation

If Council is in support of the request, a motion to adopt Ordinance No. 2018-16 is in order.



TO: Chairman Boyle and Planning Commission
FROM: Mike Spafford, Assistant to the City Manager
RE: Public Hearing: Zoning Code Modification – Medical Marijuana Dispensary
DATE: March 27th, 2018

City Council adopted a motion to establish a policy to regulate medical marijuana dispensaries. The policy would include both general business and zoning regulations. The Planning Commission is specifically overseeing and providing input on the zoning portion of the regulations.

The adopted motion allows for the establishment of a medical marijuana dispensary within the City, subject to the following conditions:

1. The number of dispensaries within the City be limited to one (1)
2. A dispensary be located per regulations set by state code (500 feet from library, park, church, etc.). In addition, a dispensary shall not be located closer than 1,000 feet to any parcel housing an operational public or private school (expansion of state code to include private as well) as defined by the state code.
3. Medical marijuana dispensaries would be a permitted use within the zoning code under the B-3 (General Business), I-1 (Light Industrial), or I-2 (General Industrial) districts.
4. Any proposed location shall not be accessed via primarily residential streets.
5. Any proposed location shall not be located in the downtown.

The purpose of the Commission's public hearing is to consider the merits of the proposed policy modification, hear public comment regarding the proposed modification, and make a final policy recommendation to the Council.

Attached is a map graphically representing the proposed conditions should the adopted motion become law:

- Red parcels: any school (as defined by the state law), any park, church, or other restricting area.
- Orange parcels: any parcel which is appropriately zoned (B-3, I-1, or I-2), but is within 1,000 feet of a school or 500 feet of any other restrictive use, and therefore, prohibited per the motion.
- Blue parcels: any parcel which is appropriately zoned AND outside the bounds of any those restrictions listed above.

Based on review of the map, staff would recommend the following policy consideration:



- Elimination of B-3 from consideration as an allowable zoning classification (those parcels that are zoned B-3 are labeled on the attached map). This would include allowable parcels housing Holiday Harbor Marina and Gordon Lumber, and restricted parcels including the commercial area of the former Burger King, Shell station, and the strip mall, and much of the downtown core.
- Elimination of the language restricting the location to downtown. By eliminating B-3 as an allowable district, the downtown restriction is no longer necessary.
- Elimination of the language “predominantly residential street”. The intent becomes difficult to define within the zoning code without having a street classification map. Staff believes the intent is served by elimination of B-3 as an allowable zoning district for this use.
- Modify the language of the I-1 code to establish a conditional use permit with the following conditions (not withstanding those established by the State):
 - All distance requirements as stated in the motion
 - Quantity within the city be limited to one (1)
 - Any application for a conditional use permit would be first heard by the BZA. The BZA would have final authority in the granting of the conditional use permit.
 - The zoning code is cumulative in nature. If established as a conditional use within the I-1 section of the code, it would also be included as a conditionally permitted use to the I-2 section of the code.
 - The applicant has secured a city issued license pursuant to Huron Codified Ordinance Chapter 751 (Medical Marijuana Business Regulations).
- The Planning Commission and Design Review Board would conduct zoning oversight of all proposed buildings, alterations, site design, etc.

ORDINANCE NO. 2018-10

AN ORDINANCE REVISING THE CITY OF HURON CODIFIED ORDINANCES PART ELEVEN – PLANNING AND ZONING CODE, CHAPTER 1121, BY ADDING REGULATIONS APPLYING TO ALL DISTRICTS TO PROHIBIT THE RETAIL DISPENSING OF MARIJUANA FOR THE PURPOSE OF RECREATIONAL USE IN ALL ZONING DISTRICTS OF THE CITY OF HURON.

WHEREAS, the City Council has determined it to be in the best interest of the City of Huron’s health, safety and welfare to prohibit the retail dispensing of marijuana for recreational purposes in any form within the City; and

WHEREAS, the City of Huron Codified Ordinances Part Eleven Planning Zoning Code Chapter 1121 Districts Established; Boundaries; General Regulations shall be revised as provided herein by adding Section 1121.08 Regulations Applying to All Districts consistent with legislative action.

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

SECTION 1. That the retail dispensing of marijuana for recreational purposes is hereby specifically prohibited anywhere in the City of Huron.

SECTION 2. The City of Huron Codified Ordinance Part Eleven Planning and Zoning Code Chapter 1121 Districts Established; Boundaries; General Regulations shall be revised by adding Section 1121.08 Regulations Applying to All Districts as follows:

CHAPTER 1121

Districts Established; Boundaries; General Regulations

- 1121.01 Purpose and scope.
- 1121.02 Title.
- 1121.03 Interpretation of standards.
- 1121.04 Definitions.
- 1121.05 Districts and boundaries.
- 1121.06 Effects of districting and general regulations.
- 1121.07 Nonconforming uses or buildings.
- 1121.08 Regulations Applying to All Districts**

1121.08 Regulations Applying to All Districts. The retail dispensing of marijuana for recreational purposes is prohibited in all zoning districts of the City of Huron.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this

Council and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with the law.

SECTION 4. This Ordinance will take effect thirty (30) days following adoption.

Brad Hartung, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

ORDINANCE NO. 2018-11

AN ORDINANCE AMENDING SECTION 1121.08- REGULATIONS APPLYING TO ALL DISTRICTS, WITHIN THE CITY OF HURON CODIFIED ORDINANCES PART ELEVEN – PLANNING AND ZONING CODE, TO PROHIBIT THE RETAIL DISPENSING OF MARIJUANA FOR THE PURPOSE OF MEDICAL USE IN ALL ZONING DISTRICTS OF THE CITY OF HURON.

WHEREAS, the City Council has determined it to be in the best interest of the City of Huron’s health, safety and welfare to prohibit the retail dispensing of marijuana for medical purposes in any form within the City; and

WHEREAS, the City of Huron Codified Ordinances Part Eleven Planning Zoning Code Chapter 1121 Districts Established; Boundaries; General Regulations shall be revised as provided herein by amending Section 1121.08 Regulations Applying to All Districts consistent with legislative action.

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

SECTION 1. That the retail dispensing of marijuana for medical purposes is hereby specifically prohibited anywhere in the City of Huron.

SECTION 2. That Section 1121.08 Regulations Applying to All Districts, within the City of Huron Codified Ordinance Part Eleven Planning and Zoning Code Chapter 1121 Districts Established; Boundaries; General Regulations shall be amended as follows:

CHAPTER 1121

Districts Established; Boundaries; General Regulations

- 1121.01 Purpose and scope.
- 1121.02 Title.
- 1121.03 Interpretation of standards.
- 1121.04 Definitions.
- 1121.05 Districts and boundaries.
- 1121.06 Effects of districting and general regulations.
- 1121.07 Nonconforming uses or buildings.
- 1121.08 Regulations Applying to All Districts

1121.08 Regulations Applying to All Districts. The retail dispensing of marijuana for recreational **and medical** purposes is prohibited in all zoning districts of the City of Huron.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this

Council and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with the law.

SECTION 4. This Ordinance will take effect thirty (30) days following adoption.

Brad Hartung, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

ORDINANCE NO. 2018-12

AN ORDINANCE AMENDING SECTION 1121.04-DEFINITIONS, WITHIN CHAPTER 1121-DISTRICTS ESTABLISHED; BOUNDARIES; GENERAL REGULATIONS, OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HURON.

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

SECTION 1. That Section 1121.04-Definitions, within Chapter 1121-Districts Established; Boundaries; General Regulations of the Planning and Zoning Code of the Codified Ordinances of the City of Huron **WHICH CURRENTLY READS AS FOLLOWS: (refer to Exhibit “A” attached)** , shall be and hereby is amended.

SECTION 2. That, Section 1121.04-Definitions, within Chapter 1121 Districts Established; Boundaries; General Regulations of the Planning and Zoning Code of the Codified Ordinances of the City of Huron is hereby amended to read as follows: **(refer to Exhibit “B” attached)**

SECTION 3. Codified Ordinance Section 1121.04-Definitions, as existing prior to the adoption of this Ordinance shall be, and the same hereby is, repealed.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. 121.22.

SECTION 5. This ordinance will take effect thirty (30) days following adoption.

Brad Hartung, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

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.

- (1) "Accessory use or structure" means a use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.
- (2) "Agricultural" means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals or the commercial hatching, breeding, raising or feeding of poultry, cattle, sheep or swine.
- (3) "Alley" or "lane" means a public or private way not more than thirty feet wide affording only secondary means of access to abutting property.
- (4) "Apartment" means a room or suite of rooms in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
- (5) "Apartment, efficiency" means a dwelling unit in a multi-family building, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.
- (6) "Apartment house". See "Dwelling, multi-family".

- (7) "Automotive repair, major" means repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender straightening or repair; overall painting or paint shop; and vehicle steam cleaning.
- (8) "Automotive repair, minor" means incidental minor repair, upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under "Automotive repair, major", or any other operation similar thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than forty-eight hours.
- (9) "Automobile, farm equipment or trailer sales area" means any open area, other than a street, used for the sale, display or rental of new or used motor vehicles, farm equipment or trailers in operable condition and where no repair work is done. No vehicle shall be placed or displayed forward of the building line required for the district.
- (10) "Automobile service station" or "filling station" means a place where gasoline, kerosene or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.
- (11) "Automobile wrecking" means the dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.
- (12) "Basement" means a story whose floor line is below grade at any exit or entrance and whose ceiling is not more than five feet above grade at any entrance or exit.
- (12.1) "Bed and breakfast residence" means a structure built to be and occupied as a residence that is more than fifty years old, wherein rooms and breakfast (only) are made available to short-term transient paying guests, which rooms were constructed to be part of the residence and have been occupied as regular rooms of the residence prior to the passage of this element of this Ordinance.
- (13) "Block" means the legal description in describing the boundaries of a district. In all other cases, "block" refers to the property abutting one side of a street between intersecting or intercepting streets or a street and a railroad right of way or waterway.
- (14) "Boarding house" or "lodging house" means a dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for four or more persons for compensation by previous arrangements but not for transients.

- (15) "Building" means any structure having a roof supported by columns or walls, used or intended to be used for shelter or enclosure for persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except in regard to minimum side yard requirements as hereinafter provided. (Ord. 1990-20. Passed 11-26-90.)
- (16) "Building, height of" means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof structure. (Ord. 2005-29. Passed 2-14-05.)
- (17) "Building line" means the line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.
- (18) "Buildable lot area" means that part of a lot not included within the open areas required by this Ordinance.
- (19) "Cellar" means that portion of a building between floor and ceiling partly underground, but having half or more than half its clear height below the adjoining finished grade.
- (20) "Cemetery" means land used for or intended to be used for the burial of human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries if operated in connection with, and within the boundaries of, such cemeteries.
- (21) "Clinic" or "medical center" means a place used for the diagnosis and treatment of sick, ailing or infirm and injured persons and those who are in need of medical or surgical attention, but limited to outpatient only and not including the sale of drugs or medical supplies.
- (22) "Club" means a nonprofit association of persons who are bona fide members, paying regular dues and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
- (22.1) "Condominium" means an estate in real property consisting of a building on such real property, together with an undivided interest-in-common in other portions of the same property, recognizing that there can be commercial and industrial condominiums as well as residential.
- (23) "Convalescent home" or "nursing home" means an establishment that provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator or who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition.
- (24) "Court" means an open unoccupied or unobstructed space, other than a yard, on the same lot as a building or group of buildings.

- (25) "Display sign" means a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, billboard and advertising device of any kind.
- (26) "Dwelling" means a building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel or motel.
- (26.1) "Dwelling, attached single-family" means a building attached to another building at one or more sides that is designed for or occupied exclusively for residential purposes by one family or housekeeping unit, the land and building of the unit being in a single ownership and separate from the ownerships of the land and buildings of the units to which it is attached.
- (27) "Dwelling, single-family" means a detached building designed for or occupied exclusively for residence purposes by one family or housekeeping unit.
- (28) "Dwelling, two-family" means a building designed for or occupied exclusively by two families or housekeeping units living independently of each other.
- (29) "Dwelling, multi-family" means a building or portion thereof designed for or occupied by three or more families or housekeeping units living independently of each other.
- (30) "Dwelling unit" means one room, or a suite of two or more rooms, designed for and used by one family for living and sleeping purposes and having only one kitchen or kitchenette.
- (31) "Dwelling group" means a group of two to four detached single-family dwellings located on a parcel of land in one ownership and having a yard or court in common as well as a common single curb cut access drive.
- (32) "Essential services" means the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distributing systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
- (33) "Family" means a person living alone, or two or more persons related by blood, marriage or adoption, or not more than five unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

- (34) "Frontage" means that boundary of a lot along an existing or dedicated public street, or where no public street exists, along a public way. Where a lot abuts more than one street, the Board shall determine the frontage for purposes of this Ordinance.
- (35) "Garage, private" means a detached accessory building or a portion of a principal building used by the occupants of the premises for the storage or shelter of vehicles owned or operated by the occupants of the principal building.
- (36) "Garage, repair". See "Automotive repair".
- (36.1) "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.
- (37) "Home occupation" means an occupation or profession carried on in a dwelling by the occupants thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes.
- (38) "Hospital or sanitarium" means an establishment that provides accommodations, facilities and services over a continuous period of twenty-four hours or more for observation, diagnosis and care of two or more individuals suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical or surgical services.
- (39) "Hotel" means any building or portion thereof used as a temporary abiding place for remuneration, with or without meals, containing fifteen or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite.
- (40) "Junk yard" means a place where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.
- (41) "Kennel" means any structure or premises where five or more dogs over six months of age are kept.
- (41.1) "Landscaping" means the treatment of the surface of the ground with natural greenery, grasses, including seeding and sod, shrubs, trees and other plant materials, organic mulches and natural stone materials, and may include minor areas of paving for pedestrian accessways.

- (42) "Loading space" means an off-street space or berth on the same lot with a building or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- (43) "Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on a public street.
- (44) "Lot, corner" means a lot situated at the intersection of two streets, of which the interior angle of such intersection does not exceed 135 degrees.
- (45) "Lot, interior" means a lot other than a corner lot.
- (46) "Lot, depth" means the average horizontal distance between the front and the rear lot lines.
- (47) "Lot line" means the property lines bounding a lot.
- (48) "Lot line, front" means the line separating the lot from the street.
- (49) "Lot line, rear" means the lot line opposite and most distant from the front lot line.
- (50) "Lot line, side" means a lot line other than the front or rear lot line. A side lot line separating the lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line.
- (51) "Lot line, street or alley" means a lot line separating the lot from a street or alley.
- (52) "Lot width" means the average width of a lot measured at right angles to its depth.
- (53) "Lot area" means the computed area contained within the lot lines.
- (54) "Lot, through" means a lot having frontage on two parallel or approximately parallel streets.
- (55) "Motel" or "motor hotel" means a series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, such units having convenient access to off-street parking spaces, for the exclusive use of guests or the occupants.
- (55.1) "Nonconforming building" or "nonconforming structure" means a building or structure legally existing at the time of adoption of this Ordinance, and any amendment thereto, which does not conform to one or more of the physical requirements of the district in which it is located.
- (56) "Nonconforming use" means a dwelling, building or structure or any land or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, which does not conform to the use regulation of the district in which it is located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements, shall not be considered a nonconforming use.

- (56.1) "Patio home" means a building designed for or occupied exclusively for residence purposes by one family or housekeeping unit that provides for family outdoor functions commonly associated with the rear yard areas in a private interior courtyard, no less than 900 square feet in area, that is open to the sky and defined by a solid opaque wall where it abuts the exterior of the structure that is no less than six feet high. A patio home may be a detached unit, or it may have a zero-lot-line relationship at one or more sides. At those sides where patio homes are not zero-lot-line, no two units shall be closer than sixteen feet. At patio homes, the lot lines of the individual lots are defined by solid walls or fences running entirely around the property, except at the front property line, where building walls exist in zero-lot-line relationships, and/or at the side yard areas from the front property line to the building line.
- (57) "Parking area, private" means an open surface, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- (58) "Parking space" means a permanently surfaced area of not less than 160 square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.
- (58.1) "Policies Plan" means the "Policies Plan for the Development of the City of Huron", together with the associated and incorporated "Long Range Plan Map" that was first adopted by the Planning Commission on September 21, 1988, and then adopted by Council as public policy, Resolution 1988-25, on November 14, 1988, and as subsequently amended by action by both the Planning Commission and Council.
- (59) "Sign" means any word or words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, by which anything is made known, and which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land and directs attention to an object, place, activity, person, institution, organization or business. "Sign" includes also billboard, signboard and display sign.
- (60) "Standard performance" means a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards and other objectionable or dangerous elements generated by or inherent in use of land or buildings.
(Ord. 1990-20. Passed 11-26-90.)
- (61) "Story" means the vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most floor is the distance from the top surface of the floor to the top surface of the ceiling joists. A floor with living space, or the potential for living space, is considered a full story.
(Ord. 1998-39. Passed 12-7-98.)

- (62) "Story, first" means the lowest story or the ground story of any building, the floor of which is not more than twelve inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story.
- (63) "Street" means a public right of way fifty feet or more in width which provides a public means of access to abutting property, or any such right of way more than thirty feet and less than fifty feet in width provided it existed prior to the enactment of this Ordinance. "Street" includes avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.
- (64) "Structure" means anything constructed or erected, which requires permanent location on the ground or attachment to something having a permanent location on the ground.
- (65) "Structural alteration" means any change other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams or girders.
- (66) "Trailer" (including automobile trailer, mobile home or house trailer) means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping or living quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for 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.
- (67) "Use" means the purpose or activity for which land or a building or structure is arranged, designed or intended, or for which it is occupied or may be occupied or maintained.
- (68) "Use, conditional" means a use which is permitted in a district only if a zoning certificate therefor is expressly authorized by the Board of Building and Zoning Appeals in accordance with the provisions of this Ordinance.
- (69) "Yard" means an open space on a lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.
- (70) "Yard, front" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as required for a particular district.
- (71) "Yard, front; measurement" means such depth as shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line) to the building line; provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan or on the Official Map of the City differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated in the Thoroughfare Plan or on the Official Map.

- (72) "Yard, rear" means a yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot as required for a particular district.
- (73) "Yard, side" means a yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot as required for a particular district.
- (74) "Side yard, least width; measurement" means such width as shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan or on the Official Map of the City differs from that of the existing street, then the required side yard least width shall be measured from the right of way of such street as designated in the Thoroughfare Plan or on the Official Map.
- (75) "Zoning Ordinance" or "Ordinance" means Ordinance 1990-20, passed November 26, 1990, as amended, which is codified as Title Five of Part Eleven - Planning and Zoning Code.
- (76) "Zero lot line" development means a circumstance in which a residence is permitted to be built with an outside wall immediately at the side yard line, either as a fire-resistant wall without openings intended to be immediately abutted by another such wall on the adjoining property, and thus required to meet fire safety requirements for such a condition, or intended to look out onto an assured open space side yard on the abutting property, with access for maintenance of the wall surface assured by easement across or covenant with the adjoining property.
(Ord. 1990-20. Passed 11-26-90.)

EXHIBIT "B"

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.

- (1) "Accessory use or structure" means a use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.
- (2) "Agricultural" means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals or the commercial hatching, breeding, raising or feeding of poultry, cattle, sheep or swine.
- (3) "Alley" or "lane" means a public or private way not more than thirty feet wide affording only secondary means of access to abutting property.
- (4) "Apartment" means a room or suite of rooms in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
- (5) "Apartment, efficiency" means a dwelling unit in a multi-family building, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.
- (6) "Apartment house". See "Dwelling, multi-family".
- (7) "Automotive repair, major" means repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender straightening or repair; overall painting or paint shop; and vehicle steam cleaning.
- (8) "Automotive repair, minor" means incidental minor repair, upholstery, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under "Automotive repair, major", or any other operation similar thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than forty-eight hours.
- (9) "Automobile, farm equipment or trailer sales area" means any open area, other than a street, used for the sale, display or rental of new or used motor vehicles, farm equipment or trailers in operable condition and where no repair work is done. No vehicle shall be placed or displayed forward of the building line required for the district.
- (10) "Automobile service station" or "filling station" means a place where gasoline, kerosene or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.
- (11) "Automobile wrecking" means the dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.
- (12) "Basement" means a story whose floor line is below grade at any exit or entrance and whose ceiling is not more than five feet above grade at any entrance or exit.
- (12.1) "Bed and breakfast residence" means a structure built to be and occupied as a residence that is more than fifty years old, wherein rooms and breakfast (only) are made available to short-term transient paying guests, which

rooms were constructed to be part of the residence and have been occupied as regular rooms of the residence prior to the passage of this element of this Ordinance.

- (13) "Block" means the legal description in describing the boundaries of a district. In all other cases, "block" refers to the property abutting one side of a street between intersecting or intercepting streets or a street and a railroad right of way or waterway.
- (14) "Boarding house" or "lodging house" means a dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for four or more persons for compensation by previous arrangements but not for transients.
- (15) "Building" means any structure having a roof supported by columns or walls, used or intended to be used for shelter or enclosure for persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except in regard to minimum side yard requirements as hereinafter provided. (Ord. 1990-20. Passed 11-26-90.)
- (16) "Building, height of" means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof structure. (Ord. 2005-29. Passed 2-14-05.)
- (17) "Building line" means the line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.
- (18) "Buildable lot area" means that part of a lot not included within the open areas required by this Ordinance.
- (19) "Cellar" means that portion of a building between floor and ceiling partly underground, but having half or more than half its clear height below the adjoining finished grade.
- (20) "Cemetery" means land used for or intended to be used for the burial of human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries if operated in connection with, and within the boundaries of, such cemeteries.
- (21) "Clinic" or "medical center" means a place used for the diagnosis and treatment of sick, ailing or infirm and injured persons and those who are in need of medical or surgical attention, but limited to outpatient only and not including the sale of drugs or medical supplies.
- (22) "Club" means a nonprofit association of persons who are bona fide members, paying regular dues and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
- (22.1) "Condominium" means an estate in real property consisting of a building on such real property, together with an undivided interest-in-common in other portions of the same property, recognizing that there can be commercial and industrial condominium as well as residential.
- (23) "Convalescent home" or "nursing home" means an establishment that provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator or who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition.
- (24) "Court" means an open unoccupied or unobstructed space, other than a yard, on the same lot as a building or group of buildings.

- (25) "Display sign" means a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, billboard and advertising device of any kind.
- (26) "Dwelling" means a building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel or motel.
- (26.1) "Dwelling, attached single-family" means a building attached to another building at one or more sides that is designed for or occupied exclusively for residential purposes by one family or housekeeping unit, the land and building of the unit being in a single ownership and separate from the ownerships of the land and buildings of the units to which it is attached.
- (27) "Dwelling, single-family" means a detached building designed for or occupied exclusively for residence purposes by one family or housekeeping unit.
- (28) "Dwelling, two-family" means a building designed for or occupied exclusively by two families or housekeeping units living independently of each other.
- (29) "Dwelling, multi-family" means a building or portion thereof designed for or occupied by three or more families or housekeeping units living independently of each other.
- (30) "Dwelling unit" means one room, or a suite of two or more rooms, designed for and used by one family for living and sleeping purposes and having only one kitchen or kitchenette.
- (31) "Dwelling group" means a group of two to four detached single-family dwellings located on a parcel of land in one ownership and having a yard or court in common as well as a common single curb cut access drive.
- (32) "Essential services" means the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distributing systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
- (33) "Family" means a person living alone, or two or more persons related by blood, marriage or adoption, or not more than five unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

- (34) "Frontage" means that boundary of a lot along an existing or dedicated public street, or where no public street exists, along a public way. Where a lot abuts more than one street, the Board shall determine the frontage for purposes of this Ordinance.
- (35) "Garage, private" means a detached accessory building or a portion of a principal building used by the occupants of the premises for the storage or shelter of vehicles owned or operated by the occupants of the principal building.
- (36) "Garage, repair". See "Automotive repair".
- (36.1) "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.
- (37) "Home occupation" means an occupation or profession carried on in a dwelling by the occupants thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes.
- (38) "Hospital or sanitarium" means an establishment that provides accommodations, facilities and services over a continuous period of twenty-four hours or more for observation, diagnosis and care of two or more individuals suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical or surgical services.
- (39) "Hotel" means any building or portion thereof used as a temporary abiding place for remuneration, with or without meals, containing fifteen or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite.
- (40) "Junk yard" means a place where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.
- (41) "Kennel" means any structure or premises where five or more dogs over six months of age are kept.
- (41.1) "Landscaping" means the treatment of the surface of the ground with natural greenery, grasses, including seeding and sod, shrubs, trees and other plant materials, organic mulches and natural stone materials, and may include minor areas of paving for pedestrian accessways.

- (42) "Loading space" means an off-street space or berth on the same lot with a building or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- (43) "Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on a public street.
- (44) "Lot, corner" means a lot situated at the intersection of two streets, of which the interior angle of such intersection does not exceed 135 degrees.
- (45) "Lot, interior" means a lot other than a corner lot.
- (46) "Lot, depth" means the average horizontal distance between the front and the rear lot lines.
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- (49) "Lot line, rear" means the lot line opposite and most distant from the front lot line.
- (50) "Lot line, side" means a lot line other than the front or rear lot line. A side lot line separating the lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line.
- (51) "Lot line, street or alley" means a lot line separating the lot from a street or alley.
- (52) "Lot width" means the average width of a lot measured at right angles to its depth.
- (53) "Lot area" means the computed area contained within the lot lines.
- (54) "Lot, through" means a lot having frontage on two parallel or approximately parallel streets.
- (55) **Medical Marijuana Retail Dispensaries means a retail establishment for the purpose of dispensing medical marijuana pursuant to the terms set forth in ORC Chapter 3796 et. seq. and Chapter 751 of these Ordinances.**
- (56) "Motel" or "motor hotel" means a series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, such units having convenient access to off-street parking spaces, for the exclusive use of guests or the occupants.
- (55.1) "Nonconforming building" or "nonconforming structure" means a building or structure legally existing at the time of adoption of this Ordinance, and any amendment thereto, which does not conform to one or more of the physical requirements of the district in which it is located.
- (57) "Nonconforming use" means a dwelling, building or structure or any land or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, which does not conform to the use regulation of the district in which it is located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements, shall not be considered a nonconforming use.

- (56.1) "Patio home" means a building designed for or occupied exclusively for residence purposes by one family or housekeeping unit that provides for family outdoor functions commonly associated with the rear yard areas in a private interior courtyard, no less than 900 square feet in area, that is open to the sky and defined by a solid opaque wall where it abuts the exterior of the structure that is no less than six feet high. A patio home may be a detached unit, or it may have a zero-lot-line relationship at one or more sides. At those sides where patio homes are not zero-lot-line, no two units shall be closer than sixteen feet. At patio homes, the lot lines of the individual lots are defined by solid walls or fences running entirely around the property, except at the front property line, where building walls exist in zero-lot-line relationships, and/or at the side yard areas from the front property line to the building line.
- (58) "Parking area, private" means an open surface, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- (59) "Parking space" means a permanently surfaced area of not less than 160 square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.
- (58.1) "Policies Plan" means the "Policies Plan for the Development of the City of Huron", together with the associated and incorporated "Long Range Plan Map" that was first adopted by the Planning Commission on September 21, 1988, and then adopted by Council as public policy, Resolution 1988-25, on November 14, 1988, and as subsequently amended by action by both the Planning Commission and Council.
- (60) "Recreational Marijuana Dispensary" means a retail establishment for the purpose of purchasing, delivering, dispensing, selling, or otherwise distributing recreational marijuana or recreational marijuana products to marijuana establishments and or consumers.
- (61) "Sign" means any word or words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, by which anything is made known, and which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land and directs attention to an object, place, activity, person, institution, organization or business. "Sign" includes also billboard, signboard and display sign.
- (62) "Standard performance" means a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards and other objectionable or dangerous elements generated by or inherent in use of land or buildings.
(Ord. 1990-20. Passed 11-26-90.)
- (63) "Story" means the vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most floor is the distance from the top surface of the floor to the top surface of the ceiling joists. A floor with living space, or the potential for living space, is considered a full story.
(Ord. 1998-39. Passed 12-7-98.)

- (64) "Story, first" means the lowest story or the ground story of any building, the floor of which is not more than twelve inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story.
- (65) "Street" means a public right of way fifty feet or more in width which provides a public means of access to abutting property, or any such right of way more than thirty feet and less than fifty feet in width provided it existed prior to the enactment of this Ordinance. "Street" includes avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.
- (66) "Structure" means anything constructed or erected, which requires permanent location on the ground or attachment to something having a permanent location on the ground.
- (67) "Structural alteration" means any change other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams or girders.
- (68) "Trailer" (including automobile trailer, mobile home or house trailer) means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping or living quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for 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.
- (69) "Use" means the purpose or activity for which land or a building or structure is arranged, designed or intended, or for which it is occupied or may be occupied or maintained.
- (70) "Use, conditional" means a use which is permitted in a district only if a zoning certificate therefor is expressly authorized by the Board of Building and Zoning Appeals in accordance with the provisions of this Ordinance.
- (71) "Yard" means an open space on a lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.
- (72) "Yard, front" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as required for a particular district.
- (73) "Yard, front; measurement" means such depth as shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line) to the building line; provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan or on the Official Map of the City differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated in the Thoroughfare Plan or on the Official Map.

- (74) "Yard, rear" means a yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot as required for a particular district.
- (75) "Yard, side" means a yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot as required for a particular district.
- (76) "Side yard, least width; measurement" means such width as shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan or on the Official Map of the City differs from that of the existing street, then the required side yard least width shall be measured from the right of way of such street as designated in the Thoroughfare Plan or on the Official Map.
- (77) "Zoning Ordinance" or "Ordinance" means Ordinance 1990-20, passed November 26, 1990, as amended, which is codified as Title Five of Part Eleven - Planning and Zoning Code.
- (78) "Zero lot line" development means a circumstance in which a residence is permitted to be built with an outside wall immediately at the side yard line, either as a fire-resistant wall without openings intended to be immediately abutted by another such wall on the adjoining property, and thus required to meet fire safety requirements for such a condition, or intended to look out onto an assured open space side yard on the abutting property, with access for maintenance of the wall surface assured by easement across or covenant with the adjoining property. (Ord. 1990-20. Passed 11-26-90.)

ORDINANCE NO. 2018-13

AN ORDINANCE AMENDING SECTION 1125.04- I-1 LIGHT INDUSTRIAL DISTRICT, WITHIN CHAPTER 1125 -NONRESIDENCE DISTRICTS, OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HURON

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

SECTION 1. That Section 1125.04- I-1 Light Industrial District within Chapter 1125 - Nonresidence Districts, of the Planning and Zoning Code of the Codified Ordinances of the City of Huron **WHICH CURRENTLY READS AS FOLLOWS: (refer to Exhibit “A” attached)** , shall be and hereby is amended.

SECTION 2. That Section 1125.04 I-1 Light Industrial District within Chapter 1125- Nonresidence Districts of the Planning and Zoning Code of the Codified Ordinances of the City of Huron is hereby amended to read as follows: **(refer to Exhibit “B” attached)**

SECTION 3. Section 1125.04 –I-1 Light Industrial District, as existing prior to the adoption of this Ordinance shall be, and the same hereby is, repealed.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C.121.22.

SECTION 5. This ordinance will take effect thirty (30) days following adoption.

Brad Hartung, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

1125.04 I-1 LIGHT INDUSTRIAL DISTRICT.

(a) Principal Permitted Uses. Any use permitted and as regulated in the B-3 District, and except for uses and processes prohibited herein, the manufacturing, compounding, processing, packaging and assembling of products specified in the following:

- (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products; except meat products, sauerkraut, vinegar, yeast and the rendering or refining of fat or oils.
- (2) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, except where presses over twenty tons rated capacity are employed, shell, textiles, tobacco, wax, wood, except where saw and planing mills are employed, yards.
- (3) Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
- (4) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
- (5) Electrical appliances, instruments, devices and equipment, television sets, radios, phonographs.
- (6) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves.
- (7) Experimental, film or testing laboratories, provided no operation is conducted or equipment used which would create hazards, noxious or offensive conditions.

(b) Conditionally Permitted Uses. The following uses, provided no part of a building occupied by such uses has any opening other than stationary windows or required fire exits within 100 feet of any R District, and as authorized by the Board of Building and Zoning Appeals subject to such further conditions and requirements, as in the opinion of the Board are necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

- (1) Adhesive manufacture, not including the refining or recovery of products from fish, animal refuse or offal.
- (2) Blacksmith, welding or other metalworking shop, machine shop, excluding punch presses over twenty tons rated capacity, drop hammers and other noise-producing machine operated tools.
- (3) Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
- (4) Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- (5) Ice manufacturing and cold storage plant.
- (6) Inflammable liquids, underground storage only, not to exceed 25,000 gallons.

- (7) Building materials sales yards, lumber yards including millwork, open yards for storage and sale of feed and/or fuel.
- (8) Planned development projects, subject to the provisions of Section 1126.05.

(c) Accessory Uses. Accessory uses and structures permitted and as regulated in the B-3 District, except as hereinafter modified and such other uses and structures customarily accessory and incidental to any of the foregoing principal permitted uses, except for uses prohibited in an I-1 District.

(d) Required Conditions.

- (1) All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants and fluids at service stations, establishments of the drive-in type, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials and equipment and the following uses specified above; inflammable liquids; building materials sales yards, etc.
- (2) No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any R District.

(e) Prohibited Uses. The following uses and any use which is first permitted or prohibited in the I-2 District:

- (1) Dwelling and residences of any kind, including motels; also schools, hospitals, clinics, convalescent or nursing homes, and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the I-1 District at the time of adoption of this Zoning Ordinance, or any amendment thereto, shall not be classified as a nonconforming use as defined in Section 1121.04 and subject to the provisions of Section 1121.07.
- (2) No use shall be permitted or authorized to be established or maintained, which, when conducted under adequate conditions and safeguards in compliance with the provisions of this Zoning Ordinance, and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive due to emission of odor, dust, smoke, cinders, gas fumes, radioactivity, noise, vibration, beat frequency, refuse matter or water-carried waste.

(f) Height Regulations. Within 100 feet of any R District, no structure shall exceed three stories or fifty feet in height, and no structure otherwise shall exceed in height the distance measured to the centerline of any adjoining street, except as provided in Section 1137.02. (Ord. 1990-20. Passed 11-26-90.)

(g) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed; except as otherwise provided herein:

<u>Lot Area</u>	<u>Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
Nonresidential	30 ft.	25 ft.	None except adjoining R District - then not less than 25 feet each.	1-story: 30 feet
Dwellings or residential parts of nonresidential dwellings			Not permitted in District	
Existing dwelling (Ord. 1998-39. Passed 12-7-98.)			Same as R-3	

1125.04 I-1 LIGHT INDUSTRIAL DISTRICT.

(a) Principal Permitted Uses. Any use permitted and as regulated in the B-3 District, and except for uses and processes prohibited herein, the manufacturing, compounding, processing, packaging and assembling of products specified in the following:

- (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products; except meat products, sauerkraut, vinegar, yeast and the rendering or refining of fat or oils.
- (2) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, except where presses over twenty tons rated capacity are employed, shell, textiles, tobacco, wax, wood, except where saw and planing mills are employed, yards.
- (3) Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
- (4) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
- (5) Electrical appliances, instruments, devices and equipment, television sets, radios, phonographs.
- (6) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves.
- (7) Experimental, film or testing laboratories, provided no operation is conducted or equipment used which would create hazards, noxious or offensive conditions.

(b) Conditionally Permitted Uses. The following uses, provided no part of a building occupied by such uses has any opening other than stationary windows or required fire exits within 100 feet of any R District, and as authorized by the Board of Building and Zoning Appeals subject to such further conditions and requirements, as in the opinion of the Board are necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

- (1) Adhesive manufacture, not including the refining or recovery of products from fish, animal refuse or offal.
- (2) Blacksmith, welding or other metalworking shop, machine shop, excluding punch presses over twenty tons rated capacity, drop hammers and other noise-producing machine operated tools.
- (3) Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
- (4) Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- (5) Ice manufacturing and cold storage plant.
- (6) Inflammable liquids, underground storage only, not to exceed 25,000 gallons.

- (7) Building materials sales yards, lumber yards including millwork, open yards for storage and sale of feed and/or fuel.
- (8) Planned development projects, subject to the provisions of Section 1126.05.
- (9) **Medical Marijuana Retail Dispensaries as authorized by ORC 3796 et seq and Chapter 751 of these Ordinances.**

(c) Accessory Uses. Accessory uses and structures permitted and as regulated in the B-3 District, except as hereinafter modified and such other uses and structures customarily accessory and incidental to any of the foregoing principal permitted uses, except for uses prohibited in an I-1 District.

(d) Required Conditions.

- (1) All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants and fluids at service stations, establishments of the drive-in type, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials and equipment and the following uses specified above; inflammable liquids; building materials sales yards, etc.
- (2) No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any R District.

(e) Prohibited Uses. The following uses and any use which is first permitted or prohibited in the I-2 District:

- (1) Dwelling and residences of any kind, including motels; also schools, hospitals, clinics, convalescent or nursing homes, and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the I-1 District at the time of adoption of this Zoning Ordinance, or any amendment thereto, shall not be classified as a nonconforming use as defined in Section 1121.04 and subject to the provisions of Section 1121.07.
- (2) No use shall be permitted or authorized to be established or maintained, which, when conducted under adequate conditions and safeguards in compliance with the provisions of this Zoning Ordinance, and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive due to emission of odor, dust, smoke, cinders, gas fumes, radioactivity, noise, vibration, beat frequency, refuse matter or water-carried waste.

(f) Height Regulations. Within 100 feet of any R District, no structure shall exceed three stories or fifty feet in height, and no structure otherwise shall exceed in height the distance measured to the centerline of any adjoining street, except as provided in Section 1137.02. (Ord. 1990-20. Passed 11-26-90.)

(g) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed; except as otherwise provided herein:

<u>Lot Area</u>	<u>Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
Nonresidential	30 ft.	25 ft.	None except adjoining R District - then not less than 25 feet each.	1-story: 30 feet
Dwellings or residential parts of nonresidential dwellings				Not permitted in District
Existing dwelling R-3 (Ord. 1998-39. Passed 12-7-98.)				Same as

ORDINANCE NO. 2018-14

AN ORDINANCE AMENDING SECTION 1125.05 -I-2 GENERAL INDUSTRIAL DISTRICT, WITHIN CHAPTER 1125 -NONRESIDENCE DISTRICTS, OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HURON.

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

SECTION 1. That Section 1125.05- I-2 General Industrial District, within Chapter 1125 - Nonresidence Districts, of the Planning and Zoning Code of the Codified Ordinances of the City of Huron **WHICH CURRENTLY READS AS FOLLOWS: (refer to Exhibit “A” attached)** , shall be and hereby is amended.

SECTION 2. That Section 1125.05- I-2 General Industrial District, within Chapter 1125- Nonresidence Districts, of the Planning and Zoning Code of the Codified Ordinances of the City of Huron is hereby amended to read as follows: **(refer to Exhibit “B” attached)**

SECTION 3. Section 1125.05 –I-2 General Industrial District, as existing prior to the adoption of this Ordinance shall be, and the same hereby is, repealed.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C.121.22.

SECTION 5. This ordinance will take effect thirty (30) days following adoption.

Brad Hartung, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

1125.05 I-2 GENERAL INDUSTRIAL DISTRICT.

(a) Principal Permitted Uses. Any use permitted in the following, in certain parts of the District; or permitted in certain parts subject to Board of Building and Zoning Code Appeals authorization; or which is not prohibited in the I-2 District by this section or by any other law or ordinance.

Any of the following uses, when located not less than 200 feet from any R District, and not less than 100 feet from any B-1 or B-2 District.

Acetylene manufacturing in excess of fifteen pounds pressure
per square inch

Automobile assembly

Bleaching, cleaning and dyeing plant of large scale
production

Boiler shops, machine shops, structural steel fabricating
shops, railway car or locomotive shops, including repair, metalworking shops
employing reciprocating hammers or presses over twenty tons rated capacity

Brewing or distilling of liquors

Candle manufacturing

Dextrine, starch or glucose manufacturing

Disinfectant, insecticide or poison manufacturing

Dye and dyestuff manufacture

Enameling, lacquering or japanning

Emery cloth or sandpaper manufacturing

Felt manufacturing
Flour or grain mill
Forge or foundry works

Gas - generation or storage for illumination or heating
Grain drying or poultry feed manufacturing from refuse,
mash or grain

Hair or hair products manufacturing

Lime or lime products manufacturing
Linoleum, oil cloth or oiled goods manufacturing

Match manufacturing
Meat packing; but not stockyards or slaughterhouses

Oil, paint, shellac, turpentine, varnish or enamel
manufacturing

Paper and pulp manufacturing
Perfume manufacturing
Pickle, sauerkraut or sausage manufacturing
Plaster manufacturing
Poultry slaughterhouses, including packing and storage
for wholesale
Printing ink manufacturing

Sandblasting or cutting
Sawmill, the manufacture of excelsior, wood fiber or
sawdust products
Sewage disposal plant, except by the Municipality
Shipbuilding and repair
Shoddy manufacturing
Shoe blacking or polish or stove polish manufacturing
Soap manufacturing
Steam power plant, except where accessory to a permitted
principal use
Stone and monument works employing power-driven tools
Storage, drying, cleaning of iron, junk, rags, glass, cloth,
paper or clipping, including sorting, refining, baling, except woolpulling and
scouring
Sugar refining

Trucking terminal

Vehicle storage and repair
Veterinary clinics and kennels
Vinegar manufacturing
Warehousing and storage
Wire or rod drawing - nut, screw or bolt manufacturing
Yeast manufacturing
(Ord. 1990-20. Passed 11-26-90.)

(b) Conditionally Permitted Uses. Any of the following uses when located not less than 300 feet from any R District, and not less than 100 feet from any B-1 or B-2 District, and requirements as in the opinion of the Board, are necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

Acid manufacturing

Ammonia, chlorine or bleaching powder manufacture

Animal black, lamp black, bone black or graphite
manufacture

Asphalt, cement, charcoal and fuel briquettes
manufacture

Celluloid or pyroxyline manufacturing, or explosive or
inflammable cellulose or pyroxyline products manufacturing or storage

Cement, lime, gypsum or plaster of Paris manufacture

Coal yards

Cooperage works

Crematory

Creosote manufacture or treatment

Distillation of coal, petroleum, refuse, grain, wood or
bones, except in the manufacture of gas

Explosives manufacture or storage except for small arms
ammunition

Fertilizer, compost - manufacture or storage

Fish curing, smoking or packing, fish oil manufacture
or refining

Garbage, offal, dead animals, refuse, rancid fats -
incineration, reduction or storage

Glue manufacture, size or gelatin manufacture where the
processes include the refining or recovery of products from fish, animal refuse
or offal

Hog farm

Junk yard

Livestock feeding yard

Petroleum or inflammable liquids production, refining
and storage aboveground

Rubber, caoutchouc or gutta-percha manufacture and
treatment from crude or scrap material or the manufacture of balata

Slaughtering of animals or stockyards
Smelting of ferrous or nonferrous ores
Steel furnaces, blooming or rolling mills
Storage, curing or tanning of raw, green or salted hides
or skins

Tar or asphalt roofing or waterproofing manufacturing

Tar distillation or manufacturing

Telecommunications towers in accordance with the following conditions:

- (1) The tower must be located a minimum of the height of the tower and all antennae from the closest right-of-way line. (Side and rear setbacks shall comply with those required structures in the I-2 District.)
- (2) The tower structure must be completely enclosed within a fence at least six feet in height for security purposes.
- (3) Accessory structures shall not exceed 15' x 30' in total area.
(Ord. 1998-39. Passed 12-7-98.)

(c) Accessory Uses. Accessory uses and structures permitted and as regulated in the I-1 District, except as hereinafter modified, and such other uses and structures customarily accessory and incidental to a permitted use.

(d) Required Conditions. Any use may be conducted in the I-2 District within or without a building or enclosure, subject only to distance requirements where applicable and to such other conditions as may be imposed, in specific cases, by the Board.

Junk yards shall be enclosed by an acceptable fence, wall or other screening, maintained in good condition, not less than six feet high.

(e) Prohibited Uses. Dwellings and residences of any kind, including motels; also schools, hospitals, clinics, convalescent or nursing homes, and other institutions for human care, except where incidental to a permitted principal use; provided, however, that this Zoning Ordinance, or any amendment thereto, shall not be classified as a nonconforming use as defined in Section 1121.04 and subject to the provisions of Section 1121.07.

No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards in compliance with the provisions of this Ordinance and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive, due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water-carried waste.

(f) Height Regulations. Same as specified in I-1 District.
(Ord. 1990-20. Passed 11-26-90.)

(g) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as otherwise provided herein:

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Depth</u>	<u>Rear Yard Depth</u>
Nonresidential Structures - None	30 ft.	20 feet	None except when adjoining R or B-1 or B-2 District - then the otherwise specified distance requirements	1-story: 40 feet 2-story: 50 feet 3-story: 60 feet Five feet each additional story
Dwelling or residential parts of nonresidential buildings			Not permitted in District	
Existing dwellings: Same as R-3 (Ord. 1998-39. Passed 12-7-98.)				

1125.05 I-2 GENERAL INDUSTRIAL DISTRICT.

(a) Principal Permitted Uses. Any use permitted in the following, in certain parts of the District; or permitted in certain parts subject to Board of Building and Zoning Code Appeals authorization; or which is not prohibited in the I-2 District by this section or by any other law or ordinance.

Any of the following uses, when located not less than 200 feet from any R District, and not less than 100 feet from any B-1 or B-2 District.

Acetylene manufacturing in excess of fifteen pounds pressure
per square inch

Automobile assembly

Bleaching, cleaning and dyeing plant of large scale
production

Boiler shops, machine shops, structural steel fabricating
shops, railway car or locomotive shops, including repair, metalworking shops
employing reciprocating hammers or presses over twenty tons rated capacity

Brewing or distilling of liquors

Candle manufacturing

Dextrine, starch or glucose manufacturing
Disinfectant, insecticide or poison manufacturing
Dye and dyestuff manufacture

Enameling, lacquering or japanning
Emery cloth or sandpaper manufacturing

Felt manufacturing
Flour or grain mill
Forge or foundry works

Gas - generation or storage for illumination or heating
Grain drying or poultry feed manufacturing from refuse,
mash or grain

Hair or hair products manufacturing

Lime or lime products manufacturing
Linoleum, oil cloth or oiled goods manufacturing

Match manufacturing
Meat packing; but not stockyards or slaughterhouses

Oil, paint, shellac, turpentine, varnish or enamel
manufacturing

Paper and pulp manufacturing
Perfume manufacturing
Pickle, sauerkraut or sausage manufacturing
Plaster manufacturing
Poultry slaughterhouses, including packing and storage
for wholesale
Printing ink manufacturing

Sandblasting or cutting
Sawmill, the manufacture of excelsior, wood fiber or
sawdust products
Sewage disposal plant, except by the Municipality
Shipbuilding and repair
Shoddy manufacturing
Shoe blacking or polish or stove polish manufacturing
Soap manufacturing
Steam power plant, except where accessory to a permitted
principal use
Stone and monument works employing power-driven tools
Storage, drying, cleaning of iron, junk, rags, glass, cloth,
paper or clipping, including sorting, refining, baling, except woolpulling and
scouring
Sugar refining

Trucking terminal

Vehicle storage and repair
Veterinary clinics and kennels
Vinegar manufacturing
Warehousing and storage
Wire or rod drawing - nut, screw or bolt manufacturing
Yeast manufacturing
(Ord. 1990-20. Passed 11-26-90.)

(b) Conditionally Permitted Uses. Any of the following uses when located not less than 300 feet from any R District, and not less than 100 feet from any B-1 or B-2 District, and requirements as in the opinion of the Board, are necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

Acid manufacturing

Ammonia, chlorine or bleaching powder manufacture

Animal black, lamp black, bone black or graphite
manufacture

Asphalt, cement, charcoal and fuel briquettes
manufacture

Celluloid or pyroxyline manufacturing, or explosive or
inflammable cellulose or pyroxyline products manufacturing or storage

Cement, lime, gypsum or plaster of Paris manufacture

Coal yards

Cooperage works

Crematory

Creosote manufacture or treatment

Distillation of coal, petroleum, refuse, grain, wood or
bones, except in the manufacture of gas

Explosives manufacture or storage except for small arms
ammunition

Fertilizer, compost - manufacture or storage

Fish curing, smoking or packing, fish oil manufacture
or refining

Garbage, offal, dead animals, refuse, rancid fats -
incineration, reduction or storage

Glue manufacture, size or gelatin manufacture where the
processes include the refining or recovery of products from fish, animal refuse
or offal

Hog farm

Junk yard

Livestock feeding yard

Medical marijuana retail dispensaries as authorized by
ORC 3796 et seq and Chapter 751 of these
Ordinances.

Petroleum or inflammable liquids production, refining
and storage aboveground

Rubber, caoutchouc or gutta-percha manufacture and
treatment from crude or scrap material or the manufacture of balata

Slaughtering of animals or stockyards
Smelting of ferrous or nonferrous ores
Steel furnaces, blooming or rolling mills
Storage, curing or tanning of raw, green or salted hides
or skins

Tar or asphalt roofing or waterproofing manufacturing
Tar distillation or manufacturing
Telecommunications towers in accordance with the following conditions:

- (1) The tower must be located a minimum of the height of the tower and all antennae from the closest right-of-way line. (Side and rear setbacks shall comply with those required structures in the I-2 District.)
- (2) The tower structure must be completely enclosed within a fence at least six feet in height for security purposes.
- (3) Accessory structures shall not exceed 15' x 30' in total area. (Ord. 1998-39. Passed 12-7-98.)

(c) Accessory Uses. Accessory uses and structures permitted and as regulated in the I-1 District, except as hereinafter modified, and such other uses and structures customarily accessory and incidental to a permitted use.

(d) Required Conditions. Any use may be conducted in the I-2 District within or without a building or enclosure, subject only to distance requirements where applicable and to such other conditions as may be imposed, in specific cases, by the Board.

Junk yards shall be enclosed by an acceptable fence, wall or other screening, maintained in good condition, not less than six feet high.

(e) Prohibited Uses. Dwellings and residences of any kind, including motels; also schools, hospitals, clinics, convalescent or nursing homes, and other institutions for human care, except where incidental to a permitted principal use; provided, however, that this Zoning Ordinance, or any amendment thereto, shall not be classified as a nonconforming use as defined in Section 1121.04 and subject to the provisions of Section 1121.07.

No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards in compliance with the provisions of this Ordinance and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive, due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water-carried waste.

(f) Height Regulations. Same as specified in I-1 District. (Ord. 1990-20. Passed 11-26-90.)

(g) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as otherwise provided herein:

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Depth</u>	<u>Rear Yard Depth</u>
Nonresidential Structures - None	30 ft.	20 feet	None except when adjoining R or B-1 or B-2 District - then the otherwise specified distance requirements	1-story: 40 feet 2-story: 50 feet 3-story: 60 feet Five feet each additional story
Dwelling or residential parts of nonresidential buildings			Not permitted in District	
Existing dwellings: Same as R-3 (Ord. 1998-39. Passed 12-7-98.)				

ORDINANCE NO. 2018-15

AN ORDINANCE REVISING THE CITY OF HURON CODIFIED ORDINANCES PART ELEVEN-PLANNING AND ZONING CODE, CHAPTER 1126- SPECIAL PROVISIONS, BY THE ADDITION OF SECTION 1126.16 ESTABLISHING REQUIREMENTS, AND LIMITATIONS AND REGULATIONS RELATIVE TO THE LOCATION OF MEDICAL MARIJUANA RETAIL DISPENSARIES WITH THE CITY OF HURON

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

SECTION 1. That the retail dispensing of marijuana for medical purposes will be subject to limitations and regulations within the City of Huron.

SECTION 2. The City of Huron Codified Ordinance Part Eleven Planning and Zoning Code Chapter 1126 Special Provisions shall be revised by adding Section 1126.16-Medical Marijuana Retail Dispensaries, as follows:

**CHAPTER 1126
Special Provisions**

1126.01	Off-street parking and loading regulations. (Repealed)	1126.10	River Park Planned Industrial Development Project Overlay Zone.
1126.02	Motels and motor hotels.	1126.11	Planned Office Development Project Overlay Zone.
1126.03	Sign regulations. (Repealed)	1126.12	The Western Planned Commercial Strip Shopping Center Overlay Zone.
1126.04	Service stations and garages.	1126.121	Basin District Overlay Zone. (Repealed)
1126.05	Planned development projects.	1126.13	Landscape requirements. (Repealed)
1126.06	Performance standards.	1126.14	Regulations governing adult cabarets and adult oriented businesses and their employees.
1126.07	Planned mobile home residential developments.	1126.15	Self-service storage and mini-storage.
	1126.08	1126.16	Medical marijuana retail dispensaries
1126.09	Bed and Breakfast Residence Overlay Zone. University Park Planned Industrial Development Project Overlay Zone.		

1126.16 MEDICAL MARIJUANA RETAIL DISPENSARIES.

(a) Purpose. To establish limitations on medical marijuana dispensary operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of medical marijuana dispensaries within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

(b) Applicability. The development regulations established within this chapter are applicable to the following development criteria:

(1) A facility, building, or group of buildings for the purpose of retail dispensing of medical marijuana.

(c) Location. The following regulations shall be used to regulate the location of medical marijuana retail dispensary facilities:

(1) Medical marijuana retail dispensaries are conditionally permitted within any Industrial district within the city. In addition, no medical marijuana retail dispensary may be within 1000 ft. from any parcel on which sits a school, church, public library, public playground or public park.

(d) Other Requirements. Medical marijuana retail dispensaries shall comply with Chapter 751 of these Ordinances and ORC 3796 et seq. Only one medical marijuana retail dispensary shall be permitted within the City limits per this section.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with the law.

SECTION 4. This Ordinance will take effect thirty (30) days following adoption.

Brad Hartung, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

ORDINANCE NO. 2018-16

AN ORDINANCE REVISING THE CITY OF HURON CODIFIED ORDINANCES PART SEVEN-BUSINESS REGULATION CODE, BY THE ADDITION OF CHAPTER 751-MEDICAL MARIJUANA DISPENSARY, ESTABLISHING LIMITATIONS AND REGULATIONS RELATIVE TO MEDICAL MARIJUANA RETAIL DISPENSARY OPERATIONS

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

SECTION 1. That the retail dispensing of marijuana for medical purposes will be subject to limitations and regulations relative to operations within the City of Huron.

SECTION 2. The City of Huron Codified Ordinances, Part Seven- Business Regulation Code shall be revised by the addition of Chapter 751 -Medical Marijuana Dispensary as follows: (refer to Exhibit "A" attached)

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with the law.

SECTION 4. This Ordinance will take effect thirty (30) days following adoption.

Brad Hartung, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

**CODIFIED ORDINANCES OF HURON
PART SEVEN - BUSINESS REGULATION CODE**

Chap. 711. Peddlers.

Chap. 713. Community Antenna Television Systems.

Chap. 715. Air Pollution Control. (Repealed)

Chap. 721. Taxicabs.

Chap. 731. Temporary Stores.

Chap. 741. Home Sales.

Chap. 751. Medical Marijuana Dispensary.

**CHAPTER 751
Medical Marijuana Dispensary**

751.01 Purpose.

751.02 Definitions.

751.03 Applicability.

751.04 Prohibition on certain medical marijuana operations.

751.05 Medical marijuana dispensary license required.

751.06 Medical marijuana dispensary license application.

751.07 Issuance of medical marijuana dispensary license.

751.08 Fees.

751.09 Inspection.

751.10 Expiration and renewal of license.

751.11 License suspension.

751.12 License revocation.

751.13 Appeal rights.

751.14 Transfer of license.

751.15 Regulations pertaining to the operation of medical marijuana dispensaries.

751.16 Loitering and exterior lighting and monitoring requirements.

751.17 Injunction.

751.18 Effect of partial invalidity.

751.19 Change in information.

751.99 Penalty.

751.01 Purpose. It is the purpose of this chapter to establish limitations on medical marijuana dispensary operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of medical marijuana dispensaries within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

751.02 Definitions.

- (a) Definitions. For purposes of this chapter,
- (1) Medical marijuana shall have the same meaning as in R.C. 3796.01.
 - (2) School, church, public library, public playground, and public park shall have the same meanings as in R.C. 3796.30.
 - (3) Disqualifying offense, cultivator, processor and dispensary shall have the same meanings as in Ohio Admin. Code 3796: 1-1-01 or subsequent similar regulations.
 - (4) Licensee means, with respect to a medical marijuana dispensary license issued under this chapter, a person in whose name a license to operate a medical marijuana dispensary has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the medical marijuana dispensary.
 - (5) Operate means to control or hold primary responsibility for the operation of a medical marijuana dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. Operate or cause to be operated shall mean to cause to function or to put or keep in operation. Operator means any persons on the premises of a medical marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a medical marijuana dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operation or causing to be operated a medical marijuana dispensary whether or not that person is an owner, part owner, or licensee of the business.
 - (6) Person means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
 - (7) Transfer of ownership or control of a medical marijuana dispensary shall mean any of the following:
 - A. The sale, lease, or sublease of the business;
 - B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

751.03 Applicability.

- (a) Businesses subject to this chapter are medical marijuana retail dispensaries.

751.04 Medical Marijuana Dispensary License Required.

(a) No person shall operate a medical marijuana dispensary without a valid medical marijuana dispensary license issued by the City pursuant to this chapter.

(b) Any person who violates subsection (a) of this section shall be guilty of a misdemeanor of the first degree.

751.05 Medical Marijuana Dispensary License Application.

(a) An application for a medical marijuana dispensary license shall be submitted to the City Manager on a form provided by the City of Huron. The application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter.

(b) An application for a medical marijuana dispensary license shall identify and be signed by the following persons:

- (1) If the business entity is owned by an individual, that individual.
- (2) If the business entity is owned by a corporation, each officer or director of the corporation, any individual owning or controlling more than 50 percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed medical marijuana dispensary or greater ownership interest in the corporation.
- (3) If the business entity is owned by a limited liability company, each member of the limited liability company, and any person who will be principally responsible for the operation of the proposed medical marijuana dispensary on behalf of the limited liability company.
- (4) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed medical marijuana dispensary.

(c) An application for a medical marijuana dispensary license must designate one or more individuals to be principally responsible for the operation of the proposed medical marijuana dispensary, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed medical marijuana dispensary on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this chapter, and shall be considered a licensee if a license is granted.

(d) An application for a medical marijuana dispensary license shall be completed according to the instructions of the application form, which shall require the following:

- (1) If the applicant is:
 - A. An individual, state the legal name and any aliases of such individual;
 - B. A partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or

- C. A joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or
 - D. A corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacity of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.
 - E. A limited liability company, state the complete name of the limited liability company and the date of its organization, provide evidence that the company is in good standing under the laws of its state of organization, and state the names of all members, the name of the registered statutory agent, and the address of the registered office for service of process.
- (2) If the applicant intends to operate the medical marijuana dispensary under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
 - (3) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (b) hereof, has been convicted of a disqualifying offense, and if so, the specified offense and the date, place, and jurisdiction of each such conviction.
 - (4) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (b) hereof, has had a previous license under this chapter or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the medical marijuana dispensary for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, director or 10 percent or greater owner of a corporation licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
 - (5) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (b) hereof, holds any other licenses under this chapter or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.
 - (6) State the location of the proposed medical marijuana dispensary, including a legal description of the property, street address, and telephone number(s), if any.
 - (7) State the mailing address and residential address of each applicant and each person signing the application.

- (8) Submit a current, valid retail dispensary license or provisional dispensary license issued to the applicant by the state board of pharmacy under the provisions of R.C. Chapter 3796 and the regulations promulgated thereunder, or evidence that the applicant has made application for such a license or provisional license to the state board of pharmacy.
- (9) Submit a security plan for review and approval by the Chief of Police. The security plan shall be on a form or in a manner prescribed by the Chief of Police and shall include, at a minimum, a lighting plan that identifies how the interior, facade, adjoining sidewalks, parking areas and immediate surrounding areas of the dispensary will be illuminated and how the lighting will deflect light away from adjacent properties; and an identification of operable cameras, alarms, security guards and other security measures to be present on the premises whether during or outside business hours. The security plan should address the applicant's use of off street parking and proposed use of armed security guards, video surveillance and door, building and parking lot security as appropriate. The applicant shall supply all additional information requested by the Chief of Police necessary for the Chief to evaluate the security plan.
- (10) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.
- (11) Submit proof that each applicant who is a natural person is at least 18 years old.
- (12) Submit a sketch or diagram showing the configuration of the premises of the medical marijuana dispensary. The diagram shall also designate the place at which the dispensary license will be conspicuously posted, if issued. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

751.06 - Issuance of Medical Marijuana Dispensary License.

(a) Within five days of receipt of an application for a medical marijuana dispensary license, the City Manager shall notify the Building Official and the Police Chief of such application. In making such notification, the City Manager shall request that the Chief promptly investigate the information provided in the application and shall request that the Chief and Building Official promptly inspect the premises for which the medical marijuana dispensary license is sought in order to assess compliance with the regulations under their respective jurisdictions.

(b) The Chief and the Building Official shall begin their respective investigations and inspections promptly upon receipt of notice of an application from the City Manager. The Chief and Building Official shall provide the results of their investigations, including written certifications of whether the premises and applicants are in compliance with the laws and regulations under their respective jurisdictions, to the City Manager, in writing, within 60 days of receipt of notice of the application.

(c) The Building Official's inspection of the premises for which a medical marijuana dispensary license is sought shall include an investigation as to whether the premises are in compliance with the Ohio Basic Building Code, the Huron Zoning Code, the Huron Property Maintenance Code, and the provisions of this chapter related to physical characteristics of the premises.

(d) Within 90 days after receipt of a completed medical marijuana dispensary license application, the City Manager shall approve or deny the issuance of a license. The City Manager shall approve the issuance of a license to an applicant unless the requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:

- (1) The results of inspections of the premises by the Chief or the Building Official indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions, including the provisions of this chapter related to characteristics of the physical premises. This subsection shall not apply to premises that are in violation of any law or regulation that is identified or referenced in subsections (d)(1) through (d)(7) hereof.
- (2) An applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any business, which are not the subject of a pending appeal or other legal challenge.

(f) If the City Manager determines that no other grounds for denial of a license exist under subsection (d) hereof, the City Manager shall not delay approval of the application past the end of the 90-day period provided in this section solely because the Chief has not provided the City Manager with the results of his inspection of the premises; the results of the Building Official's inspection of the premises are not available; or the Chief has not completed his investigation of the criminal background of the applicant(s). If after approving the issuance of a license, the City Manager receives information from his investigation which he determines constitutes grounds for denial of a license under subsection (d) hereof, then the medical marijuana dispensary license issued pursuant to this subsection (f) hereof shall be immediately revoked. If after approving the issuance of a license, the City Manager receives information concerning the results of inspections of the premises by the Chief, or the Building Official's inspection, which the City Manager determines constitutes grounds for the issuance of a license subject to a requirement to correct deficiencies under subsection (e) hereof, then a requirement shall be added to the terms of the medical marijuana dispensary licenses issued pursuant to this subsection (f) hereof to correct all deficiencies noted within 120 days of the date such requirement is added.

(g) A medical marijuana dispensary license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the licensed medical marijuana dispensary. All medical marijuana dispensary licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(h) The City Manager shall advise the applicant in writing of the reasons for any license denial.

751.08 - Fees.

(a) Every application for a new medical marijuana dispensary license shall be accompanied by a \$1000.00 non-refundable application and investigation fee.

(b) Every application for renewal of a medical marijuana dispensary license shall be accompanied by a \$ 500.00 non-refundable application and investigation fee.

751.09 – Inspection.

(a) The Division of Police and the Building Official shall, from time to time, inspect each medical marijuana dispensary licensed under the provisions of this chapter that is open to the public in order to assess compliance with the provisions of this chapter.

(b) An applicant or licensee shall permit the Building Official or designees and the Chief or designees, as well as representatives of other city departments and divisions, to inspect a medical marijuana dispensary that is open to the public for the purpose of insuring compliance with the law, during times that it is occupied or open for business.

(c) An applicant or licensee shall subject the application to denial or the license to revocation if he or she refuses to permit such lawful inspection of the premises.

751.10 - Expiration and Renewal of License.

(a) Each license issued pursuant to this chapter shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than 90 days and no fewer than 30 days before the expiration date. If application is made fewer than 30 days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(b) An application for renewal of a medical marijuana dispensary license shall be submitted to the City Manager on a form provided by the City Manager. The renewal application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to Section 751.06 of this chapter. The completed renewal application shall be accompanied by copies of any document or material submitted in connection with the initial license application that has been revised or requires revision to reflect any change in circumstances or conditions. Sketches or diagrams and security plans submitted with an initial medical marijuana dispensary license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram and security plan still depict the premises and plan accurately.

(c) The City Manager shall make determinations concerning the approval of license renewals based on the same criteria used to evaluate applications for new licenses under Section 751.07 of this chapter.

(d) The City Manager shall advise the applicant in writing of the reason(s) for any denial of a license renewal.

(e) When the City denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. If the City finds, subsequent to denial, that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the denial was issued.

751.11 - License Suspension.

(a) The City shall suspend a medical marijuana dispensary license for a period not to exceed 30 days if it determines that a licensee:

- (1) Has violated or is not in compliance with any section of this chapter; or
- (2) Has authorized or approved an employee's violation of or failure to comply with any section of this chapter, or as a result of the licensee's negligent failure to supervise either the premises of the medical marijuana dispensary or a medical marijuana dispensary has allowed an employee to violate or fail to comply with any section of this chapter.

(b) The City shall suspend a medical marijuana dispensary license for a period not to exceed 30 days if it determines that a licensee or his employee or agent has refused to allow an inspection of the licensed medical marijuana dispensary premises as authorized by this chapter.

(c) The Director shall advise the licensee in writing of the reason(s) for any suspension.

751.12 - License Revocation.

(a) The City shall revoke a medical marijuana dispensary license if a cause of suspension under Section 751.11 of this chapter occurs and the license has been suspended two times within the preceding 12 months.

(b) The City shall revoke a medical marijuana dispensary license if it determines that:

- (1) A licensee gave false or misleading information in the material submitted during the application process;
- (2) The licensee(s) failed to comply with any requirement stated in the license, pursuant to Section 751.07(g) of this chapter, to correct specified deficiencies within 120 days;
- (3) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the medical marijuana dispensary or a medical marijuana dispensary employee, a licensee has allowed, possession, use, or sale of controlled substances (except medical marijuana) on the premises;
- (4) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the medical marijuana dispensary or a medical marijuana dispensary employee, a licensee has allowed the commission of a felony on the premises;
- (5) A licensee operated the medical marijuana dispensary during a period of time when the licensee knew or reasonably should have known that the licensee's license was suspended, or when the licensee no longer maintained a dispensary license issued by the state board of pharmacy;
- (6) A licensee has been convicted of a specified criminal activity, as defined in Section 751.02 of this chapter, during the term of the license; or
- (7) A licensee is delinquent in payment to the City, County, or State for any taxes or fees past due that were assessed or imposed in relation to any business.

(c) The Director shall advise the licensee in writing of the reason(s) for any revocation.

(d) When the City revokes a license, the licensee shall not be issued another license

for one year from the date the revocation became effective. If the City finds, subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.

751.13 - Appeal Rights.

(a) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the City of Huron Board of Zoning Appeals by written notice within 10 days of such denial, suspension or revocation. Unless the applicant requests a longer period, the Board of Zoning Appeals must hold a hearing on the appeal within 30 days and must issue a decision affirming or reversing the denial, suspension, or revocation within five days after the hearing.

(b) Any decision by the Board of Zoning Appeals shall be a final appealable order and the applicant or licensee may seek judicial review of such administrative action in any court of competent jurisdiction pursuant to general law.

(c) Any licensee lawfully operating a medical marijuana dispensary prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal of a decision rendered under this chapter to the Board of Zoning Appeals or to a court.

(d) In the event that an applicant for a new medical marijuana dispensary license seeks judicial review of the denial of a new license, there shall be no automatic stay of the denial.

751.14 - Transfer of License.

A medical marijuana dispensary license is not transferable from one licensee to another or from one location to another without the express written permission of the City Manager. Any purported transfer of a medical marijuana dispensary license without the express written permission of the Director shall automatically and immediately revoke that license. Notwithstanding anything in this chapter to the contrary, a license transferee shall assume all responsibilities of the license transferor under this chapter and all applicable code.

751.15 - Regulations Pertaining to the Operation of Medical Marijuana Dispensaries.

(a) No person may operate or cause to be operated a medical marijuana dispensary without complying with the following requirements:

- (1) The medical marijuana dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the state.
- (2) The parcel upon which the dispensary is operated shall comply with the zoning regulations located Title Eleven – Planning and Zoning of these Ordinances.
- (3) Consultations by clinical nurse specialists, certified nurse practitioners, physicians or physician assistants shall not be permitted at a dispensary, unless the patron already has a recommendation for medical marijuana prior to entering the dispensary.
- (4) Signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.
- (5) The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

- (6) The use of any vending machine which allows access to medical marijuana is prohibited. For purposes of this subsection (a)(6), a vending machine is any device which allows access to medical marijuana without a human intermediary.
- (7) The premises of every medical marijuana dispensary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level of not less than five foot-candles as measured at floor level.
- (8) No medical marijuana dispensary shall be operated in any manner that permits the observation from outside the premises of any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, window or any other means.
- (9) Any material change to information provided in the licensee's application including, but not limited to, changes to the security plan must be promptly communicated, in writing, to the City Manager.
- (10) If, at any time, the Licensee is subject to any enforcement action by the state, the licensee shall immediately notify the City Manager and shall provide any relevant information or documentation requested by the Director.
- (11) If, at any time, the licensee has a reasonable belief that an actual loss, theft or diversion of medical marijuana or currency worth or amounting to more than 100.00 has occurred, the licensee shall immediately notify the City Manager, and in any event such notification shall be provided no later than 24 hours after discovery of the loss, theft or diversion.

(b) Except as otherwise provided in this paragraph, any person who violates subsection (a) hereof, or any person who operates a medical marijuana dispensary and permits a violation of subsection (a) hereof on the premises, shall be guilty of a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of subsection (a) hereof, a violation of subsection (a) of this section will be considered a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of subsection (a) of this section, a violation of subsection (a) hereof will be considered a misdemeanor of the first degree.

751.16 - Loitering and Exterior Lighting and Monitoring Requirements.

- (a) It shall be the duty of the operator of a medical marijuana dispensary to:
- (1) Initiate and enforce a no loitering policy within the external boundaries of the parcel of real property upon which the medical marijuana dispensary is located;
 - (2) Post conspicuous signs stating that no loitering is permitted on such property;
 - (3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and
 - (4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video

cameras and monitors shall operate continuously at all times that the premises is open for business.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

751.17 - Injunction.

Any person who operates or causes to be operated a medical marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City.

751.18 - Effect of Partial Invalidity.

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

751.19 - Change in Information.

During the pendency of any application for, or during the term of, any medical marijuana dispensary license, the applicant or licensee shall promptly notify the City Manager in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the medical marijuana dispensary establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur.

751.99 - Penalty.

(a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 501.99 of the Codified Ordinances of the City of Huron.

(b) Each day that a medical marijuana dispensary operates in violation of this chapter is a separate offense or violation.

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