

ORDINANCE NO. \_\_\_\_\_ - 2020

AN ORDINANCE AMENDING AND MODIFYING CERTAIN SECTIONS OF CHAPTER 1260, 1274 AND 1288 OF THE PLANNING AND ZONING CODIFIED ORDINANCES OF THE VILLAGE OF PUT-IN-BAY IN ORDER, AND DECLARING AN EMERGENCY

WHEREAS, the Village has the inherent power to enact planning, zoning and business regulation laws in furtherance of the health, safety and general welfare of Village residents, which includes the power to restrict, prohibit, or regulate certain business uses as authorized by the Ohio Constitution; and

WHEREAS, pursuant to that Authority, this Council passed Ordinance No. 1222-19 on August 7, 2019 approving a temporary moratorium on the acceptance, processing and approval of new and renewal applications for business licenses for mobile or fixed Intravenous Hydration Services businesses; and

WHEREAS, Ordinance No. 1222-19 was passed in order to allow this Council the opportunity to study the appropriateness of adopting ordinances that reasonably regulate the location and operation of mobile or fixed location Intravenous Hydration Services businesses in order to address any potential conflicts with the Village's zoning ordinances and to minimize or eliminate potential negative secondary effects on the community that may be found to result from the operation of such businesses in the Village, and to further the public health, safety and general welfare; and

WHEREAS, in accordance with Section 1260.03 of the Planning and Zoning Code, the Planning Commission considered and made a recommendation on the amendments set forth in this Ordinance at a public meeting held on February 18, 2020; and

WHEREAS, the Planning Commission has submitted its recommendation in writing to Council and, in accordance with Section 1260.03, Council has held its own public hearing on this Ordinance; and

WHEREAS, this Council has determined that Intravenous Hydration Services businesses should be able to locate and operate in the Village; and

WHEREAS, this Council further determines that the zoning regulations set forth herein shall ensure the safe and secure operation of Intravenous Hydration Services businesses located within the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Put-in-Bay, Ottawa County, State of Ohio that:

Section 1. Section 1260.06, "Definitions," of Part Twelve of the Village's Codified Ordinances is amended as follows:

**"1260.06 DEFINITIONS.**

For the purpose of the zoning code certain terms and words are described as follows:

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**(89) “Intravenous Hydration Service” means an individual, business and/or establishment that administers fluids to a customer intravenously for reasons other than medical treatment and includes intravenous therapy, drip bars and the like, whether in a mobile or fixed facility or location.**

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The sub-section numbers affected by these amendments to Section 1260.06 shall be renumbered accordingly.

Section 2. Section 1260.06, “Definitions,” of Part Twelve of the Village’s Codified Ordinances as it existed prior to the effective date of this Ordinance is repealed.

Section 3. Section 1274.02, “Special Uses,” of Part Twelve of the Village’s Codified Ordinances is amended as follows:

**“1274.02 SPECIAL USES.**

The following special uses are subject to approval as provided for in Chapter 1288:

(a) **Adult Oriented Business, as regulated by Section 1288.05;**

~~(a)~~**(b)** Bed and breakfast inn;

~~(b)~~**(c)** Community building and recreational field, community swimming pool, and community facility privately owned and operated;

~~(c)~~**(d)** Contractor's establishment;

~~(d)~~**(e)** Dwelling, multiple-family, including condominium;

~~(e)~~**(f)** Employee housing/dormitory;

~~(f)~~**(g)** Go-cart track;

**(h) Intravenous Hydration Services;**

~~(g)~~**(i)** Low impact wind-powered electric generator/windmill;

**(j) Medical Marijuana Cultivator;**

**(k) Medical Marijuana Dispensary;**

**(l) Medical Marijuana Processor;**

**(h)(m) Rental room.”**

**Section 4.** Section 1274.02, “Special Uses,” of Part Twelve of the Village’s Codified Ordinances as it existed prior to the effective date of this Ordinance is repealed.

**Section 5.** Chapter 1288, “Special Uses,” of Part Twelve of the Village’s Codified Ordinances is amended as follows:

**“CHAPTER 1288  
Special Uses**

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**1288.07 INTRAVENOUS HYDRATION SERVICES.**

**(a) Purpose. To establish limitations on Intravenous Hydration Services within the Village and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of Intravenous Hydration Services within the Village, all in order to promote the health, safety, and welfare of the citizens of the Village.**

**(b) Applicability. The development regulations established within this Planning & Zoning Code are applicable to the following development criteria:**

**(1) A facility, building, or group of buildings for the purpose of providing Intravenous Hydration Services.**

**(c) Location. No building or facility shall be erected, constructed, or developed and no building or premises shall be reconstructed, remodeled, arranged for use or used for any Intravenous Hydration Services business unless authorized by the issuance of a special use permit in accordance with the requirements herein. In addition, an Intravenous Hydration Services business shall comply with the following special use criteria:**

**(1) An Intravenous Hydration Services business shall be located in a district zoned C-2, General Commercial as provided in Chapter 1274.**

**(2) An Intravenous Hydration Services business must be conducted at a fixed location on rented, leased or privately-owned real property. Business must be conducted so as not to impede the flow of vehicular traffic on public streets and/or so as not to impede the flow of pedestrian traffic on public sidewalks.**

**(3) An Intravenous Hydration Services business shall be located within 200 feet of Lakeview Avenue.**

**(4) An Intravenous Hydration Services business shall not be located within 500 feet from any parcel on which sits a school, church, public library, public playground or public park.**

**(d) Other Requirements. An Intravenous Hydration Services business shall comply with the following requirements in order to be issued a special use permit:**

**(1) An Intravenous Hydration Services business shall be closed and shall not operate between the hours 9:01 p.m. and 6:59 a.m.**

**(2) All parts of the Intravenous Hydration Services business shall at all times be maintained in a neat, clean, sanitary, and safe condition.**

**(3) The owner, operator, or person in charge of an Intravenous Hydration Services business shall allow State or local authorities, including law enforcement officers, access to any and all parts of the premises for the purpose of making health or safety inspections.**

**(4) Intravenous fluids may be administered only by persons who have been specifically trained and are authorized to perform that duty in accordance with the laws of the State of Ohio.**

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The section and sub-section numbers affected by these amendments to Chapter 1288 shall be renumbered accordingly.

Section 6. Chapter 1288, "Special Uses," of Part Twelve of the Village's Codified Ordinances as it existed prior to the effective date of this Ordinance is repealed.

Section 7. This Council finds and determines 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 or any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 8. Council declares this to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the Village, and for the further reason that it is necessary establish limitations on Intravenous Hydration Services businesses operating within the Village and to establish uniform and reasonable regulations to minimize and control the negative secondary effects of Intravenous Hydration Services businesses within the Village. Wherefore this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_, 2020

Attest: \_\_\_\_\_  
Fiscal Officer

Approved: \_\_\_\_\_, 2020

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Jessica C. Dress, Mayor