

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading _____	Waiver 3-Reading Rule _____
ORDINANCE NO: 2023-10-23	Yes _____	Second Reading _____	Yes _____
INTRODUCED BY _____	No _____	Third Reading <u>X</u> _____	No _____

ORDINANCE AMENDING THE VILLAGE ZONING CODE TO DEFINE AND REGULATE THE DEVELOPMENT OF TRUCK STOPS, AND DECLARING AN EMERGENCY

ADOPTED AS AMENDED 11/15/2023

WHEREAS, the Planning Commission has recommended amending the Village Zoning Code to define and regulate the development of truck stops within the Village; and,

WHEREAS, it is in the best interests of the Village that the Codified Ordinances and the Village’s Zoning Code be amended to include definitions and regulations for Truck Stops.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Summit County, Ohio as follows:

Section 1: That Section 114.51 of the Codified Ordinances, titled “Truck Stops,” is hereby established and shall provide as follows:

1141.51 TRUCK STOPS.

(A) “Truck Stop” means a facility for the fueling or servicing of commercial semi-tractors, trailers, or straight trucks, whether utilizing any type of fuel or electrical motive power, which ^{either: (1)} provides other special services or amenities intended primarily for operators or drivers of commercial vehicles, including but not limited to showers, laundry facilities, lockers, or rest facilities, ^{or (2)} and that has at least three (3) or more of the following:

- a. ~~1.~~ Diesel or other fuel dispensing facilities, or electrical charging facilities, of sufficient size to accommodate semi-tractors with or without trailers;
- b. ~~2.~~ Facilities for washing semi-tractors and/or trailers;
- c. ~~3.~~ Facilities for maintenance or repair of semi-tractors and/or trailers;
- d. ~~4.~~ Parking areas for semi-tractors and/or trailers; or
- e. ~~5.~~ A sign visible from State Route 303, State Route 8, or Interstate 80 (the Ohio Turnpike).

(B) A “Truck Stop” does not include facilities intended to service only public fire apparatus or mass transit vehicles.

Section 2: That Section 1153.04(d) of the Codified Ordinances, under the Prohibited Uses subsection for the Village's Residential District, is hereby established and shall provide as follows:

(d) Truck Stop.

Section 3: That Section 1157.04(f) of the Codified Ordinances, under the Prohibited Uses subsection for the Village's Office/Professional District, is hereby established and shall provide as follows:

(f) Truck Stop.

Section 4: That Section 1159.03(p) of the Codified Ordinances, under the Conditional Uses subsection for the Village's General Business District, is hereby established and shall provide as follows:

(p) Truck Stop. Subject to the requirements stated in Chapters 1149 and 1159, a Truck Stop may be operated along Chittenden Road and the following additional standards shall apply:

(1) Required Setbacks.

A. No Truck Stop shall be located on any parcel abutting a parcel upon which a residence is situated or within 1,000 feet of any residentially zoned district within the Village of Boston Heights.

B. No Truck Stop shall be located on any parcel within 1,000 feet of any public library, church, or other place of worship, public or private elementary or secondary school, or a municipal, county, or national park.

or hospital, emergency room, or other medical treatment facility,^

C. No Truck Stop shall be located on any parcel within 1,000 feet of another Truck Stop, convenience store, service station or other similar business.

(2) For the purposes of subsection (p)(1) above, measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest lot line of the premises where a new Truck Stop is to be constructed and operated, to the closest lot line of the premises of a residence, public library, church or other place of worship, public or private elementary or secondary school, hospital, emergency room, or other medical treatment facility, or to the closest boundary of a municipal, county or national park, or residential district.

(3) For the purposes of subsection (p)(1) above, the distance between any two Truck Stops shall be measured in a straight line, without regard to intervening structures or objects, from the closest lot line of the premises in which each business is located.

- (4) Signs. All signage shall conform with Chapter 1179 of the Codified Ordinances of the Village of Boston Heights, and there shall be no more than one sign oriented to each abutting road identifying the use.
- (5) No person shall establish, operate, or cause the establishment or operation of any Truck Stop in violation of the provisions of this section.

Section 5: That Section 1160.04(d) of the Codified Ordinances, under the Prohibited Uses subsection for the Village's Retail Business District, is hereby established and shall provide as follows:

- (d) Truck Stop.

Section 6: That Section 1161.03(m) of the Codified Ordinances, under the Conditional Uses subsection for the Village's Light Manufacturing District, is hereby established and shall provide as follows:

- (m) Truck Stop. Subject to the requirements stated in Chapters 1149 and 1161, a Truck Stop may be operated along Chittenden Road and the following additional standards shall apply:

- (1) Required Setbacks.

- A. No Truck Stop shall be located on any parcel abutting a parcel upon which a residence is situated or within 1,000 feet of any residentially zoned district within the Village of Boston Heights.
- B. No Truck Stop shall be located on any parcel within 1,000 feet of any public library, church, or other place of worship, public or private elementary or secondary school, or a municipal, county, or national park.
- C. No Truck Stop shall be located on any parcel within 1,000 feet of another Truck Stop, convenience store, service station or other similar business.

- (2) For the purposes of subsection (m)(1) above measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest lot line of the premises where a new Truck Stop is to be constructed and operated, to the closest lot line of the premises of a residence, public library, church or other place of worship, public or private elementary or secondary school, hospital, emergency room, or other medical treatment facility, or to the closest boundary of a municipal, county or national park, or residential district.

- (3) For the purposes of subsection (m)(1) above, the distance between any two Truck Stops shall be measured in a straight line, without regard to intervening structures or objects, from the closest lot line of the premises in which each business is located.

- (4) Signs. All signage shall conform with Chapter 1179 of the Codified Ordinances of the Village of Boston Heights, and there shall be no more than one sign oriented to each abutting road identifying the use.
- (5) No person shall establish, operate, or cause the establishment or operation of any Truck Stop in violation of the provisions of this section.

Section 7: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 8: That this Ordinance is hereby declared to be an emergency measure necessary for the timely and immediate implementation of these provisions during the proper season and during the time period in advance of development, and preservation of the public peace, health, safety of the Village residents, and to allow for the continued operations of the Village Administration, and shall, therefore, take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, MAYOR

ATTEST:

SCOTT VARNEY, FISCAL OFFICER

I, Scott Varney, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance **2023-10-23** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **24th day of October, 2023.**