ORDINANCE NO.: **2007-19** PLANNING
SPONSOR: **MAYOR CROGHAN, COUNCILMAN MANWARING**
INTRODUCED: **AUGUST 14, 2007**

AN ORDINANCE AMENDING CHAPTER 1280 OF GREEN'S CODIFIED ORDINANCES (B-4 HIGHWAY SERVICE) TO SPECIFICALLY PERMIT AND LIMIT THE LOCATION OF "GAMES OF SKILL AND ADULT AMUSEMENT ARCADES" TO SUCH DISTRICTS.

WHEREAS, Ohio law currently allows skill-based amusement machines but prohibits certain games of chance; and

WHEREAS, on July 10, 2007, Green City Council unanimously passed Ordinance 2007-18 which regulates the existence and operation of "games of skill and adult amusement arcades"; and

WHEREAS, the administration and City Council agree that "games of skill and adult amusement arcades" should be limited to certain zoning districts within the City of Green; and

WHEREAS, it is in the best interest of the City of Green and its' citizens health, safety and welfare to limit the "games of skill and adult amusement arcades" to certain areas of the City; specifically, B-4 Highway Service Zoning Districts.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO, THAT:

SECTION ONE:
For the purpose of this Ordinance, "Games of Skill and Adult Amusement Arcades" shall have the same definition as the term "amusement arcade" as defined in Ordinance 2007-18.

SECTION TWO:
Section 1280.02(b) of Green's Codified Ordinances is amended to read as follows:

PERMITTED USES.

(a) Generally. In a B-4 Highway Service District, land and structures may be used or occupied, and structures may be erected, constructed, enlarged, moved or structurally altered, only for a principal use specified in this section, a conditional use in accordance with Chapter 1286 and this section, or an accessory use to a permitted principal or conditional use as regulated herein.

(b) Principal Uses. The categories of principal uses permitted in the B-4 Highway Service District are as follows:

(1) All uses permitted in the B-2 Business Office District;
(2) Table-service and counter-service restaurants and food services, including establishments with drive-up or drive-through facilities;
(3) Motor vehicle sales, motor vehicle repair and service shops, gasoline and auto service stations and car wash facilities;
(4) Hotels and motels;
(5) Regional retail stores intended to take advantage of an interchange location;
(6) Outdoor storage and display of items to be used or sold on the premises; and
(7) Sexually oriented businesses.

(8) GAMES OF SKILL AND ADULT AMUSEMENT ARCADES (AS DEFINED IN ORDINANCE 2007-18).

(c) Conditional Uses. The categories of conditional uses which, together with their accessory uses, may be permitted, shall include the following, provided that they conform to the conditions, standards and requirements of Chapter 1286 and are approved for a particular zoning lot in accordance with the administrative provisions of Section 1262.06(a) and (c):

(1) Self-service storage facilities;
(2) Public and private recreational facilities;
(3) All principal uses identified in Section 1284.02(b) of the I-2 Limited Industrial District;
(4) Public service facilities; and
(5) Oil and gas wells.

(d) Accessory Uses. Accessory uses and structures clearly incidental and subordinate to a permitted principal or conditionally permitted use, located on the same zoning lot, are permitted and may include the following:

(1) Private garages, storage facilities and off-street parking in compliance with Chapter 1290 and as provided in this chapter;
(2) Signs in compliance with Chapter 1292;
(3) Fences and walls, subject to the provisions of Section 1296.02(h).

SECTION THREE:
Chapter 1280 of Green's Codified Ordinances is further amended and supplemented to include the following provisions:

A. **"GAMES OF SKILL AND ADULT AMUSEMENT ARCADES" MAY BE LOCATED ONLY IN ACCORDANCE WITH THE FOLLOWING RESTRICTIONS:**

(1) **NO SUCH BUSINESS SHALL BE LOCATED ON ANY PARCEL WITHIN FIVE HUNDRED FEET (500') OF ANY RESIDENTIAL ZONING DISTRICT;**
(2) **NO SUCH BUSINESS SHALL BE LOCATED ON ANY PARCEL WITHIN ONE THOUSAND FEET (1,000') OF ANY PUBLIC LIBRARY, PRIVATE OR PUBLIC ELEMENTARY OR SECONDARY SCHOOL, PUBLIC PARK, OR CHURCH;**
(3) **NO SUCH BUSINESS SHALL BE LOCATED ON ANY PARCEL WITHIN FIVE HUNDRED FEET (500') OF ANOTHER "GAMES OF SKILL AND ADULT AMUSEMENT ARCADE";**
(4) **SUCH BUSINESSES SHALL ONLY BE LOCATED IN THE B-4 HIGHWAY SERVICE DISTRICT;**
(5) **NO SUCH BUSINESS SHALL BE ISSUED A ZONING PERMIT UNLESS AND UNTIL IT IS ISSUED A VALID AMUSEMENT ARCADE LICENSE PURSUANT TO THE PROVISIONS OF ORDINANCE 2007-18.**

B. **FOR THE PURPOSE OF SUBSECTION A, THE MEASUREMENT OF DISTANCE SHALL BE MADE IN A STRAIGHT LINE, WITHOUT REGARD TO INTERVENING STRUCTURES OR OBJECTS, FROM THE NEAREST PORTION OF THE BUILDING OR STRUCTURE USED AS A PART OF THE PREMISES WHERE "GAMES OF SKILL AND ADULT AMUSEMENT ARCADES" ARE CONDUCTED, TO THE NEAREST PROPERTY LINE OF THE PREMISES OF A CHURCH, OR PUBLIC, PRIVATE OR SECONDARY ELEMENTARY SCHOOL, OR TO THE NEAREST BOUNDARY OF AN AFFECTED PUBLIC PARK OR RESIDENTIAL ZONING DISTRICT.**

C. **FOR THE PURPOSE OF SUBSECTION A, THE DISTANCE BETWEEN ANY TWO "GAMES OF SKILL AND ADULT AMUSEMENT ARCADES" SHALL BE MEASURED IN A STRAIGHT LINE, WITHOUT REGARD TO INTERVENING STRUCTURES OR OBJECTS, FROM THE CLOSEST EXTERIOR WALL OF THE STRUCTURE IN WHICH EACH BUSINESS IS LOCATED.**

SECTION FOUR:
The City finds and determines that all formal actions of this Council concerning and relating to the enactment of this Ordinance were taken in open meetings of this Council and all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with Section 121.22, Revised Code.

ADOPTED: October 9, 2007

Molly Stevens
Molly ~~Kapeluck~~, Clerk
Stevens

Bruce Manwaring,
Council President

APPROVED: October 9, 2007

Daniel L. Croghan, Mayor

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SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: October 9, 2007

ON ROLL CALL: Colopy-yea Croce-yea France-yea Manwaring-yea
Padrutt-yea Ridgeway-yea Smole-yea Adopted 7-0.

Suburbanite publication on October 15 and October 22, 2007

Molly Stevens
Molly ~~Kapeluck,~~ Clerk
Stevens

8/8/2007 12:07 PM Approved as to form and content by Stephen J. Pruneski, Law Director SJP 8/8/07