

8 A

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

88407200251		TREX	TEN STAR ENTERPRISES INC
PERMIT NUMBER		TYPE	DBA SCRAMBLERS
06	01	2023	570 W DUSSEL
ISSUE DATE			MAUMEE OH 43537
09	09	2023	
FILING DATE			
D2	D3	D6	
PERMIT CLASSES			
48	044	A	F30039
TAX DISTRICT		RECEIPT NO.	

FROM 09/13/2023

88407200250			TEN STAR ENTERPRISES INC
PERMIT NUMBER		TYPE	DBA SCRAMBLERS
06	01	2023	25690 DIXIE HWY & PATIO
ISSUE DATE			PERRYSBURG OH 43551
09	09	2023	
FILING DATE			
D2	D3	D6	
PERMIT CLASSES			
87	187		
TAX DISTRICT		RECEIPT NO.	



MAILED 09/13/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/16/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A TREX 8840720-0251

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF MAUMEE CITY COUNCIL  
400 CONANT ST  
MAUMEE OHIO 43537-3366



**Department  
of Commerce**

Division of Liquor Control  
Sheryl Maxfield, Director

Mika DeWine, Governor  
Jon Husted, Lt. Governor

Rev 2/10/2021

RECEIVED  
SEP 18 2023  
CITY OF MAUMEE  
MUNICIPAL CLERK

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You **must**, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing; or
- Ask for your one-time only, 30-day extension.
  - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered **timely**, your above response **must** be faxed, emailed, or mailed to the Division no later than the postmark deadline date given on the form. To speed up processing times and reduce paper, the Division respectfully asks that you either fax or email your response. Please send your response to:

**FAX:** (614) 644 – 3166

**EMAIL:** [LiquorLicensingMailUnit@com.state.oh.us](mailto:LiquorLicensingMailUnit@com.state.oh.us)

**MAIL:** Ohio Division of Liquor Control  
Attn: Licensing Unit  
6606 Tussing Road  
PO Box 4005  
Reynoldsburg, Ohio 43068-9005

Please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to [https://www.comapps.ohio.gov/liqr/liqr\\_apps/PermitLookup/PermitHolderOwnership.aspx](https://www.comapps.ohio.gov/liqr/liqr_apps/PermitLookup/PermitHolderOwnership.aspx) and enter the permit number listed on the legislative notice; or
- Contact your police department or your county sheriff if you are a township fiscal officer or county clerk. The Division sends the applicable law enforcement agency the pertinent ownership information when it notifies them of the permit application.

Thank you in advance for your cooperation,

Division Licensing Section

Licensing Section  
6606 Tussing Road  
Reynoldsburg, OH 43068-9009

Fax 614-728-1281  
TTY/TDD 800-750-0750  
[com.ohio.gov](http://com.ohio.gov)

City of  
**MAUMEE**

Richard H. Carr | Mayor

p 419.897.7115 | mayor@maumee.org

September 25, 2023

9A  
Members of Council  
City of Maumee  
Maumee, OH 43537

Dear Council Members:

I respectfully request your confirmation of the following appointments to the City of Maumee Environmental and Tree Advisory Commission:

**Environmental and Tree Advisory Commission**

**New Term Ending**

**Name**

William Buri

W. Harrison St.

04/30/2026

Alaina Meister

Joliet Dr.

04/30/2026

Jason Mendelsohn

W. Harrison St.

04/30/2026

Council's confirmation on the above appointments would be greatly appreciated. Thank you.

Sincerely,



Richard H. Carr  
Mayor

9 B

City of

# MAUMEE

**MEMO TO:** City Councilmembers  
**FROM:** Richard Carr, Mayor  
**DATE:** September 28, 2023  
**SUBJECT:** Regional Combined Health District Agreement

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**Recommendation:**

*Authorize the Mayor to execute an amended agreement with Lucas County Commissioners for extension of Regional Combined Health District which provides for the administration of health and environmental services within the City of Maumee and Lucas County, Ohio pursuant to authority granted by Ordinance 013-2022.*

COPY

AMENDED AGREEMENT  
FOR THE ESTABLISHMENT OF A REGIONAL COMBINED HEALTH DISTRICT FOR  
THE ADMINISTRATION OF HEALTH AND ENVIRONMENTAL SERVICES  
WITHIN THE GEOGRAPHICAL JURISDICTION OF LUCAS COUNTY, OHIO

WHEREAS, Ohio Revised Code Section 3709.01 provides that each city within the State of Ohio constitutes a health district known as a "city health district" and the townships and villages within each county are combined into a health district known as a "general health district"; and

WHEREAS, Ohio Revised Code Section 3709.07 authorizes one or more city health districts to unite with a general health district in the formation of a single district; and

WHEREAS, by agreement effective November 2, 1999, (hereinafter the "Agreement") the District Advisory Council for the Lucas County General Health District, the Board of Commissioners, Lucas County, Ohio, and the cities of Toledo, Maumee, Sylvania and Oregon established a regional combined health district known as the Toledo-Lucas County Health Department; and

WHEREAS, the Agreement has been amended from time-to-time for purposes of adding an additional board members and extending the term of the agreement; and

WHEREAS, the City of Waterville, Ohio entered into an agreement effective March 1, 2012, for the Waterville City Health District to unite with the Lucas County General Health District as party to the regional combined health district under the terms and conditions of the Agreement and the amendments thereto; and

WHEREAS, the term of the current Agreement has expired; and

NOW, THEREFORE, the parties hereto mutually agree to extend the term and amend

certain provisions of the Agreement as follows:

1. EFFECTIVE DATE

This Agreement shall be effective beginning January 1, 2023, and shall remain effective until December 31, 2028, unless otherwise modified in writing by mutual agreement of the parties.

The regional combined health district shall be fully operational and assume full administration of health and environmental affairs within the Lucas County General Health District and the Health Districts of the Cities of Toledo, Maumee, Oregon, Sylvania, and Waterville subject to the terms and conditions set forth herein, unless said date is modified in writing by mutual agreement of the parties.

2. DISTRICT ADVISORY COUNCIL OF THE REGIONAL COMBINED HEALTH DISTRICT

Pursuant to Ohio Revised Code Section 3709.07, the District Advisory Council of the regional combined health district shall consist of the members of the District Advisory Council for the Lucas County General Health District and the Mayors of the Cities of Toledo, Maumee, Oregon, Sylvania, and Waterville, Ohio, and shall have all powers and duties as provided by Ohio Revised Code Section 3709.03.

3. DISTRICT ADVISORY COUNCIL OF THE LUCAS COUNTY GENERAL HEALTH DISTRICT

Nothing in this Agreement shall be construed to change the composition of the District Advisory Council of the Lucas County General Health District as constituted from time to time by the general laws of the State of Ohio.

Specifically, the parties hereto acknowledge and agree that during the term herein, and as a party to this agreement, the District Advisory Council for the Lucas County General Health District

shall remain a separate and distinct entity from that of the District Advisory Council for the regional combined health district. As such separate and distinct entity, the District Advisory Council for the Lucas County General Health District shall be comprised solely of the president of the board of Lucas county commissioners, the chief executive of each village, and the president of the board of township trustees, or their alternative, in accordance with Ohio Revised Code Section 3709.03, as such law may be amended from time to time, and shall have the exclusive authority to appoint members of the regional combined board of health as provided herein.

4. **CREATION OF THE REGIONAL COMBINED HEALTH DISTRICT BOARD**

The regional combined health district board is hereby and herewith created to organize and administer the regional combined health district, as well as, to enforce the health and environmental rules and regulations adopted, applicable and effective within its jurisdictional and geographic boundaries.

5. **APPOINTMENT/TERM OF OFFICE OF MEMBERS OF THE REGIONAL COMBINED HEALTH DISTRICT BOARD**

The regional combined health district board shall consist of twelve (12) members who shall serve without pay except that which is provided by the general laws of the State of Ohio as they now or hereafter may exist, to be appointed as follows: four (4) members to be appointed by the District Advisory Council of the members of the Lucas County General Health District to represent the territory of Lucas County outside of the Cities of Toledo, Maumee, Oregon, Sylvania, and Waterville as the same shall, from time to time, exist; four (4) members to be appointed by the Mayor of the City of Toledo with the approval of the Council to represent the incorporated area of the City of Toledo as the same shall, from time to time, exist; one (1) member to be appointed by the

Mayor of the City of Maumee with the approval of Council to represent the incorporated area of the City of Maumee as the same shall, from time to time, exist; one (1) member to be appointed by the Mayor of the City of Oregon with the approval of the Council to represent the incorporated area of the City of Oregon as the same shall, from time to time, exist; one (1) member to be appointed by the Mayor of the City of Sylvania with the approval of Council to represent the incorporated area of the City of Sylvania as the same shall, from time to time, exist; one (1) member to be appointed by the Mayor of the City of Waterville with the approval of Council to represent the incorporated area of the City of Waterville as the same shall, from time to time, exist. At least one (1) member of the regional combined health district board shall be a qualified physician. Members of the regional combined health district board shall be residents of the area which they represent.

As the term of each member of the regional combined health district board expires the appointing authority shall fill the vacancy created thereby for a four (4) year term. In the event a vacancy is created by death or resignation of a member, or by significant nonattendance by a member as determined by the original appointing authority for such member, the vacancy shall be filled by the original appointing authority for the unexpired term of such member.

Members appointed to the regional combined health district board shall be limited to three (3) terms. Members current term as of the effective date of this agreement shall be considered the first of the three (3) term limit.

6. COMPENSATION FOR THE MEMBERS OF THE REGIONAL  
COMBINED BOARD OF HEALTH

Members of the regional combined board of health shall be compensated for attendance at meetings and/or reimbursed for expenses in accordance with Ohio Revised Code Section 3709.02 as such law may be amended from time to time.



## 7. ORGANIZATION AND ADMINISTRATION OF THE REGIONAL COMBINED HEALTH DISTRICT

The organization of the regional combined health district shall be the responsibility of the regional combined health district board created, established and appointed in accordance with Sections 4 and 5 of this agreement consistent with this agreement, the regional combined health district board shall also be responsible for administering the health and environmental affairs within the Lucas County General Health District, the City of Toledo Health District, the City of Maumee Health District, the City of Oregon Health District, the City of Sylvania Health District, and the City of Waterville Health District as provided by the laws of the State of Ohio. The regional combined health district board may adopt rules and regulations for the purposes of administering such health and environmental affairs as authorized by law. The rules and regulations adopted or enacted by the regional combined health district board shall be enforceable throughout its geographical jurisdiction as applicable.

The regional combined health district board shall appoint a Health Commissioner who shall be the Chief Administrative Officer of the regional combined health district. The Health Commissioner shall be responsible for the organization and administration of the regional combined health district subject to the approval of, pursuant to the directives of and consistent with the rules and regulations adopted or enacted by the regional combined health district board.

The regional combined health district board is hereby authorized to contract with the City of Toledo, the Lucas County Board of Commissioners and/or any other person(s) or entity for the

purposes of purchasing or leasing equipment, office space or any other service or item the regional combined health district board deems necessary to implement this agreement and carry out the function of administering health and environmental affairs within the regional combined health district.

Nothing contained herein shall be construed to limit the power or the authority of the regional combined health district board or the Health Commissioner in administering the duties of the regional combined health district provided such administration of duties does not reduce the services to be provided the townships and villages which comprise the Lucas County General Health District, or the services to be provided generally throughout the respective city health districts.

#### 8. COST ALLOCATION

The regional combined health district board shall, no later than March 31st of each year, establish and approve a regional health district budget for the following fiscal year. The fiscal year of the regional combined health district shall be from January 1 through December 31.

The regional combined health district board shall also identify in the regional combined health district budget the intergovernmental revenue amount. The intergovernmental revenue amount is defined as the total district budget minus grant revenues (projected and actual), fee revenues, all other funding sources, and in-kind services provided by the Board of Commissioners, Lucas County, Ohio, and the City of Toledo as defined in Section 10 below. For the period January 1, 2023, through December 31, 2023, the resulting intergovernmental revenue portion of the regional combined health district budget shall be apportioned among the parties to this agreement as follows:

The City of Toledo shall provide 69.25% of the total intergovernmental revenue; the villages and townships of Lucas County, Ohio, through the District Advisory Council of the Lucas County General Health District shall provide 16.70% of the total intergovernmental revenue; the City of

Oregon shall provide 4.30% of the total intergovernmental revenue, the City of Maumee shall provide 3.8% of the total intergovernmental revenue; the City of Sylvania shall provide 3.35% of the total intergovernmental revenue, the City of Waterville shall provide .85% of the total intergovernmental revenue, and; the Board of Commissioners, Lucas County, Ohio, shall provide 1.75% of the total intergovernmental revenue.

Beginning January 1, 2024, for the 2025 regional combined health district fiscal year budget and continuing thereafter, the intergovernmental revenue portion of the regional combined health district budget shall be apportioned among the parties to this agreement based upon population size as determined by the most recent U. S. Census Bureau data with the exception of the Board of Commissioners, Lucas County, Ohio. The intergovernmental revenue portion of the regional combined health district budget apportioned to the Board of Commissioners, Lucas County, Ohio, shall be the total annual cost of the tuberculosis clinic.

#### 9. PAYMENTS FOR ALLOCATION OF COSTS

The parties to this agreement hereby agree and authorize the Lucas County Auditor to deduct each parties' share of the intergovernmental revenue directly from the real estate settlement. However, the real estate settlement portion for the City of Toledo shall not exceed .6 mills. In the event that the real estate settlement is insufficient to cover any party's share, the regional combined health district board will invoice the difference directly to the party. Such party will submit payment of the invoiced amount to the regional combined health district board within thirty (30) days of receipt of the invoice.

#### 10. IN-KIND SERVICES

The City of Toledo and the Board of County Commissioners, Lucas County, Ohio, shall provide in-kind services at no cost to the regional combined health district and separate from the cost

allocation as provided in Section 8 above as follows:

**City of Toledo:** shall provide office, operational, and parking space at the Toledo City Building located at 635 N. Erie St. Toledo, Ohio. This shall include repairs and replacements, security, utilities, and maintenance, excluding janitorial services, , the terms and conditions of which shall be set forth in a lease agreement executed between the City of Toledo and the regional combined health board.

**Board of County Commissioners:** shall provide office, operational, and parking space for the WIC program at 330 Oak Terrace Blvd., Holland, Ohio. In addition, the Board of Commissioners shall provide in-kind-support for: accounting, purchasing, and payroll, including but not limited to accounts receivable and accounts payable, billing inventory, payroll, taxes, withholding, risk management, cash management, and licensing insurance; computer and information system including but not limited to hardware installations, software installations, system/networking support, other licensing fees, mainframe usage; and, phone systems.

The City of Toledo and the Board of County Commissioners, Lucas County, Ohio, may provide additional services to the regional combined health district, at a cost or no cost as determined by the City of Toledo, the Board of County Commissioners, Lucas County, Ohio, and the regional combined health district. Any additional services shall be separate from and in addition to the costs allocation computation for intergovernmental revenue as provided in Section 8 above.

#### 11. TERMINATION

Any party may withdraw from, and thereby terminate said party's obligations under, this agreement by giving written notice of such intent to withdraw to the regional combined health district board. Such written notice must be given more than one (1) year in advance of the effective

date of withdrawal from this agreement. During the period between the submission of the written notice of withdrawal to the regional combined health district board and the effective date of the withdrawal from this agreement, the withdrawing party shall be bound by the full force and effect of this agreement.

The regional combined health district board may, by an affirmative vote of a majority of its members, elect to disband the regional combined health district and thereby terminate this agreement. In the event that the regional combined health district board elects to disband the regional combined health district and terminate this agreement, such disbandment and termination shall be fully implemented and effective no less than one (1) year from the date of the regional combined health district board's election for such action. During the period between the regional combined health district board's election to disband the regional combined health district and terminate this agreement and the effective date to fully implement such action, all parties to this agreement shall remain bound by the full force and effect of this agreement.

## 12. LEGAL ADVISOR

The Lucas County Prosecutor's Office shall be the legal advisor of the regional combined health district.

## 13. MISCELLANEOUS

- A. This Agreement constitutes the entire understanding between the parties hereto relating to the matters herein contained.
- B. This Agreement shall be construed and enforced pursuant to the laws of the State of Ohio.
- C. No amendments, modifications or variations of the terms and conditions of this Agreement shall be valid unless the same are in writing and approved

and signed by the parties hereto.

- D. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their successors and assigns.
- E. If any provision of this Agreement shall be or become illegal or unenforceable, in whole or in part for any reason whatsoever, the remaining provisions shall nevertheless remain valid, binding and subsisting.
- F. The terms and conditions of this Agreement shall not inure to the benefit of any third party or parties.
- G. The headings and titles of the several sections, provisions and clauses of this Agreement are for convenience only and do not define, limit or construe the contents of this Agreement.
- H. The parties represent to each other that, by their respective execution of this Agreement, they have obtained all necessary consents and approvals required for their respective execution and performance thereof.

IN WITNESS WHEREOF, the parties have executed this agreement on the date set forth


below.

**DISTRICT ADVISORY COUNCIL  
GENERAL HEALTH DISTRICT  
LUCAS COUNTY, OHIO**


\_\_\_\_\_  
Andy Glenn  
Chairman

Date: \_\_\_\_\_

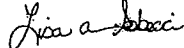
**BOARD OF COMMISSIONERS,  
LUCAS COUNTY, OHIO**

DocuSigned by:  
  
E9E871CBB0AE401  
\_\_\_\_\_  
Pete Gerken  
President/Member

Date: 9/19/2023  
\_\_\_\_\_

DocuSigned by:  
  
E74E78CE29E483  
\_\_\_\_\_  
Tina Skeldon Wozniak  
Member

Date: 9/19/2023  
\_\_\_\_\_

DocuSigned by:  
  
1607F6EDBE27484...  
\_\_\_\_\_  
Lisa A. Sobecki  
Member

Date: 9/20/2023  
\_\_\_\_\_

**CITY OF TOLEDO, OHIO**

\_\_\_\_\_  
Wade Kapszukiewicz  
Mayor

Date: \_\_\_\_\_

**MAYOR OF SYLVANIA, OHIO**

\_\_\_\_\_  
Craig A. Stough  
Mayor

Date: \_\_\_\_\_

**CITY OF MAUMEE, OHIO**

\_\_\_\_\_  
Richard H. Carr  
Mayor

Date: \_\_\_\_\_

**CITY OF OREGON, OHIO**

\_\_\_\_\_  
**Michael J. Seferian**  
Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
**Kathy Hufford**  
Finance Director

Date: \_\_\_\_\_

\_\_\_\_\_  
**Melissa Purpura**  
Law Director

Date: \_\_\_\_\_

**CITY WATERVILLE**

\_\_\_\_\_  
**Timothy Pedro**  
Mayor

Date: \_\_\_\_\_

**APPROVED AS TO FORM**  
**JULIA R. BATES**  
**PROSECUTING ATTORNEY**  
**LUCAS COUNTY, OHIO**

DocuSigned by:  
*Jim Walter*  
\_\_\_\_\_  
By: **James C. Walter**  
Assistant Prosecuting Attorney

Date: 9/19/2023



11 A

ORDINANCE NO. 034-2023

AN ORDINANCE AMENDING MAUMEE CODIFIED ORDINANCE SECTION 1101.02 TO CLARIFY DEFINITIONS OF THE MAUMEE ZONING CODE REGARDING PROFESSIONAL SERVICE ESTABLISHMENTS, AND DECLARING AN EMERGENCY

WHEREAS, Maumee Codified Ordinance Section 1101.02 provides definitions for the Zoning Code and is part of the City of Maumee Zoning Code and certain changes are necessary to some of the definitions to resolve any potential conflicts within the code;

WHEREAS, these changes will clarify certain definitions and their application and the Planning Commission recommended these changes after a public hearing.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Maumee Codified Ordinance Section 1101.02 is hereby amended in part as follows:

(178) **Professional Services:** Services within the scope of the practice of specialized fields, including but not limited to: accounting, architecture, dentistry, landscape architecture, land surveying, law, medicine, optometry, professional engineering, real estate, or services provided in connection with the professional employment or practice of a person who is licensed or registered in one of these fields. **Includes Professional Service Establishments, Service Establishments and Professional Service Offices when referenced in the zoning code.**

(179) **Professional Service Establishment:** An establishment which provides services that involve some specialized advanced education, licensing and/or certification, such as: hospitals, clinics, laboratories, dialysis centers, urgent care centers, or offices of doctors, osteopaths, chiropractors, nurses, physical therapists, and other licensed or certified medical service providers; offices of lawyers, architects, engineers, veterinarians, and similar occupations requiring specialized higher education, licensing and/or certification; purveyors of financial services, including stockbrokers, banks, insurance agencies, and real estate offices; travel agencies; and funeral homes. **Includes Professional Services, Service Establishments and Professional Service Offices when referenced in the zoning code.**

SECTION 2. Section 11021.02 subsection 178 and 179 and any ordinances, parts of ordinances or the chapters of the Zoning Code in conflict herewith are hereby amended and repealed in part to reflect the foregoing changes;

SECTION 3. This ordinance is declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the City of Maumee, and more specifically to allow for the immediate update of the zoning code so as to eliminate any inconsistent provisions in the Maumee Zoning Code related to these definitions which will be a benefit for the citizens of Maumee, wherefore this ordinance will go into immediate effect upon its adoption by council.

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 Council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio.

Motion to declare an emergency:  
Yeas            Nays  
Motion to Pass:  
Yeas            Nays  
Passed: October 4, 2023

Seconded:

Seconded:

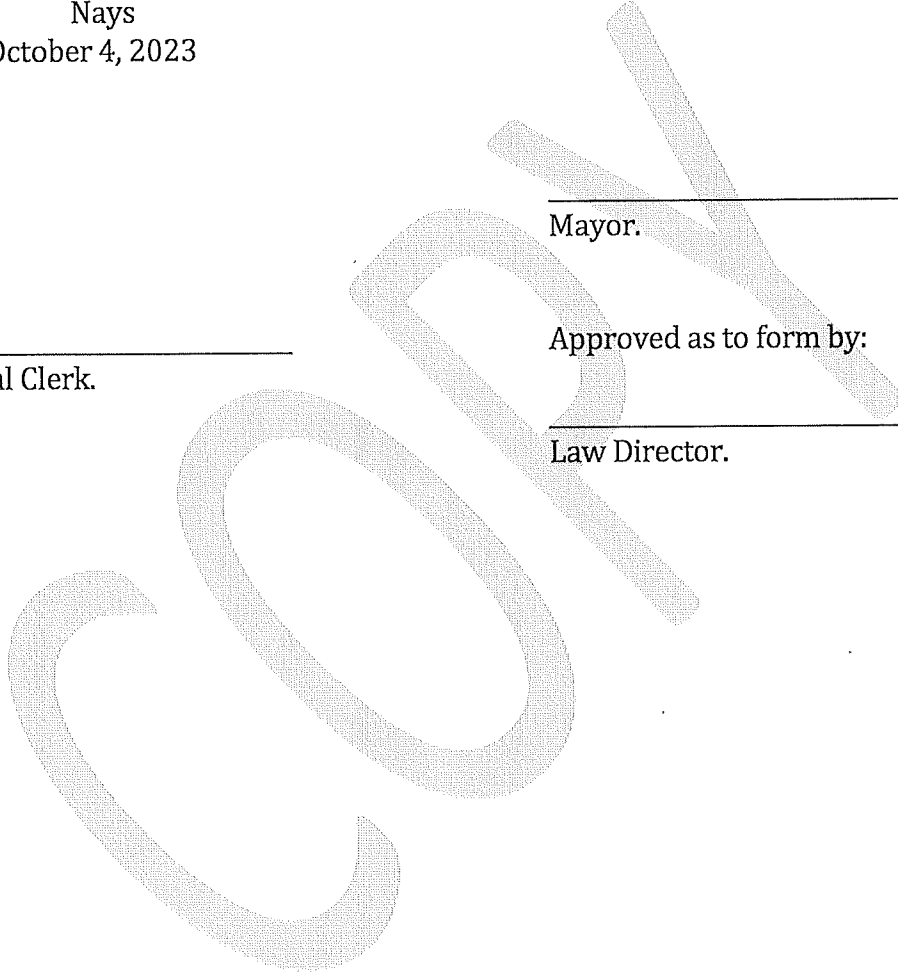
ATTEST:

\_\_\_\_\_  
Municipal Clerk.

\_\_\_\_\_  
Mayor.

Approved as to form by:

\_\_\_\_\_  
Law Director.



11 B

ORDINANCE NO. 035-2023

AN ORDINANCE AMENDING MAUMEE CODIFIED ORDINANCE 1125.09, AMENDING ALLOWABLE USES IN THE C-3 UPTOWN COMMERCIAL DISTRICT, AND ORDINANCE 029-2022, AND DECLARING AN EMERGENCY

WHEREAS, the City of Maumee Planning Commission has proposed text changes to Codified Ordinance Section 1125.11 which is part of the City of Maumee Zoning Code;

WHEREAS, the Planning Commission conducted a public hearing on said proposed modifications as required by section 1105.08 of the Maumee Codified Ordinances;

WHEREAS, Council has reviewed and approves the recommended changes to the Zoning Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Codified Ordinance 1125.09 and Ordinance 029-2022 are hereby amended in part as follows:

**1125.09 C-3 UPTOWN COMMERCIAL DISTRICT.**

The C-3 Uptown Commercial District is designed to accommodate a variety of retail stores, office structures, service establishments and related activities to satisfy the convenience and service needs of the City residents and consumers beyond the corporate limits. The C-3 Uptown Commercial District contains structures of architectural and historical interest, which are of irreplaceable value to the City. As the name infers, the C-3 Uptown Commercial District is unique and represents the original core of the commercial district of the City. This district is intended to preserve and protect the unique character of the area by establishing certain standards and review procedures that will ensure harmonious development.

(a) Permitted Uses. Within the C-3 Uptown Commercial District, a structure or premises shall be erected or used only for the following purposes:

- (1) Bars and taverns.
- (2) Bed and breakfasts.
- (3) Clubs and lodges for private use.
- (4) Dwellings above the first floor.
- (5) Financial Institutions such as banks, savings and loans and credit unions, **with or** without drive in or drive-through facilities.
- (6) Manufacturing and processing incidental to a retail business conducted on the premises, provided such activities do not occupy greater than fifty (50) percent of the total floor area and conform to the performance standards outlined in paragraph (g) hereof.
- (7) Massage studios.
- (8) Messenger and telegraph service stations.
- (9) Museums and community centers.
- (10) Offices for governmental purposes, including police and fire stations.
- (11) Offices for professional services, trades or businesses, **provided the offices are not located on the first floor unless varied by a development agreement.**

(12) Publicly owned and operated parks, playgrounds and community centers; provided that no commercial enterprise or amusement park is conducted on the premises, except permitted temporary uses.

(13) Printing, binding, typesetting and publishing houses.

(14) Public libraries.

(15) Public or private parking lots and ramps.

(16) Public structures not otherwise defined and regulated by this code or parking areas erected, leased or used by any department of a municipal, county, state or federal government. However, no outdoor storage of equipment or materials is permitted.

(17) Indoor commercial recreational facilities.

(18) Restaurants and coffee shops with sit-down service without drive-in or drive-through facilities or delivery services in excess of one delivery vehicle.

(19) Small scale: retail centers, sales establishments, and service establishments.

(20) Retail stores and outlets similar in character to uses listed herein.

(21) Water, storm and sewage pumping stations.

(22) Schools; primary, intermediate and secondary; both public and private.

(23) Veterinary clinics, but no outdoor pens or runways and no boarding of animals.

(24) Accessory structures and uses.

(b) Conditional Uses. Refer to Chapter [1134](#) (Conditional Use Regulations) for the process of obtaining a conditional use permit. The following conditional uses may be approved, provided they meet the general standards found in Section [1134.03](#) (General Standards for Conditional Uses) and any listed specific conditions in Section [1134.08](#) (Supplemental Requirements for Specified Conditional Uses):

(1) Bus shelters.

(2) Place of religious worship.

(3) Dwelling: Single-family dwellings.

(4) Dwelling: Two-family dwellings.

(5) Dwelling: Multiple family dwellings.

(6) Electric and telephone substation towers.

(7) Gas regulator and meter stations.

(8) Nightclub.

(9) Parking Areas: Extension of parking into contiguous zoning district parking areas.

(10) Parking Areas: Joint use of an off-street parking area.

(11) Public utility control facilities or structures.

(12) Educational institutions.

(13) Theaters, cinemas, and similar places of amusement.

(14) Towers and transmitting equipment for radio and television substations.

(15) Vending machines in an outdoor location.

(16) Automobile Service Stations - fuel and convenience.

(17) Hotels that meet the standards set forth in **Chapter 1137 Hotel, Motel and Extended Stay Hotel Operation and Standards** and the following:

**Hotels and Extended Stay Hotels/Motels shall be required to enter into a Development Agreement prior to the issuance of a Zoning Permit or Site Plan approval. The following requirements must be contained in the Development Agreement:**

**A. Minimum of three (3) stories.**

**B. Must have a flat roof with a minimum parapet height of four (4) feet or one (1) foot higher than the tallest roof top equipment, whichever is higher. When rooftop equipment is replaced, the parapet height will need to be extended to one foot higher than the rooftop equipment being replaced, or additional screening to block the view of the replaced equipment may be added with approval of the City.**

**C. Minimum staffing 24/7 of two (2) persons, with one person always at the front desk.**

**D. Maximum height for light poles of eighteen (18) feet above grade with all lighting fixtures facing downward.**

**E. Interior connectivity to closest public sidewalk or trail.**

**F. Covered entrance for vehicle loading and unloading.**

**G. No on-site parking of semi-trailers.**

**H. No exterior vinyl materials or vinyl windows.**

**I. No Hotel or Extended stay Hotel/Motel shall be converted to another use.**

**J. Other than in rooms licensed and permitted for Extended Stay by the State of Ohio and the City of Maumee, no person shall remain as a guest on the property in excess of thirty (30) consecutive days, and no person shall be permitted to change rooms or re-register as a guest without having vacated the property for a minimum of five (5) days, or one-hundred and twenty (120) hours.**

**K. A maximum occupancy of four (4) adults per guest room.**

**L. No maintenance of vehicles in the parking area. No vehicles shall remain on-site with flat tires, expired or no registration, in any state which renders them illegal to operate on a public road, or inoperable.**

**In addition to the above requirements, the City Administrator may require additional supplemental requirements as part of the Development Agreement including, but not limited to, the following:**

**A. Minimum of four (4) stories for Extended Stay Hotels/Motels.**

**B. Minimum overall height.**

**C. Balconies supported by the building structure on a minimum of twenty-five (25) percent of the total rooms.**

**D. Exterior patio/seating area secluded by screening and landscaping.**

**E. Laundry equipment in all rooms.**

**F. Interior countertops and vanities must be hard-surfaced material and non-stainable due to liquids or heat (i.e., granite).**

**G. Landscaping in addition to that required in Chapter [1145](#).**

**(c) Lot Size and Yard Area Requirements. Minimum lot size and yard area requirements as set forth in Section [1125.14](#) shall apply to all structures hereafter erected, relocated, reconstructed or structurally altered within the C-3 Uptown Commercial District.**

**(d) Minimum and Maximum Floor Area Requirements and Bulk Regulations. Minimum floor area requirements and bulk regulations as set forth in Section [1125.14](#) shall apply to all structures hereafter erected, relocated, reconstructed or structurally altered within the C-3 Uptown Commercial District.**

**(e) Off-Street Parking, Loading and Storage Regulations. Off-street parking, loading and storage regulations as set forth in Chapter [1141](#) shall apply to all uses established within the C-3 Uptown Commercial District.**

(f) Signs Permitted. Signs shall be permitted in the C-3 Uptown Commercial District in accordance with Chapter 1143.

(g) Performance Standards. Performance standards established in Section 1125.07 shall apply to uses established within this district.

SECTION 2. Section 1125.09 of the Maumee Codified Ordinances, Ordinance 029-2022 and any ordinances, parts of ordinances or the chapters of the Zoning Code in conflict herewith are hereby amended and repealed in part to reflect the foregoing changes;

SECTION 3. This ordinance is declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the City of Maumee, and more specifically to allow for the immediate update of the Zoning Code so as to allow these changes to the Zoning Code to be modified in a timely manner and modify certain provisions in the Maumee Code which will be a benefit for the citizens of Maumee, wherefore this ordinance will go into immediate effect upon its adoption by Council.

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 Council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio.

Motion to declare an emergency:

Seconded:

Yeas        Nays

Motion to Pass:

Seconded:

Yeas        Nays

Passed: October 4, 2023

ATTEST:

\_\_\_\_\_  
Mayor.

\_\_\_\_\_  
Municipal Clerk.

Approved as to form by:

\_\_\_\_\_  
Law Director.

11c

ORDINANCE NO. 036-2023

AN ORDINANCE AMENDING SECTION 1125.11 OF THE MAUMEE CODIFIED ORDINANCES C-M DISTRICT, AND ORDINANCE 003-2023, TO MODIFY MULTI-FAMILY USES WITHIN THE C-M COMMERCIAL INDUSTRIAL DISTRICT, AND DECLARING AN EMERGENCY

WHEREAS, the City of Maumee Planning Commission has proposed text changes to Codified Ordinance Section 1125.11 which is part of the City of Maumee Zoning Code;

WHEREAS, the Planning Commission conducted a public hearing on said proposed modifications as required by section 1105.08 of the Maumee Codified Ordinances;

WHEREAS, Council has reviewed and approves the recommended changes to the Zoning Code as set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Section 1125.11 of the Maumee Codified Ordinances and Ordinance 003-2023 are hereby amended as follows:

**1125.11 C-M COMMERCIAL-INDUSTRIAL DISTRICT.**

The C-M Commercial-Industrial District is intended to provide for a compatible mix of commercial, **multi-family residential**, and industrial uses in a commercial-industrial park-like site or area. Such ~~site~~ **District** shall contain not less than 30 acres. Non-contiguous parcels and lots may be included in an original established site, provided that the acreage of such non-contiguous parcels and lots shall not be used in calculating the minimum requirement of ~~200~~ **30** acres for a site C-M District and provided further that all other requirements of this Zoning Code are met. Contiguous parcels and lots may be added to an established district. ~~site, provided that all other requirements of this Zoning Code are met. Non-contiguous parcels and lots may be added to an established site, provided that such non-contiguous parcels and lots are situated in the same plat in which all or part of an established site is located, or in a plat which is contiguous to a plat in which all or part of an established site is located, and provided further that all other requirements of this Zoning Code are met.~~

(a) Permitted Uses: Within the C-M Commercial-Industrial District, a structure or premises may be erected or used only for the following purposes:

(1) Any use permitted within the C-2 and C-4 Commercial Districts. (Excluding Medical Marijuana Facilities)

(2) Any use permitted within the M-1 Controlled Industrial District. (Excluding Medical Marijuana Facilities)

(3) Multiple-family dwellings. A multiple-family dwelling constructed in a C-M zoning district must meet the same requirements as a multiple-family dwelling unit constructed in an R-4 zoning district including all requirements for multiple-family dwellings contained in Chapters [1135](#), [1136](#), [1141](#), and [1145](#). Building and site design, materials and landscaping must be compatible with surrounding structures and area and shall be approved at the

discretion of the ~~Zoning Administrator~~ **Urban Planning Manager** or **City Administrator** (or designee) and any ~~Architectural Review Committee~~, if required. **Apartment** buildings must be a minimum of four (4) stories. First floor finished ceiling height must be a minimum of twelve (12) feet and minimum nine (9) foot finished ceiling height in each story above the first. The preference is for compatible office or commercial use of the first floor with residential above the first floor. Dwellings may be on the first floor, but first floor construction must allow for easy conversion to accommodate the occupancy of other C-M permitted uses. Any first floor occupancy other than residential must be compatible with the residential use of the building and shall be approved at the discretion of the **Urban Planning Manager** ~~Zoning Administrator~~ (or designee). **Multiple-family dwellings (including condominiums, garden apartments, and townhouses), two-family dwellings and zero lot-line single-family dwellings (one or two zero lot lines when two units adjoin and share a common wall) may be constructed that meet all requirements for multiple-family dwellings contained in Chapters [1135](#), [1136](#), [1141](#), and [1145](#) if approved by the Urban Planning Manager and City Administrator and that are consistent with the standards set forth in Section 1135.06 of the Maumee Codified Ordinances or as allowed in a development agreement.**

(b) Conditional Uses: Conditional uses listed within the C-2 General Commercial District, if not otherwise permitted, may be permitted under the procedure contained in Chapter [1134](#).

(c) Lot Size and Yard Area Requirements: Minimum floor area requirements as set forth in Section [1125.14](#) shall apply to all structures hereafter erected, relocated, reconstructed or structurally altered within the C-M Commercial-Industrial District, **except as may be modified by a development agreement.**

(d) Minimum and Maximum Floor Area Requirements and Bulk Regulations: Minimum floor area requirements and bulk regulations as set forth in Section [1125.14](#) shall apply to all structures hereafter erected, relocated, reconstructed or structurally altered within the C-M Commercial-Industrial District, **except as may be modified by a development agreement.**

(e) Off-Street Parking, Loading and Storage Regulations: Off-street parking, loading and storage regulations as set forth in Chapter [1141](#) shall apply to all uses established within the C-M Commercial-Industrial District, **except as may be modified by a development agreement.**

(f) Signs Permitted: Signs shall be permitted in the C-M Commercial-Industrial District in accordance with Chapter [1143](#).

(g) Performance Standards: The performance standards set forth at Section [1125.08](#) (g) shall apply to the C-M Commercial-Industrial District, **except as may be modified by a development agreement.**

SECTION 2. Ordinance 003-2023 and Codified Ordinance 1125.11 and any ordinances, parts of ordinances or the chapters of the Zoning Code in conflict herewith are hereby amended and repealed in part to reflect the foregoing changes;

SECTION 3. This ordinance is declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens



of the City of Maumee, and more specifically to allow for the immediate update of the Zoning Code so as to allow development of property to proceed in a timely manner and to regulate other types of development all of which will be a benefit for the citizens of Maumee, wherefore this ordinance will go into immediate effect upon its adoption by Council.

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, the Planning Commission and any of council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio and the State of Ohio.

Motion to declare an emergency:

Yeas            Nays

Motion to Pass:

Yeas            Nays

Passed: October 4, 2023

Seconded:

Seconded:

\_\_\_\_\_  
Mayor.

ATTEST:

\_\_\_\_\_  
Municipal Clerk.

Approved as to form by:

\_\_\_\_\_  
Law Director.

11 D

ORDINANCE NO. 037-2023

AN ORDINANCE ENACTING CHAPTER 1138 DISCOUNT RETAIL STORES OF THE MAUMEE CODIFIED ORDINANCES, TO ESTABLISH ZONING STANDARDS FOR DISCOUNT RETAIL STORES, AND DECLARING AN EMERGENCY

WHEREAS, the City of Maumee Administrator has proposed text changes to Codified Ordinance Section 1125.11 which is part of the City of Maumee Zoning Code;

WHEREAS, the Planning Commission conducted a public hearing on said proposed modifications as required by section 1105.08 of the Maumee Codified Ordinances;

WHEREAS, Maumee has previously adopted supplemental regulations for real property located in the City of Maumee;

WHEREAS, in order to provide regulations for retail stores located within the City of Maumee, Chapter 1138 of the Codified Ordinances should be adopted;

WHEREAS, all applicable provisions for adoption of this ordinance have been complied with prior to passage.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Chapter 1138 of the Maumee Codified Ordinances be, and the same hereby is enacted as follows:

**Chapter 1138 Discount Retail Stores**

**1138.01 PURPOSE AND DEFINITIONS**

(a) *Purpose.* The regulations of this section are established to regulate the location of discount retail stores for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, the regulations are established to avoid and reduce over-concentration and to maintain cleanliness for the health and safety of residents within our neighborhoods.

(b) *Definitions.* For purposes of this section:

(1) "Discount Retail Store" means a retail store of between two thousand (2,000) and twenty thousand (20,000) square feet that dedicates less than twenty percent (20%) of shelf space to fresh or fresh frozen foods and produce and sells at retail an assortment of physical goods, products or merchandise directly to the consumer, including food or beverages for off-premise consumption, personal grooming and health products, household goods and other consumer products that generally cost less than ten dollars (\$10.00).

(2) "Fresh Produce" means fruits and vegetables that have not been processed in any manner. This term does not include such items as potted or dried herbs, wild rice, dried fruits and vegetables, raw nuts of any kind, popcorn, fruit or vegetable plants/seedlings, seeds/grains, flowers, maple syrup, cider, eggs, meat, cheese and seafood.

(3) "Fresh or Fresh Frozen Food" means food for human consumption that is in its raw state, or unprocessed; food that was quickly frozen while still fresh (blanching, blast freezing) and no deterioration has taken place.

(4) *Exclusions.* For purposes of this section, "discount retail store" does not include retail stores that dedicate less than five percent (5%) of shelf space to food sales, sell gasoline or diesel fuel, contain a prescription pharmacy or dedicate at least fifteen percent (15%) of shelf space to fresh or fresh frozen foods and produce.

### **1138.02 LOCATION OF DISCOUNT RETAIL STORES**

(a) *Spacing.* No discount retail store shall be established on a lot or lots within ten thousand five hundred and sixty (10,560) feet (two (2) miles) of another lot or lots containing an existing discount retail store. No two (2) discount retail stores shall be located in the same building or on the same lot. Such distance shall be measured in a geometrically straight line which represents the shortest distance between the lot or lots accommodating the proposed discount retail store and the lot or lots from which the existing discount retail store is located. Such measurement shall be made using a scaled map, or a survey if deemed necessary, and shall be made without regard to intervening structures, objects, uses, the street grid, landforms or any other topographic feature.

(b) *Maps Maintained.* The Urban Planning Manager shall maintain a map of existing Discount Retail Store locations and other information necessary to determine compliance with the spacing regulations under division (d) of this section.

(c) The Discount Retail store shall comply with all applicable Maumee Building Code Standards and Architectural Standards and shall submit a detailed plan to the Maumee Urban Planning Manager for approval for the Discount Retail Store location. The plan shall include a site drawing locating the curbs and distances as well as material to provide compatibility with surrounding uses and a rendering or picture of the proposed facade.

(d) *Floor and Shelf Plan Required.* For any discount retail store, a Floor and Shelf Plan shall be submitted to the Urban Planning Manager as part of its Building Permit application in addition to any other required plans and information, and shall contain each of the following:

(1) The amount of shelf space dedicated to food sales and the amount of shelf space dedicated to fresh or fresh frozen foods and produce; and

(2) The types of goods, products, or merchandise to be sold and the general cost of such items.

(e) *Maintenance and Other Requirements.* The owner and/or operator of a discount retail store shall comply with applicable provisions of these codified ordinances regarding maintenance of the premises and shall comply with the following:

(1) Keep the exterior of the site including the sidewalks and tree lawns abutting the property free of litter and debris; and

(2) Provide one (1) or more solid waste containers located directly outside the primary entrance for the placement of paper, wrappers, and other items by customers and others. Such containers shall be maintained in good condition and be of suitable capacity to sufficiently contain litter and debris between scheduled waste collections.

(3) All exterior infrastructure on or adjoining the rental site shall be repaired or replaced according to Maumee Code, including sidewalks, curbs and landscaping prior to being granted an occupancy permit.

(f) *Exception.* Chapter 1138 shall not apply to any discount retail store as defined in herein currently in operation prior to the effective date of this section. If a discount retail store not currently subject to these regulations becomes subject to the nonconforming use provisions as set forth in Chapter 1130 of the Maumee Codified Ordinances or is otherwise repaired or remodeled or sold after the effective date of this ordinance, said discount retail store shall be required to comply with the regulations set forth herein.

**1138.03 CIVIL REMEDIES.**

If any structure is erected, constructed, reconstructed, relocated, altered, repaired, converted or maintained, or if any structure or land is used in violation of this chapter, the City, in addition to any other remedies provided for herein, may institute such action or proceedings as are authorized by law to prevent and enjoin such unlawful erection, construction, reconstruction, relocation, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of such structure or land.

**1138.99 CRIMINAL PENALTIES.**

(a) Whoever violates any of the provisions of this Chapter shall be guilty of a misdemeanor of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of the Maumee Zoning Code, then the offender is guilty of a misdemeanor of the third degree.

(b) Each calendar day such violation shall be permitted to continue or exist shall constitute a separate and distinct offense.

SECTION 2. Any ordinances, parts of ordinances or the chapters of the Maumee Municipal Code in conflict herewith are hereby amended and repealed in part to reflect the foregoing changes.

SECTION 3. This ordinance is declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the City of Maumee, and more specifically to allow for the immediate implementation of regulations for discount retailers which will be a benefit for the citizens of Maumee, wherefore this ordinance will go into immediate effect upon its adoption by Council.

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 council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio.

Motion to declare an emergency:

Yeas            Nays

Motion to Pass:

Yeas            Nays

Passed: October 4, 2023

Seconded:

Seconded:

ATTEST:

\_\_\_\_\_  
Municipal Clerk.

\_\_\_\_\_  
Mayor.

Approved as to form by:

\_\_\_\_\_  
Law Director.

11 E

ORDINANCE NO. 038-2023

AN ORDINANCE ENACTING CHAPTER 1139 TOBACCO AND VAPE STORES OF THE MAUMEE CODIFIED ORDINANCES, TO STIPULATE REGULATIONS FOR TOBACCO AND VAPE STORES, AND DECLARING AN EMERGENCY

WHEREAS, the City of Maumee Administrator has proposed text changes to Codified Ordinance Section 1125.11 which is part of the City of Maumee Zoning Code;

WHEREAS, the Planning Commission conducted a public hearing on said proposed modifications as required by section 1105.08 of the Maumee Codified Ordinances;

WHEREAS, Maumee has previously adopted supplemental regulations for real property located in the City of Maumee;

WHEREAS, in order to provide regulations for Tobacco and Vape Stores located within the City of Maumee, Chapter 1139 of the Codified Ordinances should be adopted to include the following revisions, additions and deletion;

WHEREAS, all applicable provisions for adoption of this ordinance have been complied with prior to passage.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Chapter 1139 of the Maumee Codified Ordinances be, and the same hereby is enacted as follows:

**Chapter 1139 Tobacco and Vape Stores**

**1139.01 PURPOSE AND DEFINITIONS**

(a) *Purpose.* The regulations of this section are established to regulate the location of tobacco and vape stores for the purpose of protecting residents from the proliferation of potentially harmful products, including young adults and also to protect neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, the regulations are established to avoid and reduce over-concentration and to maintain cleanliness for the health and safety of residents within our neighborhoods.

(b) *Definitions.* For purposes of this section:

(1) "Tobacco and Vape Stores" means a retail store of between two hundred (200) and fifteen thousand (15,000) square feet that dedicates more than thirty percent (30%) of shelf space or retail space to smoking related products including but not limited to tobacco, cigars, smokeless tobacco, electronic smoking devices or supplies, products containing nicotine, alternative nicotine products as defined by Ohio Revised Code section 2927.02 and/or vape products, or tobacco, cigar, or smoking related products or vape related merchandise directly to the consumer and/or stores where sales of tobacco, cigars, smoking related products, electronic smoking products, smokeless tobacco or vape product exceeds twenty percent (20%) of their gross sales. Sale of marijuana, marijuana related products or oils,

hemp or hemp related products, related to any of the foregoing CBD, marijuana infused products, or synthetic substances shall be prohibited in all tobacco and vape stores, or within the area stipulated in 1139.02(a) below.

(c) *Exclusions.* For purposes of this section, "Tobacco and vape" does not include retail stores that dedicate less than five percent (5%) of shelf space or storage space to tobacco or vape products or sell gasoline or diesel fuel as their primary business.

### **1139.02 LOCATION OF TOBACCO AND VAPE STORES**

(a) *Spacing.* No tobacco or vape store shall be established on a lot or lots within Maumee that are within ten thousand five hundred and sixty (10,560) feet (two (2) miles) of another lot, or lots containing an existing tobacco or vape store, marijuana dispensary or medical marijuana dispensary. No two (2) tobacco and/or vape retail stores, nor shall a medical marijuana or marijuana retail store be located in the same building or on the same lot. Such distance shall be measured in a geometrically straight line which represents the shortest distance between the lot, or lots accommodating the proposed tobacco and vape store and the lot or lots from which the existing tobacco or vape store is located. Such measurement shall be made using a scaled map, or a survey if deemed necessary, and shall be made without regard to intervening structures, objects, uses, the street grid, landforms or any other topographic feature.

(b) *Maps Maintained.* The Urban Planning Manager shall maintain a map of existing Tobacco or Vape store locations and other information necessary to determine compliance with the spacing regulations under division (c) of this section.

(c) *Floor and Shelf Plan Required.* For any Tobacco and Vape Store, a Floor and Shelf Plan shall be submitted as part of its Building Permit application. The plan shall include a site drawing locating the curbs and distances as well as material to provide compatibility with surrounding uses and a rendering or picture of the proposed facade. In addition to any other required plans and information, and shall contain each of the following:

(1) The amount of shelf space dedicated to tobacco and vape products and the amount of shelf space dedicated to non-tobacco and vape products; and

(2) The types of goods, products, or merchandise to be sold and the general cost of such items.

(3) Registers that are visible from the exterior of the store

(4) Aisles that are perpendicular to the front of the store and are visible from the exterior of the store

(5) Fenestration requirements that include clear glass at the front of the store

(d) *Maintenance and other requirements.* The owner and/or operator of a tobacco or vape store shall comply with applicable provisions the Maumee Codified Ordinances regarding the premises and shall comply with the following:

(1) Keep the exterior of the site including the sidewalks and tree lawns abutting the property free of litter and debris; and

(2) Provide one (1) or more solid waste containers located directly outside the primary entrance for the placement of paper, wrappers, and other items by customers and others. Such containers shall be maintained in good condition and be of suitable capacity to sufficiently contain litter and debris between scheduled waste collections.

(3) Tobacco or Vape Stores shall not be located within 1000 feet from a school (public or private), family day care home, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses

where children regularly gather. Such distance shall be measured in a geometrically straight line which represents the shortest distance between the lot, or lots accommodating the proposed tobacco and vape store and the lot or lots from which the existing tobacco or vape store is located. Such measurement shall be made using a scaled map, or a survey if deemed necessary, and shall be made without regard to intervening structures, objects, uses, the street grid, landforms or any other topographic feature.

(4) It is unlawful for a tobacco or vape store to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop and tobacco store.

(5) Tobacco and vape stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.

(6) Comply with Ohio law as to sales to individuals under the age of 21.

(7) Comply with all other requirements of the Maumee zoning code and building codes.

(8) All exterior infrastructure on or adjoining the rental site shall be repaired or replaced according to Maumee Code, including sidewalks, curbs and landscaping prior to being granted an occupancy permit.

(e) *Exception.* The spacing requirements set forth in Section 1139.02 (a) shall not apply to any tobacco or vape store as defined in herein currently in operation or those entities with an approved development agreement prior to the effective date of this section. If a tobacco or vape store not currently subject to these regulations becomes subject to the nonconforming use provisions as set forth in Chapter 1130 of the Maumee Codified Ordinances after the effective date of this ordinance, said tobacco or vape store shall be required to comply with the regulations set forth herein.

### **1139.03 CIVIL REMEDIES.**

If any structure is erected, constructed, reconstructed, relocated, altered, repaired, converted or maintained, or if any structure or land is used in violation of this chapter, the City, in addition to any other remedies provided for herein, may institute such action or proceedings as are authorized by law to prevent and enjoin such unlawful erection, construction, reconstruction, relocation, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of such structure or land.

### **1139.99 CRIMINAL PENALTIES.**

(a) Whoever violates any of the provisions of this Chapter shall be guilty of a misdemeanor of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of the Maumee Zoning Code, then the offender is guilty of a misdemeanor of the third degree.

(b) Each calendar day such violation shall be permitted to continue or exist shall constitute a separate and distinct offense.

SECTION 2. Any ordinances, parts of ordinances or the Chapters of the Maumee Municipal Code in conflict herewith are hereby amended and repealed in part to reflect the foregoing changes;

SECTION 3. This ordinance is declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the City of Maumee, and more specifically to allow for the immediate implementation of regulations for discount retailers which will be a benefit for the citizens of Maumee, wherefore this ordinance will go into immediate effect upon its adoption by Council.

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 council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio.

Motion to declare an emergency:

Yeas            Nays

Motion to Pass:

Yeas            Nays

Passed: October 4, 2023

Seconded:

Seconded:

\_\_\_\_\_  
Mayor.

ATTEST:

\_\_\_\_\_  
Municipal Clerk.

Approved as to form by:

\_\_\_\_\_  
Law Director.