

ORDINANCE NO. 2024 - 50

AN ORDINANCE AMENDING CHAPTER 1190 PREVIOUSLY ENTITLED "MEDICAL MARIJUANA DISPENSARIES" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, on November 7, 2023, Ohio voters approved Ohio Issue 2, the Marijuana Legalization Initiative, which legalized adult-use cannabis in the State of Ohio, and further allows for its cultivation, processing, possession, sale, and purchase in the State of Ohio; and

WHEREAS, amendments to Chapter 1190 of the Parma Heights Codified Ordinances, including amending the title of the chapter, are necessary in order to permit marijuana operations within the City of Parma Heights, Ohio; and

WHEREAS, this Council desires to adopt the recommendation of the Administration; and

WHEREAS, the Planning Commission met, conducted a public hearing, considered, and recommended the adoption of this amended Ordinance in order to regulate marijuana dispensaries within the City of Parma Heights, Ohio; and

WHEREAS, pursuant to the Parma Heights Codified Ordinances, this Council has conducted a public hearing regarding this amended Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Chapter 1190 of the Codified Ordinances as it previously existed is amended, and as amended, shall henceforth read as shown by edits set forth in "Exhibit A, as amended", which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary to establish land use standards for state licensed marijuana operations; wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: October 7, 2024 Thomas Rounds  
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen October 7, 2024  
CLERK OF COUNCIL APPROVED

FILED WITH  
THE MAYOR: October 7, 2024 Marie Gallo  
MAYOR MARIE GALLO

# **EXHIBIT A, as amended**

## CHAPTER 1190

### Medical Marijuana Dispensaries

1190.01 Purpose.

1190.02 Definitions.

1190.03 Location of ~~medical~~ marijuana dispensaries.

1190.04 Design guidelines for ~~medical~~ marijuana dispensaries.

1190.05 Off-street parking.

1190.06 Sign regulations for ~~medical~~ marijuana dispensaries.

1190.07 Licensing.

1190.08 Hearing; renewal; revocation.

1190.09 Severability.

#### 1190.01 PURPOSE.

It is the purpose of this chapter to regulate ~~medical~~ marijuana dispensaries in order to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of ~~medical~~ marijuana dispensaries within the City.

(Ord. 2018-34. Passed 8-1-18.)

#### 1190.02 DEFINITIONS.

For purposes of this chapter:

(a) "Director" shall mean the Director of Public Service.

(b) "Dispensary" shall have the same meaning as in Ohio Admin. Code 3796:1-1-01 and/or Ohio Revised Code 3780.01 ~~or subsequent similar regulations.~~

(c) "Licensee" means a person in whose name a license to operate a ~~medical~~ marijuana dispensary has been issued under Chapter 752, as well as the individual(s) designated on the license application as principally responsible for the operation of the ~~medical~~ marijuana dispensary.

(d) "~~Medical m~~arijuana" shall have the same meaning as in R.C. 3796.01 and/or 3780.01.

(e) "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.

(1) "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation.

(2) "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 operating or causing to be operated a ~~medical~~ marijuana dispensary whether or not that person is an owner, part owner, or licensee of the business.

(f) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(g) "School," "church," "public library," "public playground," and "public park" shall have the same meanings as in R.C. 3796.30.

(Ord. 2018-34. Passed 8-1- 18.)

#### 1190.03 LOCATION OF ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) ~~Medical m~~Marijuana dispensaries may be located only in a Mixed-Use Class C Zoning District as a conditionally permitted use pursuant to Chapter 1185 4181 and in accordance with the restrictions contained in this chapter.

(b) No ~~medical~~ marijuana dispensaries may be established or operated within 500 feet of a school, church, public library, public playground, or public park in the City.

(c) No ~~medical~~ marijuana dispensary may be established, operated or enlarged within one mile 1,000 feet of another ~~medical~~ marijuana dispensary.

(d) Not more than one ~~medical~~ marijuana dispensary shall be established or operated in the same building, structure, or portion thereof.

(e) For the purpose of divisions (b) and (c) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a ~~medical~~ marijuana dispensary is conducted, to the nearest property line of the premises of a ~~medical~~ marijuana dispensary or a school, church, public library, public playground, or public park.

(f) Vehicular access to marijuana dispensaries shall be limited to main arterial roadways. No curbcut or driveway shall access any residential street, regardless of frontage, nor shall such facilities maintain such vehicular access via license or easement upon adjoining parcel. Any existing curbcut or driveway shall be eliminated as a prerequisite to conditional use approval and subject to development review. In the event of a conditional use for a

drive-through business in connection with a marijuana dispensary, this requirement shall expressly supersede and replace the corner lot specifications and requirements in Section 1195.05(b)(3) regarding the amount and location of access drives, and shall eliminate the maximum amount of access drives on any street frontage (thus, more than one access drive may be permitted per frontage in the event of a corner lot).

(g) Marijuana dispensaries shall not be located on parcels of land with less than 25,000 square feet, nor shall such facilities be located on parcels with multiple tenants within a plaza of shops.

(h) No more than one dispensary shall be located within any single mixed-use district.  
(Ord. 2018-34. Passed 8-1-18.)

#### 1190.04 DESIGN GUIDELINES FOR MEDICAL MARIJUANA DISPENSARIES.

(a) Parking for a ~~medical~~ marijuana dispensary shall be configured so as to prevent vehicular headlights from shining into adjacent residentially zoned and/or used property. Parking areas configured such that vehicular headlights are directed toward public rights-of-way across from residentially zoned and/or used property shall provide continuous screening, as required by the Planning Commission. Landscaping and screening shall be continuously maintained and promptly restored, if deemed necessary by the Director of Public Service.

(b) Ingress and egress drives and primary circulation lanes shall be located away from residential areas where practical to minimize vehicular traffic and noise which may become a nuisance to adjacent residential areas.

(c) All building entrances intended to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned and/or used property, whenever possible, to minimize the potential for patrons to congregate and create noise which may become a nuisance to adjacent residential areas.

(d) All exterior site and building lighting, which shall be provided, must be approved by the Planning Commission, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas, especially residential.

(e) Any ~~medical~~ marijuana dispensary adjacent to a residential district and/or use shall contain a minimum six-foot-high solid fence along such abutting property lines and be approved by the Planning Commission pursuant to Chapter 1193.

(f) Rules, regulations and local permitting requirements imposed on a licensee by the City shall be interpreted in all instances to conform to the state licensing requirements for dispensaries, but in the event the City's rules, regulations and permitting requirements impose a greater obligation on a licensee than the state licensing requirements, the local provisions shall be enforced.

(g) Applicants must meet any additional criteria and fulfill any additional requirements associated with obtaining a conditional use permit in the City. The City shall review all qualifying applications at a reasonable pace and level of review equivalent to other land use projects requiring a conditional use permit.

(Ord. 2018-34. Passed 8-1-18.)

#### 1190.05 OFF-STREET PARKING.

Off-street parking for a ~~medical~~ marijuana dispensary shall be provided, pursuant to Chapter 1187, except that the Planning Commission may require an off-street parking plan.

(Ord. 2018-34. Passed 8-1-18.)

#### 1190.06 SIGN REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES.

(a) All signs for a ~~medical~~ marijuana dispensary shall be awning signs, wall signs or window signs as defined in ~~Section 1383.03~~ Chapter 1383 of the Building Code Parma Heights Codified Ordinances and shall be constructed and located in conformance with all applicable provisions of Chapter 1383 of the Building Code.

(b) All signs for a ~~medical~~ marijuana dispensary shall be maintained in accordance with ~~Section 1383.14~~ Chapter 1383 of the Building Code Parma Heights Codified Ordinances and may be ordered to be removed in accordance with the provisions of that Chapter Section.

(c) No merchandise or pictures of the products on the premises of a ~~medical~~ marijuana dispensary shall be displayed on signs, in window areas or any area where they can be viewed from the sidewalk or street in front of the building. No sign shall bear 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.

(d) Window areas of a ~~medical~~ marijuana dispensary shall not be covered or made opaque in any way. A one-square-foot sign shall be placed on the door to state hours of operation. Additional signage to conform to the requirements Section 752.16 may be permitted.

(Ord. 2018-34. Passed 8-1-18.)

#### 1190.07 LICENSING.

~~Medical m~~Marijuana dispensaries as described in Section 1190.03 herein shall be licensed and operated pursuant to Chapter 752.

(Ord. 2018-34. Passed 8-1-18.)

#### 1190.08 HEARING; RENEWAL; REVOCATION.

(a) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit application for a ~~medical~~ marijuana dispensary shall be heard by the Planning Commission and, if approved, shall expire at the same time as the expiration of the ~~medical~~ marijuana dispensary license pursuant to Section 752.10(a). Subsequent renewal of the conditional use permit, with an intention to expedite the renewal process, may be made administratively by the Director of Public Service if no significant modifications to the conditions of the permit have been proposed and no violations have been determined. Violations may include, for example, legitimate loitering complaints, excessive police calls to the immediate vicinity, noise complaints, non-compliance with the terms of the conditional use permit, or non-compliance with other applicable state or local regulation. The licensee shall have a reasonable opportunity and time to cure the complaint or possible non-compliance as defined in this section before being subject to revocation or suspension.

(b) Determination of administrative renewal is at the discretion of the Director of Public Service. Renewal applications must be submitted in writing at least thirty days prior to expiration of permit.

(c) The conditional use permit for a ~~medical~~ marijuana dispensary is nontransferable.

(d) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit granted for a ~~medical~~ marijuana dispensary may be revoked by the Planning Commission after referral to the Planning Commission by the Director of Public Service and after a public hearing on whether violations have occurred or the spirit and intent of the conditional use permit has not been met. Notice of such hearing shall be sent to the licensee and to others, as if a zoning change were requested.

(Ord. 2018-34. Passed 8-1-18.)

#### 1190.09 SEVERABILITY.

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.

(Ord. 2018-34. Passed 8-1-18.)