

**ORDINANCE NO. 2024 - 51**

**AN ORDINANCE AMENDING SECTION 1185.02 ENTITLED “PERMITTED USES” 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 Section 1185.02 of the Parma Heights Codified Ordinances 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 permit 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 Section 1185.02 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**

## 1185.02 PERMITTED USES.

No building, structure, premises, or portion thereof, shall be used, arranged to be used, or designed to be used, except as established below.

(a) Permitted Use Table Summary. Table 1185.02 sets forth the uses allowed in the Mixed-Use Districts. The abbreviations used in the table are described as follows:

(1) Uses permitted by right. A "P" in a cell indicates that the use is allowed by right as a principal use in the respective district provided that all requirements of other City ordinances and this Planning and Zoning Code have been met.

(2) Conditional uses. A "C" in a cell indicates that the use is regulated as a conditional use. The use may be permitted in the respective district if approved through the conditional use review process in compliance with Chapter 1135, provided that all standards for specific uses found in Chapter 1195, Supplemental Use Requirements, or elsewhere as referenced herein and other relevant City ordinances and this Planning and Zoning Code have been met.

(3) Accessory uses. An "A" in a cell indicates that the use is a permitted accessory use, provided it is clearly incidental and subordinate to a permitted principal or conditional use listed in Table 1185.02 and that the requirements of all other City ordinances and this Planning and Zoning Code have been met.

(4) Uses not permitted.

A. An "N" in a cell indicates that a use is not permitted in the respective district.

B. Any use not specifically listed in Table 1185.02 shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter 1163 or approval as a similar use as provided in Section 1135.10.

(b) Compliance with Standards. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards referenced in Table 1135.02.

(c) Indoor/Outdoor Operations. All permitted uses in the Mixed Use Districts shall be conducted within a fully enclosed building unless otherwise expressly authorized. This requirement does not apply to accessory off-street parking and loading areas.

*Table 1185.02 Permitted Uses*

	<i>TC-MUD Town Center Mixed-Use</i>	<i>W130-MUD W 130<sup>th</sup> St. Mixed-Use</i>	<i>N-MUD Neighborhood Mixed-Use</i>	<i>Use-Specific Regulations</i>
<i>Residential:</i>				
Artist Live/Work units, above ground floor	P	P	P	1195.03(a)
Artist Live/Work units, ground floor	C	C	P	1195.03(a)

Dwelling Units, above nonresidential ground floor	P	P	P	
Group Home, Large	C	C	C	1195.03(b)
Multi-Family Building	C	C	P	1195.03(c)
Skilled Nursing and Rehabilitation Facility	C	C	C	1195.03(d)
Town House /Attached Single-Family Dwellings	C	C	P	1195.03(e)
<i>Public and Civic:</i>				
Cultural Institution, Libraries, Religious Assembly	P	P	P	
Day Care Centers, child and adult	P	P	P	
Hospitals	N	C	N	1195.04(a)
Parks, Other Public Open Space	P	P	P	
Public Safety Services	P	P	P	
Recreational Facilities, indoor, public or private	N	C	C	1195.04(b)
Schools, colleges, trade schools	C	C	C	1195.04(c)
Schools, primary and secondary	C	C	C	1195.04(d)
<i>Commercial:</i>				
Animal Services, including veterinary clinics, sales and grooming (but not including boarding kennel)	P	P	P	
Artist Work or Sales Space, Artisan production/fabrication	P	P	P	
Brew pubs and wine bars	P	P	C[1]	1195.05(a)
Business services	P	P	P	
Drive-Through Facility	C	C	<del>N</del> C	1195.05(b)
Entertainment, indoor, in association with a permitted use	A	A	C	1195.05(c)
Financial Services	P	P	P[1]	
Funeral Home	P	P	P	
<del>Medical</del> Marijuana Dispensary	C	C	<del>N</del> C	Chaps 1190, 752
Medical/Dental offices or clinic	P	P	P[1]	
Medication Maintenance Facility or Dispensary	N	C	N	1195.05(f)
Micro production facility (Micro-brewery, Micro-distillery, Micro-winery)	C	C	N	1195.05(a)
Offices, administrative, general, professional	P	P	P[1]	
Outdoor Dining in association with a restaurant	C	C	C	1195.05(g)
Restaurants	P	P	P[1]	
Personal Service, including health clubs and gyms	P	P	P[1]	
Repair Service, consumer	P	P	P[1]	
Permanent Cosmetics Services in association with a permitted personal service establishment	C	C	N	1195.05(h)
Tattoo or Body Piercing Services	N	C	N	Chap 733
Retail Sales, general	P	P	P[1]	
Laboratories and Research Facilities	C	C	N	1195.05(d)
Light Industrial	N	C	N	1195.05(d)
Limited Outdoor Operations	N	C	N	1195.05(e)

Table 1185.02 Permitted Uses

	<i>TC-MUD Town Center Mixed-Use</i>	<i>W130-MUD W 130<sup>th</sup> St. Mixed-Use</i>	<i>N-MUD Neighborhood Mixed-Use</i>	<i>Use-Specific Regulations</i>
<i>Automotive Uses:</i>				
Car wash	C	C	C	1195.06(a)
Gas station	C	C	C	1195.06(b)
Parking, Commercial Garage	C	C	C	1195.06(c)
Vehicle repair, restoration	C	C	C	1195.06(d)
Vehicle sales, New car sales and associated service	C	C	C	1195.06(e)
Vehicle service	C	C	C	1195.06(f)
<i>Other Accessory Uses and Structures</i>				
Fences and Walls	A	A	A	
Landscape features (including gardens, fountains, sidewalks, and lawns) and ornamental structures	A	A	A	
Maintenance, storage, utility and waste disposal facilities in enclosed structure	A	A	A	
Off-street parking and loading	A	A	A	
Outdoor recreational structures, accessory to a day care center	A	A	A	
Signage	A	A	A	
Temporary transient outdoor business/sales[2]	A	A	A	1195.07

P = permitted by right; C = conditional use; A = accessory use; N = not allowed

[1] Individual business establishments are limited to a maximum of 5,000 square feet in area. Larger establishments or expansions beyond 5,000 square feet require conditional use approval.

[2] Permitted only upon obtaining authorization from the Director of Public Services.

(Ord. 2021-6. Passed 1-25-21; Ord. 2021-23. Passed 7-7-21.)