



City of Parma Heights Council Meeting

6281 Pearl Road

Monday, February 10, 2025

7 :00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

ACTION ON MINUTES: JANUARY 27, 2025 – CITY COUNCIL MEETING

REPORTS FROM MAYOR AND DIRECTORS

COMMUNICATIONS: PLANNING COMMISSION UPDATE – COUNCILWOMAN DESOUZA

PUBLIC SESSION

LEGISLATION:

Third Reading

- 1) **RESOLUTION NO. 2025 - 4**
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PERMIT THE BUSINESS KNOWN AS DAILY RELEAF LLC DBA AYR CANNABIS DISPENSARY TO ALLOW A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE, AND DECLARING AN EMERGENCY

- 2) **RESOLUTION NO. 2025 – 5**
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PERMIT THE BUSINESS KNOWN AS AYR OHIO LLC TO ALLOW A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE, AND DECLARING AN EMERGENCY

Second Reading

- 3) **RESOLUTION NO. 2025 – 7**
A RESOLUTION AUTHORIZING THE ADMINISTRATION TO COMPLETE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2025 ENERGIZED COMMUNITY GRANT

- 4) **RESOLUTION NO. 2025 - 8**
A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ACCEPT AND EXPEND A GRANT FROM THE 2024-2025 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (BVP) THROUGH THE U. S. DEPARTMENT OF JUSTICE (DOJ) TO SUPPLEMENT THE COST OF BULLETPROOF VESTS WORN BY OFFICERS OF THE PARMA HEIGHTS POLICE DEPARTMENT

First Reading

- 5) **RESOLUTION NO. 2025 - 10**
A RESOLUTION AUTHORIZING BOWEN + ASSOCIATES, INC., MUNICIPAL ENGINEER, TO PREPARE THE PLANS, SPECIFICATIONS, AND COST ESTIMATES FOR THE 2025 STREET REHABILITATION PROJECT, AND DECLARING AN EMERGENCY

- 6) **ORDINANCE NO. 2025 - 11**
AN ORDINANCE AUTHORIZING AND DIRECTING AN EXPENDITURE FOR THE 2025 STREET REHABILITATION PROJECT, AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR COMPETITIVE BIDS, AND AUTHORIZING AND DIRECTING THE ADMINISTRATION TO ENTER INTO A WRITTEN CONTRACT WITH THE LOWEST AND BEST BIDDER THEREFORE, AND DECLARING AN EMERGENCY

- 7) **ORDINANCE NO. 2025 - 12**
AN ORDINANCE AMENDING SECTION 751.04 ENTITLED "DEVICE LICENSE; FEE" OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

- 8) **ORDINANCE NO. 2024 - 91**
AN ORDINANCE PROVIDING FOR SHORT-TERM RENTALS ESTABLISHING CHAPTER 769, AMENDING CHAPTERS 1171 AND ~~1174~~, AND ESTABLISHING CHAPTER 1192 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY, AS AMENDED

ADJOURNMENT

RESOLUTION NO. 2025 – 4

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PERMIT THE BUSINESS KNOWN AS DAILY RELEAF LLC DBA AYR CANNABIS DISPENSARY TO ALLOW A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE, AND DECLARING AN EMERGENCY

WHEREAS, at its meeting on January 6, 2025, the Planning Commission conducted a public hearing regarding the approval of the Conditional Use Permit for the business known as Daily Releaf LLC dba AYR Cannabis Dispensary to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use, with certain conditions; and

WHEREAS, at its meeting on January 6, 2025, the Planning Commission recommended to the City Council that the Conditional Use Permit for the business known as Daily Releaf LLC dba AYR Cannabis Dispensary to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use, with certain conditions; and

WHEREAS, pursuant to Section 1135.06 (c) of the Codified Ordinances of the City of Parma Heights, a Conditional Use Permit shall be subject to the approval of the Council of the City of Parma Heights; and

WHEREAS, the Conditional Use Permit is approved, subject to the conditions that are set forth in “Council Resolution Exhibit A”, attached hereto and incorporated as if fully rewritten.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Parma Heights, State of Ohio:

Section 1: The Council adopts the recommendation of the Planning Commission and grants a Conditional Use Permit to Daily Releaf LLC dba AYR Cannabis Dispensary to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use at 6555 Pearl Road, Parma Heights, Ohio in the Neighborhood Mixed-Use District.

Section 2: The Conditional Use recommended by the Planning Commission is approved subject to the General Criteria set forth in Sections 1135.07 of the Codified Ordinances of the City of Parma Heights, conditions recommended by the Planning Commission, and further conditions set forth by Council.

Section 3: The Conditional Use recommended by the Planning Commission, and further conditions set forth by Council, are set forth in “Council Resolution Exhibit A” which is attached hereto and incorporated as if fully rewritten.

Section 4: The approval of this Conditional Use Permit shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard, or requirement shall constitute a violation of the Planning and Zoning Code, and the conditional use permit may be revoked if the established conditions for approval are violated.

Section 5: This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution 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 6: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of this Municipality, and for the further reason it is necessary to facilitate Daily Releaf LLC dba AYR Cannabis Dispensary's investment in the community expeditiously; wherefore, this Resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

COUNCIL RESOLUTION EXHIBIT A



6281 Pearl Road

Parma Heights, Ohio 44130

440-884-9607

IN THE MATTER OF:

APPLICATION OF DAILY RELEAF LLC DBA AYR CANNABIS DISPENSARY A CONDITIONAL USE PERMIT TO ALLOW FOR A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE AT 6555 PEARL ROAD, PARCEL NUMBER 473-34-008, PARMA HEIGHTS, OHIO IN **NEIGHBORHOOD MIXED USE DISTRICT**

ACKNOWLEDGEMENT AND UNCONDITIONAL ACCEPTANCE AND AGREEMENT TO CONDITIONS AS SET FORTH IN EXHIBITS 1 AND 2

On _____, 2025, the Council of the City of Parma Heights approved the recommendation of the Planning Commission to grant the Conditional Use Permit of Daily Releaf LLC dba AYR Cannabis Dispensary. [EX. 1]. The Council imposed additional condition(s) of its own. [EX. 2].

Pursuant to Section 1135.07 of the Codified Ordinances of the City of Parma Heights when a permit for a conditional use is granted by the Council subject to conditions, **the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.**

I understand that pursuant to Section 1135.08 of the Codified Ordinances of the City of Parma Heights that;

- (a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.
- (b) A conditional use permit issued pursuant to this chapter shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Chief Building Official.
- (c) The conditional use approval shall expire six months from the date of enactment, unless:

- (1) In the case of new construction, work upon the structure shall have begun above the foundation walls;
- (2) In the case of occupancy of land, the use has commenced;
- (3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or
- (4) The Chief Building Official grants an extension for good cause shown, upon the request of the applicant.

(d) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

Further, we understand that pursuant to Section 1135.09 of the Codified Ordinances of the City of Parma Heights that a conditional use permit may be revoked if the established conditions for approval are violated. The Chief Building Official is responsible for advising the Planning Commission of any violations, and the Planning Commission may then recommend to City Council that it revoke the conditional use permit.

Among the several conditions imposed with the CUP, the Applicant understands and agrees that it must be licensed for operation by the State of Ohio, Medical Marijuana Control Program, and the Division of Cannabis Control, pursuant to Ohio Revised Chapters 3796 and 3780 and administrative regulations, as well as licensed pursuant to Parma Heights Codified Chapters 752 and 1190, and that Applicant's licensure, including all fees and taxes, must remain in good standing.

Based on the foregoing we acknowledge the approval of the conditional use permit and unconditionally accept and agree to such conditions.

Signature: _____

Printed Name: _____

Title of Authority on Behalf of Daily Releaf LLC dba AYR Cannabis Dispensary:

Date: _____

EXHIBIT 1

RECOMMENDATIONS FOR COUNCIL CONSIDERATION

IN THE MATTER OF:

APPLICATION FROM DAILY RELEAF LLC DBA AYR CANNABIS DISPENSARY FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE AT 6555 PEARL ROAD, PARCEL NUMBER 473-34-008 PARMA HEIGHTS, OHIO IN THE NEIGHBORHOOD MIXED USE DISTRICT.

1. Daily Releaf LLC dba AYR Cannabis Dispensary is authorized to conduct business in the State of Ohio with its principal place of business located at 6555 Pearl Road, parcel number 473-34-008, Parma Heights, Ohio.
2. The City of Parma Heights Planning Commission (the "Planning Commission") is the duly organized Planning Commission for the City of Parma Heights (the "City") operating pursuant to its Charter and the laws of the State of Ohio.
3. The aforementioned property is located within the Neighborhood Mixed Use District.
4. On November 12, 2024, Daily Releaf LLC dba AYR Cannabis Dispensary submitted an Application for a Conditional Use Permit to the Planning Commission requesting approval for a Conditional Use Permit to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use at 6555 Pearl Road, parcel number 473-34-008, Parma Heights, Ohio in the Neighborhood Mixed Use District.
5. At its January 6, 2025 Regular Meeting, the Planning Commission heard a presentation from the Applicant regarding the application for a Conditional Use Permit from Daily Releaf LLC dba AYR Cannabis Dispensary to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use at 6555 Pearl Road, parcel number 473-34-008.
6. Notice of the Public Hearing was published in the Plain Dealer on December 19, 2024 and December 26, 2024 and also posted on the City's website and at City Hall.
7. A public hearing was held on January 6, 2025, and the Planning Commission heard from the Applicant and City representatives regarding the application for a Conditional Use Permit by Daily Releaf LLC dba AYR Cannabis Dispensary to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use.
8. Based upon the presentations of both parties at the public hearing the Planning Commission recommends approval of the Conditional Use Permit for the business known as Daily Releaf LLC dba AYR

Cannabis Dispensary to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use.

9. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.07 of the Codified Ordinance of the City of Parma Heights. [Ex. A].

10. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.08 of the Codified Ordinance of the City of Parma Heights. [Ex. B].

11. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1195.05 of the Codified Ordinances of the City of Parma Heights. [Ex. C].

12. The Conditional Use requested is recommended subject to compliance with all recommendations listed in the December 30, 2024 Memorandum to the Planning Commission from the Director of Public Service and the Chief Building Official, [Ex. D], being addressed to the satisfaction of the City prior to any permits being issued. Compliance shall be determined at the discretion of the City.

13. The Conditional Use requested is recommended subject to compliance with all comments listed in the City Engineer Plan Review Report dated 11/19/24, [Ex. E], being addressed to the satisfaction of the City prior to any permits being issued. Compliance shall be determined at the discretion of the City.

14. The Conditional Use requested is recommended subject to compliance with Chapter 752 of the Codified Ordinances of the City of Parma Heights, titled "Marijuana Operations", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 49 [Ex. F], and formalized in its subsequent codification, when available.

15. The Conditional Use requested is recommended subject to strict compliance with Section 752.08 of the Codified Ordinances of the City of Parma Heights, titled "Fees", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 49 [Ex. F], and formalized in its subsequent codification, when available.

16. The Conditional Use requested is recommended subject to compliance with Chapter 1190 of the Codified Ordinances of the City of Parma Heights, titled "Marijuana Dispensaries", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 50 [Ex. G], and formalized in its subsequent codification, when available.

17. The Conditional Use requested is recommended subject to the condition that the Applicant shall not modify the exterior character or appearance of the structure without the prior approval of the Department of Public Service in order to ensure harmonious compatibility with other buildings and structures within the immediate area, at the City's discretion.

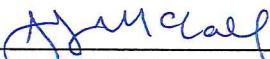
18. The Conditional Use requested is recommended subject to the condition that the Applicant reach agreement with the City's Department of Public Service as to all branding and verbiage present on the exterior of the structure, premises, and signage.

19. The Conditional Use requested is recommended subject to the condition that the Applicant reach agreement with the City's Department of Public Service as to all landscape screening on the premises.

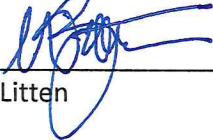
20. This recommended approval shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard or requirement shall constitute a violation of the Planning and Zoning Code and the conditional use permit may be revoked if the established conditions for approval are violated.

21. This recommended approval is not final and is subject to the confirmation of the City Council, and if approved all conditions shall be set forth expressly in a resolution of the Council granting the Conditional Use Permit.

22. In the event that a permit for a conditional use is granted by the Council subject to conditions, the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.



Jim McCall, Chairman



Bill Litten

Joe Sepich

_____, Council Representative



Zachary Humphrey

EXHIBIT A

1135.07 GENERAL CRITERIA FOR CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following criteria. Furthermore, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

(a) The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Planning and Zoning Code and with the objectives for the district in which located;

(b) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;

(c) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;

(d) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Planning Commission to be of significant natural, scenic, or historic importance;

(e) The hours of operation of the proposed use are similar to a use permitted in the district;

(f) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;

(g) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(h) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(i) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;

(j) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

(k) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;

(l) The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Chapter 1191.

EXHIBIT B

1135.08 TERMS AND DURATION OF APPROVAL.

(a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.

(b) A conditional use permit issued pursuant to this chapter shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Chief Building Official.

(c) The conditional use approval shall expire six months from the date of enactment, unless:

(1) In the case of new construction, work upon the structure shall have begun above the foundation walls;

(2) In the case of occupancy of land, the use has commenced;

(3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or

(4) The Chief Building Official grants an extension for good cause shown, upon the request of the applicant.

(d) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

EXHIBIT C

1195.05 COMMERCIAL USE-SPECIFIC REGULATIONS.

(b) Drive-Thru and Drive-In Facilities, in Association with a Permitted Principal or Conditional Use.

(1) Such facilities shall be located on a major street in an area least disruptive to pedestrian and vehicular traffic.

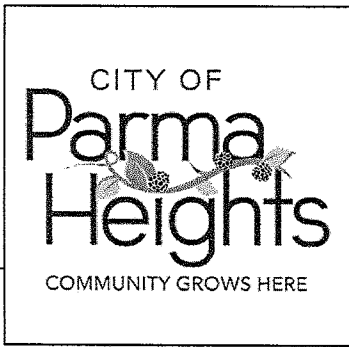
(2) Loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties.

(3) On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per street frontage.

(4) Interconnecting circulation aisles between parcels shall be provided when practicable.

(5) The Planning Commission may impose restrictions on the hours of operation.

EXHIBIT D



INTEROFFICE MEMORANDUM

DATE: December 30, 2024

TO: Planning Commission

FROM: Robert P. Sepik, Director of Public Service
Martin Surella, Chief Building Official

RE: Service Department Recommendations for the Conditional Use Permit Application for Daily Releaf LLC dba AYR Cannabis Dispensary 6555 Pearl Rd PPN# 473-34-008

We have reviewed the twelve requirements as set forth in Chapter 1135.07 of the Codified Ordinances of the City of Parma Heights. It is our opinion that all of these requirements have been successfully met.

In addition to the requirements of Chapter 1135.07, we are also providing a list of additional recommendations that the Planning Commission suggest the City require of the Applicant. The goal of these requirements is to prevent any misunderstanding regarding the City's intent to ensure that the high standards required of all Parma Heights businesses continues to be maintained.

These recommendations are as follows:

1. In accordance with PHCO 1391.02, the dumpster enclosure can only be a maximum of 6 feet in height. Chain-link with slatting would not be approved as an enclosure, but we would approve lumber with steel posts due to the visibility from Parma Park; and
2. The submission of a landscape plan showing tree locations that do not obstruct the view of drivers.

Please do not hesitate to contact us if there are any questions regarding any of the above recommendations.

EXHIBIT E

CITY OF PARMA HEIGHTS PLAN REVIEW

Date	Review No.	Address
11/19/24	2, City Engineer	6555 Pearl Rd
To	Email/Phone	PPN
Robert Sepik Marty Surella Mark Schneider	rsepik@parmaheights.us msurella@parmaheights.us mschneider@parmaheights.us	473-34-008
From	Email/Phone	Subject
Pietro DiFranco	pdifranco@rlba.com	CUP-Marijuana Dispensary
Applicant	Email/Phone	Plans Received
Daily Releaf dba Ayr Cannabis Dispensary	julie.winter@ayrwellness.com legal@ayrwellness.com greg.gorospe@icemiller.com	11/13/24
Owner	Email/Phone	
Net Gain Properties LLC	achristofferson1973@gmail.com	
Designer	Email/Phone	
Shremshock	Email Unknown	

Notes/Description
Proposal consists of reurposing a former bank into a marijuana dispensary.
Recommendation
Approval is recommended contingent upon addressing remaining comments prior to a construction permit being issued..

No.	Comment Items in red added 11/19/24 Items in green added DATE Items in blue added DATE Items in magenta added DATE	Ref	Comment				Addressed
			10/18/24	11/19/24	DATE	DATE	

Submittal Requirements							
1.01	Drawings shall be accurate, clear, complete and drawn to scale	1133.08	X				X
1.02	Plot plan shall show property boundary lines, adjacent street & setbacks * 11/19/24 - Update or remove Sheet G1.3-Site Plan from architectural set. * 11/19/24 - Add civil engineering plans to architectural set and sheet index	1133.09	X	X			
1.03	Provide floor plan(s) and exterior elevations specifying materials & colors * 11/19/24 - Sheet A8.1 includes color for exterior walls, but not shown on elevations. Confirm whether building will be painted.	1133.09	X	X			
1.04	Property owners name, address, and PPN shall appear on each drawing * 11/19/24 - Civil engineering plans list AYR Wellness as developer & store name but architectural plans show owner & store name as Daily Releaf LLC. Please coordinate & clarify.	1133.09	X	X			
1.05	Documents affixed with professional seal represent certification by registrant to be accurate and complete	OAC 4733-23-01 4733-35-07	X				X

PHCO 1135 Conditional Use Permits							
2.01	Development plan and associated documentation required.	1135.04(a)	X				
2.02	CU will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Planning and Zoning Code and with the objectives for the district in which located.	1135.07(a)					X
2.03	The establishment, maintenance of operation of the CU will not be detrimental to or endanger the public health, safety or general welfare.	1135.07(b)					X

**CITY OF PARMA HEIGHTS
PLAN REVIEW**

2.04	CU will be designed, constructed, operated & maintained to be harmonious & appropriate in appearance with the existing or intended character of the general vicinity, & such use will not essentially change. * Conform with screening, buffer, lighting, access, etc. requirements.	1135.07(c)	X					X
2.05	The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Planning Commission to be of significant natural, scenic, or historic importance.	1135.07(d)						X
2.06	The hours of operation of the proposed use are similar to a use permitted in the district.	1135.07(e)						X
2.07	CU will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood.	1135.07(f)						X
2.08	Establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district	1135.07(g)						X
2.09	Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. * Parma Park Blvd access to be removed. Drainage to be inspected.	1135.07(h)	X					X
2.10	Adequate measures have been or will be taken to provide ingress & egress designed to minimize traffic congestion on the surrounding streets.	1135.07(i)						X
2.11	Establishment of the CU should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools.	1135.07(j)						X
2.12	Minimal potential for future hardship on CU that could result from prop. use being surrounded by uses permitted by right that may be incompatible.	1135.07(k)						X
2.13	Design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Ch. 1191. * Parma Park Blvd access to be removed. Parking layout to be addressed.	1135.07(l)	X					X
PHCO 1185 Mixed Use Districts								
		Required	Proposed					
3.01	Zoning: R1-2, SCR, M, M1, B1-3, E, I	P, C, A, N	N-MUD	1185				X
3.02	Use - Marijuana Dispensary	P, C, A, N	C	1185.02	X	X		
3.03	Use - Drive-Through Facility	P, C, A, N	C	1185.02	X	X		
3.04	Side Yard Abutting Non-Residential, Bldg & Pkg, Min.	5	>5	1185.04(3)	X			X
3.05	Side Yard Abutting Residential, Bldg & Pkg, Min.	20	>20	1185.04(3)	X			X
3.06	Rear Yard Abutting Residential, Bldg & Pkg, Min.	20	>20	1185.04(4)	X			X
3.07	Parking Setback from Street ROW, Min.	10	>10	1185.04(6)	X			X
3.08	Side Yard Landscape Buffer Abutting Residential, Min.	10	>10	1185.04(7) 1185.08	X			X
3.09	Rear Yard Landscape Buffer Abutting Residential, Min.	10	>10	1185.04(7) 1185.08	X			X
3.10	Building Height, Max.	30	<30	1185.05	X			X
3.11	Rooftop Mechanical Units, Max. Height & Screened * 11/19/24 - Rooftop HVAC unit locations are existing.			1185.05	X			X
3.12	Support alternative transportation by including items such as bike racks, bus stops, benches, and walkways. * 11/19/24 - New bike racks shown on Sheet C5.0. Ex. walkway from ROW.			1185.06 1185.09	X			X
3.13	Parking Lot Landscaping * 11/19/24 - Site Landscape Plans L1.0, L2.0 & L3.0 added.			1185.07	X			X
3.14	Screening Abutting Residential. * 11/19/24 - Evergreen screening added. See Sheet L2.0.			1185.08 1190.04 1193	X			X

CITY OF PARMA HEIGHTS
PLAN REVIEW

3.15	Service areas shall be screened and located away from street & pedestrian areas. * 11/19/24 - Dumpster enclosure not shown. How will trash be stored and collected?	1185.09(g)	X	X				
3.16	Provide signage plan conforming to PHCO 1383	1185.09(h) 1383	X	X				
3.17	Provide lighting & photometric plan showing no spillover. * 11/19/24 - Provide detail of light pole w/foundation extending 30" above grade. * 11/19/24 - Exterior light fixtures shall be full-cutoff type. Provide method of directing light downward (i.e. - shield).	1185.09(i) 752.16(a)(4) 1187.14	X	X				
PHCO 1187 Off-Street parking								
			Required	Proposed				
4.01	Minimum parking spaces; (5 x (7,024 sf/1,000 sf))		35	63	1187.06	X		X
4.02	Provide aisle widths on site plan	1187.10				X		X
4.03	Existing aprons and parking lot pavement shall be repaired or replaced. * 11/19/24 - Parking lot to be seal coated & restriped; See Sheet C5.0.	1187.15				X		X
4.04	Off-street loading facilities shall be provided. * 11/19/24 - Wheel Stops tend to get damaged easily by snow plows thereby becoming a maintenance issue. Consider eliminating or replacing with curb (i.e. - asphalt or concrete).	1187.15				X		X
PHCO 1190 Marijuana Dispensaries								
5.01	Shall not be within 500 feet of a school, church, public library, playground or park	1190.03(b)						X
5.02	Shall not be within 1000 feet of another marijuaan dispensary	1190.03(c)						X
5.03	Not more than one marijuana dispensarie shall be located in the same building	1190.03(d)						X
5.04	Vehicular access shall be limited to main arterial roadways. No curb cut or driveway shall access any residential street. Any existing curb sut or driveway shall be eliminarted as a prerequisite to conditional use approval. * 11/19/24 - Revised Key Note 10 on Sheet C5.0 to specify 'Integral Concrete Curb Replacement Method "B", See Detail 2 on Sheet C7.1'.	1190.03(f)				X	X	
5.05	Marijuana dispensaries shall not be located on parcels less than 25,000 SF	1190.03(g)						X
5.06	No more than one dispensary shall be located within any single mixed-use district	1190.03(h)						X
5.07	Screening for adjacent residential properties to be provided. Existing fence along south property line to be repaired or replaced. * 11/19/24 - Add pressure washing and sealing to repair recommendation of existing fence.	1190.04(a) 1190.04(e) 1193				X	X	
5.08	Exterior lighting to be approved by Planning Commission	1190.04(d) 1185.09(i) 752.16(a)(4)				X	X	
5.09	Off-street parking shall be provided in conformance wth PHCO 1187	1190.05 1187				X		X
5.10	Signage shall be limited to awning signs, wall signs or window signs. Existing free standing signs shall be removed. * 11/19/24 - No signage currently proposed.	1190.06(a) 1383				X	X	
5.11	Window areas shall not be covered or opaque in any way. * 11/19/24 - Sheet A8.1. shows film being applied to all exterior windows. Please clarify whether opaque.	1190.06(d)				X	X	
5.12	A one-square-foot sign shall be placed on the doorto state hours of operation. Additional signage to conform with PHCO 752.16.	1190.06(d) 752.16				X	X	
5.13	Provide copy of marijuana dispensary license.	1190.07 752.05				X	X	

CITY OF PARMA HEIGHTS
PLAN REVIEW

PHCO 1195 Use-Specific Regulations						
6.01	Load speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties * 11/19/24 - No loud speaker currently proposed. Please confirm.	1195.05(b)	X	X		
PHCO 1363 Exterior Property Maintenance Code						
7.01	Video inspect underground sanitary & storm sewer systems to assess condition and confirm they are operating as intended. Provide report and copy of video to city engineer. Provide maintenance, repair, replacement as needed. * 11/19/24 - Storm & sanitary sewer inspection note added to Sheet C3.0.	1363.08 931 935 1106	X			X

Attachments:

- | | |
|---|-------|
| 1 Civil Engineering Plans (13 sheets) | 2 N/A |
| 3 Architectural Plans (Sheet G1.1, G1.3, & A8.1 only) | 4 N/A |
| 5 N/A | 6 N/A |

This review shall not be misconstrued as relieving the applicant from any other applicable codes, requirements, or regulations. It's the applicant's responsibility to assure conformance to all applicable local, state, and federal requirements.



ZONING INFORMATION			
CODE SECTION	SUBJECT	REQUIRED BY ZONING CODE	PROVIDED
1185.05	MAX. HT. OF BLDG	30 ft.	20.9 ft.
1185.05(D)	MIN. LOT SIZE	25,000 sq. ft.	57,713 sq. ft.
1185.04(G)(1)(B)(3)	FRONT YARD SETBACK - BLDG	5 ft./20 ft.	26.8 ft./20 ft.
1185.04(G)	FRONT YARD SETBACK - PARKING	10 ft.	10.7 ft.
1185.04(H)	SIDE SETBACK - BLDG	20 ft.	11.4 ft.
1185.04(H)	SIDE SETBACK - PARKING	20 ft.	51.1 ft.
1185.04(I)	REAR SETBACK - BLDG	20 ft.	55.6 ft.
1185.04(I)	REAR SETBACK - PARKING	20 ft.	20 ft.
1185.04(J)	MIN. CLEAR HEIGHT (E. LAID)	20 ft.	20 ft.
1185.04(K)	MIN. CLEAR HEIGHT (N. LAID)	20 ft.	20 ft.
1185.06(B)	MINIMUM # OF SPACES	9 ft. x 20 ft. 5 SPACES PER 1,000 sq. ft. = 35 SPACES	63 spaces

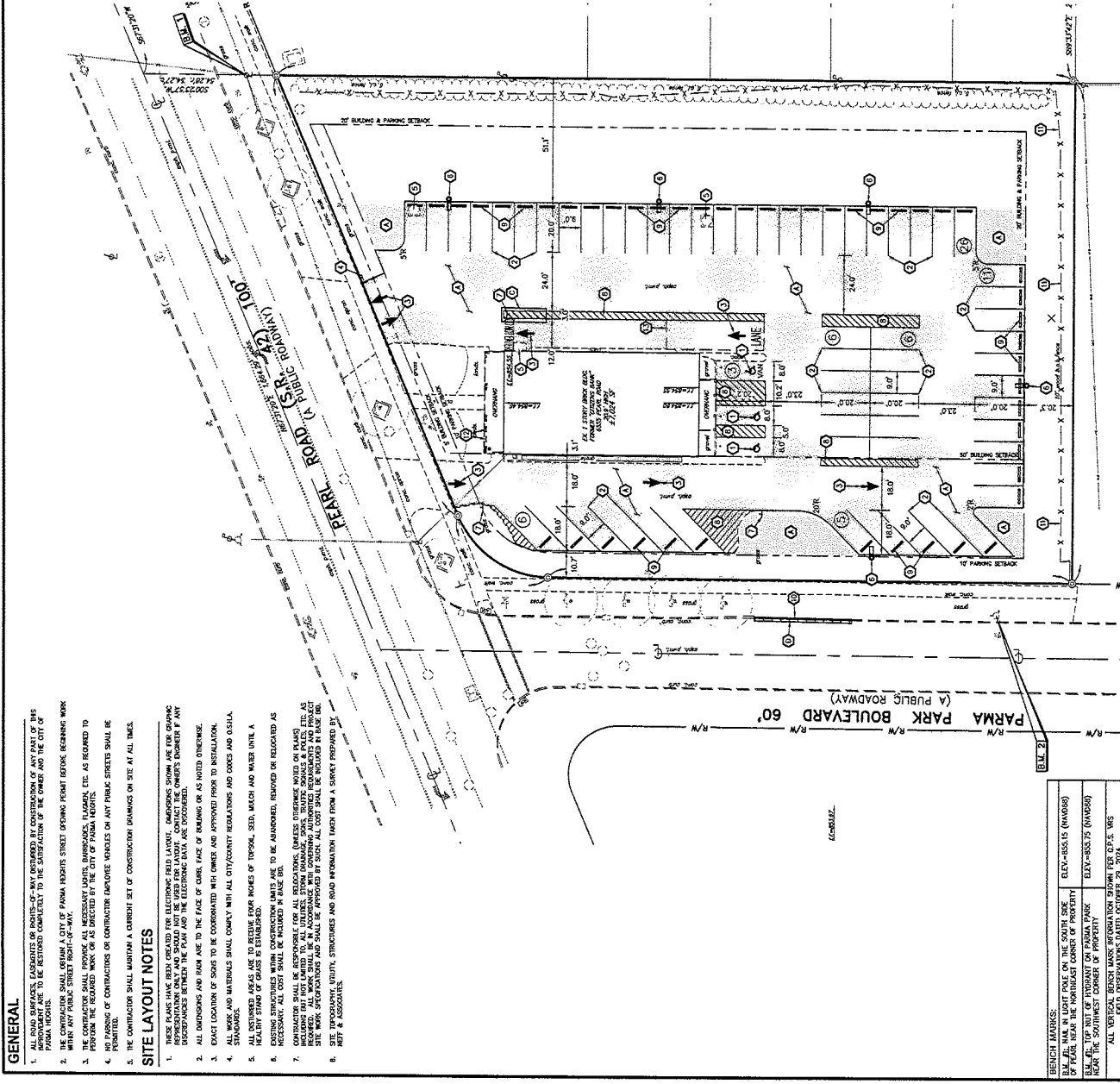
PARKING INFORMATION	
PROPOSED PARKING SPACES	63 PARKING SPACES (1-20A SPACES)
PROPOSED BUILDING RETAIL STORE	
RETAIL STORES PARKING REQUIREMENTS:	
5 SPACE PER 1,000 SF	= 7,094 SF
5 SPACE PER 1,000 SF	= 35 SPACES
PROPOSED PARKING SPACES	= 63 SPACES(3 AM)

LANDSCAPING INFORMATION	
PROPOSED LANDSCAPING AREA	1,274 SF
PROPOSED PARKING AREA	= 28,940 SF
LANDSCAPING AREA REQUIREMENTS:	
28,940 SF x 5%	= 1,447 SF
PROPOSED LANDSCAPING AREA	= 1,274 SF

- KEY NOTES**
- MIN. ACCESSIBLE PARKING SYMBOL SEE DET. 4, SHT. C7.0
 - PARKING STRIPES 4" MIN. SOLID WHITE, SEE DET. 1, SHT. C7.0
 - PROPOSED 18" x 30" STOP SIGN PER DOT SPECIFICATIONS SEE DET. 1, SHT. C7.0
 - PROPOSED 18" x 30" STOP SIGN PER DOT SPECIFICATIONS SEE DET. 1, SHT. C7.0
 - COASTING STRIP STRUCTURE, SEE SHEETS C1.0 AND C3.0
 - ASPHALT PAVEMENT SEAL COATED AND RESTORED
 - PROPOSED LANDSCAPING AREA
 - HEAVY DUTY ASPHALT PAVEMENT SEE DET. 1, SHT. C7.0
 - PAVEMENT REPAIR SEE DET. 1, SHT. C7.1
 - TRANSVERSE STRIPING - 4" MIN. SOLID WHITE STRIPES @ 45' PER DET. 3, SHT. C7.0
 - WHEEL STOP, SEE DET. 2, SHT. C7.0
 - 4" VERTICAL CONCRETE CURB, SEE DET. 6, SHT. C7.0
 - PROPOSED 18" x 30" STOP SIGN PER DOT SPECIFICATIONS SEE DET. 1, SHT. C7.0
 - PROPOSED BICYCLE RACK, SEE DET. 3, SHT. C7.1
 - PROPOSED LOADING ZONE

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 (614) 522-1999
 (614) 522-1999
 (614) 522-1999

REVISION	DATE	DESCRIPTION
11-15-24	PC SUBMITTAL	



GENERAL

- ALL ROAD SURFACES, EXCAVATIONS OR NOTES-OF-ANY DISTURBED OR CONSTRUCTION OF ANY PART OF THIS PROJECT TO BE RESTORED TO ORIGINAL CONDITION TO THE SATISFACTION OF THE OWNER AND THE CITY OF PARMA HEIGHTS.
- THE CONTRACTOR SHALL OBTAIN A CITY OF PARMA HEIGHTS STREET CLOSURE PERMIT BEFORE BEGINNING WORK WITHIN ANY PUBLIC STREET RIGHT-OF-WAY.
- THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF CONSTRUCTION DRAWINGS ON SITE AT ALL TIMES.
- NO PARKING OF CONTRACTOR OR CONTRACTOR EMPLOYEE VEHICLES ON ANY PUBLIC STREETS SHALL BE PERMITTED.
- THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF CONSTRUCTION DRAWINGS ON SITE AT ALL TIMES.

SITE LAYOUT NOTES

- ALL DISTURBED AREAS ARE TO BE RESTORED TO ORIGINAL CONDITION WITHIN 30 DAYS OF COMPLETION OF THE PROJECT. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL CONDITION WITHIN 30 DAYS OF COMPLETION OF THE PROJECT.
- ALL DIMENSIONS AND FINISH ARE TO THE FACE OF CURB, FACE OF FINISH OR AS NOTED OTHERWISE.
- EXACT LOCATION OF SOAKS TO BE COORDINATED WITH OWNER AND APPROVED PRIOR TO INSTALLATION.
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
- ALL DISTURBED AREAS ARE TO BE RESTORED TO ORIGINAL CONDITION WITHIN 30 DAYS OF COMPLETION OF THE PROJECT. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL CONDITION WITHIN 30 DAYS OF COMPLETION OF THE PROJECT.
- CONCRETE STRUCTURES WITH CONSTRUCTION LIMITS ARE TO BE ANCHORED, REINFORCED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BIDDING.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REGULATIONS (UNLESS OTHERWISE NOTED ON PLANS) AND PERMITS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REGULATIONS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BIDDING.
- ALL UTILITIES, STRUCTURES AND ROAD INFORMATION TAKEN FROM A SURVEY PROVIDED BY NEFF ASSOCIATES.

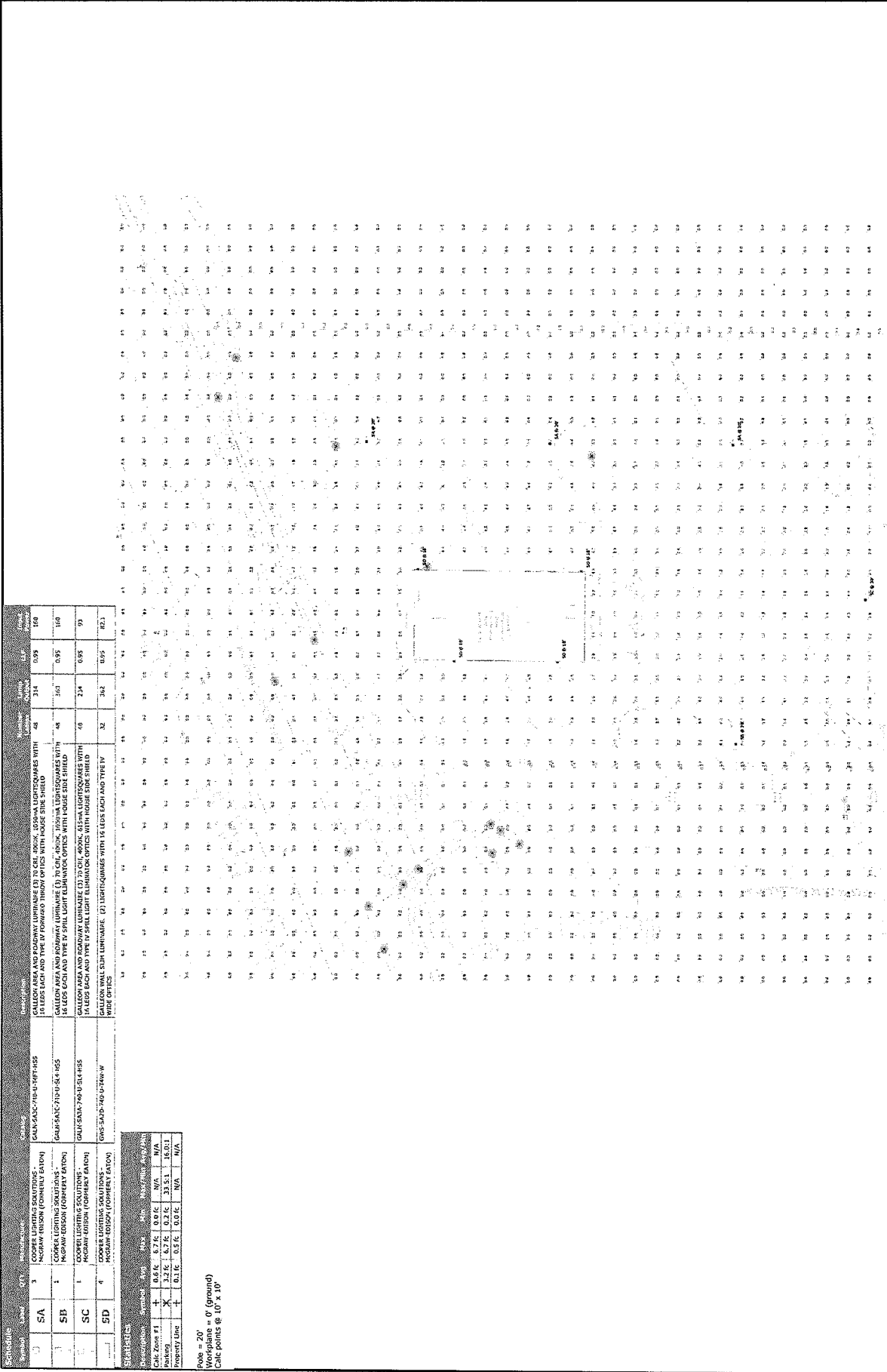
KEY NOTES

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REVISION	DATE	DESCRIPTION
11-15-24	PC SUBMITTAL	

REVISION	DATE	BY	CHKD
11-15-24	PC	SMITH	
PREPARED BY	DATE	BY	CHKD
DESIGNED BY	DATE	BY	CHKD



Symbol	Manufacturer	Model	Beam Spread	Height	Notes
SA	COOPER LIGHTING SOLUTIONS	NOBRYA FINSON (FORMERLY FAJON)	100°	10'	16 LUGS EACH AND TYPE IV FORWARD THREAT OPTICS WITH HOUSE SIDE SHIELD
SB	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (FORMERLY FAJON)	100°	10'	GALLON AREA AND ROADWAY (LUMINAIZ (D) 20, 0.01, 4000K, 4135 MA LIGHTS SQUARES WITH 16 LUGS EACH AND TYPE IV SHILL LIGHT ELIMINATOR OPTICS WITH HOUSE SIDE SHIELD
SC	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (FORMERLY FAJON)	100°	10'	GALLON AREA AND ROADWAY (LUMINAIZ (D) 20, 0.01, 4000K, 4135 MA LIGHTS SQUARES WITH 16 LUGS EACH AND TYPE IV SHILL LIGHT ELIMINATOR OPTICS WITH HOUSE SIDE SHIELD
SD	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (FORMERLY FAJON)	100°	10'	GALLON WALL SIDE LIGHTWARE, (2) LIGHTS SQUARES WITH 16 LUGS EACH AND TYPE IV SHILL LIGHT ELIMINATOR OPTICS WITH HOUSE SIDE SHIELD

Symbol	Manufacturer	Model	Beam Spread	Height	Notes
SA	COOPER LIGHTING SOLUTIONS	NOBRYA FINSON (FORMERLY FAJON)	100°	10'	16 LUGS EACH AND TYPE IV FORWARD THREAT OPTICS WITH HOUSE SIDE SHIELD
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SD	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (FORMERLY FAJON)	100°	10'	GALLON WALL SIDE LIGHTWARE, (2) LIGHTS SQUARES WITH 16 LUGS EACH AND TYPE IV SHILL LIGHT ELIMINATOR OPTICS WITH HOUSE SIDE SHIELD

Pole = 20'
 Workplane = 0' (ground)
 Calc points @ 10' x 10'

EXHIBIT F

ORDINANCE NO. 2024 - 49

AN ORDINANCE AMENDING CHAPTER 752 PREVIOUSLY ENTITLED "MEDICAL MARIJUANA OPERATIONS" 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 752 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.

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 752 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 O'Neil
CLERK OF COUNCIL

October 7, 2024
APPROVED

FILED WITH
THE MAYOR: October 7, 2024

Marie Gallo
MAYOR MARIE GALLO

EXHIBIT A, as amended

CHAPTER 752

Medical Marijuana Operations

- 752.01 Purpose.
- 752.02 Definitions.
- 752.03 Applicability.
- 752.04 Prohibition on certain ~~medical~~ marijuana operations.
- 752.05 ~~Medical m~~Marijuana dispensary license required.
- 752.06 ~~Medical m~~Marijuana dispensary license application.
- 752.07 Issuance of ~~medical~~ marijuana dispensary license.
- 752.08 Fees.
- 752.09 Inspection.
- 752.10 Expiration and renewal of license.
- 752.11 License suspension.
- 752.12 License revocation.
- 752.13 Appeal rights.
- 752.14 Transfer of license.
- 752.15 Regulations pertaining to the operation of ~~medical~~ marijuana dispensaries.
- 752.16 Loitering and exterior lighting and monitoring requirements.
- 752.17 Injunction.
- 752.18 Effect of partial invalidity.
- 752.19 Change in information.
- 752.99 Penalty.

752.01 PURPOSE.

The purposes of this chapter are to establish limitations on ~~medical~~ marijuana operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of ~~medical~~ marijuana dispensaries within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

(Ord. 2018-35. Passed 8-1-18.)

752.02 DEFINITIONS.

For purposes of this chapter,

(a) "Building Official" shall mean the Chief Building Official.

(b) "Chief" shall mean the Chief of Police of the City.

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

(d) "Disqualifying offense", "cultivator", "processor", and "dispensary" shall have the same meanings as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations.

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

(f) "~~Medical m~~Marijuana" shall have the same meaning as in R.C. 3796.01.

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

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

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

(j) "Transfer of ownership or control" of a ~~medical~~ marijuana dispensary shall mean any of the following:

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. 2018-35. Passed 8-1-18.)

752.03 APPLICABILITY.

Businesses subject to this chapter are ~~medical~~ marijuana cultivators, processors and dispensaries.

(Ord. 2018-35. Passed 8-1-18.)

752.04 PROHIBITION ON CERTAIN ~~MEDICAL~~ MARIJUANA OPERATIONS.

(a) No person shall operate a ~~medical~~ marijuana cultivator or processor business in the City.

(b) Any person who violates this section shall be guilty of a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.05 ~~MEDICAL~~ MARIJUANA DISPENSARY LICENSE REQUIRED.

(a) No person shall operate a ~~medical~~ marijuana dispensary without a valid ~~medical~~ marijuana dispensary license issued by the City pursuant to this chapter.

(b) Any person who violates division (a) of this section shall be guilty of a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.06 ~~MEDICAL~~ MARIJUANA DISPENSARY LICENSE APPLICATION.

(a) An application for a ~~medical~~ marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter.

(b) An application for a ~~medical~~ marijuana dispensary license shall identify and be signed by the following persons:

(1) If the business entity is owned by an individual, that individual.

(2) If the business entity is owned by a corporation, each officer or director of the corporation, any individual owning or controlling more than 50 percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary or greater ownership interest in the corporation.

(3) If the business entity is owned by a limited liability company, each member of the limited liability company, and any person who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary on behalf of the limited liability company.

(4) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary.

(c) An application for a ~~medical~~ marijuana dispensary license must designate one or more individuals to be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed ~~medical~~ marijuana dispensary on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this chapter, and shall be considered a licensee if a license is granted.

(d) An application for a ~~medical~~ marijuana dispensary license shall be completed according to the instructions of the application form, which shall require the following:

(1) If the applicant is:

A. An individual, state the legal name and any aliases of such individual;

B. A partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or

C. A joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or

D. A corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacity of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.

E. A limited liability company, state the complete name of the limited liability company and the date of its organization, provide evidence that the company is in good

standing under the laws of its state of organization, and state the names of all members, the name of the registered statutory agent, and the address of the registered office for service of process.

(2) If the applicant intends to operate the ~~medical~~ marijuana dispensary under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.

(3) State whether any applicant, or any of the individuals identified in the application pursuant to division (b) hereof, has had a previous license under this chapter or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the ~~medical~~ marijuana dispensary for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, director or 10 percent or greater owner of a corporation licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(4) State whether any applicant, or any of the individuals identified in the application pursuant to division (b) hereof, holds any other licenses under this chapter or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.

(5) State the location of the proposed ~~medical~~ marijuana dispensary, including a legal description of the property, street address, and telephone number(s), if any.

(6) State the mailing address and residential address of each applicant and each person signing the application.

(7) Submit a current, valid retail dispensary license or provisional dispensary license issued to the applicant by the state board of pharmacy and/or the State Division of Cannabis Control under the provisions of R.C. Chapters 3780 and/or 3796 and the regulations promulgated thereunder, or evidence that the applicant has made application for such a license or provisional license to the state board of pharmacy and/or the State Division of Cannabis Control.

(8) Submit a security plan for review and approval by the Chief. The security plan shall be on a form or in a manner prescribed by the Chief and shall include, at a minimum, a lighting plan that identifies how the interior, facade, adjoining sidewalks, parking areas and immediate surrounding areas of the dispensary will be illuminated and how the lighting will deflect light away from adjacent properties; and an identification of operable cameras, alarms, security guards and other security measures to be present on the premises whether during or outside business hours. The security plan should address the applicant's use of off-street parking and proposed use of armed security guards, video surveillance and door, building and parking lot security as appropriate. The applicant shall supply all additional information requested by the Chief necessary for the Chief to evaluate the security plan.

(9) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.

(10) Submit proof that each applicant who is a natural person is at least 18 years old.

(11) Submit a sketch or diagram showing the configuration of the premises of the medical marijuana dispensary. The diagram shall also designate the place at which the dispensary license will be conspicuously posted, if issued. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(Ord. 2018-35. Passed 8-1-18.)

752.07 ISSUANCE OF MEDICAL MARIJUANA DISPENSARY LICENSE.

(a) Within five days of receipt of an application for a medical marijuana dispensary license, the Director shall notify the Building Official and the Chief of such application. In making such notification, the Director shall request that the Chief promptly investigate the information provided in the application and shall request that the Chief and the Building Official promptly inspect the premises for which the medical marijuana dispensary license is sought in order to assess compliance with the regulations under their respective jurisdictions.

(b) The Chief and the Building Official shall begin their respective investigations and inspections promptly upon receipt of notice of an application from the Director. The Chief and the Building Official shall provide the results of their investigations, including written certifications of whether the premises and applicants are in compliance with the laws and regulations under their respective jurisdictions, to the Director, in writing, within 60 days of receipt of notice of the application,

(c) The Building Official's inspection of the premises for which a medical marijuana dispensary license is sought shall include an investigation as to whether the premises are in compliance with the Ohio Basic Building Code, the Parma Heights Zoning Code, the Parma Heights Property Maintenance Code, and the provisions of this chapter related to physical characteristics of the premises.

(d) Within ninety days after receipt of a completed medical marijuana dispensary license application, the Director shall approve or deny the issuance of a license. The Director shall approve the issuance of a license to an applicant unless he or she determines that one or more of the following findings is true:

(1) An applicant who is a natural person is under eighteen years of age.

(2) An applicant has failed to provide information reasonably necessary for issuance of the license as requested on the application form, or has falsely answered a question or request for information on the application form.

(3) A person identified in the application pursuant to Section 752.06(b) or Section 752.06(c) of this chapter has been denied a license to operate a ~~medical~~ marijuana dispensary or has had a license to operate a ~~medical~~ marijuana dispensary revoked within the preceding twelve months by any jurisdiction.

(4) A person identified in the application pursuant to Section 752.06(b) or Section 752.06(c) of this chapter has been convicted of a disqualifying offense.

(5) The proposed ~~medical~~ marijuana dispensary would violate or fail to be in compliance with any provisions of the Parma Heights Zoning Code, Property Maintenance Code or General Offenses Code, or state statute or regulation.

(6) The application and investigation fee or a prior license fee required by this chapter has not been paid in full.

(7) An applicant is in violation of or not in compliance with any provision of this chapter, except as provided in division (e) (1) of this section.

(e) If the Director determines that one or both of the following findings is true, the license issued pursuant to division (d) of this section shall contain a requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:

(1) The results of inspections of the premises by the Chief or the Building Official indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions, including the provisions of this chapter related to characteristics of the physical premises. This division shall not apply to premises that are in violation of any law or regulation that is identified or referenced in divisions (d)(1) through (d)(7) hereof.

(2) An applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any business, which are not the subject of a pending appeal or other legal challenge.

~~(f) If the Director determines that no other grounds for denial of a license exist under division (d) hereof, the Director shall not delay approval of the application past the end of the ninety-day period provided in this section solely because the Chief has not provided the Director with the results of his inspection of the premises; the results of the Building Official's inspection of the premises are not available; or the Chief has not completed the his investigation of the criminal background of the applicant(s). If, after approving the issuance of a license, the Director receives information from the his investigation which the Director he determines constitutes grounds for denial of a license under division (d) hereof, then the ~~medical~~ marijuana dispensary license issued pursuant to this division (f) (t) hereof shall be immediately revoked. If after approving the issuance of a license, the Director receives information concerning the results of inspections of the premises by the Chief, or the Building Official's inspection, which the Director determines constitutes grounds for the issuance of a license subject to a requirement to correct deficiencies under division (e) hereof, then, a requirement shall be added to the terms of the ~~medical~~~~

marijuana dispensary licenses issued pursuant to this division (f) hereof to correct all deficiencies noted within 120 days of the date such requirement is added.

(g) A ~~medical~~ marijuana dispensary license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the licensed ~~medical~~ marijuana dispensary. All ~~medical~~ marijuana dispensary licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(h) The Director shall advise the applicant in writing of the reasons for any license denial.

(Ord. 2018-35. Passed 8-1-18.)

752.08 FEES.

(a) Every application for a new medical marijuana dispensary license shall be accompanied by a three-hundred fifty dollar (\$350.00) non-refundable application and investigation fee.

(b) Every application for renewal of a medical marijuana dispensary license shall be accompanied by a two-hundred fifty dollar (\$250.00) non-refundable application and investigation fee.

(c) **Marijuana Dispensary Community Impact Fee.** Each Adult-Use Marijuana Dispensary operating within the City of Parma Heights shall pay to the City an amount equaling 3.6 percent of the dispensary's gross annual sales, which the City shall calculate annually using sales figures, provided by the dispensary, from state-mandated reporting or recordkeeping forms, subject to any independent audit and/or determination of those sales figures by the City. The dispensary shall pay the Community Impact Fee to the City no later than March 1 of each year.

If the Host Community Cannabis Fund created by O.R.C. Section 3780.23 is reduced by the state legislature to an amount less than 3.6 percent of the dispensary's gross annual sales but not completely repealed, the Community Impact Fee under this Section shall be the difference between the reduced Host Community Cannabis Fund amount and 3.6 percent. For example, if the Host Community Cannabis is effectively reduced to 1.5 percent of the dispensary's gross annual sales, the Community Impact Fee under this Section would be 2.1 percent of the dispensary's gross annual sales.

~~In addition to the application and investigation fee required in division (a) or (b) hereof, every applicant application that is granted a medical marijuana dispensary license (new or renewal) shall pay to the City an annual, non-prorated license fee in the amount of twenty-five thousand dollars (\$25,000.00) upon license issuance or renewal, plus an amount equaling 1.5 percent of the licensee's gross annual sales from the dispensary to which the license applies above the amount of one million two-hundred thousand dollars (\$1,250,000.00), which the licensee shall calculate at the expiration of the license or~~

~~renewal term using sales figures from the licensee's state-mandated reporting or recordkeeping forms, and which the licensee shall pay to the City within sixty days of the expiration of any term (new or renewal) of the license. The twenty-five thousand dollar (\$25,000.00) license fee may be refunded only if the applicant does not receive a license issued by the state board of pharmacy and/or the State Division of Cannabis Control for a period covering any portion of the term of the license issued by the City. The licensee shall give the Director or his or her designee(s) an opportunity to review the data and basis upon which the licensee has calculated fees due under this section.~~

(Ord. 2018-35. Passed 8-1-18.)

752.09 INSPECTION.

(a) The Division of Police and the Building Official shall, from time to time, inspect each ~~medical~~ marijuana dispensary licensed under the provisions of this chapter that is open to the public in order to assess compliance with the provisions of this chapter.

(b) An applicant or licensee shall permit the Building Official or designees and the Chief or designees, as well as representatives of other city departments and divisions, to inspect a ~~medical~~ marijuana dispensary that is open to the public for the purpose of insuring compliance with the law, during times that it is occupied or open for business.

(c) An applicant or licensee shall subject the application to denial or the license to revocation if he or she refuses to permit such lawful inspection of the premises.

(Ord. 2018-35. Passed 8-1-18.)

752.10 EXPIRATION AND RENEWAL OF LICENSE.

(a) Each license issued pursuant to this chapter shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety days and no fewer than thirty days before the expiration date. If application is made fewer than thirty days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(b) An application for renewal of a ~~medical~~ marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The renewal application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to Section 752.06 of this chapter. The completed renewal application shall be accompanied by copies of any document or material submitted in connection with the initial license application that has been revised or requires revision to reflect any change in circumstances or conditions. Sketches or diagrams and security plans submitted with an

initial ~~medical~~ marijuana dispensary license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram and security plan still depict the premises and plan accurately.

(c) The Director shall make determinations concerning the approval of license renewals based on the same criteria used to evaluate applications for new licenses under Section 752.07 of this chapter.

(d) The Director shall advise the applicant in writing of the reason(s) for any denial of a license renewal.

(e) When the City denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. If the City finds, subsequent to denial, that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the denial was issued.

(Ord. 2018-35. Passed 8-1-18.)

752.11 LICENSE SUSPENSION.

(a) The City shall suspend a ~~medical~~ marijuana dispensary license for a period not to exceed thirty days if it determines that a licensee:

(1) Has violated or is not in compliance with any section of this chapter; or

(2) Has authorized or approved an employee's violation of or failure to comply with any section of this chapter, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary has allowed an employee to violate or fail to comply with any section of this chapter.

(b) The City shall suspend a ~~medical~~ marijuana dispensary license for a period not to exceed 30 days if it determines that a licensee or his employee or agent has refused to allow an inspection of the licensed ~~medical~~ marijuana dispensary premises as authorized by this chapter.

(c) The Director shall advise the licensee in writing of the reason(s) for any suspension.

(Ord. 2018-35. Passed 8-1-18.)

752.12 LICENSE REVOCATION.

(a) The City shall revoke a ~~medical~~ marijuana dispensary license if a cause of suspension under Section 752.11 of this chapter occurs and the license has been suspended two times within the preceding twelve months.

(b) The City shall revoke a ~~medical~~ marijuana dispensary license if it determines that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) The Licensee(s) failed to comply with any requirement stated in the license, pursuant to Section 752.07(g) of this chapter, to correct specified deficiencies within 120 days;

(3) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary employee, a licensee has allowed, possession, use, or sale of controlled substances (except ~~medical~~ marijuana) on the premises;

(4) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary employee, a licensee has allowed the commission of a felony on the premises;

(5) A licensee operated the ~~medical~~ marijuana dispensary during a period of time when the licensee knew or reasonably should have known that the licensee's license was suspended, or when the licensee no longer maintained a dispensary license issued by the state board of pharmacy;

(6) A licensee has been convicted of a specified criminal activity, as defined in Section 752.02 of this chapter, during the term of the license; or

(7) A licensee is delinquent in payment to the City, County, or State for any taxes or fees past due that were assessed or imposed in relation to any business.

(c) The Director shall advise the licensee in writing of the reason(s) for any revocation.

(d) When the City revokes a license, the licensee shall not be issued another license for one year from the date the revocation became effective. If the City finds, subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the date the revocation became effective.

(Ord. 2018-35. Passed 8-1-18.)

752.13 APPEAL RIGHTS.

(a) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the City of Parma Heights Board of Zoning Appeals by written notice within ten days of such denial, suspension or revocation. Unless the applicant requests a longer period, the Board of Zoning Appeals must hold a hearing on the appeal within thirty days and must issue a decision affirming or reversing the denial, suspension, or revocation within five days after the hearing.

(b) Any decision by the Board of Zoning Appeals shall be a final appealable order and the applicant or licensee may seek judicial review of such administrative action in any court of competent jurisdiction pursuant to general law.

(c) Any licensee lawfully operating a ~~medical~~ marijuana dispensary prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal of a decision rendered under this chapter to the Board of Zoning Appeals or to a court.

(d) In the event that an applicant for a new ~~medical~~ marijuana dispensary license seeks judicial review of the denial of a new license, there shall be no automatic stay of the denial.

(Ord. 2018-35. Passed 8-1-18.)

752.14 TRANSFER OF LICENSE.

A ~~medical~~ marijuana dispensary license is not transferable from one licensee to another or from one location to another without the express written permission of the Director. Any purported transfer of a ~~medical~~ marijuana dispensary license without the express written permission of the Director shall automatically and immediately revoke that license. Notwithstanding anything in this chapter to the contrary, a license transferee shall assume all responsibilities of the license transferor under this chapter and all applicable code.

(Ord. 2018-35. Passed 8-1-18.)

752.15 REGULATIONS PERTAINING TO THE OPERATION OF ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) No person may operate or cause to be operated a ~~medical~~ marijuana dispensary without complying with the following requirements:

(1) The ~~medical~~ marijuana dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the state. ~~Nothing herein being intended to conflict with state law, rather said regulations are incorporated herein by reference. The dispensary operator~~ A dispensary licensee shall document licensing by the State of Ohio and demonstrate compliance with any terms and conditions imposed by law.

(2) The parcel upon which the dispensary is operated shall not at the time the original dispensary license is issued be located within 500 feet from any parcel on which sits a school, church, public library, public playground or public park.

(3) Consultations by clinical nurse specialists, certified nurse practitioners, physicians or physician assistants shall not be permitted at a dispensary, unless the patron already has a recommendation for medical marijuana prior to entering the dispensary.

(4) Signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.

(5) The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

(6) The use of any vending machine which allows access to ~~medical~~ marijuana is prohibited. For purposes of this division (a) (6), a vending machine is any device which allows access to ~~medical~~ marijuana without a human intermediary.

(7) The premises of every ~~medical~~ marijuana dispensary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level of not less than five foot-candles as measured at floor level.

(8) No ~~medical~~ marijuana dispensary shall be operated in any manner that permits the observation from outside the premises of 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.

(9) Any material changes to information provided in the licensee's application including, but not limited to, changes to the security plan must be promptly communicated, in writing, to the Director.

(10) If, at any time, the licensee is subject to any enforcement action by the state, the licensee shall immediately notify the Director and shall provide any relevant information or documentation requested by the Director.

(11) If, at any time, the licensee has a reasonable belief that an actual loss, theft or diversion of ~~medical~~ marijuana or currency worth or amounting to more than one hundred dollars (\$100.00) has occurred, the licensee shall immediately notify the Director, and in any event such notification shall be provided no later than twenty-four hours after discovery of the loss, theft or diversion.

(b) Except as otherwise provided in this paragraph, any person who violates division (a) hereof, or any person who operates a ~~medical~~ marijuana dispensary and permits a violation of division (a) hereof on the premises, shall be guilty of a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of division (a) hereof, a violation of division (a) of this section will be considered a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of division (a) of this section, a violation of division (a) hereof will be considered a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.16 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.

(a) It shall be the duty of the operator of a ~~medical~~ marijuana dispensary to:

(1) Initiate and enforce a no loitering policy within the external boundaries of the parcel of real property upon which the ~~medical~~ marijuana dispensary is located;

- (2) Post conspicuous signs stating that no loitering is permitted on such property;
- (3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and
- (4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business and shall include a retention capacity of at least thirty days.
- (b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(Ord. 2018-35. Passed 8-1-18.)

752.17 INJUNCTION.

Any person who operates or causes to be operated a ~~medical~~ marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City.

(Ord. 2018-35. Passed 8-1-18.)

752.18 EFFECT OF PARTIAL INVALIDITY.

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. 2018-35. Passed 8-1-18.)

752.19 CHANGE IN INFORMATION.

During the pendency of any application for, or during the term of, any ~~medical~~ marijuana dispensary license, the applicant or licensee shall promptly notify the Director in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the ~~medical~~ marijuana dispensary establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur. The Director shall ensure that any additional principals of a licensee are in compliance with this Chapter.

(Ord. 2018-35. Passed 8-1-18.)

752.99 PENALTY.

(a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 101.99 of the Codified Ordinances of the City of Parma Heights.

(b) Each day that a ~~medical~~ marijuana dispensary operates in violation of this chapter is a separate offense or violation.

(Ord. 2018-35. Passed 8-1-18.)

EXHIBIT G

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 1181 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.)

EXHIBIT 2

ADDITIONAL CONDITION(S) IMPOSED BY COUNCIL

In addition to all previously stated requirements of the laws of Parma Heights, Ohio, and the conditions set forth by the City, this Council imposes the following condition(s):

1. Compliance with the General Criteria set forth in each portion of the Codified Ordinances of the City of Parma Heights cited by the Planning Commission in its recommendations for Council consideration [see Ex. 1 of Council Resolution Exhibit A], as they may be amended from time to time.
2. That the Conditional Use be and remain subject to Applicant's compliance with the building and development plans as submitted to and recommended for approval by the Planning Commission, including but not limited to the following clarifications:
 - A. Applicant agrees to maintain the existing 8' wooden fence along its southern boundary, to repair and replace as necessary, as well as to scrape and paint/stain as necessary;
 - B. Applicant agrees to perform landscaping maintenance along its eastern boundary line, specifically removing overgrown brush in connection with the new plantings shown by the landscaping plans on file;
 - C. Applicant has agreed to eliminate its western curb cut to Parma Park Blvd. (as shown by the building and development plans), and further recognizes that restoration of same is prohibited; and
 - D. Applicant has agreed to limit its drive through lane (as shown by the building and development plans), and refrain from reinstallation of dual lanes.

Otherwise, Applicant's Conditional Use is and remains subject to revocation upon noncompliance with approved building and development plans.

3. Demonstration of a lease agreement between the Applicant and the Property Owner at the commencement of this use and at all times of operation.
4. Any change and/or modification of any material facts and/or terms contained in the Applicant's Conditional Use applications and/or the Applicant's marijuana dispensary license applications shall require advance notice to the City and the City's consent.

RESOLUTION NO. 2025 – 5

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PERMIT THE BUSINESS KNOWN AS AYR OHIO LLC TO ALLOW A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE, AND DECLARING AN EMERGENCY

WHEREAS, at its meeting on January 6, 2025, the Planning Commission conducted a public hearing regarding the approval of the Conditional Use Permit for the business known as AYR Ohio LLC to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use, with certain conditions; and

WHEREAS, at its meeting on January 6, 2025, the Planning Commission recommended to the City Council that the Conditional Use Permit for the business known as AYR Ohio LLC to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use, with certain conditions, be approved; and

WHEREAS, pursuant to Section 1135.06 (c) of the Codified Ordinances of the City of Parma Heights, a Conditional Use Permit shall be subject to the approval of the Council of the City of Parma Heights; and

WHEREAS, the Conditional Use Permit is approved, subject to the conditions that are set forth in “Council Resolution Exhibit A”, attached hereto and incorporated as if fully rewritten.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Parma Heights, State of Ohio:

Section 1: The Council adopts the recommendation of the Planning Commission and grants a Conditional Use Permit to AYR Ohio LLC to allow a dual-use cannabis dispensary and to operate a drive-thru facility in association with a permitted principal or conditional use at 6555 Pearl Road, Parma Heights, Ohio in the Neighborhood Mixed-Use District.

Section 2: The Conditional Use recommended by the Planning Commission is approved subject to the General Criteria set forth in Sections 1135.07 of the Codified Ordinances of the City of Parma Heights, conditions recommended by the Planning Commission, and further conditions set forth by Council.

Section 3: The Conditional Use recommended by the Planning Commission, and further conditions set forth by Council, are set forth in “Council Resolution Exhibit A” which is attached hereto and incorporated as if fully rewritten.

Section 4: The approval of this Conditional Use Permit shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard, or requirement shall

constitute a violation of the Planning and Zoning Code, and the conditional use permit may be revoked if the established conditions for approval are violated.

Section 5: This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution 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 6: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of this Municipality, and for the further reason it is necessary to facilitate AYR Ohio LLC's investment in the community expeditiously; wherefore, this Resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

COUNCIL RESOLUTION EXHIBIT A



6281 Pearl Road

Parma Heights, Ohio 44130

440-884-9607

IN THE MATTER OF:

APPLICATION OF AYR OHIO LLC FOR A CONDITIONAL USE PERMIT TO ALLOW A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE AT 6555 PEARL ROAD, PARCEL NUMBER 473-34-008, PARMA HEIGHTS, OHIO IN **NEIGHBORHOOD MIXED USE DISTRICT**

ACKNOWLEDGEMENT AND UNCONDITIONAL ACCEPTANCE AND AGREEMENT TO CONDITIONS AS SET FORTH IN EXHIBITS 1 AND 2

On _____, 2025, the Council of the City of Parma Heights approved the recommendation of the Planning Commission to grant the Conditional Use Permit of AYR Ohio LLC. [EX. 1]. The Council imposed additional condition(s) of its own. [EX. 2].

Pursuant to Section 1135.07 of the Codified Ordinances of the City of Parma Heights when a permit for a conditional use is granted by the Council subject to conditions, **the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.**

I understand that pursuant to Section 1135.08 of the Codified Ordinances of the City of Parma Heights that;

- (a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.
- (b) A conditional use permit issued pursuant to this chapter shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Chief Building Official.
- (c) The conditional use approval shall expire six months from the date of enactment, unless:

- (1) In the case of new construction, work upon the structure shall have begun above the foundation walls;
- (2) In the case of occupancy of land, the use has commenced;
- (3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or
- (4) The Chief Building Official grants an extension for good cause shown, upon the request of the applicant.

(d) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

Further, we understand that pursuant to Section 1135.09 of the Codified Ordinances of the City of Parma Heights that a conditional use permit may be revoked if the established conditions for approval are violated. The Chief Building Official is responsible for advising the Planning Commission of any violations, and the Planning Commission may then recommend to City Council that it revoke the conditional use permit.

Among the several conditions imposed with the CUP, the Applicant understands and agrees that it must be licensed for operation by the State of Ohio, Medical Marijuana Control Program, and the Division of Cannabis Control, pursuant to Ohio Revised Chapters 3796 and 3780 and administrative regulations, as well as licensed pursuant to Parma Heights Codified Chapters 752 and 1190, and that Applicant's licensure, including all fees and taxes, must remain in good standing.

Based on the foregoing we acknowledge the approval of the conditional use permit and unconditionally accept and agree to such conditions.

Signature: _____

Printed Name: _____

Title of Authority on Behalf of AYR Ohio LLC: _____

Date: _____

EXHIBIT 1

RECOMMENDATIONS FOR COUNCIL CONSIDERATION

IN THE MATTER OF:

APPLICATION FROM AYR OHIO LLC FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A DUAL-USE CANNABIS DISPENSARY AND TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE AT 6555 PEARL ROAD, PARCEL NUMBER 473-34-008 PARMA HEIGHTS, OHIO IN THE NEIGHBORHOOD MIXED USE DISTRICT.

1. AYR Ohio LLC is authorized to conduct business in the State of Ohio with its principal place of business located at 6555 Pearl Road, parcel number 473-34-008, Parma Heights, Ohio.
2. The City of Parma Heights Planning Commission (the "Planning Commission") is the duly organized Planning Commission for the City of Parma Heights (the "City") operating pursuant to its Charter and the laws of the State of Ohio.
3. The aforementioned property is located within the Neighborhood Mixed Use District.
4. On November 12, 2024, AYR Ohio LLC submitted an Application for a Conditional Use Permit to the Planning Commission requesting approval for a Conditional Use Permit to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use at 6555 Pearl Road, parcel number 473-34-008, Parma Heights, Ohio in the Neighborhood Mixed Use District.
5. At its January 6, 2025 Regular Meeting, the Planning Commission heard a presentation from the Applicant regarding the application for a Conditional Use Permit AYR Ohio LLC to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use at 6555 Pearl Road, parcel number 473-34-008.
6. Notice of the Public Hearing was published in the Plain Dealer on December 19, 2024 and December 26, 2024 and also posted on the City's website and at City Hall.
7. A public hearing was held on January 6, 2025, and the Planning Commission heard from the Applicant and City representatives regarding the application for a Conditional Use Permit by AYR Ohio LLC to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use.
8. Based upon the presentations of both parties at the public hearing the Planning Commission recommends approval of the Conditional Use Permit for the business known as AYR Ohio LLC to allow for a dual-use cannabis dispensary and to operate a drive-thru facility in association with a Permitted Principal or Conditional Use.

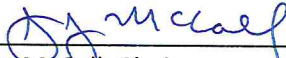
9. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.07 of the Codified Ordinance of the City of Parma Heights. [Ex. A].
10. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.08 of the Codified Ordinance of the City of Parma Heights. [Ex. B].
11. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1195.05 of the Codified Ordinances of the City of Parma Heights. [Ex. C].
12. The Conditional Use requested is recommended subject to compliance with all recommendations listed in the December 30, 2024 Memorandum to the Planning Commission from the Director of Public Service and the Chief Building Official, [Ex. D], being addressed to the satisfaction of the City prior to any permits being issued. Compliance shall be determined at the discretion of the City.
13. The Conditional Use requested is recommended subject to compliance with all comments listed in the City Engineer Plan Review Report dated 11/19/24, [Ex. E], being addressed to the satisfaction of the City prior to any permits being issued. Compliance shall be determined at the discretion of the City.
14. The Conditional Use requested is recommended subject to compliance with Chapter 752 of the Codified Ordinances of the City of Parma Heights, titled "Marijuana Operations", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 49 [Ex. F], and formalized in its subsequent codification, when available.
15. The Conditional Use requested is recommended subject to strict compliance with Section 752.08 of the Codified Ordinances of the City of Parma Heights, titled "Fees", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 49 [Ex. F], and formalized in its subsequent codification, when available.
16. The Conditional Use requested is recommended subject to compliance with Chapter 1190 of the Codified Ordinances of the City of Parma Heights, titled "Marijuana Dispensaries", as passed by Council on October 7, 2024 in Ordinance No. 2024 - 50 [Ex. G], and formalized in its subsequent codification, when available.
17. The Conditional Use requested is recommended subject to the condition that the Applicant shall not modify the exterior character or appearance of the structure without the prior approval of the Department of Public Service in order to ensure harmonious compatibility with other buildings and structures within the immediate area, at the City's discretion.
18. The Conditional Use requested is recommended subject to AYR Ohio LLC acquiring ownership of Daily Releaf LLC dba AYR Cannabis Dispensary and commencing retail business operations within ninety days of the commencement of Daily Releaf LLC dba AYR Cannabis Dispensary's retail operations.
19. The Conditional Use requested is recommended subject to the condition that the Applicant reach agreement with the City's Department of Public Service as to all branding and verbiage present on the exterior of the structure, premises, and signage.

20. The Conditional Use requested is recommended subject to the condition that the Applicant reach agreement with the City's Department of Public Service as to all landscape screening on the premises.


21. This recommended approval shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard or requirement shall constitute a violation of the Planning and Zoning Code and the conditional use permit may be revoked if the established conditions for approval are violated.

22. This recommended approval is not final and is subject to the confirmation of the City Council, and if approved all conditions shall be set forth expressly in a resolution of the Council granting the Conditional Use Permit.

23. In the event that a permit for a conditional use is granted by the Council subject to conditions, the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.



Jim McCall, Chairman



Bill Litten

Joe Sepich

_____, Council Representative



Zachary Humphrey

EXHIBIT A

1135.07 GENERAL CRITERIA FOR CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following criteria. Furthermore, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

(a) The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Planning and Zoning Code and with the objectives for the district in which located;

(b) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;

(c) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;

(d) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Planning Commission to be of significant natural, scenic, or historic importance;

(e) The hours of operation of the proposed use are similar to a use permitted in the district;

(f) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;

(g) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(h) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(i) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;

(j) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

(k) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;

(l) The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Chapter 1191.

EXHIBIT B

1135.08 TERMS AND DURATION OF APPROVAL.

(a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.

(b) A conditional use permit issued pursuant to this chapter shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Chief Building Official.

(c) The conditional use approval shall expire six months from the date of enactment, unless:

(1) In the case of new construction, work upon the structure shall have begun above the foundation walls;

(2) In the case of occupancy of land, the use has commenced;

(3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or

(4) The Chief Building Official grants an extension for good cause shown, upon the request of the applicant.

(d) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

EXHIBIT C

1195.05 COMMERCIAL USE-SPECIFIC REGULATIONS.

(b) Drive-Thru and Drive-In Facilities, in Association with a Permitted Principal or Conditional Use.

(1) Such facilities shall be located on a major street in an area least disruptive to pedestrian and vehicular traffic.

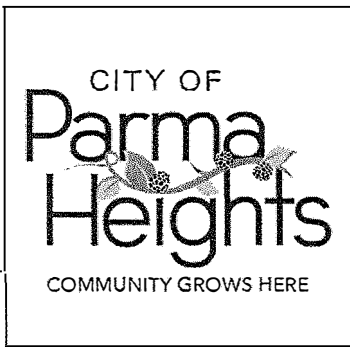
(2) Loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties.

(3) On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per street frontage.

(4) Interconnecting circulation aisles between parcels shall be provided when practicable.

(5) The Planning Commission may impose restrictions on the hours of operation.

EXHIBIT D



INTEROFFICE MEMORANDUM

DATE: December 30, 2024

TO: Planning Commission

FROM: Robert P. Sepik, Director of Public Service
Martin Surella, Chief Building Official

RE: Service Department Recommendations for the Conditional Use Permit Application for
AYR Ohio LLC at 6555 Pearl Rd PPN# 473-34-008

We have reviewed the twelve requirements as set forth in Chapter 1135.07 of the Codified Ordinances of the City of Parma Heights. It is our opinion that all of these requirements have been successfully met.

In addition to the requirements of Chapter 1135.07, we are also providing a list of additional recommendations that the Planning Commission suggest the City require of the Applicant. The goal of these requirements is to prevent any misunderstanding regarding the City's intent to ensure that the high standards required of all Parma Heights businesses continues to be maintained.

These recommendations are as follows:

1. In accordance with PHCO 1391.02, the dumpster enclosure can only be a maximum of 6 feet in height. Chain-link with slatting would not be approved as an enclosure, but we would approve lumber with steel posts due to the visibility from Parma Park; and
2. The submission of a landscape plan showing tree locations that do not obstruct the view of drivers.

Please do not hesitate to contact us if there are any questions regarding any of the above recommendations.

EXHIBIT E

CITY OF PARMA HEIGHTS PLAN REVIEW

Date	Review No.	Address
11/19/24	2, City Engineer	6555 Pearl Rd
To	Email/Phone	PPN
Robert Sepik Marty Surella Mark Schneider	rsepik@parmaheights.us msurella@parmaheights.us mschneider@parmaheights.us	473-34-008
From	Email/Phone	Subject
Pietro DiFranco	pdifranco@rlba.com	CUP-Marijuana Dispensary
Applicant	Email/Phone	Plans Received
Daily Releaf dba Ayr Cannabis Dispensary	julie.winter@ayrwellness.com legal@ayrwellness.com greg.gorospe@icemiller.com	11/13/24
Owner	Email/Phone	
Net Gain Properties LLC	achristofferson1973@gmail.com	
Designer	Email/Phone	
Shremshock	Email Unknown	

Notes/Description
Proposal consists of reurposing a former bank into a marijuana dispensary.
Recommendation
Approval is recommended contingent upon addressing remaining comments prior to a construction permit being issued..

No.	Comment Items in red added 11/19/24 Items in green added DATE Items in blue added DATE Items in magenta added DATE	Ref	Comment				Addressed
			10/18/24	11/19/24	DATE	DATE	
Submittal Requirements							
1.01	Drawings shall be accurate, clear, complete and drawn to scale	1133.08	X				X
1.02	Plot plan shall show property boundary lines, adjacent street & setbacks * 11/19/24 - Update or remove Sheet G1.3-Site Plan from architectural set. * 11/19/24 - Add civil engineering plans to architectural set and sheet index	1133.09	X	X			
1.03	Provide floor plan(s) and exterior elevations specifying materials & colors * 11/19/24 - Sheet A8.1 includes color for exterior walls, but not shown on elevations. Confirm whether building will be painted.	1133.09	X	X			
1.04	Property owners name, address, and PPN shall appear on each drawing * 11/19/24 - Civil engineering plans list AYR Wellness as developer & store name but architectural plans show owner & store name as Daily Releaf LLC. Please coordinate & clarify.	1133.09	X	X			
1.05	Documents affixed with professional seal represent certification by registrant to be accurate and complete	OAC 4733-23-01 4733-35-07	X				X
PHCO 1135 Conditional Use Permits							
2.01	Development plan and associated documentation required.	1135.04(a)	X				
2.02	CU will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Planning and Zoning Code and with the objectives for the district in which located.	1135.07(a)					X
2.03	The establishment, maintenance of operation of the CU will not be detrimental to or endanger the public health, safety or general welfare.	1135.07(b)					X

**CITY OF PARMA HEIGHTS
PLAN REVIEW**

2.04	CU will be designed, constructed, operated & maintained to be harmonious & appropriate in appearance with the existing or intended character of the general vicinity, & such use will not essentially change. * Conform with screening, buffer, lighting, access, etc. requirements.	1135.07(c)	X					X
2.05	The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Planning Commission to be of significant natural, scenic, or historic importance.	1135.07(d)						X
2.06	The hours of operation of the proposed use are similar to a use permitted in the district.	1135.07(e)						X
2.07	CU will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood.	1135.07(f)						X
2.08	Establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district	1135.07(g)						X
2.09	Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. * Parma Park Blvd access to be removed. Drainage to be inspected.	1135.07(h)	X					X
2.10	Adequate measures have been or will be taken to provide ingress & egress designed to minimize traffic congestion on the surrounding streets.	1135.07(i)						X
2.11	Establishment of the CU should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools.	1135.07(j)						X
2.12	Minimal potential for future hardship on CU that could result from prop. use being surrounded by uses permitted by right that may be incompatible.	1135.07(k)						X
2.13	Design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Ch. 1191. * Parma Park Blvd access to be removed. Parking layout to be addressed.	1135.07(l)	X					X
PHCO 1185 Mixed Use Districts								
		Required	Proposed					
3.01	Zoning: R1-2, SCR, M, M1, B1-3, E, I	P, C, A, N	N-MUD	1185				X
3.02	Use - Marijuana Dispensary	P, C, A, N	C	1185.02	X	X		
3.03	Use - Drive-Through Facility	P, C, A, N	C	1185.02	X	X		
3.04	Side Yard Abutting Non-Residential, Bldg & Pkg, Min.	5	>5	1185.04(3)	X			X
3.05	Side Yard Abutting Residential, Bldg & Pkg, Min.	20	>20	1185.04(3)	X			X
3.06	Rear Yard Abutting Residential, Bldg & Pkg, Min.	20	>20	1185.04(4)	X			X
3.07	Parking Setback from Street ROW, Min.	10	>10	1185.04(6)	X			X
3.08	Side Yard Landscape Buffer Abutting Residential, Min.	10	>10	1185.04(7) 1185.08	X			X
3.09	Rear Yard Landscape Buffer Abutting Residential, Min.	10	>10	1185.04(7) 1185.08	X			X
3.10	Building Height, Max.	30	<30	1185.05	X			X
3.11	Rooftop Mechanical Units, Max. Height & Screened * 11/19/24 - Rooftop HVAC unit locations are existing.			1185.05	X			X
3.12	Support alternative transportation by including items such as bike racks, bus stops, benches, and walkways. * 11/19/24 - New bike racks shown on Sheet C5.0. Ex. walkway from ROW.			1185.06 1185.09	X			X
3.13	Parking Lot Landscaping * 11/19/24 - Site Landscape Plans L1.0, L2.0 & L3.0 added.			1185.07	X			X
3.14	Screening Abutting Residential. * 11/19/24 - Evergreen screening added. See Sheet L2.0.			1185.08 1190.04 1193	X			X

CITY OF PARMA HEIGHTS
PLAN REVIEW

3.15	Service areas shall be screened and located away from street & pedestrian areas. * 11/19/24 - Dumpster enclosure not shown. How will trash be stored and collected?	1185.09(g)	X	X				
3.16	Provide signage plan conforming to PHCO 1383	1185.09(h) 1383	X	X				
3.17	Provide lighting & photometric plan showing no spillover. * 11/19/24 - Provide detail of light pole w/foundation extending 30" above grade. * 11/19/24 - Exterior light fixtures shall be full-cutoff type. Provide method of directing light downward (i.e. - shield).	1185.09(i) 752.16(a)(4) 1187.14	X	X				
PHCO 1187 Off-Street parking								
			Required	Proposed				
4.01	Minimum parking spaces; (5 x (7,024 sf/1,000 sf))		35	63	1187.06	X		X
4.02	Provide aisle widths on site plan	1187.10				X		X
4.03	Existing aprons and parking lot pavement shall be repaired or replaced. * 11/19/24 - Parking lot to be seal coated & restriped; See Sheet C5.0.	1187.15				X		X
4.04	Off-street loading facilities shall be provided. * 11/19/24 - Wheel Stops tend to get damaged easily by snow plows thereby becoming a maintenance issue. Consider eliminating or replacing with curb (i.e. - asphalt or concrete).	1187.15				X		X
PHCO 1190 Marijuana Dispensaries								
5.01	Shall not be within 500 feet of a school, church, public library, playground or park	1190.03(b)						X
5.02	Shall not be within 1000 feet of another marijuaan dispensary	1190.03(c)						X
5.03	Not more than one marijuana dispensarie shall be located in the same building	1190.03(d)						X
5.04	Vehicular access shall be limited to main arterial roadways. No curb cut or driveway shall access any residential street. Any existing curb sut or driveway shall be eliminarted as a prerequisite to conditional use approval. * 11/19/24 - Revised Key Note 10 on Sheet C5.0 to specify 'Integral Concrete Curb Replacement Method "B", See Detail 2 on Sheet C7.1'.	1190.03(f)				X	X	
5.05	Marijuana dispensaries shall not be located on parcels less than 25,000 SF	1190.03(g)						X
5.06	No more than one dispensary shall be located within any single mixed-use district	1190.03(h)						X
5.07	Screening for adjacent residential properties to be provided. Existing fence along south property line to be repaired or replaced. * 11/19/24 - Add pressure washing and sealing to repair recommendation of existing fence.	1190.04(a) 1190.04(e) 1193				X	X	
5.08	Exterior lighting to be approved by Planning Commission	1190.04(d) 1185.09(i) 752.16(a)(4)				X	X	
5.09	Off-street parking shall be provided in conformance wth PHCO 1187	1190.05 1187				X		X
5.10	Signage shall be limited to awning signs, wall signs or window signs. Existing free standing signs shall be removed. * 11/19/24 - No signage currently proposed.	1190.06(a) 1383				X	X	
5.11	Window areas shall not be covered or opaque in any way. * 11/19/24 - Sheet A8.1. shows film being applied to all exterior windows. Please clarify whether opaque.	1190.06(d)				X	X	
5.12	A one-square-foot sign shall be placed on the doorto state hours of operation. Additional signage to conform with PHCO 752.16.	1190.06(d) 752.16				X	X	
5.13	Provide copy of marijuana dispensary license.	1190.07 752.05				X	X	

CITY OF PARMA HEIGHTS
PLAN REVIEW

PHCO 1195 Use-Specific Regulations						
6.01	Load speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties * 11/19/24 - No loud speaker currently proposed. Please confirm.	1195.05(b)	X	X		
PHCO 1363 Exterior Property Maintenance Code						
7.01	Video inspect underground sanitary & storm sewer systems to assess condition and confirm they are operating as intended. Provide report and copy of video to city engineer. Provide maintenance, repair, replacement as needed. * 11/19/24 - Storm & sanitary sewer inspection note added to Sheet C3.0.	1363.08 931 935 1106	X			X

Attachments:

- | | |
|---|-------|
| 1 Civil Engineering Plans (13 sheets) | 2 N/A |
| 3 Architectural Plans (Sheet G1.1, G1.3, & A8.1 only) | 4 N/A |
| 5 N/A | 6 N/A |

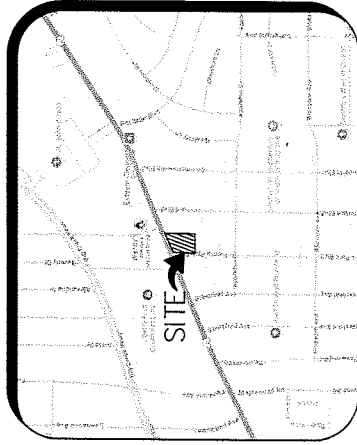
This review shall not be misconstrued as relieving the applicant from any other applicable codes, requirements, or regulations. It's the applicant's responsibility to assure conformance to all applicable local, state, and federal requirements.

SITE IMPROVEMENT PLANS FOR AYR WELLNESS

IN
CITY OF PARMA HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO

DEVELOPER:
AYR WELLNESS
17500 WILSON ROAD
MAYA AUBURN 33333
PARMA HEIGHTS, OHIO 44130
PHONE: (440) 884-3100
FAX: (440) 884-3100
EMAIL: INFO@AYRWELLNESS.COM
WWW.AYRWELLNESS.COM
ATTN: FREDERICK ARBORE

**CIVIL ENGINEER
& SURVEYOR:**
NEFF & ASSOCIATES
17500 WILSON ROAD
MAYA AUBURN 33333
PARMA HEIGHTS, OHIO 44130
PHONE: (440) 884-3100
FAX: (440) 884-3100
EMAIL: INFO@NEFF-ASSOCIATES.COM
WWW.NEFF-ASSOCIATES.COM
ATTN: JEFFREY M. FLAUITZ, P.E.



VICINITY MAP
NOT TO SCALE

SUBMITTED BY:
JEFFREY M. FLAUITZ - REG. ENGINEER No. 70381
DATE: 11/15/2024

SCALE: _____ DATE: _____

UTILITY COMPANIES IN PROJECT AREA

TELEPHONE (AREA):
CLEVELAND, OH 44111
PHONE: (216) 496-6097
CONTACT: JIM GRASSGURFER

GAS (LOWVOLTAGE GAS (LVS), GAS (HVS))
CLEVELAND, OH 44130
PHONE: (216) 786-8878
CONTACT: WILEY ANTONIUS

WATER (CITY OF CLEVELAND WATER DEPT)
CLEVELAND, OH 44115
PHONE: (216) 349-2777
CONTACT: FRED ROBERTS

ELECTRIC (THE ALUMINUM CO. OF AMERICA)
BROOKLYN, OH 44130
PHONE: (440) 884-3100
CONTACT: TROY ROBERTS

SEWER (CITY OF CLEVELAND SEWER DEPT)
CLEVELAND, OH 44115
PHONE: (216) 349-2777
CONTACT: TROY ROBERTS

NORTHEAST OHIO REGIONAL SEWER DISTRICT
3000 BROAD AVE.
PARMA, OHIO 44130
PHONE: (440) 885-1000, EXT. 6496
CONTACT: MARY MADEJOSKI

CITY OF PARMA HEIGHTS

PLANNING DEPARTMENT
6201 PEARL ROAD
PARMA, OHIO 44130
PHONE: (440) 885-1000
CONTACT: TANYA CZAKA

PARMA HEIGHTS POLICE DEPARTMENT
6201 PEARL ROAD
PARMA, OHIO 44130
PHONE: (440) 885-1000
CONTACT: TANYA CZAKA

PARMA HEIGHTS FIRE DEPARTMENT
6201 PEARL ROAD
PARMA, OHIO 44130
PHONE: (440) 885-1000
CONTACT: TANYA CZAKA

The underground utilities shown have been located from field survey information and satellite imagery. The surveyor makes no guarantee that the underground utilities shown completely represent all existing underground utilities. The surveyor is not responsible for any damage to the property or other structures caused by the location of the underground utilities shown on the map. The surveyor is not responsible for any damage to the property or other structures caused by the location of the underground utilities shown on the map. The surveyor is not responsible for any damage to the property or other structures caused by the location of the underground utilities shown on the map.

BENCH MARKS:
BENCH MARK: 100' LIGHT POLE ON THE SOUTH SIDE OF GROSS PARK ROAD, ELEVATION: 455.15 (NAVD83)
BENCH MARK: 100' LIGHT POLE ON THE SOUTH SIDE OF GROSS PARK ROAD, ELEVATION: 455.15 (NAVD83)
BENCH MARK: 100' LIGHT POLE ON THE SOUTH SIDE OF GROSS PARK ROAD, ELEVATION: 455.15 (NAVD83)
BENCH MARK: 100' LIGHT POLE ON THE SOUTH SIDE OF GROSS PARK ROAD, ELEVATION: 455.15 (NAVD83)

ALL VERTICAL BENCH MARK INFORMATION SHOWN PER O.P.S. HAS FIELD OBSERVATIONS DATED OCTOBER 29, 2024.

INDEX TO DRAWINGS:

NO.	DESCRIPTION	REVISION #
1	SITE EXISTING CONDITIONS PLAN	.. C1.0
2	SITE DEMOLITION PLAN	.. C1.1
3	OPERATIONAL PLAN	.. C2.0
4	APPROVED SIGNAGE COURT SHEET	.. C2.1
5	APPROVED SIGNAGE DETAILS	.. C2.2
6	GRADING	.. C3.0
7	SITE GRADING & UTILITY PLAN	.. C3.0
8	SITE LAYOUT PLAN	.. C5.0
9	DETAILS	.. C7.0
10	SITE DETAILS SHEET	.. C7.1
11	LANDSCAPE	.. L1.0
12	LANDSCAPE SPECIFICATIONS	.. L2.0
13	SITE LANDSCAPE PLAN	.. L3.0
14	SITE LANDSCAPE DETAIL	.. L3.0
15	DETAILS	.. PH1.0
16	PHOTOMETRIC PLAN	.. PH1.0

Ohio Utilities Protection Service
Call Before You Dig
1-800-368-2764
A429803359-00A
Also call OUPDS at 1-800-368-2764
(Ohio Only) or 1-800-368-2764
(Outside Ohio)
- # 64411 -

NEFF & ASSOCIATES
17500 WILSON ROAD
MAYA AUBURN 33333
PARMA HEIGHTS, OHIO 44130
PHONE: (440) 884-3100
FAX: (440) 884-3100
WWW.NEFF-ASSOCIATES.COM

REVNO	DATE	DESCRIPTION
11-15-24	11-15-24	PC SUBMITAL

SHEET NO. C0.0

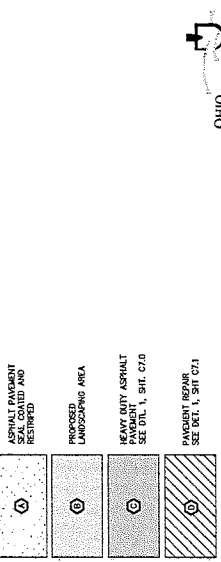


ZONING INFORMATION			
CODE SECTION	SUBJECT	REQUIRED BY ZONING CODE	PROVIDED
1185.05	MAX. HT. OF BLDG	30 ft.	20.9 ft.
1185.05(D)	MIN. LOT SIZE	25,000 sq. ft.	57,713 sq. ft.
1185.04(G)(1)(B)(3)	FRONT YARD SETBACK - BLDG	5 ft./20 ft.	26.8 ft./20 ft.
1185.04(G)	FRONT YARD SETBACK - PARKING	10 ft.	10.7 ft.
1185.04(H)	SIDE SETBACK - BLDG	20 ft.	11.4 ft.
1185.04(H)	SIDE SETBACK - PARKING	20 ft.	51.1 ft.
1185.04(I)	REAR SETBACK - BLDG	20 ft.	53.6 ft.
1185.04(I)	REAR SETBACK - PARKING	20 ft.	20 ft.
1185.04(J)	MIN. CLEAR HEIGHT (E. LAID)	20 ft.	20 ft.
1185.04(K)	MIN. CLEAR HEIGHT (S. LAID)	20 ft.	20 ft.
1185.04(L)	MINIMUM # OF SPACES	9 ft. x 20 ft.	63 spaces
1185.06(B)		5 SPACES PER 1,000 sq. ft.	

PARKING INFORMATION	
PROPOSED PARKING SPACES	63 PARKING SPACES (1-20A SPACES)
PROPOSED BUILDING RETAIL STORE	
RETAIL STORES PARKING REQUIREMENTS:	
5 SPACE PER 1,000 SF	= 7,094 SF
5 SPACES PER 1,000 sq. ft.	= 35 SPACES
PROPOSED PARKING SPACES	= 63 SPACES(3 AM)

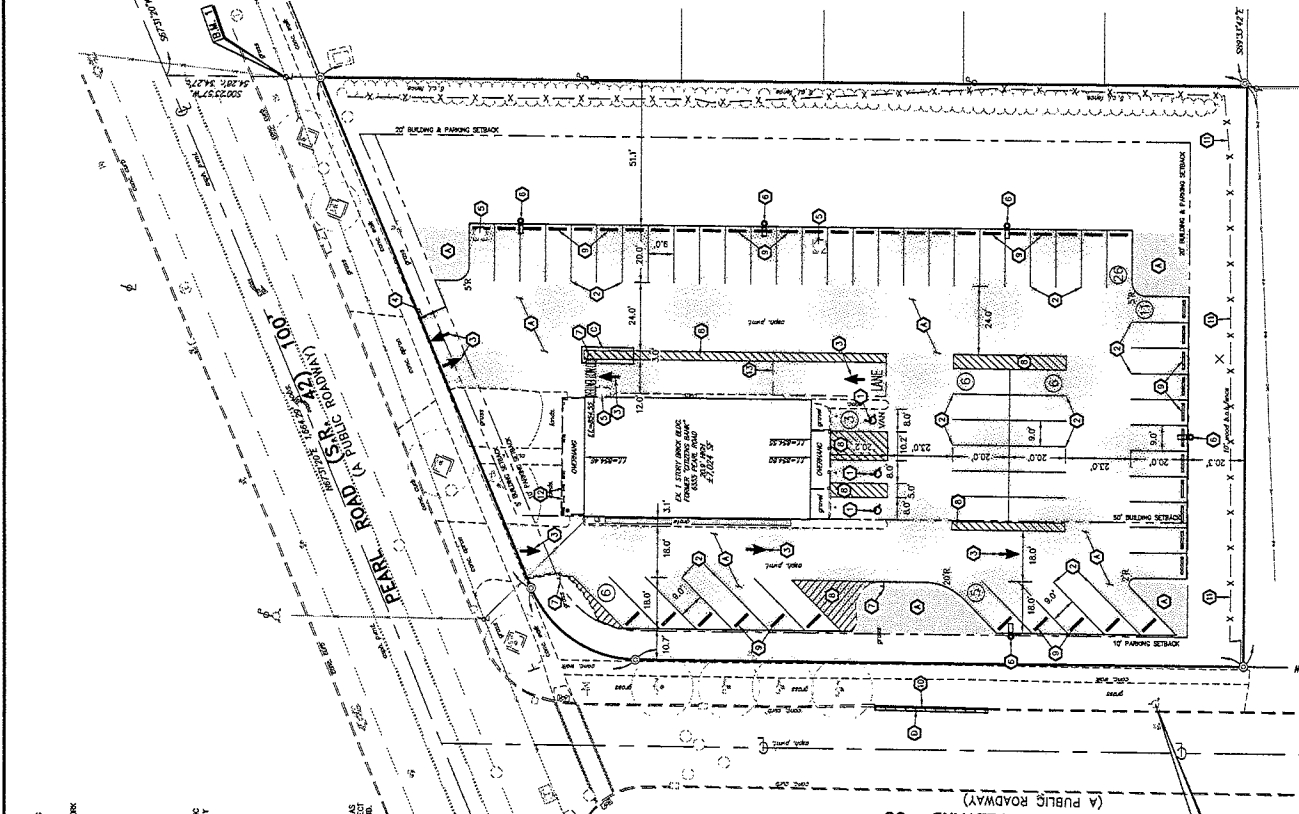
LANDSCAPING INFORMATION	
PROPOSED LANDSCAPING AREA	1,274 SF
PROPOSED PARKING AREA	= 28,940 SF
LANDSCAPING AREA REQUIREMENTS:	
28,940 SF x 5%	= 1,447 SF
PROPOSED LANDSCAPING AREA	= 1,274 SF

- KEY NOTES**
- MIN. ACCESSIBLE PARKING SYMBOL SEE DET. 4, SHT. C70
 - PARKING STRIPES 4" MIN. SOLID WHITE, SEE DET. 1, SHT. C70
 - PROPOSED 10' x 20' STOPS 50% PER FOOT SPECIFICATIONS SEE DET. 1, SHT. C70
 - PROPOSED 8' x 12' STOPS 50% PER FOOT SPECIFICATIONS SEE DET. 1, SHT. C70
 - COATING STRIPES STRUCTURE, SEE SHEETS C10 AND C30
 - ASPHALT PAVEMENT, SEE SHEETS C10 AND C30
 - TRANSVERSE STRIPES - 4" MIN. SOLID WHITE STRIPES @ 45 DEG DET. 3, SHT. C70
 - WHEEL STOP, SEE DET. 2, SHT. C70
 - VERTICAL CONCRETE CURB, SEE DET. 6, SHT. C70
 - PROPOSED 10' x 20' STOPS 50% PER FOOT SPECIFICATIONS SEE DET. 1, SHT. C70
 - PROP. BIKE RAC, SEE DET. 3, SHT. C71
 - PROP. LOADING ZONE



OHIO
 Utilities Protection
 SERVICE
 California Ave. Bldg.
 1-800-3-62-2764
 AA29803359-00A
 Also call: (614) 525-1000
 (614) 525-1000 (toll-free)
 11/15/24

REVISION	DATE	DESCRIPTION
11-15-24		PC SUBMITTAL



- GENERAL**
- ALL ROAD SURFACES, EXCAVATIONS OR NOTES-OF-ANY DISTURBED OR CONSTRUCTION OF ANY PART OF THIS PROJECT TO BE RESTORED TO ORIGINAL CONDITION TO THE SATISFACTION OF THE OWNER AND THE CITY OF PARMA HEIGHTS.
 - THE CONTRACTOR SHALL OBTAIN A CITY OF PARMA HEIGHTS STREET STOPPING PERMIT BEFORE BEGINNING WORK WITHIN ANY PUBLIC STREET RIGHT-OF-WAY.
 - THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF CONSTRUCTION DRAWINGS ON SITE AT ALL TIMES.
 - NO PARKING OF CONTRACTOR OR CONTRACTOR EMPLOYEE VEHICLES ON ANY PUBLIC STREETS SHALL BE PERMITTED.
 - THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF CONSTRUCTION DRAWINGS ON SITE AT ALL TIMES.

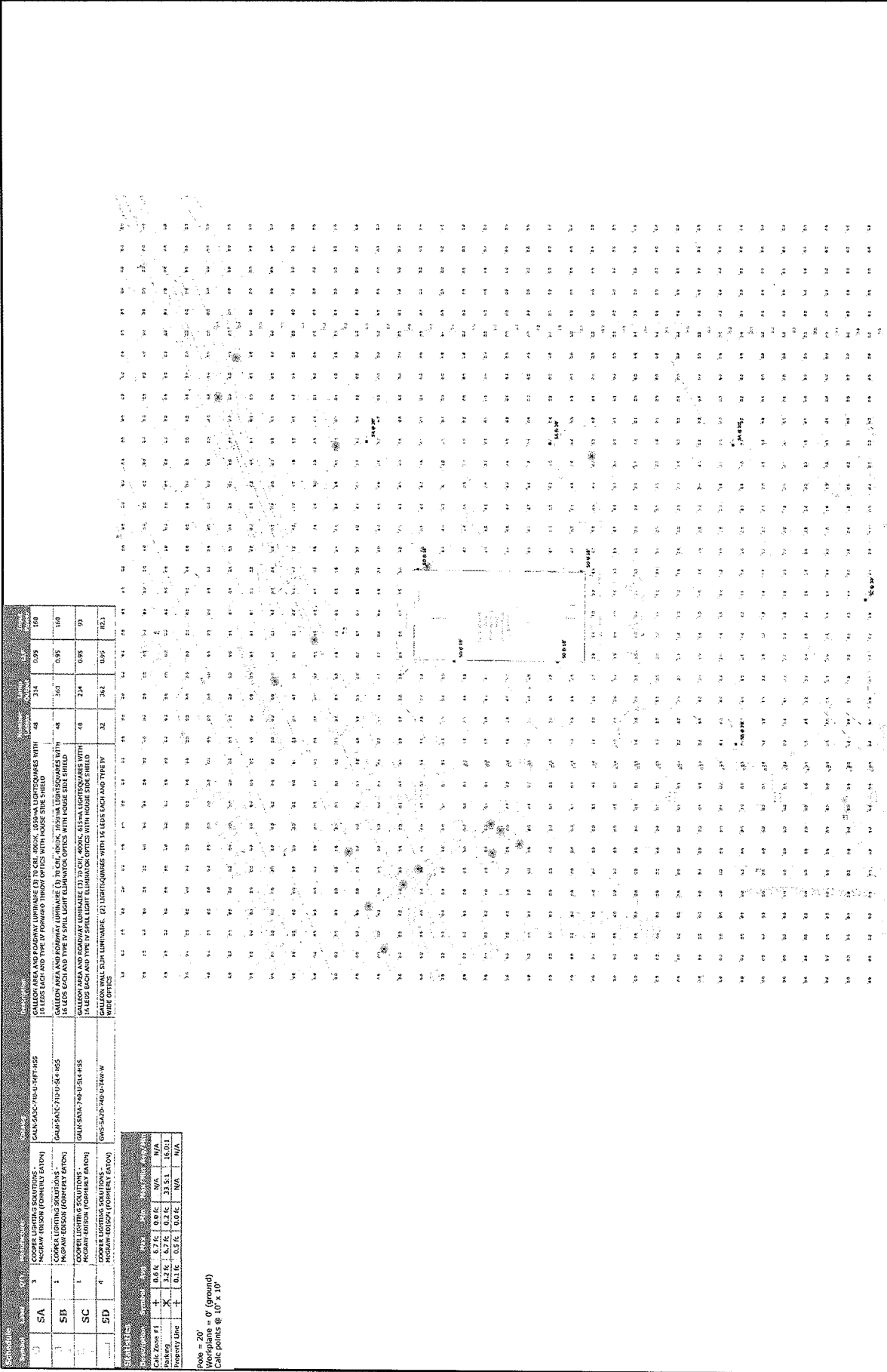
- SITE LAYOUT NOTES**
- THESE PLANS HAVE BEEN PREPARED FOR ELECTRONIC FIELD LAYOUT. DIMENSIONS SHOWN ARE FOR DRAWING PURPOSES ONLY. FIELD DIMENSIONS SHALL BE USED FOR CONSTRUCTION. DIMENSIONS SHOWN ON THIS PLAN ARE FOR INFORMATION ONLY. DIMENSIONS SHOWN BETWEEN THE PLAN AND THE ELECTRONIC DATA ARE ENCOURAGED.
 - ALL DIMENSIONS AND FINISH ARE TO THE FACE OF CURB, FACE OF FINISH OR AS NOTED OTHERWISE.
 - EXACT LOCATION OF SOAKS TO BE COORDINATED WITH OWNER AND APPROVED PRIOR TO INSTALLATION.
 - ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
 - ALL DISTURBED AREAS ARE TO BE RESTORED TO ORIGINAL CONDITION WITHIN 90 DAYS OF COMPLETION OF WORK. SEED, MULCH AND WATER UNTIL A PERMANENT COVER IS ESTABLISHED.
 - CONCRETE STRUCTURES WITH CONSTRUCTION LIMITS ARE TO BE ANCHORED, REINFORCED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BIDDING.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REGULATIONS (UNLESS OTHERWISE NOTED ON PLANS) AND PERMITS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REGULATIONS AND PRODUCT SPECIFICATIONS. ALL WORK SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BIDDING. SITE WORK SPECIFICATIONS AND SHALL BE PROVIDED BY SUCH. ALL COST SHALL BE INCLUDED IN BIDDING. SITE WORK SPECIFICATIONS AND ROAD INFORMATION TAKEN FROM A SURVEY PROVIDED BY NEFF & ASSOCIATES.

BENCH MARKS:

BLM #1 (N. 1/4 CORNER OF SECTION 15, T12N, R12E)	ELEV. = 655.15 (MWD09)
BLM #2 (N. 1/4 CORNER OF SECTION 15, T12N, R12E)	ELEV. = 655.15 (MWD09)
BLM #3 (S. 1/4 CORNER OF SECTION 15, T12N, R12E)	ELEV. = 655.15 (MWD09)

ALL VERTICAL BENCH MARK INFORMATION SHOWN PER C.E.S. 508. FIELD OBSERVATIONS DATED OCTOBER 29, 2024.

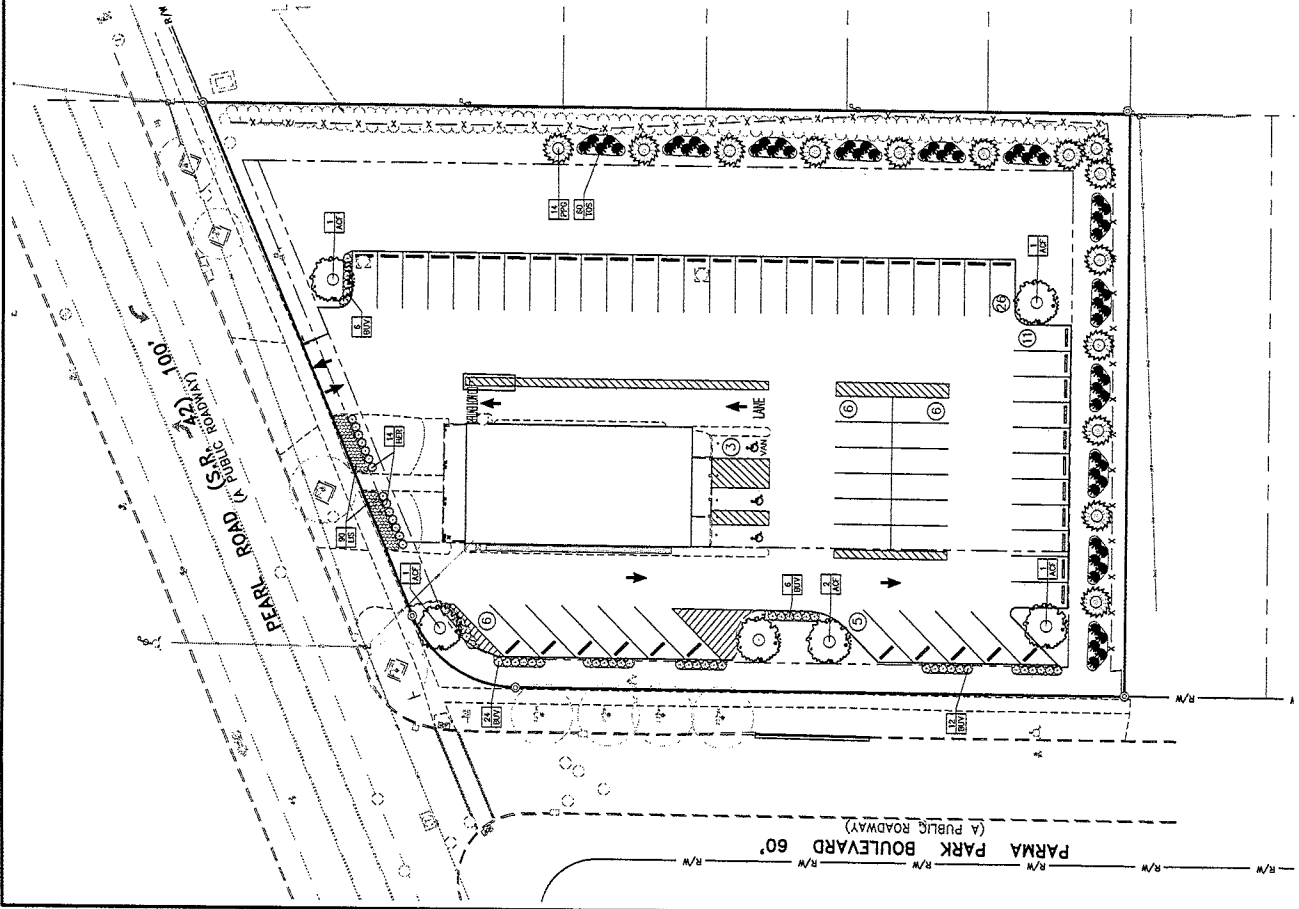
REVISION	DATE	BY	CHKD
11-15-24	PC	SMITH	
PREPARED BY	DATE	BY	CHKD
DESIGNED BY	DATE	BY	CHKD



Symbol	Manufacturer	Model	Beam Spread	Height	Notes
SA	COOPER LIGHTING SOLUTIONS	NOBRYA FINSON (CORNER) FA10H	48"	31'	0.59
SB	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (CORNER) FA10H	48"	31'	0.59
SC	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (CORNER) FA10H	48"	31'	0.59
SD	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (CORNER) FA10H	48"	31'	0.59

Symbol	Manufacturer	Model	Beam Spread	Height	Notes
SA	COOPER LIGHTING SOLUTIONS	NOBRYA FINSON (CORNER) FA10H	48"	31'	0.59
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SD	COOPER LIGHTING SOLUTIONS	MAGRAW EDISON (CORNER) FA10H	48"	31'	0.59

Pole = 20'
 Workplane = 0' (ground)
 Calc points @ 10' x 10'



PLANT LEGEND

ORNAMENTAL TREE
EXISTING TREES
DECIDUOUS TREE
EVERGREEN TREE
EVERGREEN SHRUB
DECIDUOUS SHRUB
PERENNIAL
GROUND COVER

① LAWN SEED AREA
② HARDWOOD MULCH AREA

KEY NOTES

PERMANENT HEIGHTS BLUEGRASS
AWARD KENTUCKY BLUEGRASS
PARMA OIL PERSONAL PROGRESS
SULLIVAN OIL PERSONAL PROGRESS

PERCENT
25%
25%
25%
25%

PLANT LIST - SUMMARY TABLE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	SPACING	TOTAL
ACE	ASTER X FREDERICK 'HILSTROM'	ARISTONIA MAPLE	2' CAL	600	AS SHOWN	6
TD	TRINA ODORENTIALIS 'SARANG'	DEERHOLD BIRDEN BURNING	6' HT.	600	AS SHOWN	60
PG	PIXA PAVICENT 'DANCA'	COLORADO BLUE SPRUCE	6' HT.	600	AS SHOWN	14
SR	SRIBUS X 'VORON VELVET'	GREEN VELVET BURNING	30"	48	AS SHOWN	48
HR	RHOXODENDRON 'HERBERT'	HERBERT AZALEA	18"	48	AS SHOWN	48
US	USPICE SPICATA	CREeping LILY TURF	No. 1	48	18" O.C.	48

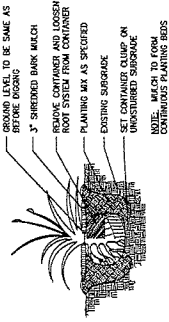
LANDSCAPE NOTES

- CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND VERIFYING ALL PLANT MATERIAL SHOWN ON THE PLANS. ANY PLANT MATERIAL SUBSTITUTIONS TO BE VERIFIED AND APPROVED BY LANDSCAPE ARCHITECT OR OWNER PRIOR TO INSTALLATION.
- CONTRACTOR TO VERIFY ALL PLANT MATERIALS AT ALL PLANTING SITES. PROVIDE A MIN. 1" WATERING MAT FOR EACH PLANTING AREA. LOCATED WITHIN PLANTING AREAS. PROVIDE A MIN. 2" MULCHER MULCH AROUND EACH PLANTING TREE. MULCH COLOR SHALL BE NATURAL, AND NOT DYE. MULCH EXISTING BEDS UNLESS OTHERWISE SPECIFIED BY THE OWNER. CONTRACTOR SHALL SIGHT MULCH SAMPLES TO OWNER FOR APPROVAL PRIOR TO ORDERING.
- ONCE FINAL GRADE IS ESTABLISHED, ALL PLANTING BEDS SHALL RECEIVE 6" DEPTH OF PLANTING SOIL MIX FOR THE SPECIFICATIONS AND DETAILS. ALL SEEDING AREAS TO RECEIVE A MINIMUM OF 2" OF TOPSOIL. FOR THE SPECIFICATIONS, PLANTING CAN BE USED IF SPECIFICATIONS ARE MET AND APPROVED BY ARCHITECT AND OWNER. CONTRACTOR SHALL PROVIDE A MINIMUM OF 1" OF MULCH AROUND EACH PLANTING TREE. MULCH SHALL BE NATURAL, AND NOT DYE. MULCH EXISTING BEDS UNLESS OTHERWISE SPECIFIED BY THE OWNER. CONTRACTOR SHALL SIGHT MULCH SAMPLES TO OWNER FOR APPROVAL PRIOR TO ORDERING.
- CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING ALL PLANT MATERIAL AND SEEDING AREAS UNTIL SUBSTANTIAL COMPLETION OF PROJECT. SLOW RELEASE WATERING BAUS SHOULD BE USED ON ALL TREES.
- ALL MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE ORDERING, AND AFTER INSTALLATION.
- BEFORE CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL PROPOSED UTILITY LOCATIONS AND LOCATING ALL EXISTING UNDERGROUND UTILITIES. CONTRACTOR SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. LOCATION OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE NOT GUARANTEED. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD. TO REPAIR ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, ETC. WHICH OCCURS AS A RESULT OF THE CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY SCHEDULE AND PROTECTION BETWEEN DELIVERY AND PLANTING PER SPECIFICATIONS TO MAINTAIN HEALTHY PLANT CONDITIONS.
- APPLY A PRE-EMERGENT HERBICIDE, POST-EMERGENT OR GRANULATE OR APPROVED SUBSTITUTED, TO TREES, SHRUBS, AND GROUNDCOVER AREAS IN ACCORDANCE WITH MANUFACTURER'S WRITTEN RECOMMENDATIONS. DO NOT APPLY TO SEEDING AREAS.

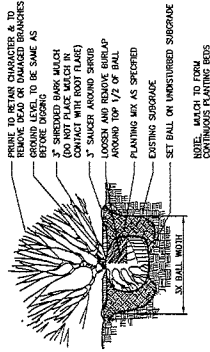
ZONING INFORMATION

CURRENT ZONING -- GENERAL COMMERCIAL

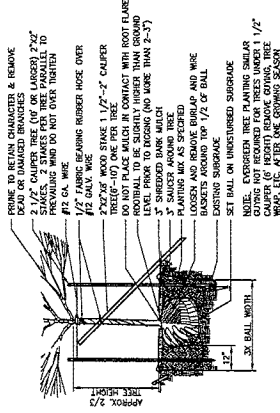
CODE SECTION	SUBJECT	REQUIRED BY ZONING CODE	PROVIDED
1185.07(a)	INTERNAL PARKING LOT LANDSCAPING	2% OF PARKING LOT AREA SHALL BE PLANTED AS LANDSCAPE ISLAND AREAS, AND AT LEAST ONE TREE IS REQUIRED FOR EVERY LANDSCAPE WITHIN A PARKING LOT	6 TREE PROVIDED
1185.07(b)	ADDITIONAL PARKING LOT LANDSCAPING	LANDSCAPING SHALL BE A MINIMUM PERCENT OF THE GROSS AREA OF THE PARKING LOT AND SHALL BE PLACED TO DIFFERENTIALLY OCCUR A MINIMUM OF 50 PERCENT OF THE PARKING AREA.	144 TREE OF VARIETY SHRUBS (24% OF PARKING LOT)
1185.08(a)	SCREENING ADJACENT RESIDENTIAL DISTRICTS	A DENSE VEGETATIVE PLANTING INCORPORATING TREES AND/OR SHRUBS OF A VARIETY WHICH SHALL BE EQUALLY EFFECTIVE IN WINTER AND SUMMER. VEGETATION SHALL BE PLANTED WITH SUCH MINIMUM HEIGHT TO ASSURE THAT MORE THAN 12 MONTHS AFTER THE INITIAL INSTALLATION.	SCREEN OF EVERGREEN TREES
1185.08(b)	DESIGN STANDARDS AND PRINCIPLES LANDSCAPE AND SCREENING	LANDSCAPING SHALL BE USED TO DEFINE PUBLIC ENTRANCES USING "SIGNATURE" LANDSCAPING ELEMENTS. DIVERSE TREES, FLOWERING SHRUBS, PERENNIALS, AND GROUND COVERS	6 TREE PROVIDED



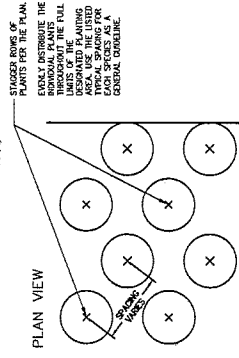
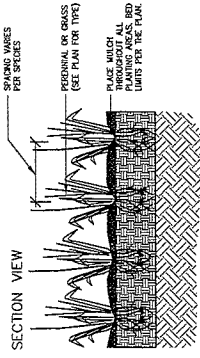
1 TYPICAL PERENNIAL PLANTING DETAIL
NOT TO SCALE



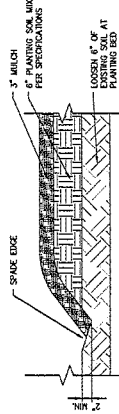
2 TYPICAL SHRUB PLANTING DETAIL
NOT TO SCALE



3 TYPICAL TREE PLANTING DETAIL
NOT TO SCALE



4 SHRUB AND PERENNIAL SPACING
NOT TO SCALE



5 LANDSCAPE BED EDGE/SOIL DEPTH (TYP.)
NOT TO SCALE

REVISED	DATE	BY	DESCRIPTION
	11-15-24	PC	FINAL

OWNER:
DAILY RELEAF LLC
 DAILY RELEAF LLC
 ARCHITECT / ENGINEER:
SHREMSHOCK
 Shremshock Architects, Inc.
 7774 Kirtland Drive, Columbus, OH 43221
 614.291.4400 | Fax 614.291.4401 | www.shremshock.com

PROJECT LOCATION:
 6555 PEARL RD.
 PARMA HEIGHTS
 OH, 44130

DESIGN TYPE: -

STORE NO.: -

REVISIONS:

DATE: 05/29/2024

PROJECT NO.: 240122

DRAWN BY: JP

CHECKED BY: BHW

SCALE: 1/8" = 1'-0"

TITLE SHEET

ABBREVIATIONS

AC	ACROBATIC
AD	ADULT DAY CARE
AE	ARTS AND ENTERTAINMENT CENTER
AG	AGRICULTURE
AI	ARTS AND RECREATION CENTER
AL	ALTERNATIVE FUEL STATION
AM	AMUSEMENT CENTER
AN	ANIMAL HUSBANDRY
AO	ARTS AND RECREATION CENTER
AP	APARTMENT
AR	ARTS AND RECREATION CENTER
AS	ARTS AND RECREATION CENTER
AT	ARTS AND RECREATION CENTER
AV	ARTS AND RECREATION CENTER
AW	ARTS AND RECREATION CENTER
AX	ARTS AND RECREATION CENTER
AY	ARTS AND RECREATION CENTER
AZ	ARTS AND RECREATION CENTER
BA	BANK
BB	BANK
BC	BANK
BD	BANK
BE	BANK
BF	BANK
BG	BANK
BH	BANK
BI	BANK
BJ	BANK
BK	BANK
BL	BANK
BM	BANK
BN	BANK
BO	BANK
BP	BANK
BQ	BANK
BR	BANK
BS	BANK
BT	BANK
BU	BANK
BV	BANK
BW	BANK
BX	BANK
BY	BANK
BZ	BANK
CA	CAR WASH
CB	CAR WASH
CC	CAR WASH
CD	CAR WASH
CE	CAR WASH
CF	CAR WASH
CG	CAR WASH
CH	CAR WASH
CI	CAR WASH
CJ	CAR WASH
CK	CAR WASH
CL	CAR WASH
CM	CAR WASH
CN	CAR WASH
CO	CAR WASH
CP	CAR WASH
CQ	CAR WASH
CR	CAR WASH
CS	CAR WASH
CT	CAR WASH
CU	CAR WASH
CV	CAR WASH
CW	CAR WASH
CX	CAR WASH
CY	CAR WASH
CZ	CAR WASH
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DB	DANCE HALL
DC	DANCE HALL
DD	DANCE HALL
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DF	DANCE HALL
DG	DANCE HALL
DH	DANCE HALL
DI	DANCE HALL
DJ	DANCE HALL
DK	DANCE HALL
DL	DANCE HALL
DM	DANCE HALL
DN	DANCE HALL
DO	DANCE HALL
DP	DANCE HALL
DQ	DANCE HALL
DR	DANCE HALL
DS	DANCE HALL
DT	DANCE HALL
DU	DANCE HALL
DV	DANCE HALL
DW	DANCE HALL
DX	DANCE HALL
DY	DANCE HALL
DZ	DANCE HALL
EA	EDUCATIONAL CENTER
EB	EDUCATIONAL CENTER
EC	EDUCATIONAL CENTER
ED	EDUCATIONAL CENTER
EE	EDUCATIONAL CENTER
EF	EDUCATIONAL CENTER
EG	EDUCATIONAL CENTER
EH	EDUCATIONAL CENTER
EI	EDUCATIONAL CENTER
EJ	EDUCATIONAL CENTER
EK	EDUCATIONAL CENTER
EL	EDUCATIONAL CENTER
EM	EDUCATIONAL CENTER
EN	EDUCATIONAL CENTER
EO	EDUCATIONAL CENTER
EP	EDUCATIONAL CENTER
EQ	EDUCATIONAL CENTER
ER	EDUCATIONAL CENTER
ES	EDUCATIONAL CENTER
ET	EDUCATIONAL CENTER
EU	EDUCATIONAL CENTER
EV	EDUCATIONAL CENTER
EW	EDUCATIONAL CENTER
EX	EDUCATIONAL CENTER
EY	EDUCATIONAL CENTER
EZ	EDUCATIONAL CENTER
FA	FOOD SERVICE
FB	FOOD SERVICE
FC	FOOD SERVICE
FD	FOOD SERVICE
FE	FOOD SERVICE
FF	FOOD SERVICE
FG	FOOD SERVICE
FH	FOOD SERVICE
FI	FOOD SERVICE
FJ	FOOD SERVICE
FK	FOOD SERVICE
FL	FOOD SERVICE
FM	FOOD SERVICE
FN	FOOD SERVICE
FO	FOOD SERVICE
FP	FOOD SERVICE
FQ	FOOD SERVICE
FR	FOOD SERVICE
FS	FOOD SERVICE
FT	FOOD SERVICE
FU	FOOD SERVICE
FV	FOOD SERVICE
FW	FOOD SERVICE
FX	FOOD SERVICE
FY	FOOD SERVICE
FZ	FOOD SERVICE
GA	GENERAL OFFICE
GB	GENERAL OFFICE
GC	GENERAL OFFICE
GD	GENERAL OFFICE
GE	GENERAL OFFICE
GF	GENERAL OFFICE
GG	GENERAL OFFICE
GH	GENERAL OFFICE
GI	GENERAL OFFICE
GJ	GENERAL OFFICE
GK	GENERAL OFFICE
GL	GENERAL OFFICE
GM	GENERAL OFFICE
GN	GENERAL OFFICE
GO	GENERAL OFFICE
GP	GENERAL OFFICE
GQ	GENERAL OFFICE
GR	GENERAL OFFICE
GS	GENERAL OFFICE
GT	GENERAL OFFICE
GU	GENERAL OFFICE
GV	GENERAL OFFICE
GW	GENERAL OFFICE
GX	GENERAL OFFICE
GY	GENERAL OFFICE
GZ	GENERAL OFFICE
HA	HIGH SCHOOL
HB	HIGH SCHOOL
HC	HIGH SCHOOL
HD	HIGH SCHOOL
HE	HIGH SCHOOL
HF	HIGH SCHOOL
HG	HIGH SCHOOL
HH	HIGH SCHOOL
HI	HIGH SCHOOL
HJ	HIGH SCHOOL
HK	HIGH SCHOOL
HL	HIGH SCHOOL
HM	HIGH SCHOOL
HN	HIGH SCHOOL
HO	HIGH SCHOOL
HP	HIGH SCHOOL
HQ	HIGH SCHOOL
HR	HIGH SCHOOL
HS	HIGH SCHOOL
HT	HIGH SCHOOL
HU	HIGH SCHOOL
HV	HIGH SCHOOL
HW	HIGH SCHOOL
HX	HIGH SCHOOL
HY	HIGH SCHOOL
HZ	HIGH SCHOOL
IA	INDUSTRIAL
IB	INDUSTRIAL
IC	INDUSTRIAL
ID	INDUSTRIAL
IE	INDUSTRIAL
IF	INDUSTRIAL
IG	INDUSTRIAL
IH	INDUSTRIAL
II	INDUSTRIAL
IJ	INDUSTRIAL
IK	INDUSTRIAL
IL	INDUSTRIAL
IM	INDUSTRIAL
IN	INDUSTRIAL
IO	INDUSTRIAL
IP	INDUSTRIAL
IQ	INDUSTRIAL
IR	INDUSTRIAL
IS	INDUSTRIAL
IT	INDUSTRIAL
IU	INDUSTRIAL
IV	INDUSTRIAL
IW	INDUSTRIAL
IX	INDUSTRIAL
IY	INDUSTRIAL
IZ	INDUSTRIAL
JA	JOB CENTER
JB	JOB CENTER
JC	JOB CENTER
JD	JOB CENTER
JE	JOB CENTER
JF	JOB CENTER
JG	JOB CENTER
JH	JOB CENTER
JI	JOB CENTER
JJ	JOB CENTER
JK	JOB CENTER
JL	JOB CENTER
JM	JOB CENTER
JN	JOB CENTER
JO	JOB CENTER
JP	JOB CENTER
JQ	JOB CENTER
JR	JOB CENTER
JS	JOB CENTER
JT	JOB CENTER
JU	JOB CENTER
JV	JOB CENTER
JW	JOB CENTER
JX	JOB CENTER
JY	JOB CENTER
JZ	JOB CENTER
KA	KINDERGARTEN
KB	KINDERGARTEN
KC	KINDERGARTEN
KD	KINDERGARTEN
KE	KINDERGARTEN
KF	KINDERGARTEN
KG	KINDERGARTEN
KH	KINDERGARTEN
KI	KINDERGARTEN
KJ	KINDERGARTEN
KK	KINDERGARTEN
KL	KINDERGARTEN
KM	KINDERGARTEN
KN	KINDERGARTEN
KO	KINDERGARTEN
KP	KINDERGARTEN
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KR	KINDERGARTEN
KS	KINDERGARTEN
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KY	KINDERGARTEN
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LA	LABORATORY
LB	LABORATORY
LC	LABORATORY
LD	LABORATORY
LE	LABORATORY
LF	LABORATORY
LG	LABORATORY
LH	LABORATORY
LI	LABORATORY
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LK	LABORATORY
LL	LABORATORY
LM	LABORATORY
LN	LABORATORY
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LQ	LABORATORY
LR	LABORATORY
LS	LABORATORY
LT	LABORATORY
LU	LABORATORY
LV	LABORATORY
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LX	LABORATORY
LY	LABORATORY
LZ	LABORATORY
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MB	MEDIA CENTER
MC	MEDIA CENTER
MD	MEDIA CENTER
ME	MEDIA CENTER
MF	MEDIA CENTER
MG	MEDIA CENTER
MH	MEDIA CENTER
MI	MEDIA CENTER
MJ	MEDIA CENTER
MK	MEDIA CENTER
ML	MEDIA CENTER
MM	MEDIA CENTER
MN	MEDIA CENTER
MO	MEDIA CENTER
MP	MEDIA CENTER
MQ	MEDIA CENTER
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MT	MEDIA CENTER
MU	MEDIA CENTER
MV	MEDIA CENTER
MW	MEDIA CENTER
MX	MEDIA CENTER
MY	MEDIA CENTER
MZ	MEDIA CENTER
NA	NETBALL COURT
NB	NETBALL COURT
NC	NETBALL COURT
ND	NETBALL COURT
NE	NETBALL COURT
NF	NETBALL COURT
NG	NETBALL COURT
NH	NETBALL COURT
NI	NETBALL COURT
NJ	NETBALL COURT
NK	NETBALL COURT
NL	NETBALL COURT
NM	NETBALL COURT
NN	NETBALL COURT
NO	NETBALL COURT
NP	NETBALL COURT
NQ	NETBALL COURT
NR	NETBALL COURT
NS	NETBALL COURT
NT	NETBALL COURT
NU	NETBALL COURT
NV	NETBALL COURT
NW	NETBALL COURT
NX	NETBALL COURT
NY	NETBALL COURT
NZ	NETBALL COURT
OA	OFFICE
OB	OFFICE
OC	OFFICE
OD	OFFICE
OE	OFFICE
OF	OFFICE
OG	OFFICE
OH	OFFICE
OI	OFFICE
OJ	OFFICE
OK	OFFICE
OL	OFFICE
OM	OFFICE
ON	OFFICE
OO	OFFICE
OP	OFFICE
OQ	OFFICE
OR	OFFICE
OS	OFFICE
OT	OFFICE
OU	OFFICE
OV	OFFICE
OW	OFFICE
OX	OFFICE
OY	OFFICE
OZ	OFFICE
PA	PARKING GARAGE
PB	PARKING GARAGE
PC	PARKING GARAGE
PD	PARKING GARAGE
PE	PARKING GARAGE
PF	PARKING GARAGE
PG	PARKING GARAGE
PH	PARKING GARAGE
PI	PARKING GARAGE
PJ	PARKING GARAGE
PK	PARKING GARAGE
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PM	PARKING GARAGE
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PO	PARKING GARAGE
PP	PARKING GARAGE
PQ	PARKING GARAGE
PR	PARKING GARAGE
PS	PARKING GARAGE
PT	PARKING GARAGE
PU	PARKING GARAGE
PV	PARKING GARAGE
PW	PARKING GARAGE
PX	PARKING GARAGE
PY	PARKING GARAGE
PZ	PARKING GARAGE
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QB	QUARTERS
QC	QUARTERS
QD	QUARTERS
QE	QUARTERS
QF	QUARTERS
QG	QUARTERS
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RU	RECREATION CENTER
RV	RECREATION CENTER
RW	RECREATION CENTER
RX	RECREATION CENTER
RY	RECREATION CENTER
RZ	RECREATION CENTER
SA	SALES OFFICE
SB	SALES OFFICE
SC	SALES OFFICE
SD	SALES OFFICE
SE	SALES OFFICE
SF	SALES OFFICE
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SH	SALES OFFICE
SI	SALES OFFICE
SJ	SALES OFFICE
SK	SALES OFFICE
SL	SALES OFFICE
SM	SALES OFFICE
SN	SALES OFFICE
SO	SALES OFFICE
SP	SALES OFFICE
SQ	SALES OFFICE
SR	SALES OFFICE
SS	SALES OFFICE
ST	SALES OFFICE
SU	SALES OFFICE
SV	SALES OFFICE
SW	SALES OFFICE
SX	SALES OFFICE
SY	SALES OFFICE
SZ	SALES OFFICE
TA	TENNIS COURT
TB	TENNIS COURT
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TP	TENNIS COURT
TQ	TENNIS COURT
TR	TENNIS COURT
TS	TENNIS COURT
TT	TENNIS COURT
TU	TENNIS COURT
TV	TENNIS COURT
TW	TENNIS COURT
TX	TENNIS COURT
TY	TENNIS COURT
TZ	TENNIS COURT
UA	UNIVERSITY
UB	UNIVERSITY
UC	UNIVERSITY
UD	UNIVERSITY
UE	UNIVERSITY
UF	UNIVERSITY
UG	UNIVERSITY
UH	UNIVERSITY
UI	UNIVERSITY
UJ	UNIVERSITY
UK	UNIVERSITY
UL	UNIVERSITY
UM	UNIVERSITY
UN	UNIVERSITY
UO	UNIVERSITY
UP	UNIVERSITY
UQ	UNIVERSITY
UR	UNIVERSITY
US	UNIVERSITY
UT	UNIVERSITY
UU	UNIVERSITY
UV	UNIVERSITY
UW	UNIVERSITY
UX	UNIVERSITY
UY	UNIVERSITY
UZ	UNIVERSITY
VA	VETERINARY
VB	VETERINARY
VC	VETERINARY
VD	VETERINARY
VE	VETERINARY
VF	VETERINARY
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VH	VETERINARY
VI	VETERINARY
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VT	VETERINARY
VU	VETERINARY
VV	VETERINARY
VW	VETERINARY
VX	VETERINARY
VY	VETERINARY
VZ	VETERINARY
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WH	WAREHOUSE
WI	WAREHOUSE
WJ	WAREHOUSE
WK	WAREHOUSE
WL	WAREHOUSE
WM	WAREHOUSE
WN	WAREHOUSE
WO	WAREHOUSE
WP	WAREHOUSE
WQ	WAREHOUSE
WR	WAREHOUSE
WS	WAREHOUSE
WT	WAREHOUSE
WU	WAREHOUSE
WV	WAREHOUSE
WX	WAREHOUSE
WY	WAREHOUSE
WZ	WAREHOUSE
XA	EXHIBIT
XB	EXHIBIT
XC	EXHIBIT
XD	EXHIBIT
XE	EXHIBIT
XF	EXHIBIT
XG	EXHIBIT
XH	EXHIBIT
XI	EXHIBIT
XJ	EXHIBIT
XK	EXHIBIT
XL	EXHIBIT
XM	EXHIBIT
XN	EXHIBIT
XO	EXHIBIT
XP	EXHIBIT
XQ	EXHIBIT
XR	EXHIBIT
XS	EXHIBIT
XT	EXHIBIT
XU	EXHIBIT
XV	EXHIBIT
XW	EXHIBIT
XY	EXHIBIT
XZ	EXHIBIT
YA	YOUTH CENTER
YB	YOUTH CENTER
YC	YOUTH CENTER
YD	YOUTH CENTER
YE	YOUTH CENTER
YF	YOUTH CENTER
YG	YOUTH CENTER
YH	YOUTH CENTER
YI	YOUTH CENTER
YJ	YOUTH CENTER
YK	YOUTH CENTER
YL	

DAILY
RELEASE
LLC

ARCHITECT / ENGINEER:
SHREMSHOCK
2775 N. WILSON AVENUE, SUITE 200
DANFORTH, OHIO 43004
PH: 614.885.1111 FAX: 614.885.1112
WWW.SHREMSHOCK.COM

OWNER:
DAILY
RELEASE LLC

DAILY
RELEASE
LLC

PROJECT LOCATION:
6555 PEARL RD.
PARMA HEIGHTS
OH, 44130

DESIGN TYPE:
SINGLE-FAMILY RESIDENTIAL

DATE:
05/29/2024

CHECKED BY:
RHW

DATE:
05/29/2024

PROJECT NO.:240122

DRAWING NO.:G1.3

DATE:
05/29/2024

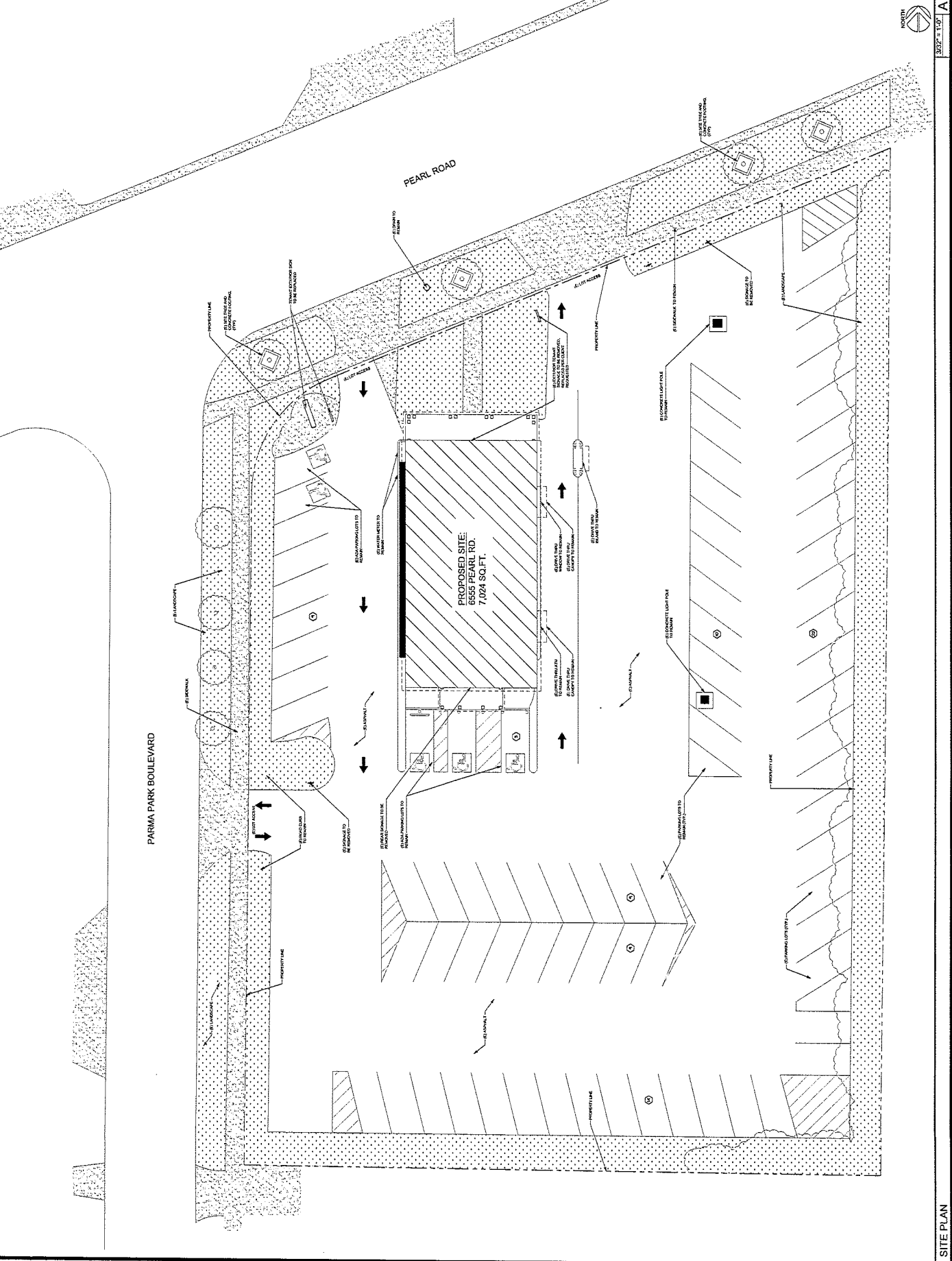
PROJECT NO.:240122

DRAWING NO.:G1.3

DATE:
05/29/2024

PROJECT NO.:240122

DRAWING NO.:G1.3



SITE PLAN

SITE PLAN

G1.3

OWNER:
**DAILY
 RELEAF
 LLC**
 DAILY
 RELEAF LLC
 ARCHITECT / ENGINEER:
SHREMSHOCK
 Shremshock Architects, Inc.
 7735 Wetherburn Street, Suite 200, Columbus, OH 43229
 614.444.4444 | 614.444.4444 | info@shremshock.com

PROJECT LOCATION:
**6355 PEARSON
 PARKWAY HEIGHTS
 OH, 44130**

DESIGN TYPE:
 MULTIFAMILY HOUSING

REVISIONS:
 01/2024
 02/2024
 03/2024

DATE ISSUED:
05/29/2024

PROJECT NO.: 240122

DRAWING NO.: **A8.1**

DESIGNED BY: RHW
 CHECKED BY: RHW

DATE: 05/29/2024

PROJECT NO.: 240122

DRAWING NO.: **A8.1**

DESIGNED BY: RHW

CHECKED BY: RHW

DATE: 05/29/2024

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DRAWING NO.: **A8.1**

DESIGNED BY: RHW

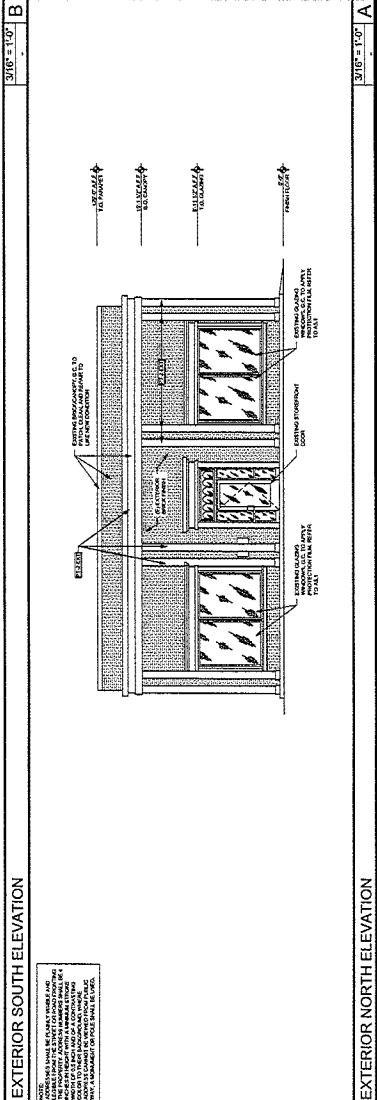
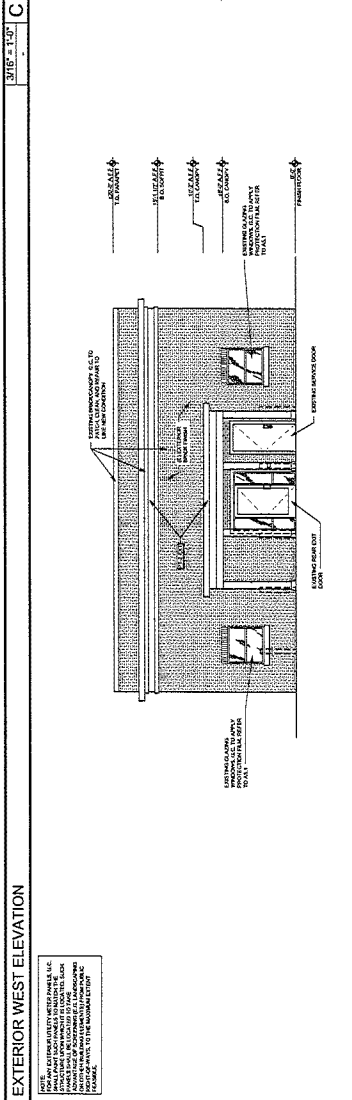
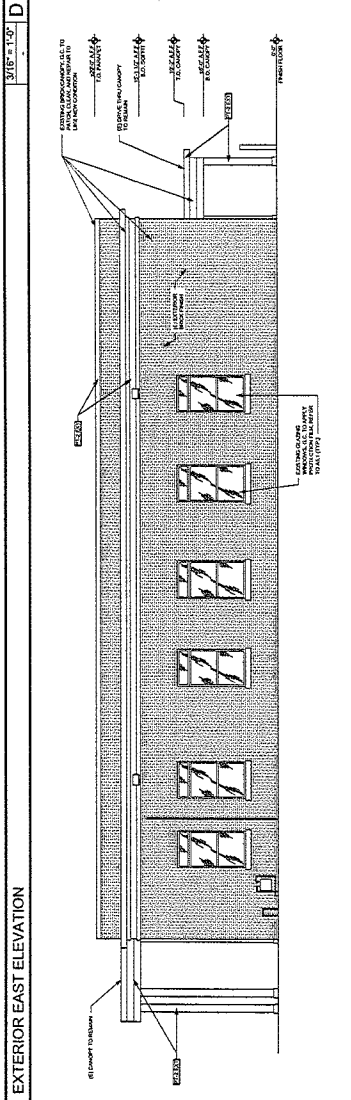
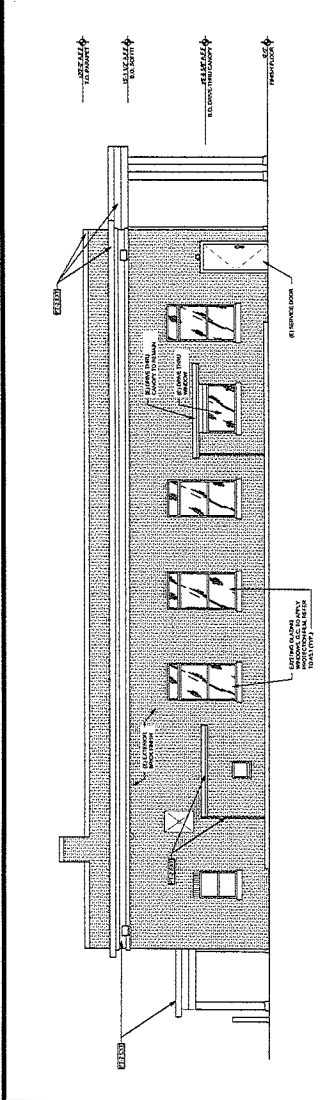
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DATE: 05/29/2024

PROJECT NO.: 240122

DRAWING NO.: **A8.1**

EXTERIOR ELEVATIONS



NOT USED

3" = 1'-0"

W NOT USED

S

NOT USED

1" = 1'-0"

V NOT USED

R

NOT USED

1" = 1'-0"

U NOT USED

P

NOT USED

1 1/2" = 1'-0"

T NOT USED

N

SYMBOL	FINISH	DESCRIPTION	FINISH SYMBOL
---	CONCRETE	CONCRETE	---
---	BRICK	BRICK	---
---	PAINT	PAINT	---
---	GLASS	GLASS	---
---	WOOD	WOOD	---
---	ROOF	ROOF	---

FINISH SCHEDULE

EXTERIOR NORTH ELEVATION

EXTERIOR SOUTH ELEVATION

EXTERIOR WEST ELEVATION

EXTERIOR EAST ELEVATION

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CHECKED BY: RHW

EXHIBIT F

ORDINANCE NO. 2024 - 49

AN ORDINANCE AMENDING CHAPTER 752 PREVIOUSLY ENTITLED "MEDICAL MARIJUANA OPERATIONS" 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 752 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.

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 752 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 O'Neil
CLERK OF COUNCIL

October 7, 2024
APPROVED

FILED WITH
THE MAYOR: October 7, 2024

Marie Gallo
MAYOR MARIE GALLO

EXHIBIT A, as amended

CHAPTER 752

Medical Marijuana Operations

- 752.01 Purpose.
- 752.02 Definitions.
- 752.03 Applicability.
- 752.04 Prohibition on certain ~~medical~~ marijuana operations.
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- 752.99 Penalty.

752.01 PURPOSE.

The purposes of this chapter are to establish limitations on ~~medical~~ marijuana operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of ~~medical~~ marijuana dispensaries within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

(Ord. 2018-35. Passed 8-1-18.)

752.02 DEFINITIONS.

For purposes of this chapter,

(a) "Building Official" shall mean the Chief Building Official.

(b) "Chief" shall mean the Chief of Police of the City.

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

(d) "Disqualifying offense", "cultivator", "processor", and "dispensary" shall have the same meanings as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations.

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

(f) "~~Medical m~~Marijuana" shall have the same meaning as in R.C. 3796.01.

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

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

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

(j) "Transfer of ownership or control" of a ~~medical~~ marijuana dispensary shall mean any of the following:

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. 2018-35. Passed 8-1-18.)

752.03 APPLICABILITY.

Businesses subject to this chapter are ~~medical~~ marijuana cultivators, processors and dispensaries.

(Ord. 2018-35. Passed 8-1-18.)

752.04 PROHIBITION ON CERTAIN ~~MEDICAL~~ MARIJUANA OPERATIONS.

(a) No person shall operate a ~~medical~~ marijuana cultivator or processor business in the City.

(b) Any person who violates this section shall be guilty of a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.05 ~~MEDICAL~~ MARIJUANA DISPENSARY LICENSE REQUIRED.

(a) No person shall operate a ~~medical~~ marijuana dispensary without a valid ~~medical~~ marijuana dispensary license issued by the City pursuant to this chapter.

(b) Any person who violates division (a) of this section shall be guilty of a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.06 ~~MEDICAL~~ MARIJUANA DISPENSARY LICENSE APPLICATION.

(a) An application for a ~~medical~~ marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter.

(b) An application for a ~~medical~~ marijuana dispensary license shall identify and be signed by the following persons:

(1) If the business entity is owned by an individual, that individual.

(2) If the business entity is owned by a corporation, each officer or director of the corporation, any individual owning or controlling more than 50 percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary or greater ownership interest in the corporation.

(3) If the business entity is owned by a limited liability company, each member of the limited liability company, and any person who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary on behalf of the limited liability company.

(4) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary.

(c) An application for a ~~medical~~ marijuana dispensary license must designate one or more individuals to be principally responsible for the operation of the proposed ~~medical~~ marijuana dispensary, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed ~~medical~~ marijuana dispensary on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this chapter, and shall be considered a licensee if a license is granted.

(d) An application for a ~~medical~~ marijuana dispensary license shall be completed according to the instructions of the application form, which shall require the following:

(1) If the applicant is:

A. An individual, state the legal name and any aliases of such individual;

B. A partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or

C. A joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or

D. A corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacity of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.

E. A limited liability company, state the complete name of the limited liability company and the date of its organization, provide evidence that the company is in good

standing under the laws of its state of organization, and state the names of all members, the name of the registered statutory agent, and the address of the registered office for service of process.

(2) If the applicant intends to operate the ~~medical~~ marijuana dispensary under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.

(3) State whether any applicant, or any of the individuals identified in the application pursuant to division (b) hereof, has had a previous license under this chapter or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the ~~medical~~ marijuana dispensary for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, director or 10 percent or greater owner of a corporation licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(4) State whether any applicant, or any of the individuals identified in the application pursuant to division (b) hereof, holds any other licenses under this chapter or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.

(5) State the location of the proposed ~~medical~~ marijuana dispensary, including a legal description of the property, street address, and telephone number(s), if any.

(6) State the mailing address and residential address of each applicant and each person signing the application.

(7) Submit a current, valid retail dispensary license or provisional dispensary license issued to the applicant by the state board of pharmacy and/or the State Division of Cannabis Control under the provisions of R.C. Chapters 3780 and/or 3796 and the regulations promulgated thereunder, or evidence that the applicant has made application for such a license or provisional license to the state board of pharmacy and/or the State Division of Cannabis Control.

(8) Submit a security plan for review and approval by the Chief. The security plan shall be on a form or in a manner prescribed by the Chief and shall include, at a minimum, a lighting plan that identifies how the interior, facade, adjoining sidewalks, parking areas and immediate surrounding areas of the dispensary will be illuminated and how the lighting will deflect light away from adjacent properties; and an identification of operable cameras, alarms, security guards and other security measures to be present on the premises whether during or outside business hours. The security plan should address the applicant's use of off-street parking and proposed use of armed security guards, video surveillance and door, building and parking lot security as appropriate. The applicant shall supply all additional information requested by the Chief necessary for the Chief to evaluate the security plan.

(9) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.

(10) Submit proof that each applicant who is a natural person is at least 18 years old.

(11) Submit a sketch or diagram showing the configuration of the premises of the medical marijuana dispensary. The diagram shall also designate the place at which the dispensary license will be conspicuously posted, if issued. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(Ord. 2018-35. Passed 8-1-18.)

752.07 ISSUANCE OF MEDICAL MARIJUANA DISPENSARY LICENSE.

(a) Within five days of receipt of an application for a medical marijuana dispensary license, the Director shall notify the Building Official and the Chief of such application. In making such notification, the Director shall request that the Chief promptly investigate the information provided in the application and shall request that the Chief and the Building Official promptly inspect the premises for which the medical marijuana dispensary license is sought in order to assess compliance with the regulations under their respective jurisdictions.

(b) The Chief and the Building Official shall begin their respective investigations and inspections promptly upon receipt of notice of an application from the Director. The Chief and the Building Official shall provide the results of their investigations, including written certifications of whether the premises and applicants are in compliance with the laws and regulations under their respective jurisdictions, to the Director, in writing, within 60 days of receipt of notice of the application,

(c) The Building Official's inspection of the premises for which a medical marijuana dispensary license is sought shall include an investigation as to whether the premises are in compliance with the Ohio Basic Building Code, the Parma Heights Zoning Code, the Parma Heights Property Maintenance Code, and the provisions of this chapter related to physical characteristics of the premises.

(d) Within ninety days after receipt of a completed medical marijuana dispensary license application, the Director shall approve or deny the issuance of a license. The Director shall approve the issuance of a license to an applicant unless he or she determines that one or more of the following findings is true:

(1) An applicant who is a natural person is under eighteen years of age.

(2) An applicant has failed to provide information reasonably necessary for issuance of the license as requested on the application form, or has falsely answered a question or request for information on the application form.

(3) A person identified in the application pursuant to Section 752.06(b) or Section 752.06(c) of this chapter has been denied a license to operate a ~~medical~~ marijuana dispensary or has had a license to operate a ~~medical~~ marijuana dispensary revoked within the preceding twelve months by any jurisdiction.

(4) A person identified in the application pursuant to Section 752.06(b) or Section 752.06(c) of this chapter has been convicted of a disqualifying offense.

(5) The proposed ~~medical~~ marijuana dispensary would violate or fail to be in compliance with any provisions of the Parma Heights Zoning Code, Property Maintenance Code or General Offenses Code, or state statute or regulation.

(6) The application and investigation fee or a prior license fee required by this chapter has not been paid in full.

(7) An applicant is in violation of or not in compliance with any provision of this chapter, except as provided in division (e) (1) of this section.

(e) If the Director determines that one or both of the following findings is true, the license issued pursuant to division (d) of this section shall contain a requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:

(1) The results of inspections of the premises by the Chief or the Building Official indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions, including the provisions of this chapter related to characteristics of the physical premises. This division shall not apply to premises that are in violation of any law or regulation that is identified or referenced in divisions (d)(1) through (d)(7) hereof.

(2) An applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any business, which are not the subject of a pending appeal or other legal challenge.

~~(f) If the Director determines that no other grounds for denial of a license exist under division (d) hereof, the Director shall not delay approval of the application past the end of the ninety-day period provided in this section solely because the Chief has not provided the Director with the results of his inspection of the premises; the results of the Building Official's inspection of the premises are not available; or the Chief has not completed the his investigation of the criminal background of the applicant(s). If, after approving the issuance of a license, the Director receives information from the his investigation which the Director he determines constitutes grounds for denial of a license under division (d) hereof, then the ~~medical~~ marijuana dispensary license issued pursuant to this division (f) (t) hereof shall be immediately revoked. If after approving the issuance of a license, the Director receives information concerning the results of inspections of the premises by the Chief, or the Building Official's inspection, which the Director determines constitutes grounds for the issuance of a license subject to a requirement to correct deficiencies under division (e) hereof, then, a requirement shall be added to the terms of the ~~medical~~~~

marijuana dispensary licenses issued pursuant to this division (f) hereof to correct all deficiencies noted within 120 days of the date such requirement is added.

(g) A ~~medical~~ marijuana dispensary license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the licensed ~~medical~~ marijuana dispensary. All ~~medical~~ marijuana dispensary licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(h) The Director shall advise the applicant in writing of the reasons for any license denial.

(Ord. 2018-35. Passed 8-1-18.)

752.08 FEES.

(a) Every application for a new medical marijuana dispensary license shall be accompanied by a three-hundred fifty dollar (\$350.00) non-refundable application and investigation fee.

(b) Every application for renewal of a medical marijuana dispensary license shall be accompanied by a two-hundred fifty dollar (\$250.00) non-refundable application and investigation fee.

(c) **Marijuana Dispensary Community Impact Fee. Each Adult-Use Marijuana Dispensary operating within the City of Parma Heights shall pay to the City an amount equaling 3.6 percent of the dispensary's gross annual sales, which the City shall calculate annually using sales figures, provided by the dispensary, from state-mandated reporting or recordkeeping forms, subject to any independent audit and/or determination of those sales figures by the City. The dispensary shall pay the Community Impact Fee to the City no later than March 1 of each year.**

If the Host Community Cannabis Fund created by O.R.C. Section 3780.23 is reduced by the state legislature to an amount less than 3.6 percent of the dispensary's gross annual sales but not completely repealed, the Community Impact Fee under this Section shall be the difference between the reduced Host Community Cannabis Fund amount and 3.6 percent. For example, if the Host Community Cannabis is effectively reduced to 1.5 percent of the dispensary's gross annual sales, the Community Impact Fee under this Section would be 2.1 percent of the dispensary's gross annual sales.

~~In addition to the application and investigation fee required in division (a) or (b) hereof, every applicant application that is granted a medical marijuana dispensary license (new or renewal) shall pay to the City an annual, non-prorated license fee in the amount of twenty-five thousand dollars (\$25,000.00) upon license issuance or renewal, plus an amount equaling 1.5 percent of the licensee's gross annual sales from the dispensary to which the license applies above the amount of one million two-hundred thousand dollars (\$1,250,000.00), which the licensee shall calculate at the expiration of the license or~~

~~renewal term using sales figures from the licensee's state-mandated reporting or recordkeeping forms, and which the licensee shall pay to the City within sixty days of the expiration of any term (new or renewal) of the license. The twenty-five thousand dollar (\$25,000.00) license fee may be refunded only if the applicant does not receive a license issued by the state board of pharmacy and/or the State Division of Cannabis Control for a period covering any portion of the term of the license issued by the City. The licensee shall give the Director or his or her designee(s) an opportunity to review the data and basis upon which the licensee has calculated fees due under this section.~~

(Ord. 2018-35. Passed 8-1-18.)

752.09 INSPECTION.

(a) The Division of Police and the Building Official shall, from time to time, inspect each ~~medical~~ marijuana dispensary licensed under the provisions of this chapter that is open to the public in order to assess compliance with the provisions of this chapter.

(b) An applicant or licensee shall permit the Building Official or designees and the Chief or designees, as well as representatives of other city departments and divisions, to inspect a ~~medical~~ marijuana dispensary that is open to the public for the purpose of insuring compliance with the law, during times that it is occupied or open for business.

(c) An applicant or licensee shall subject the application to denial or the license to revocation if he or she refuses to permit such lawful inspection of the premises.

(Ord. 2018-35. Passed 8-1-18.)

752.10 EXPIRATION AND RENEWAL OF LICENSE.

(a) Each license issued pursuant to this chapter shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety days and no fewer than thirty days before the expiration date. If application is made fewer than thirty days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(b) An application for renewal of a ~~medical~~ marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The renewal application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to Section 752.06 of this chapter. The completed renewal application shall be accompanied by copies of any document or material submitted in connection with the initial license application that has been revised or requires revision to reflect any change in circumstances or conditions. Sketches or diagrams and security plans submitted with an

initial ~~medical~~ marijuana dispensary license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram and security plan still depict the premises and plan accurately.

(c) The Director shall make determinations concerning the approval of license renewals based on the same criteria used to evaluate applications for new licenses under Section 752.07 of this chapter.

(d) The Director shall advise the applicant in writing of the reason(s) for any denial of a license renewal.

(e) When the City denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. If the City finds, subsequent to denial, that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the denial was issued.

(Ord. 2018-35. Passed 8-1-18.)

752.11 LICENSE SUSPENSION.

(a) The City shall suspend a ~~medical~~ marijuana dispensary license for a period not to exceed thirty days if it determines that a licensee:

(1) Has violated or is not in compliance with any section of this chapter; or

(2) Has authorized or approved an employee's violation of or failure to comply with any section of this chapter, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary has allowed an employee to violate or fail to comply with any section of this chapter.

(b) The City shall suspend a ~~medical~~ marijuana dispensary license for a period not to exceed 30 days if it determines that a licensee or his employee or agent has refused to allow an inspection of the licensed ~~medical~~ marijuana dispensary premises as authorized by this chapter.

(c) The Director shall advise the licensee in writing of the reason(s) for any suspension.

(Ord. 2018-35. Passed 8-1-18.)

752.12 LICENSE REVOCATION.

(a) The City shall revoke a ~~medical~~ marijuana dispensary license if a cause of suspension under Section 752.11 of this chapter occurs and the license has been suspended two times within the preceding twelve months.

(b) The City shall revoke a ~~medical~~ marijuana dispensary license if it determines that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) The Licensee(s) failed to comply with any requirement stated in the license, pursuant to Section 752.07(g) of this chapter, to correct specified deficiencies within 120 days;

(3) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary employee, a licensee has allowed, possession, use, or sale of controlled substances (except ~~medical~~ marijuana) on the premises;

(4) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the ~~medical~~ marijuana dispensary or a ~~medical~~ marijuana dispensary employee, a licensee has allowed the commission of a felony on the premises;

(5) A licensee operated the ~~medical~~ marijuana dispensary during a period of time when the licensee knew or reasonably should have known that the licensee's license was suspended, or when the licensee no longer maintained a dispensary license issued by the state board of pharmacy;

(6) A licensee has been convicted of a specified criminal activity, as defined in Section 752.02 of this chapter, during the term of the license; or

(7) A licensee is delinquent in payment to the City, County, or State for any taxes or fees past due that were assessed or imposed in relation to any business.

(c) The Director shall advise the licensee in writing of the reason(s) for any revocation.

(d) When the City revokes a license, the licensee shall not be issued another license for one year from the date the revocation became effective. If the City finds, subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the date the revocation became effective.

(Ord. 2018-35. Passed 8-1-18.)

752.13 APPEAL RIGHTS.

(a) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the City of Parma Heights Board of Zoning Appeals by written notice within ten days of such denial, suspension or revocation. Unless the applicant requests a longer period, the Board of Zoning Appeals must hold a hearing on the appeal within thirty days and must issue a decision affirming or reversing the denial, suspension, or revocation within five days after the hearing.

(b) Any decision by the Board of Zoning Appeals shall be a final appealable order and the applicant or licensee may seek judicial review of such administrative action in any court of competent jurisdiction pursuant to general law.

(c) Any licensee lawfully operating a ~~medical~~ marijuana dispensary prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal of a decision rendered under this chapter to the Board of Zoning Appeals or to a court.

(d) In the event that an applicant for a new ~~medical~~ marijuana dispensary license seeks judicial review of the denial of a new license, there shall be no automatic stay of the denial.

(Ord. 2018-35. Passed 8-1-18.)

752.14 TRANSFER OF LICENSE.

A ~~medical~~ marijuana dispensary license is not transferable from one licensee to another or from one location to another without the express written permission of the Director. Any purported transfer of a ~~medical~~ marijuana dispensary license without the express written permission of the Director shall automatically and immediately revoke that license. Notwithstanding anything in this chapter to the contrary, a license transferee shall assume all responsibilities of the license transferor under this chapter and all applicable code.

(Ord. 2018-35. Passed 8-1-18.)

752.15 REGULATIONS PERTAINING TO THE OPERATION OF ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) No person may operate or cause to be operated a ~~medical~~ marijuana dispensary without complying with the following requirements:

(1) The ~~medical~~ marijuana dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the state. ~~Nothing herein being intended to conflict with state law, rather said regulations are incorporated herein by reference. The dispensary operator~~ A dispensary licensee shall document licensing by the State of Ohio and demonstrate compliance with any terms and conditions imposed by law.

(2) The parcel upon which the dispensary is operated shall not at the time the original dispensary license is issued be located within 500 feet from any parcel on which sits a school, church, public library, public playground or public park.

(3) Consultations by clinical nurse specialists, certified nurse practitioners, physicians or physician assistants shall not be permitted at a dispensary, unless the patron already has a recommendation for medical marijuana prior to entering the dispensary.

(4) Signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.

(5) The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

(6) The use of any vending machine which allows access to ~~medical~~ marijuana is prohibited. For purposes of this division (a) (6), a vending machine is any device which allows access to ~~medical~~ marijuana without a human intermediary.

(7) The premises of every ~~medical~~ marijuana dispensary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level of not less than five foot-candles as measured at floor level.

(8) No ~~medical~~ marijuana dispensary shall be operated in any manner that permits the observation from outside the premises of 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.

(9) Any material changes to information provided in the licensee's application including, but not limited to, changes to the security plan must be promptly communicated, in writing, to the Director.

(10) If, at any time, the licensee is subject to any enforcement action by the state, the licensee shall immediately notify the Director and shall provide any relevant information or documentation requested by the Director.

(11) If, at any time, the licensee has a reasonable belief that an actual loss, theft or diversion of ~~medical~~ marijuana or currency worth or amounting to more than one hundred dollars (\$100.00) has occurred, the licensee shall immediately notify the Director, and in any event such notification shall be provided no later than twenty-four hours after discovery of the loss, theft or diversion.

(b) Except as otherwise provided in this paragraph, any person who violates division (a) hereof, or any person who operates a ~~medical~~ marijuana dispensary and permits a violation of division (a) hereof on the premises, shall be guilty of a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of division (a) hereof, a violation of division (a) of this section will be considered a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of division (a) of this section, a violation of division (a) hereof will be considered a misdemeanor of the first degree.

(Ord. 2018-35. Passed 8-1-18.)

752.16 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.

(a) It shall be the duty of the operator of a ~~medical~~ marijuana dispensary to:

(1) Initiate and enforce a no loitering policy within the external boundaries of the parcel of real property upon which the ~~medical~~ marijuana dispensary is located;

- (2) Post conspicuous signs stating that no loitering is permitted on such property;
- (3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and
- (4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business and shall include a retention capacity of at least thirty days.
- (b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(Ord. 2018-35. Passed 8-1-18.)

752.17 INJUNCTION.

Any person who operates or causes to be operated a ~~medical~~ marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City.

(Ord. 2018-35. Passed 8-1-18.)

752.18 EFFECT OF PARTIAL INVALIDITY.

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. 2018-35. Passed 8-1-18.)

752.19 CHANGE IN INFORMATION.

During the pendency of any application for, or during the term of, any ~~medical~~ marijuana dispensary license, the applicant or licensee shall promptly notify the Director in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the ~~medical~~ marijuana dispensary establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur. The Director shall ensure that any additional principals of a licensee are in compliance with this Chapter.

(Ord. 2018-35. Passed 8-1-18.)

752.99 PENALTY.

(a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 101.99 of the Codified Ordinances of the City of Parma Heights.

(b) Each day that a ~~medical~~ marijuana dispensary operates in violation of this chapter is a separate offense or violation.

(Ord. 2018-35. Passed 8-1-18.)

EXHIBIT G

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 1181 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.)

EXHIBIT 2

ADDITIONAL CONDITION(S) IMPOSED BY COUNCIL

In addition to all previously stated requirements of the laws of Parma Heights, Ohio, and the conditions set forth by the City, this Council imposes the following condition(s):

1. Compliance with the General Criteria set forth in each portion of the Codified Ordinances of the City of Parma Heights cited by the Planning Commission in its recommendations for Council consideration [see Ex. 1 of Council Resolution Exhibit A], as they may be amended from time to time.
2. That the Conditional Use be and remain subject to Applicant's compliance with the building and development plans as submitted to and recommended for approval by the Planning Commission, including but not limited to the following clarifications:
 - A. Applicant agrees to maintain the existing 8' wooden fence along its southern boundary, to repair and replace as necessary, as well as to scrape and paint/stain as necessary;
 - B. Applicant agrees to perform landscaping maintenance along its eastern boundary line, specifically removing overgrown brush in connection with the new plantings shown by the landscaping plans on file;
 - C. Applicant has agreed to eliminate its western curb cut to Parma Park Blvd. (as shown by the building and development plans), and further recognizes that restoration of same is prohibited; and
 - D. Applicant has agreed to limit its drive through lane (as shown by the building and development plans), and refrain from reinstallation of dual lanes.

Otherwise, Applicant's Conditional Use is and remains subject to revocation upon noncompliance with approved building and development plans.

3. Demonstration of a lease agreement between the Applicant and the Property Owner at the commencement of this use and at all times of operation.
4. Any change and/or modification of any material facts and/or terms contained in the Applicant's Conditional Use applications and/or the Applicant's marijuana dispensary license applications shall require advance notice to the City and the City's consent.

RESOLUTION NO. 2025 - 7

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO COMPLETE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2025 ENERGIZED COMMUNITY GRANT

WHEREAS, the City of Parma Heights, Ohio (the “City”) is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and is eligible for one or more NOPEC Energized Community Grant(s) for 2025 (“NEC Grant(s)”) as provided for in the NEC Grant Program guidelines; and

WHEREAS, the City wishes to enter into a Grant Agreement with NOPEC, Inc. in substantially the form presented to this Council to receive one or more NEC Grant(s), including NOPEC’s announcement of an award to the City in the amount of \$50,867.00 and up to \$2,000.00 in Community Sponsorship monies.

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

Section 1: The Administration is authorized and directed to execute an NEC Grant(s) Agreement for 2025 with NOPEC on behalf of the City of Parma Heights, Ohio in accordance with Exhibit “A”, attached hereto and made a part hereof by reference as if fully rewritten, and to complete all actions necessary to accept and expend the awards.

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

Section 3: That this Resolution shall take effect and be in force from and after the earliest date provided for by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A

NOPEC 2025 ENERGIZED COMMUNITY

GRANT AGREEMENT

This Grant Agreement (the “Agreement”) is made and entered into by and between NOPEC, Inc. (“Grantor”), and _____, _____ County, Ohio (“Grantee”; “Grantor” and “Grantee,” the “Parties”) regarding a grant by Grantor to Grantee to be used primarily for energy efficiency or energy infrastructure updates in accordance with NOPEC Energized 2025 Community Grant criteria, guidelines and requirements (“NOPEC Policy”).

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the Parties hereby agree as follows:

1. **Grant of Funds.** Grantor hereby grants a NOPEC Energized 2025 Community Grant (“NEC Grant”) to Grantee in the amount calculated by Grantor based on the number of natural gas and/or electric accounts served by Grantor in Grantee in accordance with NOPEC Policy in the amount determined by Grantor (“Funds”), for the purposes set forth in Grantee’s Grant Disbursement Request, as amended, and incorporated by reference into this Agreement.

2. **Use of Funds.** Grantee shall use the Funds granted by Grantor for qualified use as outlined in the program policies. Funds shall be paid in accordance with NOPEC Policy. NEC Grant disbursements shall be accompanied by a completed Disbursement Request Form with the expenditures supported by contracts, invoices, vouchers, and other data as appropriate as supporting documents. All completed disbursement request form for qualified use in accordance with the program policies must be submitted by November 30, 2027. If Grantee does not request disbursements by Grantor on or before such date, Grantee shall forfeit any unused Funds for the NOPEC 2025 Grant year.

3. **Accounting of Funds.** Grantee shall keep all Funds and make all disbursements and expenditures consistent with the manner in which all public funds are kept by Grantee in accordance with applicable law.

4. **Term.** The Parties agree that this Agreement shall begin on January 1, 2025, and shall expire on December 31, 2025, and shall be automatically renewed annually unless Grantor discontinues the NEC Grant program for any subsequent year or Grantee is no longer a NOPEC member in good standing, as defined herein, or Grantor requires a new Grant Agreement from Grantee.

5. **Renewable Energy Credits.** Grantee shall be entitled to claim Renewable Energy Credits, carbon credits, or NOx allowances and/or allowances arising under other trading programs that may be established in the future for the work completed using grant funding. Grantor reserves the right to claim/apply for such allowances if Grantee does not claim such allowances or this Agreement terminates. Grantee must notify Grantor if Grantee does not wish to trade or sell any such credits or assets.

6. **Records, Access and Maintenance.** Grantee shall establish and maintain all records associated with the Funds in accordance with the Ohio Public Records Act and shall promptly make available to Grantor all of its records with respect to matters covered by this Agreement, and for Grantor to audit, examine and make copies from such records. Grantee agrees

to share and release all of its utility and other data with NOPEC, Inc. and Northeast Ohio Public Energy Council and its consultant(s) in order to measure, verify and otherwise track savings from energy efficiency and for such other related uses as Grantor shall require.

7. **Property and Equipment Purchases.** All items purchased by Grantee from the Funds granted herein are and shall remain the property of Grantee.

8. **Inability to Perform.** In the event that Grantee does not or cannot complete or perform its obligations under this Agreement, Grantee shall immediately notify Grantor in writing. Grantor, with the approval of the Committee formed to award NEC Grants (the "Committee"), and Grantee shall jointly identify amendments or suitable uses that meet NOPEC Policy.

9. **Dispute Resolution.** In the event Grantee desires clarification or explanation of, or disagrees with, any matter concerning the Agreement, or the interpretation or application of any and all federal or state statutes, rules, regulations, laws or ordinances, the matter must be submitted in writing to Grantor, which shall convene the Committee to review and decide the matter. All decisions of the Committee shall be final and binding upon Grantee, and non-appealable.

10. **Termination.**

(a) If Grantor determines that Grantee has failed to perform any requirements of this Agreement, or if Grantee is in default under any provision of this Agreement, or upon just cause, as shall be determined by the Committee, Grantor, upon approval by the Committee, may terminate the Agreement at any time after providing Grantee with written notice and a period of at least thirty (30) days to cure any and all defaults under this Agreement. During such thirty-day cure period, Grantee shall incur only those obligations or expenditures which are necessary to enable Grantee to continue to achieve compliance with the terms of this Agreement.

(b) This Agreement shall automatically terminate if Grantee is not a NOPEC member in good standing. A NOPEC member in good standing means a Northeast Ohio Public Energy Council ("NOPEC" or "Northeast Ohio Public Energy Council") member whose residents are receiving service from Northeast Ohio Public Energy Council's natural gas or electric aggregation program, and which has not provided written notice to withdraw from such Northeast Ohio Public Energy Council's natural gas or electric aggregation program.

11. **Effects of Termination.**

(a) Within sixty (60) days after termination of this Agreement, Grantee shall surrender all reports, data, documents, and other materials assembled and prepared pursuant to this Agreement which shall become the property of Grantor.

(b) The Committee also may withhold any payment of the Funds or require Grantee to return all or any part of the Funds awarded if Grantee is found to have violated the provisions of this Agreement. Notwithstanding any other provision in this Agreement, if Grantee either withdraws from membership in the Northeast Ohio Public Energy Council or from its electric or natural gas aggregation program(s) or is otherwise not a member in good standing of the Northeast Ohio Public Energy Council, Grantee shall no longer be eligible for any NEC Grants. The provisions of this paragraph are in addition to the termination provisions of this Agreement and to any payments required under the Northeast Ohio Public Energy Council Bylaws and the

Northeast Ohio Public Energy Council of Governments Agreement with its member communities in connection with any such withdrawal.

12. **Liability.** Grantee shall maintain, or cause any vendors or subcontractors to maintain, all required liability and property insurance to cover actionable legal claims for liability or loss which are the result of injury to or death of any person, damage to property caused by the negligent acts or omissions, or negligent conduct of the Grantee. To the extent permitted by law, in connection with activities conducted in connection with this Agreement, Grantee agrees to defend Grantor and pay any judgments and costs arising out of such negligent acts or omissions, and nothing in this Agreement shall impute or transfer any liability of any nature whatsoever from Grantee to NOPEC, Inc. or the Northeast Ohio Public Energy Council.

13. **Compliance with Laws.** Grantee agrees to comply with all applicable federal, state, and local laws in the performance of the funding. Grantee is solely responsible for payments of all unemployment compensation, insurance premiums, workers' compensation premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by Grantee on the performance of the work authorized by this Agreement.

14. **Miscellaneous.**

(a) **Governing Law.** The laws of the State of Ohio shall govern this Agreement. All actions regarding this Agreement shall be venued in a court of competent subject matter jurisdiction in Cuyahoga County, Ohio.

(b) **Entire Agreement.** This Agreement and any documents referred to herein constitute the complete understanding of the Parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the Parties with respect to the subject matter hereof.

(c) **Severability.** Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.

(d) **Notices.** All notices, consents, demands, requests and other communications which may, or are required to be, given hereunder shall be in writing and delivered to the addresses set forth hereunder or to such other address as the other party hereto may designate from time to time:

In case of Grantor, to:
Charles W. Keiper, II
President
NOPEC, Inc.
31360 Solon Road
Suite 33
Solon, OH 44139

In case of Grantee, to:
(This individual will be the designated grant representative working in the grant website)

Title: _____
Name: _____

_____, Ohio _____

(e) Amendments or Modifications. Either party may at any time during the term of this Agreement request amendments or modifications. Requests for amendment or modification of this Agreement shall be in writing and shall specify the requested changes and justification therefor. The Parties shall review the request for modification in terms of the funding uses and NOPEC Policy. Should the Parties consent to modification of the Agreement, then an amendment shall be drawn, approved, and executed in the same manner as the original Agreement.

(f) Headings. Section headings contained in this Agreement are inserted for convenience only and shall not be deemed to be a part of this Agreement.

(g) Assignment. Neither this Agreement nor any rights, duties or obligations described herein, shall be assigned or subcontracted by Grantee without the prior express written consent of Grantor.

(h) Authority. The undersigned represents and warrants to the other that each has all the necessary legal power and authority to enter into this Agreement.

(i) Determinations by Grantor Final. All determinations as to eligibility of any uses of an award of any NEC Grant, and the amount and payment schedule of a NEC Grant, will be made by Grantor and its Committee, which shall be final, conclusive and binding upon Grantee.

(j) Designation of Grantee Representative. Grantee hereby designates its [Fiscal Officer or other position] to take all actions with respect to the NEC Grant and this Agreement as may be required and Grantor shall be entitled to rely on the authority of such designated representative of Grantee in connection with this Agreement.

(k) Marketing Consent. Grantee hereby authorizes NOPEC, Inc. and Northeast Ohio Public Energy Council to use information about Grantee's grant(s) and work funded in any marketing they may conduct, and agrees to cooperate with Grantor in connection with such marketing.

[Signature Page to Follow.]

IN WITNESS WHEREOF, the Parties hereto have executed this Grant Agreement on the last date set forth below.

GRANTEE:

_____, Ohio

GRANTOR:

NOPEC, INC.

Individual Authorized by Grantee's
Legislation to accept- see Section I:

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

[Signature page to NOPEC 2025 Energized Community Grant Agreement.]

RESOLUTION NO. 2025 - 8

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ACCEPT AND EXPEND A GRANT FROM THE 2024-2025 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (BVP) THROUGH THE U. S. DEPARTMENT OF JUSTICE (DOJ) TO SUPPLEMENT THE COST OF BULLETPROOF VESTS WORN BY OFFICERS OF THE PARMA HEIGHTS POLICE DEPARTMENT

WHEREAS, the Patrick Leahy Bulletproof Vest Partnership (BVP) reimburses states, units of local government, and federally recognized Indian tribes, for up to 50 percent of the cost of body armor vests purchased for law enforcement officers; and

WHEREAS, the U.S. Department of Justice (DOJ) approved the Parma Heights application for grant funding from the 2024-2025 Bulletproof Vest Partnership (BVP) Grant; and

WHEREAS, the 2024-2025 Bulletproof Vest Partnership Grant will provide partial funding for bulletproof vests worn by Parma Heights officers on a daily basis; and

WHEREAS, the Bulletproof Vest Partnership Grant will provide a total of seven thousand, sixty-one dollars and fifty-nine cents (\$7,061.59) towards the purchase of nine (9) bulletproof vests between 2024 and 2025, currently projected to cost approximately \$14,300.00 in total.

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

Section 1: That the Administration is hereby authorized and directed to accept and expend monies from the 2024-2025 Bulletproof Vest Partnership Grant, in the amount of \$7,061.59, and to execute any necessary agreements with the U. S. Department of Justice, and to take any further actions necessary, for bulletproof vests worn by officers of the Parma Heights Police Department.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 meeting open to the public, in compliance with the law.

Section 3: That this Resolution shall take effect and be in force from and after the earliest date provided for by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

RESOLUTION NO. 2025 - 10

A RESOLUTION AUTHORIZING BOWEN + ASSOCIATES, INC., MUNICIPAL ENGINEER, TO PREPARE THE PLANS, SPECIFICATIONS, AND COST ESTIMATES FOR THE 2025 STREET REHABILITATION PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, the Administration has reviewed the condition of various streets, and recommends the resurfacing of streets including, but not limited to, Berkshire Road, Colebrook Drive, parts of Dellrose Drive, Elsetta Avenue, Glendora Lane, Mallo Place, Roxbury Road, Sherborn Road, parts of Stoneham Road, and Westborough Road, as well as additional street resurfacing permitted within the available budget; and

WHEREAS, in order to further that Project, Council hereby authorizes Bowen + Associates, Inc., Municipal Engineer, to prepare the plans, specifications, and cost estimates for such Project improvements, and to file such specifications for bidding documents in the Office of the Clerk of this Council.

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

Section 1: This Council authorizes and directs Bowen + Associates, Inc., Municipal Engineer, to prepare the plans, specifications, and cost estimates for the 2025 Street Rehabilitation Project.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that said Resolution is necessary so that such plans, specifications, and estimate of cost may be prepared and filed with this Council so that the project may be considered for the upcoming construction season; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

ORDINANCE NO. 2025 - 11

AN ORDINANCE AUTHORIZING AND DIRECTING AN EXPENDITURE FOR THE 2025 STREET REHABILITATION PROJECT, AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR COMPETITIVE BIDS, AND AUTHORIZING AND DIRECTING THE ADMINISTRATION TO ENTER INTO A WRITTEN CONTRACT WITH THE LOWEST AND BEST BIDDER THEREFORE, AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Municipality of Parma Heights has been advised that it is necessary that an expenditure for items as noted in the title, be authorized and directed in accordance with the provisions of Article V Section 6 of the Charter of the City of Parma Heights.

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

Section 1: The expenditure of monies of this municipality for items as noted in the title, which expenditure is now estimated to exceed \$50,000.00, is authorized and directed. The expenditure shall be made from monies appropriated for such purpose.

Section 2: The Director of Public Service is authorized and directed to advertise for competitive bids for such expenditure at least once in a newspaper of general circulation within the Municipality and to post such Invitation to Bid on the City of Parma Heights official web page.

Section 3: The Administration is authorized and directed to enter into a written contract with the lowest and best bidder after such advertising, said lowest and best bidder to be determined by motion of this Council.

Section 4: 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 5: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary to authorize and direct such expenditure in order that the Administration may enter into a contract therefore, after competitive bidding in accordance with applicable laws; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

ORDINANCE NO. 2025 - 12

AN ORDINANCE AMENDING SECTION 751.04 ENTITLED “DEVICE LICENSE; FEE” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the Administration is recommending that Section 751.04 of the Parma Heights Codified Ordinances be amended; and

WHEREAS, this Council desires to adopt the recommendation of the Administration.

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 751.04 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”, 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 facilitate business investment in an expeditious manner and to allow for appropriate business regulation; wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A

751.04 DEVICE LICENSE; FEE.

(a) A license to display a mechanical amusement device, cigarette vending machine, juke box, or interactive entertainment and computer sweepstake device shall be issued to the applicant upon the approval of the application and upon the payment of the fees set forth below:

(1) An operator and/or owner of a business displaying mechanical amusement devices, juke boxes or cigarette vending machines within the City shall first obtain a license from the Department of Public Service upon the payment of the annual license fee of one hundred dollars (\$100.00). This annual license fee shall be for the year beginning January 1 of the calendar year or for any unexpired portion of the year.

(2) A device license to display ~~one~~ any mechanical amusement device, cigarette vending machine, juke box, or interactive entertainment and computer sweepstake device shall be issued to the applicant upon the approval of the application and upon the payment of an annual device license fee as follows:

A. Mechanical amusement device ~~\$100.00~~

<u>1-10 devices</u>	<u>\$100.00 total</u>
<u>11-20 devices</u>	<u>\$200.00 total</u>
<u>21-30 devices</u>	<u>\$300.00 total</u>
<u>31-40 devices</u>	<u>\$400.00 total</u>
<u>41 or more devices</u>	<u>\$500.00 total</u>

B. Jukebox \$100.00

C. Cigarette vending machine \$100.00

(3) An establishment with 1-40 interactive entertainment and computer sweepstakes devices shall be required to obtain a license from the Department of Public Service upon the payment of an annual license fee of five thousand dollars (\$5,000) and shall be required to further obtain a device license for each interactive entertainment and computer sweepstakes device upon approval of the application for same and the payment of an annual device fee of three hundred and sixty dollars (\$360.00).

(4) An establishment with 41-60 interactive entertainment and computer sweepstakes devices shall be required to obtain a license from the Department of Public Service upon the payment of an annual license fee of four thousand dollars (\$4,000) and shall be

required to further obtain a device license for each interactive entertainment and computer sweepstakes device upon approval of the application for same and the payment of an annual device fee of three hundred and sixty dollars (\$360.00) for the first 40 devices and an annual device fee of two hundred fifty dollars (\$250.00) for all additional devices.

(5) An establishment with more than 60 interactive entertainment and computer sweepstakes devices shall be required to obtain a license from the Department of Public Service upon the payment of an annual license fee of two thousand two hundred dollars (\$2,200) and shall be required to further obtain a device license for each interactive entertainment and computer sweepstakes device upon approval of the application for same and the payment of an annual device fee of three hundred and sixty dollars (\$360.00) for the first 40 devices; plus an annual device fee of two hundred fifty dollars (\$250.00) for the next 20 devices; plus an annual device fee of two hundred dollars (\$200.00) for all additional devices; provided, however, that the total of the annual license fee plus the device license fees for an establishment with more than 60 interactive entertainment and computer sweepstakes devices shall in no event be more than twenty-five thousand dollars (\$25,000).

(b) The license fee shall be for the fiscal year beginning January 1 of the calendar year or for any unexpired portion of the fiscal year. The license shall entitle the licensee named therein to display at or upon the premises therein described a mechanical amusement device, juke box, cigarette vending machine or interactive entertainment and computer sweepstake device.

(c) All license fees under this chapter shall be filed with the application for license.

(d) The maximum number of interactive entertainment and computer sweepstakes device permitted at a licensed location shall not exceed 100, subject to the parking requirements set forth in Section 1187.06 of the Codified Ordinances.

(Ord. 2012-50. Passed 12-10-12; Ord. 2024-17. Passed 3-25-24.)

ORDINANCE NO. 2024 - 91

AN ORDINANCE PROVIDING FOR SHORT-TERM RENTALS ESTABLISHING CHAPTER 769, AMENDING CHAPTERS 1171 ~~AND 1174~~, AND ESTABLISHING CHAPTER 1192 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, the Council Safety Committee is recommending the revision of the Parma Heights Codified Ordinances, regulating short-term rentals; and

WHEREAS, it is the desire of this Council to adopt the recommendation of its Safety Committee.; and

WHEREAS, the Planning Commission met, conducted a public hearing, considered, and recommended the adoption of this Ordinance in order to regulate short-term rental operations 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 this Council does hereby establish Chapter 769, amend Chapters 1171 ~~and 1174~~, and establish Chapter 1192, which read in their entirety as set forth in “Exhibit A, as amended”, attached hereto and incorporated by reference as if fully rewritten.

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 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 regulatory standards for short-term rental operations in order to protect the health, safety, welfare, peace, and comfort of the citizens of the City of Parma Heights; wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A, as amended

CHAPTER 769

Short-Term Rentals

769.01 Definitions.

769.02 Purpose; intent.

769.03 Short-term rentals as conditional uses; permit required.

769.04 Application for short-term rental permit, new, and renewal.

769.05 Short-term rental host – requirements.

769.06 General development standards.

769.07 Required information.

769.08 Transfer of short-term rental permit not permitted.

769.09 Discrimination prohibited.

769.10 Other prohibited acts.

769.99 Penalty.

769.01 DEFINITIONS.

The following terms as used in this chapter shall have the meanings given herein.

(a) “Commissioner” means the Building Commissioner or the Commissioner’s authorized designee.

(b) “Dwelling” shall be synonymous with the definitions of dwelling, dwelling structure, dwelling unit, premises, or residential structure as set forth in Chapter 1394.

(c) “Guestroom” means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

(d) “Hosting platform” means a person or entity in whatever form or format that facilitates, through advertising or any other means, a short-term rental booking transaction for accommodations between a short-term rental host and short-term rental guest, including, but not limited to, reservations and/or collection of payment for such accommodations on behalf of the short-term rental host.

(e) “Owner” means an individual(s), corporation or partnership that has legal title to and control of a dwelling.

(f) “Permanent occupant” means any person(s) who resides in a dwelling more than 51% of the time during a calendar year, and the dwelling in which person(s) reside shall be referred to as their primary residence.

(g) “Primary residence” means a residence which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver’s license, tax documents, lease or a utility bill. An owner or permanent occupant can only have one primary residence.

(h) “Short-term rental” means any dwelling that is rented wholly or partly for a fee and for thirty consecutive days or less by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation. Apartments and/or apartment buildings, regulated by Chapter 711 of the Parma Heights Codified Ordinances entitled “Apartment Buildings”, are specifically disallowed as a short-term rental.

(i) “Short-term rental guest” means any person who rents temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than thirty consecutive days.

(j) “Short-term rental host” (“host”) means the owner or permanent occupant of a short-term rental who offers the short-term rental for temporary lodging.

(k) “Short-term rental operation” means the occupancy of any room or dwelling of any short-term rental.

(l) “Transient guest” means person who occupies a room or rooms for sleeping accommodations for less than thirty consecutive days.

769.02 PURPOSE; INTENT.

Short-term rentals are unique, semi-commercial operations that adapt a residential environment into a lodging concept, limited in scope and operation. The use is clearly of a commercial nature, but may at times be more in keeping with a residential environment. The purpose of this chapter is to provide a systematic set of requirements to ensure that such operations, if appropriate for a residential or commercial area, shall not adversely impact adjacent uses as a result of the commercial aspects of the structure and property. Short term rentals shall be the subordinate to the principal use of a structure as a single-family dwelling. The intent of this chapter is not to provide an opportunity for the establishment of an intensive commercial lodging business, which would be considered appropriate within an intensive commercial or planned commercial zoning district, but rather in certain locations to provide a limited commercial use in a residential or commercial district.

769.03 SHORT-TERM RENTALS AS CONDITIONAL USES; PERMIT REQUIRED.

(a) Short-term rentals are hereby classified as a conditional use which may be permitted in Single Family Zoned Districts and all Community Business Districts in accordance with the corresponding standards and requirements of the Planning and Zoning Code. Conditional use permit issued pursuant to Chapter 1135 of these Codified Ordinances shall be required in order to allow said permit shall be effective for one year at an annual cost of two hundred dollars (\$200.00) by the City. If the permit fee has not been received by the Department of Public Service by January 1, a late fee shall be incurred of one hundred fifty dollars (\$150.00). Said permit shall be automatically voided by operation of law without further notice or hearing upon the sale or transfer of the real property upon which the short-term rental is located.

(b) In submitting an application for a conditional use permit, and with every re-application, the applicant shall provide to the Planning Commission, a floor plan illustrating the proposed operation, a site plan indicating all on-site improvements, if any, and any additional information as required by the Planning Commission.

(c) Notification of the request for the conditional use permit shall be given by the Secretary of the Planning Commission to all record title holders of real property lying within five hundred feet of the property line of the area requesting the conditional use approval. Said notice shall be first class mail, postage prepaid.

(d) The application is subject to review and decision pursuant to Section 1135.05 and Section 1135.06 of the Parma Heights Codified Ordinances.

769.04 APPLICATION FOR SHORT-TERM RENTAL PERMIT, NEW AND RENEWAL.

(a) Application for a new short-term rental permit, and/or for renewal of a permit, shall be made to the Department of Public Service, upon approved forms, for the fee set forth in Chapter 1321.

(b) The application for a permit to operate a short-term rental shall contain the following information:

(1) Name of the applicant, including mailing address, telephone number, and email address. If the applicant is a corporation or partnership, the applicant shall provide the name of the entity and set forth exactly as shown on its articles of incorporation, mailing address, telephone number, and email address of the individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number. For an owner-occupied short-term rental application, the permanent occupant shall provide sufficient information to demonstrate compliance with the primary residency requirement as outlined in Section 769.01(g);

(2) The legal owner or owners of the property, including mailing address, telephone number, and email address. If the property owner is a corporation or partnership, the applicant shall provide the name of the entity set forth exactly as shown on in articles of incorporation as well as the mailing address, telephone number, and email address of an

individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;

(3) The names and addresses of any other short-term rental located in City of Parma Heights that the applicant or property owner has any interest in, including, but not limited to, ownership, licensure, or management;

(4) Name of the short-term rental host, including mailing address, telephone number, and email address;

(5) The number of guestrooms in service at the short-term rental;

(6) The names of all hosting platforms that are used by any short-term rental host;

(7) Proof of liability insurance for the rental unit;

(8) Set forth any known, non-obvious or concealed condition, whether man-made or artificial, which may present a danger to the short-term rental guest(s);

(9) The contact information, including a telephone phone number, of a local person with the responsibility to resolve any complaints regarding the condition, operation or maintenance of the dwelling unit; and

(10) Set forth the trash and recycle collection days for the property and any applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property.

(c) The applicant must notify the Department of Public Service of any change in information contained in the permit application within ten days of the change.

(d) Any change in ownership of the building, the dwelling or the business, or change in name of the short-term rental host shall void the current permit and shall require submission of a new application and the issuance of a new permit.

(e) A short-term rental shall be assigned an individual permit account number that must be prominently displayed within the unit. The permit shall be displayed but removed upon expiration. The short-term host failing to display the permit is in violation of Section 769.99. The short-term host found to be operating with an expired permit is in violation of Section 769.99.

(f) At least monthly, the short-term rental host or his/her designated agent or custodian shall inspect the dwelling. The short-term rental host or his/her designated agent or custodian shall immediately notify the owner of any condition existing thereupon which is in violation of any housing, building, health or sanitation provision of these Codified Ordinances.

(g) The Director of Public Service may direct or cause each short-term rental, or any part thereof, to be inspected annually for maintenance violations. The fee for such inspection shall be as set forth in Chapter 1321.

(h) The Director of Public Service shall notify the Applicant in writing of any decision to deny a short-term rental permit. The Applicant may file a Notice of Appeal from said denial

to the Board of Zoning Appeals pursuant to Chapter 1139 of the Parma Heights Codified Ordinances. All decisions of the Board of Zoning Appeals shall be final, subject to further administrative appeal and review pursuant to Ohio Revised Code 2506.02.

769.05 SHORT-TERM RENTAL HOST - REQUIREMENTS.

(a) Short-term rental host requirements. A short-term rental host shall be the owner of the dwelling. The short-term rental host must provide one form of proof of identity, and two pieces of evidence that the dwelling is the host's primary residence or two pieces of evidence the host is the owner of the dwelling.

(1) One short-term rental permit per short-term rental operation may be issued.

(2) The short-term rental host must provide written notice to the short-term rental guest of:

A. Any known, non-obvious or concealed condition, whether man-made or artificial, which may present a danger to the short-term rental guest(s);

B. The contact information, including a telephone phone number, of a local person with responsibility to resolve any complaints regarding the condition, operation or maintenance of the dwelling unit;

C. Set forth the trash and recycle collection days for the property and any applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property. The owner shall provide proper trash and recycling containers for the transient guest(s).

(3) Smoke detectors shall be provided and maintained adjacent to each sleeping area in each dwelling unit as required in Chapter 769.

(4) One or more carbon monoxide detection devices shall be installed and maintained as close to the center of the dwelling unit and within close proximity to the living and sleeping areas of the dwelling unit.

(5) Occupancy shall be limited to two individuals per bedroom within the dwelling unit.

(6) Rentals for thirty or more consecutive days by the same guest(s) will not be subject to short-term rental regulations.

(7) Compliance with all other applicable provisions of the Parma Heights Codified Ordinances related to residential housing.

(8) All short-term rental hosts must obtain liability insurance for the short-term rental or provide proof that the short-term rental and short-term rental host are named insured under the hosting platform's liability of insurance in the amounts set forth below. Each short-term rental shall at all times maintain the following insurance coverage meeting all of the following requirements: A general liability insurance policy or certificate that shall provide the minimum coverage:

A. Not less than one million dollars (\$1,000,000). Such policy or certificate must be issued by an insurance company that is admitted to do business in the state of Ohio or by an eligible surplus lines company or risk retention group.

B. The policy or certificate shall provide notice of cancellation of insurance to the Department of Public Service at least ten days prior to cancellation.

C. Any cancellation of insurance required by this section shall result in an automatic revocation of the respective short-term rental permit.

(b) Records required.

(1) A short-term rental host that offers a short-term rental shall retain records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the short-term rental guest responsible for the reservation and/or who rented the unit on each night, dates and duration of stay in a short-term rental, and the rate charged for each short-term rental on each night.

(2) A short-term rental host that provides units for short-term rental use shall retain records for a period of at least four years.

(3) If a request to inspect the records is denied, any officer or employee of the division of police, division of fire department of building may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

769.06 GENERAL DEVELOPMENT STANDARDS.

The following development standards apply to short term rentals.

(a) Uses Permitted in Single-Family Detached Dwellings. Short term rentals shall not be allowed in any detached structure, or in a garage. Only minimal interior modifications of said single-family dwelling shall be permitted in the original architectural style of the house for safety purposes only. Interior modifications of the size of bedrooms and baths shall be permitted.

(b) Occupation of Premises by Owner. Such owner shall be the record owner of no less than 50% interest of the property in question.

(c) Compliance With Fire Protection Standards; Certificates Required. Certificates of compliance from the Parma Heights Fire Department shall be required for approval of a request for a conditional use permit for short term leases. The following fire protection standards shall be continually met during the term of the conditional use permit, and shall be certified to exist by the City Fire Prevention Officer at the inception of the conditional use permit and annually therefor:

(1) There shall be a fire inspection;

(2) There shall be ten-pound ABC extinguishers per floor;

(3) Electrical work shall conform to current residential standards according to the current version of the National Electric Code; and

(4) No portable heating devices shall be allowed in sleeping rooms.

(d) Consecutive Nights. Each paying guest may stay at a property designated as a short-term rental property for not more than twenty-nine consecutive nights at any single visit.

(e) Kitchen Facilities. Only one kitchen facility shall be permitted per structure for which a conditional use permit is granted to operate a short-term rental. No cooking facilities of any type shall be permitted in individual guest quarters, and no food shall be served in guest quarters.

(f) Bathrooms. A minimum of one full bathroom, including tub or shower, toilet and sink, shall be required for every two guest rooms, to be available for the exclusive use of short-term rental paying guests.

(g) Owner Requirements. The owner must maintain current guest registration records which contain the following information about each guest: the guest's name, address, signature, and dates of accommodation. The registration records shall be kept on file for four years and upon request by any authorized City official, shall be made available for inspection by such City official during regular business hours or in case of an emergency.

(h) Nuisance Conditions; Revocation or Suspension of Permits. Short-Term Rentals shall not be permitted to create or continue a nuisance under either state or local law, and a conditional use permit shall be revoked or suspended by the City whenever the operation endangers, offends or interferes with the safety or rights of others so as to constitute a nuisance.

(i) Guest Rooms. There shall be no more than three guest rooms within a single-family dwelling that are utilized by short term rental customers. A guest room shall contain no less than one hundred square feet of living space, not including closets.

(j) Parking. One off-street parking space shall be provided for each guest room consistent with the restrictions set forth in Section 351.14. Such off-street parking spaces shall be provided in an existing driveway, behind the existing building line, or in a garage.

(k) Signage. One on-premises, flat sign against the dwelling shall be permitted for each short-term rental, not to exceed three square feet in area. The sign shall not be internally illuminated. No window display or signboard shall be allowed.

(l) Security. Outdoor security cameras must be provided and operational. Security camera footage shall be kept for a period of thirty days. No security lighting shall be permitted which reflects or is directed out of the yard of the owner of the short-term rental.

(m) Exits. In addition to the requirements of the Residential Code of Ohio, a minimum of two exits from the short-term rental area at the level of exit discharge shall be provided.

(n) Location. No short-term rental shall be permitted within five hundred feet of a school or recreational facility.

769.07 REQUIRED INFORMATION.

A resident approved to offer short-term rentals shall be subject to annual inspection, and inspection at other times upon reasonable notice to the owner. In addition to the requirement set forth in Section 769.03 above, an application for and, if requested, renewal of, a conditional use permit to engage in the business of short-term rental establishment shall be accompanied by the following information:

SHORT TERM RENTAL

(a) Proof of commercial general liability insurance, with limits of not less than one million dollars (\$1,000,000) per occurrence, for bodily injury and property damage arising in any way from the issuance of the permit. Each policy of insurance shall be used by an insurer authorized to do business in the State of Ohio; and include a provision requiring thirty days advance notice to the City prior to cancellation or lapse of the policy. The owner shall maintain the insurance required under this section in full force and effect for the duration of the permit period. A single violation of this subsection shall result in revocation of the permit;

(b) A statement as to whether the owner or any controlling person has ever been convicted in any jurisdiction of any felony;

(c) Proof that the owner has legal title to the property on which the establishment is located;

(d) A copy of an evacuation diagram.

769.08 TRANSFER OF SHORT-TERM RENTAL PERMIT NOT PERMITTED.

(a) No permit under this chapter shall be transferable to another individual, corporation, firm, partnership, association, organization or other group acting as a unit.

(b) No permit under this chapter shall be transferable to another short-term rental operation.

769.09 DISCRIMINATION PROHIBITED.

An owner, permanent occupant, short-term rental host, or operator shall not:

(a) Decline a transient guest or short-term rental guest based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status; impose any different terms or conditions based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status;

(b) Post any listing or make any statement that discourages or indicates a preference for or against any transient guest or short-term rental guest on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

769.10 OTHER PROHIBITED ACTS.

It shall be unlawful for any person engaged in the business of short-term rentals to:

(a) Exceed the scope of the permit, as set forth in this chapter;

(b) Allow occupancy of the establishment or any part thereof to exceed one person per one hundred and twenty-five feet of floor area, excluding elevators, stairways or other shaft enclosures;

(c) Rent any sleeping room in the establishment for thirty-one or more consecutive days to any person other than members of the owner's family as defined in Parma Heights Zoning Ordinance;

(d) Use or permit the use of a hot plate, coffee maker or other cooking device in any sleeping room or bathroom;

(e) Permit any criminal activity or public nuisance to take place on the premises. If an owner knows or suspects that any criminal activity or public nuisance is taking place on or immediately adjacent to the premises, the owner shall immediately notify the Parma Heights Police Department of such fact, and shall cooperate with the Parma Heights Police Department in any investigation that may ensue; or

(f) Knowingly make any false or misleading statement about such person's criminal background in connection with any application-submitted pursuant to this chapter. A single violation of this subsection shall result in permit revocation.

(g) Utilize any apartment or apartment building, regulated by Chapter 711 of the Parma Heights Codified Ordinances, as a short-term rental.

769.99 PENALTY.

Whoever violates Section 769.10 of this Chapter is guilty of wrongful rental/use of residential property, a misdemeanor of the third degree. A second violation of this Chapter is a misdemeanor of the second degree. Any violation of this Chapter that represents a third or further violation shall be a misdemeanor of the first degree. A separate offense shall be deemed committed each day a violation occurs or continues.

CHAPTER 1171 Class A Districts

1171.01 Permitted uses.

1171.02 Rear yards; lot coverage.

1171.03 Side yards.

1171.04 Setback line.

1171.05 Lot area.

1171.06 Lot width

1171.07 Nonconforming setbacks.

CROSS REFERENCES

Districts and Zone Map - see P. & Z. 1161.01

Class A-1 Districts - see P. & Z. Ch. 1173

Class A-2 Districts - see P. & Z. Ch. 1174

Yard grading - see BLDG. 1381.01 et seq.

1171.01 PERMITTED USES.

Within any Class A District no building, structure or premises shall be used or arranged or designed to be used, except for one or more of the following uses:

(a) A single-family dwelling;

(b) Accessory uses customarily incident to the foregoing permitted use; and

(c) Short-term rentals as a conditional use, subject to all requirements of Chapter 1135 of the Codified Ordinances. In addition, short-term rentals must meet all requirements of Chapter 769 of the Codified Ordinances. See P.H.C.O. Chapter 769.

(Ord. 1953-29. Passed 6-1-53.)

1171.02 REAR YARDS; LOT COVERAGE.

(a) Every property shall be provided with an open, unobstructed (except for landscaping, detached garages, and accessory buildings) minimum rear yard of 25 percent of the total area of the lot or 30 feet as measured perpendicular to the street, whichever is greater. (As per Exhibits 1, 2, and 3.)

(b) The sum of the plan projection areas of all structures on a property shall not exceed 40 percent of the lot area. (As per Exhibits 1, 2, and 3.)

(c) Garages and Accessory Buildings.

(1) A detached garage not over 15 feet high and not over 30 feet deep may be located in the rear yard area.

(2) A detached garage shall be placed no closer than three feet to a side property line or a rear property line and shall be no closer than eight feet to any other structure on an adjoining property irrespective of lot lines and no closer than ten feet to the main structure.

(3) In the case of a corner lot, the rear line of which is identical with the side line of an interior lot, no detached garage shall be erected within 20 feet of any street line.

(4) Accessory buildings are permitted in the rear yard area as regulated by Chapter 1388 of the Parma Heights Building Code. The plan projection area of accessory buildings shall not be considered when determining lot coverage.

(Ord. 1969-3. Passed 1-27-69; Ord. 2002-60. Passed 12-23-02.)

1171.03 SIDE YARDS.

There shall be a side yard on each side of every building. The minimum width of the side yard shall be three feet. At least twelve feet of each lot shall be devoted to side yards.

Whenever the garage is detached from the main structure there shall be a minimum width of nine feet between the structure and the side line of the driveway side of the lot.

Whenever the garage is attached to the main structure there shall be a minimum width of five feet between the structure and the side line on the garage side of the lot.

In addition, no two main structures or parts thereof on their respective lots shall be any closer together than ten feet irrespective of lot lines.

(Ord. 1953-29. Passed 6-1-53.)

1171.04 SETBACK LINE.

On any existing street frontage in Class A Districts where there is no building or setback line designated on the Building Zone Map, the location of the setback line shall be as follows:

(a) No nearer than thirty feet to the street line or twenty-five percent of the average or normal depth of the lots having their front lines along the street frontage, whichever is the greater. (As per Exhibits 1, 2, and 3.)

(b) On the sideline of a corner lot the distance of the setback line from the street line shall be not less than ten feet. (As per Exhibits 1, 2, and 3.)

(Ord. 1953-29. Passed 6-1-53; Ord. 2003-6. Passed 2-10-03.)

1171.05 LOT AREA.

The minimum requirements shall be 9,000 square feet of lot area for each dwelling.

(Ord. 1965-58. Passed 9-13-65.)

1171.06 LOT WIDTH.

No dwelling shall be erected on a lot having an average width of less than seventy-five feet, unless the lot was separately owned at the time of the passage of this section (Ordinance 1964-73, passed October 26, 1964), or unless such lot is a numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section (Ordinance 1964-73, passed October 26, 1964), for which a dedication of streets in such allotment was made for public use and accepted by Council.

(Ord. 1964-73. Passed 10-26-64.)

1171.07 NONCONFORMING SETBACKS.

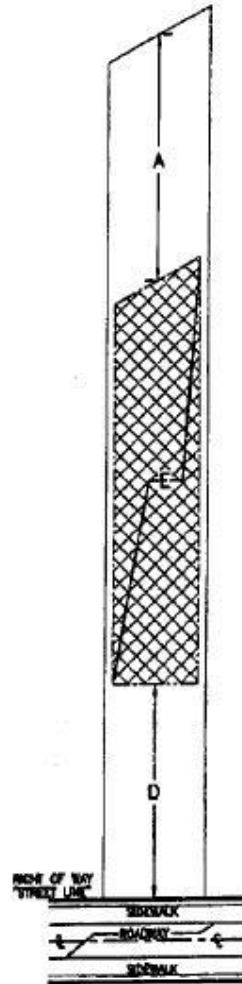
(a) When strict adherence to the minimum setback requirements of this Code cannot be met, the applicant/property owner may appeal to the Board of Zoning Appeals for relief. The Board of Zoning Appeals shall require of the property owner such amendments to the plan as may be necessary to achieve the spirit and intent of this Code and to protect the health and welfare of the general public.

(b) The Board of Zoning Appeals shall determine the setbacks that achieve the spirit and intent of this Code.

(Ord. 2002-60. Passed 12-23-02.)

Exhibits 1-3 available in PDF: click [HERE](#)

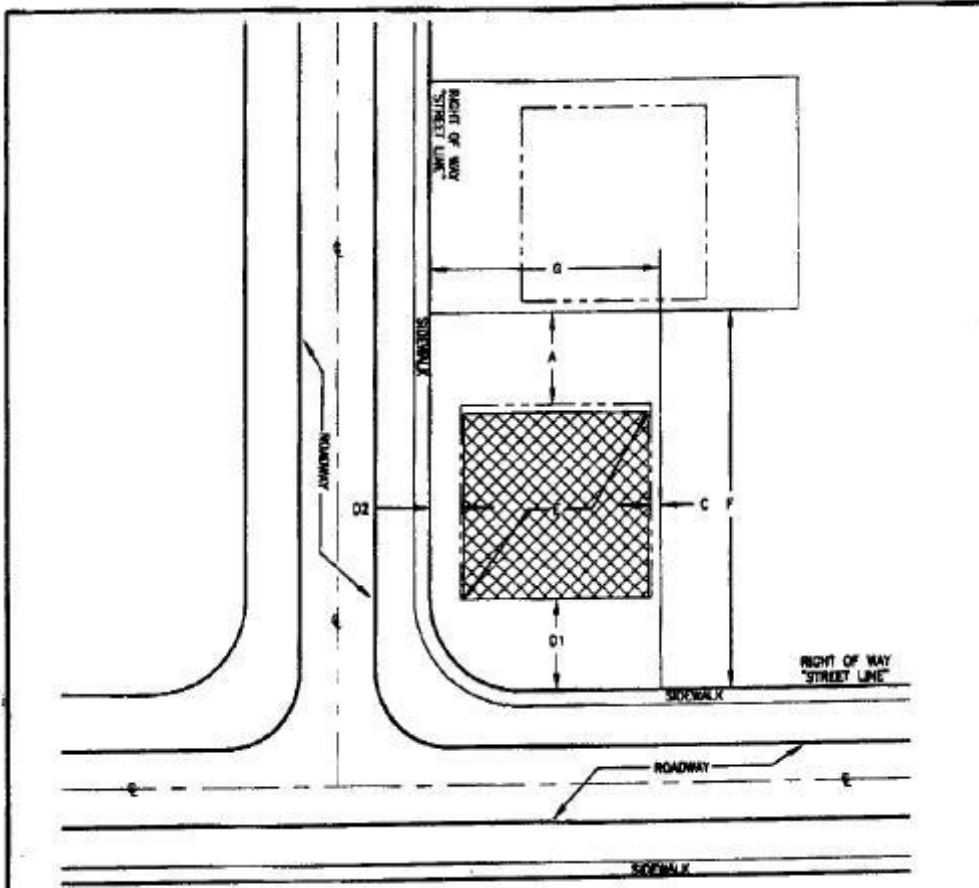
ZONING SECTION	PLAN DESIGNATION	CODE REQUIREMENT
1171.02 REAR YARDS	A	30' MIN. OR 25% OF TOTAL AREA OF LOT, WHICHEVER IS GREATER.
1171.03 SIDE YARDS	B & C	B+C=12' MIN., 3' MIN. FOR ONE SIDE
1171.04 SETBACK LINE	D	30' MIN. TO STREET LINE OR 25% OF AVERAGE NORMAL DEPTH OF LOT, WHICHEVER IS GREATER, OR ALREADY ESTABLISHED BUILDING LINE.
1171.02 LOT COVERAGE	E	SUM OF PLAN PROJECTION AREAS OF ALL STRUCTURES ON A PROPERTY SHALL NOT EXCEED 40% OF THE LOT AREA.
1171.05 LOT AREA	F	9,000 S.F. MIN.
1171.06 LOT WIDTH	G	75' MIN. AT BUILDING LINE



"BOWLING ALLEY" LOT

11-26-02

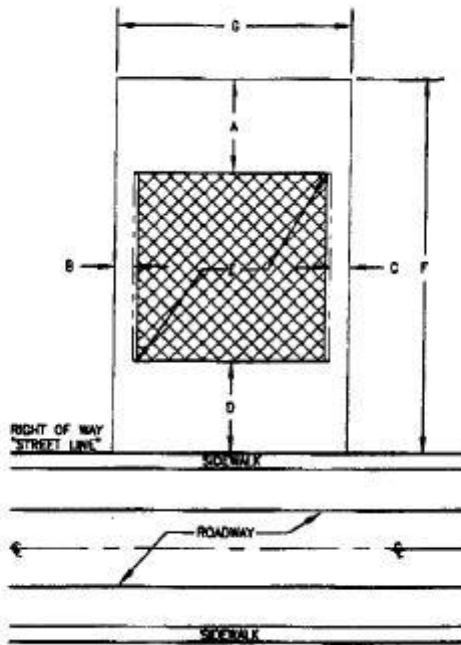
Exhibit 1



ZONING SECTION	PLAN DESIGNATION	CODE REQUIREMENT
1171.02 REAR YARDS	A	30' MIN. OR 25% OF TOTAL AREA OF LOT, WHICHEVER IS GREATER.
1171.03 SIDE YARDS	C	3' MIN. FOR ONE SIDE
1171.04 SETBACK LINE	D1	30' MIN. TO STREET LINE OR 25% OF AVERAGE NORMAL DEPTH OF LOT, WHICHEVER IS GREATER, OR ALREADY ESTABLISHED BUILDING LINE.
1171.04 SETBACK LINE (CORNER LOTS)	D2	10' MIN. TO STREET LINE
1171.02 LOT COVERAGE	E	SUM OF PLAN PROJECTION AREAS OF ALL STRUCTURES ON A PROPERTY SHALL NOT EXCEED 40% OF THE LOT AREA.
1171.06 LOT AREA	F	9,000 SF MIN.
1171.06 LOT WIDTH	G	75' MIN. AT BUILDING LINE

CORNER LOT

11-26-02



ZONING SECTION	PLAN DESIGNATION	CODE REQUIREMENT
1171.02 REAR YARDS	A	30' MIN. OR 25% OF TOTAL AREA OF LOT, WHICHEVER IS GREATER.
1171.03 SIDE YARDS	B & C	B+C=12' MIN., 3' MIN. FOR ONE SIDE
1171.04 SETBACK LINE	D	30' MIN. TO STREET LINE OR 25% OF AVERAGE NORMAL DEPTH OF LOT, WHICHEVER IS GREATER, OR ALREADY ESTABLISHED BUILDING LINE.
1171.02 LOT COVERAGE	E	SUM OF PLAN PROJECTION AREAS OF ALL STRUCTURES ON A PROPERTY SHALL NOT EXCEED 40% OF THE LOT AREA.
1171.05 LOT AREA	F	8,000 S.F. MIN.
1171.06 LOT WIDTH	G	75' MIN. AT BUILDING LINE

STANDARD LOT

11-26-02

Exhibit 3

CHAPTER 1174
Class A-2 Districts

1174.01 Permitted uses.

1174.02 Purpose; location of individual units; conditions.

1174.03 Approval of one-family cluster unit developments; site plan required.

1174.04 Maintenance agreements.

1174.05 Limitations on townhouses.

CROSS REFERENCES

Districts and Zone Map - see P. & Z. 1161.01

Class A Districts - see P. & Z. Ch. 1171

Class A-1 Districts - see P. & Z. Ch. 1173

1174.01 PERMITTED USES.

Within any Class A-2 District, no building, structure or premises shall be used or arranged, or designed to be used, except for one or more of the following uses:

(a) Any principal or accessory use permitted in Class A Districts, with the same regulations and restrictions that are applicable to such use in Class A Districts; and

(b) One-family cluster units.

(Ord. 2000-3. Passed 1-25-00.)

1174.02 PURPOSE; LOCATION OF INDIVIDUAL UNITS; CONDITIONS.

(a) The purpose of this zoning classification is to allow residential development, consisting of five or more units, the additional flexibility necessary to make advantageous use of natural irregular land features which might otherwise have a negative impact on such a development. The physical location and arrangement of individual units within the development may be in any configuration acceptable to the Planning Commission and Council, except that no unit shall be vertical to any other unit.

(b) In addition to the provisions of division (a) of this section, the following conditions shall be met:

(1) Maximum density shall be five units per gross acre;

(2) Minimum land area shall not be less than two contiguous acres;

(3) Minimum floor area per unit:

A. 1-story:

With basement: 1,350 square feet

Without basement; 1,500 square feet

B. 2-story:

With basement 1,800 square feet

Without basement 1,900 square feet

(4) There shall be two attached automobile garage spaces per dwelling unit, unless otherwise determined by the Planning Commission and Council in accordance with Section 1174.03(b)(4);

(5) Guest parking spaces shall be equal to 20% of the number of dwelling units.

(6) The main service drive may be dedicated to the City;

(7) There shall be a minimum of ten feet between detached units;

(8) Any other conditions required by Council or the Planning Commission shall be met;

(9) The submission of a copy of any plan, covenant or restriction for the maintenance of common property shall include a provision requiring maintenance of any private street;

(10) Submission of a copy of all governing documents;

(11) Front yard setbacks shall be as follows:

A. 40 feet from the right-of-way on a major arterial street or collector street;

B. 20 feet from the right-of-way on a local street; and

C. 25 feet from the nearest edge of a sidewalk or roadway pavement on a private drive.

(12) The setback from an abutting single-family lot line shall be a minimum of 35 feet.

(13) A dedicated local street shall have a minimum right-of-way of 40 feet, with a preferred width of 50 feet.

(Ord. 2000-3. Passed 1-25-00; Ord. 2000-42. Passed 9-25-00.)

1174.03 APPROVAL OF ONE-FAMILY CLUSTER UNIT DEVELOPMENTS; SITE PLAN REQUIRED.

(a) The developer of any parcel of land requesting approval of a one-family cluster unit development shall prepare a detailed site plan of the cluster area proposed for the

development. The plan of each one-family cluster residential area shall include the following:

- (1) The number, location and arrangement of dwelling units;
- (2) The proposed use of all private and common land;
- (3) The location and arrangement of all dedicated streets, private driveways and pedestrian access ways;
- (4) The number and arrangement of all parking and service areas;
- (5) The location, preliminary sizing, preliminary profiles and other information that may be required by the City Engineer to determine the feasibility of the proposed utilities;
- (6) The location and design of all site features; and
- (7) The landscape design.

(b) The site plan shall be reviewed by:

(1) The City Engineer, to determine compliance with provisions of this chapter and all applicable standards;

(2) The City Planner, to evaluate the merits of the site plan and its impact on the subject area and City in general;

(3) The Director of Public Service, to determine compliance with the Building Code; and

(4) The Planning Commission, which shall report its recommendation to Council, which may either approve or disapprove the positive recommendation of the Planning Commission by a simple majority of the members of Council or override the negative recommendation by a two-thirds vote of the members of Council.

(Ord. 2000-3. Passed 1-25-00.)

1174.04 MAINTENANCE AGREEMENTS.

A copy of any plan, covenant or restriction for the maintenance of common property shall include a provision requiring maintenance of any private street and shall be submitted to the Director of Law for review and approval.

(Ord. 2000-3. Passed 1-25-00.)

1174.05 LIMITATIONS ON TOWNHOUSES.

Townhouse cluster attached single-family units shall be limited to thirty-five percent of the total number of building units.

(Ord. 2000-3. Passed 1-25-00.)

CHAPTER 1192