

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:	<u>February 10, 2025</u>	<u>Thomas Rounds</u> PRESIDENT OF COUNCIL
ATTEST:	<u>Barbara Allen</u> CLERK OF COUNCIL	<u>February 10, 2025</u> APPROVED
FILED WITH THE MAYOR:	<u>February 10, 2025</u>	<u>Marie Gallo</u> 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.

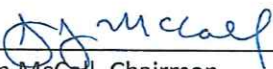
9. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.07 of the Codified Ordinance of the City of Parma Heights. [Ex. A].
10. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section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

1.195.05 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.

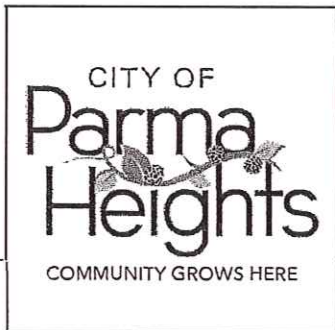
(2) Loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties.

(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 Cannibis 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**

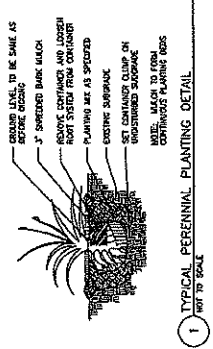
3.15	Service areas shall be screened and located away from street & pedestrian areas. * 11/19/24 - Dumpster enclosure not shown. How will trash be stored and collected?	1185.09(g)	X	X				
3.16	Provide signage plan conforming to PHCO 1383	1185.09(h) 1383	X	X				
3.17	Provide lighting & photometric plan 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 marijuan 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(l) 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
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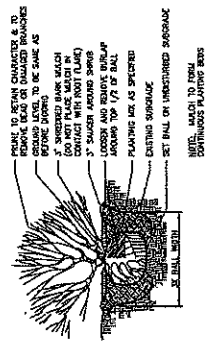
PHCO 1195 Use-Specific Regulations						
6.01	Load speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties * 11/19/24 - No loud speaker currently proposed. Please confirm.	1195.05(b)	X	X		
PHCO 1363 Exterior Property Maintenance Code						
7.01	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

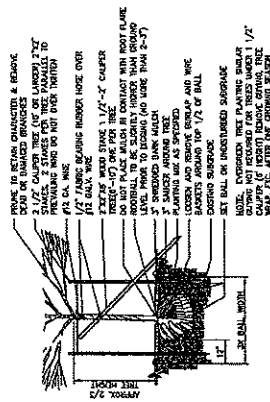
This review shall not be misconstrued as relieving the applicant from any other applicable codes, requirements, or regulations. It's the applicant's responsibility to assure conformance to all applicable local, state, and federal requirements.



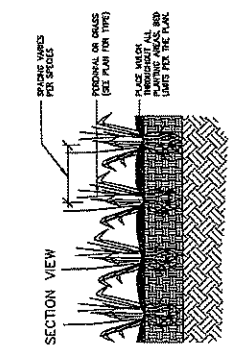
1 TYPICAL PERENNIAL PLANTING DETAIL
NOT TO SCALE



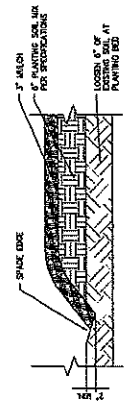
2 TYPICAL SHRUB PLANTING DETAIL
NOT TO SCALE



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

NEFF ASSOCIATES
SHEET NO. L3.0

REV	DATE	BY	CHKD	DESCRIPTION

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 Colled October 7, 2024
CLERK OF COUNCIL 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~~Medical marijuana dispensary license required.

752.06 ~~Medical m~~Medical 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) (e) 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.