ORDINANCE NO. 2026 - 60

AN ORDINANCE AMENDING SECTION 1195.05 ENTITLED, "COMMERCIAL USE-SPECIFIC REGULATIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, the types of products sold by the smoking industry are ever-changing in form and addictiveness; and

WHEREAS, there is an over-concentration of smoking businesses in the City; and

WHEREAS, in order to consider reasonable regulations to protect the health, welfare, safety, peace, and comfort for the citizens of the City of Parma Heights, the City intends to reasonably regulate the saturation of smoke shops~~.~~; and

WHEREAS, the Planning Commission met, conducted a public hearing, considered, and recommended the adoption of the amended Ordinance in order to allow for the regulation of the saturation of smoke shops within the City; and

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

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

Section 1: That Section 1195.05 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit "A", which are 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 meeting open to the public, in compliance with the law.

Section 3**:** 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 further reason that it is necessary to regulate the saturation of smoke shops within the City prior to the expiration of the City's moratorium; wherefore, this Ordinance shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: November 9, 2026

Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen
CLERK OF COUNCIL

November 9, 2026
APPROVED

FILED WITH
THE MAYOR: November 9, 2026

MAYOR MARIE GALLO

EXHIBIT A

1195.05 COMMERCIAL USE-SPECIFIC REGULATIONS.

(a) Brewpubs and Micro Production Facilities (Micro-brewery, Micro-distillery, Micro-winery).

(1) Each brewpub or micro production facility shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and the Bureau of Alcohol, Tobacco and Firearms (ATF), and shall maintain current licenses as required by each agency.

(2) Brewpubs:

A. A minimum of 50 percent of the gross floor area of the brewpub shall be devoted to restaurant use for on-site consumption of food and beverages, including the kitchen and seating area, but not including any outdoor dining area.

B. The area used for on-site production, including but not limited to manufacturing, bottling and storage, shall not exceed 50 percent of the total floor area of the entire facility or 8,000 square feet, whichever is less.

(3) Micro production facilities shall provide a minimum of 1,500 square feet devoted to on-site retail sale, restaurant or tasting room for the on-site consumption of products produced on the premises.

(4) Each brewpub and micro production facility shall be architecturally compatible with the surrounding commercial uses.

(5) No outdoor storage of brewing equipment or materials shall be permitted.

(6) The emission of odorous matter or smells in such quantities as to produce a public nuisance or hazard is not permitted.

(7) The facility shall not generate truck traffic materially different in truck size or frequency from that truck traffic generated by the surrounding commercial uses.

(8) Each facility shall maintain copies of all reports filed with the Bureau of Alcohol, Tobacco and Firearms (ATF) and shall be able to demonstrate, upon request of the City, that they have not exceeded the annual beverage production limit in any 12 month period.

(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.

(c) Entertainment, Indoor, in Association with a Permitted Use.

(1) Dance floors and other similar entertainment facilities including live entertainment shall be permitted only as an accessory use to a permitted principal use.

(2) The Planning Commission may impose restrictions on the hours such establishment is open for business.

(3) All indoor entertainment/music shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.

(4) Outside entertainment/music may be permitted provided it complies with the following:

A. Outdoor entertainment/music shall be permitted no later than 10:00 p.m. Sunday through Wednesdays and no later than 12:00 a.m. on Thursdays through Saturdays.

B. The location of the area devoted to outdoor entertainment/music shall be clearly indicated on the site plan.

C. The Planning Commission may require the outdoor area to be screened with a wall, fence or landscaping in order to ensure that sound does not exceed normal conversation levels beyond the property line or cause a nuisance to adjoining properties.

(d) Laboratories, Research Facilities and Light Industrial.

(1) The principal activities of the use shall occur within an enclosed building.

(2) Where the site is adjacent to a residential zoning district, hours of operation may be restricted.

(3) No exterior odor, dust, noise, or other impacts shall be produced as a result of the use. The Planning Commission may impose additional noise reduction measures, including landscaping and sound barriers, to minimize noise and to maintain the prevailing noise levels of permitted uses in the zoning district.

(4) The development of the proposed use shall not discourage the development of future uses permitted by right on adjacent property.

(5) The facility shall not generate truck traffic materially different in truck size or frequency from that truck traffic generated by the surrounding commercial uses.

(e) Limited Outdoor Operations.

(1) The outdoor operations, such as outdoor storage of fleet vehicles, shall be located in the rear yard in compliance with the required building setbacks.

(2) The area shall not exceed ten percent of the ground floor area of the principal building.

(3) The area shall be entirely screened from view from the street and surrounding properties by a fence having a minimum height of six feet.

(4) No odor, dust, noise, or other impacts shall be produced as a result of the use.

(f) Medication Maintenance Facility or Dispensary.

(1) The facility shall be located on a lot with frontage on, and vehicular access to W. 130th Street.

(2) Each facility shall include a waiting and departure lounge sufficient in size to accommodate all scheduled patrons, which shall be open to patrons at least one hour before and after any official business is to be conducted. Such areas shall include restroom facilities that shall be open at least one hour prior to the beginning of scheduled services.

(3) Designated outdoor smoking areas shall be located to the rear of the principal building.

(4) In its review of a conditional use permit application for a medication maintenance facility or dispensary, the Planning Commission may consider the provider's history in operating similar programs in other locations, including any suspension or revocation of license, disciplinary action or zoning, building, health code, or criminal violations with the City of Parma Heights, Cuyahoga County, or the State of Ohio.

(g) Outdoor Dining, in Association with a Permitted Restaurant.

(1) Outdoor dining shall be permitted only as an accessory use to a permitted restaurant with an indoor eating area on the same site.

A. The restaurant that the outdoor dining facility is accessory to shall provide, prepare, or serve the food and beverages consumed by patrons within the outdoor dining area.

B. The number of seats permitted outdoor shall be less than the number of seats inside the restaurant.

C. The restaurant shall obtain and post permits required for outdoor food handling and shall comply with state and local health and sanitation regulations.

D. Outside entertainment, including but not limited to a band, orchestra, musician, singer, radio, television, loudspeaker, microphone, individual, group or other amplifying mechanical device is prohibited in the outdoor dining area unless specifically authorized as part of the conditional use permit.

(2) Location requirements:

A. The outdoor dining area shall be located entirely on private property, contiguous to the principal building the dining area is connected with or between such principal building and an adjacent parking area, provided it does not replace any off-street parking, loading, or landscaping areas that are required by this Code.

B. The location of the outdoor cafes and food service areas shall not require customers and employees to cross driveways or parking areas to go between the cafe/food service area and the principal building.

C. The outdoor dining area shall comply with the building setback regulations for the zoning district in which it is located.

D. Outdoor seating shall be located so as not to obstruct any entrance or exit to the restaurant.

E. The outdoor dining area shall not be located within ten feet of a fire hydrant, Fire Department standpipe connection, fire escape, bus stop, or loading zone.

(3) Additional standards.

A. Outdoor seating areas located in the front yard shall be limited to seating only, and shall not include table bussing facilities, cooking facilities, or trash facilities.

B. Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard.

C. Outdoor heaters may be permitted pursuant to the Health and Fire Codes.

(4) Outside entertainment/music may be permitted provided it complies with the following:

A. Outdoor entertainment/music shall be permitted no later than 10:00 p.m. Sunday through Wednesdays and no later than 12:00 a.m. on Thursdays through Saturdays.

B. The location of the area devoted to outdoor entertainment/music shall be clearly indicated on the site plan.

C. The Planning Commission may require the outdoor area to be screened with a wall, fence or landscaping in order to ensure that sound does not exceed normal conversation levels beyond the property line or cause a nuisance to adjoining properties.

(h) Permanent Cosmetics Services in Association with a Permitted Personal Service Establishment.

(1) Permanent cosmetic services shall be provided a permitted personal service establishment, such as a salon, spa or skin care business, as an ancillary service. For the purposes of this section, a service shall be considered ancillary if it meets the following three criteria:

A. The ancillary use occupies less than ten percent of the floor area of the premises;

B. The ancillary use comprises less than ten percent of the volume of activity/services conducted on the premises; and

C. The ancillary use generates less than ten percent of the gross revenues of the business.

(2) No body piercing or other form of tattooing shall be performed on the premises.

(3) The Planning Commission may limit the hours of operation.

(4) The facility shall comply with the requirements of Chapter 773 of the Parma Heights Business Code.

(i) Storage, Self-Service.

(1) This use shall be permitted only in an existing building that meets the following requirements:

A. Constructed prior to 2020 and having a minimum floor area of 40,000 square feet.

B. Located on a lot with a minimum area of two acres, and minimum setback of 300 feet from any public street right-of-way.

(2) Additional single-story mini-storage facilities may be erected on the site provided the ground floor area of the mini-storage does not exceed twenty percent of the ground floor area of the existing building, and the facilities are located a minimum of 300 feet from any public right-of-way.

(3) The only uses permitted on-site shall be the rental of storage space and the pickup and/or deposit of goods being stored or to be stored on the property, in compliance with the following:

A. All items stored on site shall be kept within an enclosed building or structure; no outdoor storage of items including boats, RVs and other motor vehicles, shall be permitted.

B. At no time shall any indoor or outdoor area on the site be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment; conduct sales of any kind; or conduct any other activity on-site, except to the extent such use(s) is permitted by the Zoning Code, and approved on the development plan by the Planning Commission as part of the conditional use approval.

C. The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment within a storage unit is prohibited.

D. The storage of hazardous materials is prohibited.

E. No portion of the self-storage site shall be used for housing or any form of residence.

F. Temporary auction sales of storage unit contents may be permitted up to four times per calendar year, provided a temporary sales permit is obtained from the City.

(4) Where the site is adjacent to a Class "A" Single-Family Residential zoning district:

A. Loading docks and direct exterior access to any storage unit are prohibited on the side of the facility facing the residentially zoned land.

B. Public access shall be permitted only between 7:00 a.m. and 10:00 p.m.

(5) Fencing and screening:

A. Whenever the self-service storage building and any associated mini-storage facilities are visible from public rights-of-way, the Planning Commission may require landscaping and screening be installed in compliance with the requirements of Chapter 1185.

B. Security fencing shall not include razor wire or barbed wire.

(6) The Parma Heights Fire Department shall be provided with twenty-four-hour access to the grounds. A lockbox shall be provided for its use.

(j) Smoke Shops.

No smoke shop shall be located within one thousand (1,000) feet of any other smoke shop, as measured at the closest property lines, and the number of such smoke shops may not exceed one per every twelve thousand (12,000), or portion thereof, of the population of the City.

(Ord. 2021-7. Passed 1-25-21; Ord. 2021-24. Passed 7-7-21.)