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Lakewood City Council
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Ward Council
KYLE BAKER, WARD 1
JASON SHACHNER, WARD 2
CINDY STREBIG, WARD 3
CINDY MARX, WARD 4

Issued 05/28/24

PUBLIC NOTICE – HOUSING, PLANNING & DEVELOPMENT

Housing, Planning & Development Committee will meet Monday June 3, 2024 at 6:30 p.m. at Cove Community Center – 12525 Lake Ave. The meeting is open to the public.

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 michelle.nochta@lakewoodoh.net.

PUBLIC COMMENT PROTOCOL

The public is invited to comment on agenda items in person or by submitting a written comment in advance of the meeting using the eComment platform available [HERE](#). New users must create an eComment account.

The agenda is as follows:

Approval of the minutes of the May 20, 2024 meeting of the Housing, Planning & Development Committee.

ORDINANCE 41-2023 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Chapter 779 Medical Marijuana Operations of the Codified Ordinances of the City of Lakewood to provide a permitting process for both Medical and Adult Use Marijuana Dispensaries. (*1st read & referred to HPD 12/18/23; 2nd reading 1/2/24*)

ORDINANCE 42-2023 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Schedule 1129.02 Permitted uses in commercial districts and Chapter 1165 Medical Marijuana Dispensaries, of the Codified Ordinances of the City of Lakewood and to permit Medical and Adult Use Marijuana Dispensaries in Commercial Districts. (*1st read & referred to PC & HPD 12/18/23; 2nd reading 1/2/24*)

ORDINANCE 09-2024 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Chapter 1135, Mixed Use Overlay District, to allow for flexibility and inclusion of Industrial Zoning Districts. (*1st read & referred to HPD & PC 5/20/24*)

Tom Bullock, Chair

Jason Shachner, Kyle Baker; Members

HOUSING, PLANNING & DEVELOPMENT COMMITTEE

ORDINANCE NO. 41-2023

BY: SHACHNER, KEPPLER, MARX, RADER,
BAKER

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Chapter 779 Medical Marijuana Operations of the Codified Ordinances of the City of Lakewood to provide a permitting process for both Medical and Adult Use Marijuana Dispensaries.

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in regulating marijuana dispensaries should be adopted as soon as possible.

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Chapter 779 Medical Marijuana Operations of the Lakewood Codified Ordinances is retitled Marijuana Operations.

Section 2. Section 779.01 Purpose of the Lakewood Codified Ordinances, currently reading as follows:

779.01 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.

is hereby repealed.

Section 3. That new Section 779.01 Purpose is hereby enacted to read as follows:

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.

Section 4. Section 779.02 Definitions of the Lakewood Codified Ordinances, currently reading as follows:

779.02 DEFINITIONS

For purposes of this chapter,

- (a) "Medical marijuana" shall have the same meaning as in R.C. 3796.01.
- (b) "School," "church," "public library," "public playground," and "public park" shall have the same meanings as in R.C. 3796.30.
- (c) "Disqualifying offense," "cultivator," "processor" and "dispensary" shall have the same meanings as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations.
- (d) "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.
- (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. "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 operation 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) "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.
- (h) "Director" shall mean the Director of Public Safety, "Commissioner" shall mean the Building Commissioner, and "Chief" shall mean the Chief of Police of the City.

is hereby repealed.

Section 5. That new section 779.02 Definitions is hereby enacted as follows:

For purposes of this chapter,

- (a) "Adult use cannabis " or "cannabis " or "marijuana" means marihuana as defined in section R.C. 3719.01.

(b) "Marijuana dispensary" means the holder of a current, valid retail dispensary license issued under R.C. Chapter 3796 and/or R.C. Chapter 3780 and any rules promulgated thereunder to sell adult use and/or medical marijuana as authorized.

(a) "Medical marijuana" shall have the same meaning as in R.C. 3796.01.

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

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

(d) "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.

(e) "Operate" means to control or hold primary responsibility for the operation of a medical and/or adult use 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 and/or adult use 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 operation 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) "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.

(h) "Director" shall mean the Director of Public Safety, "Commissioner" shall mean the Building Commissioner, and "Chief" shall mean the Chief of Police of the City.

Section 6. Section 779.03 Applicability of the Lakewood Codified Ordinances, currently reading as follows:

779.03 APPLICABILITY

Businesses subject to this chapter are medical marijuana cultivators, processors and dispensaries.
is hereby repealed.

Section 7. That new Section 779.03 Applicability is hereby enacted as follows:

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

Section 8. Section 779.04 Prohibition on certain medical marihuana operations of the Lakewood Codified Ordinances, currently reading as follows:

779.04 PROHIBITION ON CERTAIN MEDICAL MARIJUANA OPERATIONS.

- (a) No person shall operate a medical marijuana cultivator or processor in the City.
- (b) Any person who violates this section shall be guilty of a misdemeanor of the first degree.

is hereby repealed.

Section 9. That new Section 779.04 of the Lakewood Codified Ordinances, is hereby enacted as follows:

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

- (a) No person shall operate a ~~medical~~ marijuana cultivator or processor in the City.
- (b) Any person who violates this section shall be guilty of a misdemeanor of the first degree.

Section 10. Section 779.05 Medical marijuana dispensary license required of the Lakewood Codified Ordinances, currently reading as follows:

779.05 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 subsection (a) of this section shall be guilty of a misdemeanor of the first degree.

is hereby repealed.

Section 11. That new Section 779.05 of the Lakewood Codified Ordinances, is hereby enacted as follows:

779.05 ~~MEDICAL~~ MARIJUANA DISPENSARY LICENSE REQUIRED.

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

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

Section 12. Section 779.06 Medical marijuana dispensary license application of the Lakewood Codified Ordinances, currently reading as follows:

779.06 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 subsection (b) hereof, has been convicted of a disqualifying offense, and if so, the specified offense and the date, place, and jurisdiction of each such conviction.

(4) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (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.

(5) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (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.

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

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

(8) Submit a current, valid retail dispensary license or provisional dispensary license issued to the applicant by the state board of pharmacy under the provisions of R.C. Chapter 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.

(9) 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, façade, 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.

(10) 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.

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

(12) 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.

is hereby repealed.

Section 13. That new Section 779.06 of the Lakewood Codified Ordinances, is hereby enacted as follows:

779.06 ~~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 subsection (b) hereof, has been convicted of a disqualifying offense, and if so, the specified offense and the date, place, and jurisdiction of each such conviction.

(4) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (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.

(5) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (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.

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

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

(8) Submit a current, valid retail dispensary license or provisional dispensary license issued to the applicant by the state board of pharmacy under the provisions of R.C. Chapter 3796 and the regulations promulgated thereunder and/or by the division of cannabis control under the provisions of R.C. Chapter 3780 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 division of cannabis control.

(9) 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, façade, 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.

(10) 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.

(11) Submit proof that each applicant who is a natural person is at least ~~18~~ 21 years old.

(12) 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.

Section 14. Section 779.07 Issuance of medical marijuana dispensary license of the Lakewood Codified Ordinances, currently reading as follows:

779.07 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 Commissioner 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 Commissioner 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 Commissioner shall begin their respective investigations and inspections promptly upon receipt of notice of an application from the Director. The Chief and Commissioner 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 Commissioner'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 Lakewood Zoning Code, the Lakewood Property Maintenance Code, and the provisions of this chapter related to physical characteristics of the premises.

(d) Within 90 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 18 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) No person identified in the application pursuant to Section 779.06(b) or Section 779.06(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 12 months by any jurisdiction.

(4) No person identified in the application pursuant to Section 779.06(b) or Section 779.06(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 Lakewood 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 in not in compliance with any provision of this chapter, except as provided in subsection (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 subsection (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 Commissioner 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 subsection shall not apply to premises that are in violation of any law or regulation that is identified or referenced in subsections (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 subsection (d) hereof, the Director shall not delay approval of the application past the end of the 90-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 Commissioner's inspection of the premises are not available; or the Chief has not completed his investigation of the criminal background of the applicant(s). If, after approving the issuance of a license, the Director receives information from his investigation which he determines constitutes grounds for denial of a license under subsection (d) hereof, then the medical marijuana dispensary license issued pursuant to this subsection (f) 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 Commissioner's inspection, which the Director determines constitutes grounds for the issuance of a license subject to a requirement to correct deficiencies under subsection (e) hereof, then a requirement shall be added to the terms of the medical marijuana dispensary licenses issued pursuant to this subsection (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.
is hereby repealed.

Section 15. That new Section 779.07 of the Lakewood Codified Ordinances, is hereby enacted as follows:

(a) Within five days of receipt of an application for a ~~medical~~ marijuana dispensary license, the Director shall notify the Commissioner 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 Commissioner 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 Commissioner shall begin their respective investigations and inspections promptly upon receipt of notice of an application from the Director. The Chief and Commissioner 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 Commissioner'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 Lakewood Zoning Code, the Lakewood Property Maintenance Code, and the provisions of this chapter related to physical characteristics of the premises.

(d) Within 90 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 18 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) No person identified in the application pursuant to Section 779.06(b) or Section 779.06(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 12 months by any jurisdiction.

(4) No person identified in the application pursuant to Section 779.06(b) or Section 779.06(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 Lakewood 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 in not in compliance with any provision of this chapter, except as provided in subsection (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 subsection (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 Commissioner 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 subsection shall not apply to premises that are in violation of any law or regulation that is identified or referenced in subsections (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 subsection (d) hereof, the Director shall not delay approval of the application past the end of the 90-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 Commissioner's inspection of the premises are not available; or the Chief has not completed his investigation of the criminal background of the applicant(s). If, after approving the issuance of a license, the Director receives information from his investigation which he determines constitutes grounds for denial of a license under subsection (d) hereof, then the ~~medical~~ marijuana dispensary license issued pursuant to this subsection (f) 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 Commissioner's inspection, which the Director determines constitutes grounds for the issuance of a license subject to a requirement to correct deficiencies under subsection (e) hereof, then a requirement shall be added to the terms of the medical marijuana dispensary licenses issued pursuant to this subsection (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.

Section 16. Section 779.08 Fees of the Lakewood Codified Ordinances, currently reading as follows:

779.08 FEES.

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

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

(c) In addition to the application and investigation fee required in subsection (a) or (b) hereof, every applicant 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 \$25,000.00 upon license issuance or renewal, plus an amount equaling 1.5 percent of the licensee's gross annual sales above the amount of \$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 60 days of the expiration of any term (new or renewal) of the license. The initial license fee may be refunded only if the applicant does not receive a license issued by the state board of pharmacy 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.

is hereby repealed.

Section 17. That new Section 779.08 of the Lakewood Codified Ordinances, is hereby enacted as follows:

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

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

(c) In addition to the application and investigation fee required in subsection (a) or (b) hereof, every applicant 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 \$25,000.00 upon license issuance or renewal, ~~plus an amount equaling 1.5 percent of the licensee's gross annual sales above the amount of \$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 60 days of the expiration of any term (new or renewal) of the license.~~ The initial license fee may be refunded only if the applicant does not receive a license issued by the state board of pharmacy or the 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.~~

Section 18. Section 779.09 Inspection of the Lakewood Codified Ordinances, currently reading as follows:

779.09 INSPECTION.

(a) The Division of Police and Commissioner 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 Commissioner 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.

is hereby repealed.

Section 19. That new section 779.09 of the Lakewood Codified Ordinances, is hereby enacted as follows:

(a) The Division of Police and Commissioner 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 Commissioner 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.

Section 20. Section 779.10 Expiration and renewal of license of the Lakewood Codified Ordinances, currently reading as follows:

779.10 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 90 days and no fewer than 30 days before the expiration date. If application is made fewer than 30 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 779.06 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 779.07 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 90 days have elapsed since the denial was issued.

is hereby repealed.

Section 21. That new Section 779.10 of the Lakewood Codified Ordinances, is hereby enacted as follows:

(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 90 days and no fewer than 30 days before the expiration date. If application is made fewer than 30 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 779.06 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 779.07 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 90 days have elapsed since the denial was issued.

Section 22. Section 779.11 License suspension of the Lakewood Codified Ordinances, currently reading as follows:

779.11 LICENSE SUSPENSION.

(a) The City shall suspend a medical marijuana dispensary license for a period not to exceed 30 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.

is hereby repealed.

Section 23. That new Section 779.11 of the Lakewood Codified Ordinances, is hereby enacted as follows:

(a) The City shall suspend a ~~medical~~ marijuana dispensary license for a period not to exceed 30 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.

Section 24. Section 779.12 License revocation of the Lakewood Codified Ordinances, currently reading as follows:

779.12 LICENSE REVOCATION.

(a) The City shall revoke a medical marijuana dispensary license if a cause of suspension under Section 779.11 of this chapter occurs and the license has been suspended two times within the preceding 12 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 779.07(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 779.02 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 90 days have elapsed since the date the revocation became effective.

is hereby repealed.

Section 25. That new Section 779.12 of the Lakewood Codified Ordinances, is hereby enacted as follows:

(a) The City shall revoke a ~~medical~~ marijuana dispensary license if a cause of suspension under Section 779.11 of this chapter occurs and the license has been suspended two times within the preceding 12 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 779.07(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 779.02 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 90 days have elapsed since the date the revocation became effective.

Section 26. Section 779.13 Appeal rights of the Lakewood Codified Ordinances, currently reading as follows:

779.13 APPEAL RIGHTS.

(a) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the City of Lakewood Board of Zoning Appeals by written notice within 10 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 30 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.

Section 27. That new Section 779.13 of the Lakewood Codified Ordinances, is hereby enacted as follows:

(a) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the City of Lakewood Board of Zoning Appeals by written notice within 10 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 30 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

Section 28. Section 779.14 Transfer of license of the Lakewood Codified Ordinances, currently reading as follows:

779.14 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.

is hereby repealed.

Section 29. That new Section 779.14 of the Lakewood Codified Ordinances, is hereby enacted as follows:

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.

Section 30. Section 779.15 Regulations pertaining to the operation of medical marijuana dispensaries of the Lakewood Codified Ordinances, currently reading as follows:

779.15 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.

(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 medical professionals 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 subsection (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 change 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 \$100.00 has occurred, the licensee shall immediately notify the Director, and in any event such notification shall be provided no later than 24 hours after discovery of the loss, theft or diversion.

(b) Except as otherwise provided in this paragraph, any person who violates subsection (a) hereof, or any person who operates a medical marijuana dispensary and permits a violation of subsection (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 subsection (a) hereof, a violation of subsection (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 subsection (a) of this section, a violation of subsection (a) hereof will be considered a misdemeanor of the first degree.

is hereby repealed.

Section 31. That new section 779.15 of the Lakewood Codified Ordinances is hereby enacted as follows:

779.15 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.

(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 medical professionals shall not be a 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 subsection (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 change 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 \$100.00 has occurred, the licensee shall immediately notify the Director, and in any event such notification shall be provided no later than 24 hours after discovery of the loss, theft or diversion.

(b) Except as otherwise provided in this paragraph, any person who violates subsection (a) hereof, or any person who operates a ~~medical~~ marijuana dispensary and permits a violation of subsection (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 subsection (a) hereof, a violation of subsection (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 subsection (a) of this section, a violation of subsection (a) hereof will be considered a misdemeanor of the first degree.

Section 32. Section 779.16 Loitering and exterior lighting and monitoring requirements of the Lakewood Codified Ordinances, currently reading as follows:

779.16 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 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.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Section 33. That new Section 779.16 of the Lakewood Codified Ordinances is hereby enacted as follows:

(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 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.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Section 34. Section 779.17 Injunction of the Lakewood Codified Ordinances, currently reading as follows:

779.17 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.

is hereby repealed.

Section 35. That new Section 779.17 of the Lakewood Codified Ordinances is hereby enacted as follows:

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.

Section 36. Section 779.19 Change in information of the Lakewood Codified Ordinances, currently reading as follows:

779.19 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.

is hereby repealed.

Section 37. That new Section 779.19 of the Lakewood Codified Ordinances is hereby enacted as follows:

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.

Section 38. Section 779.99 Penalty of the Lakewood Codified Ordinances, currently reading as follows:

779.99 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 501.99 of the Codified Ordinances of the City of Lakewood.

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

is hereby repealed.

Section 39. That new Section 77.99 of the Lakewood Codified Ordinances is hereby enacted as follows:

779.99 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 501.99 of the Codified Ordinances of the City of Lakewood.

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

Section 40. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 41. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor

1st read & referred to
 PC & HPD 12/18/23;
 2nd reading 1/2/24

ORDINANCE NO. 42-2023

BY: SHACHNER, KEPPLER, MARX, RADER,
 BAKER

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Schedule 1129.02 Permitted uses in commercial districts and Chapter 1165 Medical Marijuana Dispensaries, of the Codified Ordinances of the City of Lakewood and to permit Medical and Adult Use Marijuana Dispensaries in Commercial Districts.

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in permitting Medical and Adult Use Marijuana Dispensaries in Commercial Districts should be adopted as soon as possible.

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Schedule 1129.02 Permitted uses in commercial districts of the Lakewood Codified Ordinances, currently reading as follows:

SCHEDULE 1129.02: PERMITTED USES IN COMMERCIAL DISTRICTS (Cont.)				
	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL
Hard Goods Retail Including:				
Automotive Part and Supplies,	-	P	P	C ⁷
Furniture Sales,	-	P	P	C ⁷
Hardware and Locksmith Services,	-	P	P	C ⁷
Garden Supplies, Nurseries,	-	P	P	C ⁷
Lumber and Building Supplies,	-	P	P	C ⁷
Appliance Repair and Sales, and	-	P	P	C ⁷
Display and Showrooms for any	-	P	P	C ⁷
Building Product.	-	P	P	C ⁷
Personal Care Services Including:				
Barber and Beauty Shops,	C ²	P	P	C ^{2, 7}
Cosmetology and Cosmetic Salons,	C ²	P	P	C ^{2, 7}
Diet Counseling Centers,	C ²	P	P	C ^{2, 7}
Electrolysis Services,	C ²	P	P	C ^{2, 7}

Fingernail and Tanning Salons, and	C ²	P	P	C ^{2,7}
Massotherapy Services.	C ²	P	P	C ^{2,7}
OTHER RETAIL/SERVICES Including:				
Animal Clinics/Hospitals,	-	C	P	C ⁷
Veterinarian Offices, and	-	C	P	C ⁷
Grooming Services.	-	C	P	C ⁷
Medical Marijuana Dispensaries.	C ⁹	C ⁹	C ⁹	
LAUNDROMAT	-	P	P	C ⁷
STORAGE WHOLESALE/UTILITY Including:				
Warehousing,	-	-	C	-
Wholesale Trade Operations,	-	-	C	-
Self-Storage Facility.	-	-	C	-
AUTOMOTIVE SERVICES				
Gasoline Service Station	-	C	P	-
Motor Vehicle Sales and Leasing	-	C	P	-
Motor Vehicle Repair Shop	-	C	C	-
Motor Vehicle Rental or Leasing Agency	C	C	C	-
Motor Vehicle Washing/Detailing Facility	-	C	C	-

is hereby repealed.

Section 2. That new Schedule 1129.02 of the Lakewood Codified Ordinances, is hereby enacted as follows:

SCHEDULE 1129.02: PERMITTED USES IN COMMERCIAL DISTRICTS (Cont.)				
	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL
Hard Goods Retail Including:				
Automotive Part and Supplies,	-	P	P	C ⁷
Furniture Sales,	-	P	P	C ⁷
Hardware and Locksmith Services,	-	P	P	C ⁷
Garden Supplies, Nurseries,	-	P	P	C ⁷
Lumber and Building Supplies,	-	P	P	C ⁷
Appliance Repair and Sales, and	-	P	P	C ⁷
Display and Showrooms for any	-	P	P	C ⁷
Building Product.	-	P	P	C ⁷

Personal Care Services <i>Including:</i>				
Barber and Beauty Shops,	C ²	P	P	C ^{2,7}
Cosmetology and Cosmetic Salons,	C ²	P	P	C ^{2,7}
Diet Counseling Centers,	C ²	P	P	C ^{2,7}
Electrolysis Services,	C ²	P	P	C ^{2,7}
Fingernail and Tanning Salons, and	C ²	P	P	C ^{2,7}
Massotherapy Services.	C ²	P	P	C ^{2,7}
OTHER RETAIL/SERVICES <i>Including:</i>				
Animal Clinics/Hospitals,	-	C	P	C ⁷
Veterinarian Offices, and	-	C	P	C ⁷
Grooming Services.	-	C	P	C ⁷
Medical Marijuana Dispensaries.	C ⁹	C ⁹	C ⁹	
LAUNDROMAT	-	P	P	C ⁷
STORAGE WHOLESALE/UTILITY <i>Including:</i>				
Warehousing,	-	-	C	-
Wholesale Trade Operations,	-	-	C	-
Self-Storage Facility.	-	-	C	-
AUTOMOTIVE SERVICES				
Gasoline Service Station	-	C	P	-
Motor Vehicle Sales and Leasing	-	C	P	-
Motor Vehicle Repair Shop	-	C	C	-
Motor Vehicle Rental or Leasing Agency	C	C	C	-
Motor Vehicle Washing/Detailing Facility	-	C	C	-

Section 3. Chapter 1165 Medical Marijuana Dispensaries is hereby retitled Marijuana Dispensaries.

Section 4. Section 1165.01 Purpose of the Lakewood Codified Ordinances, currently reading as follows:

1165.01 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.

is hereby repealed.

Section 5. That new Section 1165.01 of the Lakewood Codified Ordinances is hereby enacted as follows:

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.

Section 6. Section 1165.02 Definitions of the Lakewood Codified Ordinances, currently reading as follows:

1165.02 DEFINITIONS.

For purposes of this chapter,

- (a) "Medical marijuana" shall have the same meaning as in R.C. 3796.01.
- (b) "School," "church," "public library," "public playground," and "public park" shall have the same meanings as is R.C. 3796.30.
- (c) "Dispensary" shall have the same meaning as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations.
- (d) "Licensee" means a person in whose name a license to operate a medical marijuana dispensary has been issued under Chapter 77, as well as the individual(s) designated on the license application as principally responsible for the operation of the medical marijuana dispensary.
- (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. "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 operation 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) "Director" shall mean the Director of Planning and Development.

is hereby repealed.

Section 7. That new Section 1165.02 of the Lakewood Codified Ordinances is hereby enacted as follows:

For purposes of this chapter,

- (a) "~~Medical m~~Medical Marijuana" shall have the same meaning as in R.C. ~~3796.01~~ 3719.01.
- (b) "School," "church," "public library," "public playground," and "public park" shall have the same meanings as is R.C. 3796.30.
- (c) "Dispensary" ~~shall have the same meaning as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations~~ means an entity licensed pursuant to sections 3796.10 and/or 3780.17 and any rules promulgated thereunder to sell adult use and/or medical marijuana as authorized.
- (d) "Licensee" means a person in whose name a license to operate a medical marijuana dispensary has been issued under Chapter 779, as well as the individual(s) designated on the license application as principally responsible for the operation of the ~~medical~~ marijuana dispensary.
- (e) "Operate" means to control or hold primary responsibility for the operation of a medical and/or adult use 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 and/or adult use 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 operation 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) "Director" shall mean the Director of Planning and Development.

Section 8. Section 1165.03 Location of medical marijuana dispensaries of the Lakewood Codified Ordinances, currently reading as follows:

1165.03 LOCATION OF MEDICAL MARIJUANA DISPENSARIES.

- (a) Medical marijuana dispensaries may be located only in a C1 Office, C2 Retail, and C3 General Business Districts as a conditionally permitted use pursuant to Section 1129.02 and Chapter 1161 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 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 subsections (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.

is hereby repealed.

Section 9. That new Section 1165.03 of the Lakewood Codified Ordinances is hereby enacted as follows:

1165.03 LOCATION OF ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) ~~Medical m~~Marijuana dispensaries may be located only in a C1 Office, C2 Retail, and C3 General Business Districts as a conditionally permitted use pursuant to Section 1129.02 and Chapter 1161 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 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. This subsection is not meant to prohibit a marijuana dispensary from selling both medical and adult use marijuana.

(e) For the purpose of subsections (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.

Section 10. Section 1165.04 Design guidelines for medical marijuana dispensaries of the Lakewood Codified Ordinances, currently reading as follows:

1165.04 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 and shall conform to the design requirements set forth in Chapter 1325 of the Building Code and be approved by the Architectural Board of Review. Landscaping and screening shall be continuously maintained and promptly restored, if necessary, pursuant to Chapter 1141.

(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 Architectural Board of Review pursuant to Chapter 1325 of the Building Code, 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 Architectural Board of Review pursuant to Chapter 1325.

(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.

is hereby repealed.

Section 11. That new Section 1165.04 of the Lakewood Codified Ordinances is hereby enacted as follows:

1165.04 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 and shall conform to the design requirements set forth in Chapter 1325 of the Building Code and be approved by the Architectural Board of Review. Landscaping and screening shall be continuously maintained and promptly restored, if necessary, pursuant to Chapter 1141.

(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 Architectural Board of Review pursuant to Chapter 1325 of the Building Code, 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 Architectural Board of Review pursuant to Chapter 1325.

(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.

Section 12. Section 1165.05 Off-street parking of the Lakewood Codified Ordinances, currently reading as follows:

1165.05 OFF-STREET PARKING.

Off-Street parking for a medical marijuana dispensary shall be provided, pursuant to Chapter 1143, except that the Commission may require an off-street parking plan.

is hereby repealed.

Section 13. That new Section 1165.05 of the Lakewood Codified Ordinances is hereby enacted as follows:

Off-Street parking for a ~~medical~~ marijuana dispensary shall be provided, pursuant to Chapter 1143, except that the Commission may require an off-street parking plan.

Section 14. Section 1165.06 Sign regulations for medical marijuana dispensaries of the Lakewood Codified Ordinances, currently reading as follows:

1165.06 SIGN REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES.

(a) All signs for a medical marijuana dispensary shall be wall signs or window signs as defined in Section 1329.03(c) of the Building Code and shall be constructed and located in conformance with all applicable provisions of Chapter 1329 of the Building Code.

(b) All signs for a medical marijuana dispensary shall be maintained in accordance with Section 1329.13 of the Building Code and may be ordered to be removed in accordance with the provisions of that 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 779.16 may be permitted.

is hereby repealed.

Section 15. That new Section 1165.06 of the Lakewood Codified Ordinances is hereby enacted as follows:

1165.06 SIGN REGULATIONS FOR ~~MEDICAL~~ MARIJUANA DISPENSARIES.

(a) All signs for a ~~medical~~ marijuana dispensary shall be wall signs or window signs as defined in Section 1329.03(c) of the Building Code and shall be constructed and located in conformance with all applicable provisions of Chapter 1329 of the Building Code.

(b) All signs for a ~~medical~~ marijuana dispensary shall be maintained in accordance with Section 1329.13 of the Building Code and may be ordered to be removed in accordance with the provisions of that 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 779.16 may be permitted.

Section 16. Section 1165.07 Licensing of the Lakewood Codified Ordinances, currently reading as follows:

1165.07 LICENSING.

Medical marijuana dispensaries as described in Section 1165.03 herein shall be licensed and operated pursuant to Chapter 779.

is hereby repealed.

Section 17. That new Section 1165.07 of the Lakewood Codified Ordinances is hereby enacted as follows:

~~Medical m~~Marijuana dispensaries as described in Section 1165.03 herein shall be licensed and operated pursuant to Chapter 779.

Section 18. Section 1165.08 Hearing; renewal; revocation of the Lakewood Codified Ordinances, currently reading as follows:

1165.08 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 12 months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director 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. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit.

(c) The conditional use permit for a medical marijuana dispensary is non-transferable.

(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 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 pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested.

is hereby repealed.

Section 19. That new Section 1165.08 of the Lakewood Codified Ordinances is hereby enacted as follows:

(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 12 months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director 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. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit.

(c) The conditional use permit for a ~~medical~~ marijuana dispensary is non-transferable.

(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 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 pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested.

Section 20. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 21. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor

ORDINANCE NO. 09-2024

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Chapter 1135, Mixed Use Overlay District, to allow for flexibility and inclusion of Industrial Zoning Districts.

WHEREAS, currently, there is little flexibility for development within Lakewood's industrial zoning district; and

WHEREAS, applying a mixed use overlay to the industrial district would allow for thoughtful, controlled redevelopment in this area of the City; and

WHEREAS, the application of a mixed use overlay to industrial districts is consistent with the Community Vision; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Chapter 1135, Mixed Use Overlay District, of the Lakewood Codified Ordinances currently reading as follows:

1135.01 PURPOSE.

(a) The purpose of the Mixed Use Overlay District is to provide a mechanism to accommodate development reuse and redevelopment in specified locations, which is in the public interest and may not otherwise be permitted pursuant to this Code. A Mixed Use Overlay District may overlay several base districts. However, the uses permitted in each underlying district are limited to the boundaries of that district, and the regulations of the underlying district shall govern, except where additional uses are expressly allowed under this Chapter.

(b) The Mixed Use Overlay District requirements and regulations allow for more flexibility than those pertaining to other uses within the Code. A Mixed Use Overlay District may be mapped in an area where the proposed use changes certain character and features otherwise limited by the underlying zoning only if it has been determined that the current and anticipated future uses in the immediate vicinity will be compatible with the mixed uses proposed and that such uses are consistent with the Development Plan. Therefore, the Commission shall consider Mixed Use Overlay developments on a case-by-case basis.

(c) A Mixed Use Overlay District should offer one (1) or more of the following advantages:

(1) Designs in residential and commercial areas that reflect the City's development and planning policies as set forth in this Code and that are consistent with the Vision.

(2) Designs that are intended to encourage flexibility, innovation, and creativity in site and development design by allowing the mixing of permitted uses and/or modification or variation from otherwise applicable zone district and development standards.

(3) Designs which encourage a mix of retail, service, office, housing, live-work units, and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the vitality that mixed uses can bring to the community.

(4) Designs which provide substantial buffers and transitions between areas of different land uses and development densities.

(5) Designs which enhance the appearance of neighborhoods by conserving areas of natural beauty and natural green spaces.

(6) Designs which provide a choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other sections of this Code .

(7) Development and/or permanent reservation of open space, recreational areas and facilities.

(8) A creative approach to the use of land and related physical facilities that result in better urban design, higher quality construction and the provision of aesthetic amenities.

(9) The efficient use of land, so as to promote certain economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities.

1135.02 LIMITATIONS ON FLEXIBILITY OF MIXED USE OVERLAY DISTRICTS.

It is not intended that the Commission automatically grant exceptions or maximum density increases for Mixed Use Overlay Districts, but it is expected that the Commission shall grant only such increases or uses which are consistent with the benefits resulting from the Mixed Use Overlay. Therefore, the Commission may require as a condition of approval any reasonable condition, limitation or design factor, pursuant to Section 1161.02, General Standards for All Conditional Uses, which will promote proper development of a Mixed Use Overlay development.

1135.03 DESIGNATION OF A MIXED USE OVERLAY DISTRICT.

(a) Relationship to Base Districts. The Mixed Use Overlay District is an overlay zone, which may be applied to existing zoning districts as described in Section 1135.04, Location of Mixed Use Overlay District. When such a district is established, the Mixed Use Overlay District shall be shown as an overlay to the underlying districts by the designation of MUOD on the Zoning Map. A Mixed Use Overlay District may overlay several base districts, however, the uses permitted in each base district are limited to the boundaries of that base district, except as otherwise provided herein.

(b) Development Standards. The development standards, including, but not limited to, the yard and setback requirements, the height limitations, parking requirements, open space areas, and signage shall be established as a function of the application to establish a Mixed Use Overlay District and the approval of the application. The following regulations shall be observed:

(1) Signage.

A. In a commercial district base zone, signage standards are set by the base zone.

B. In a residential district base zone, the following additional signage regulations apply:

1. Signs must be non-illuminated.

2. Gooseneck fixtures or indirect spotlights concentrated on an area of a sign may be used to create illumination.

3. Only one sign per frontage, not to exceed 20 square feet per sign, shall be allowed.

4. Signs must be either projecting signs, erected on the outside wall of a building and projecting at an angle therefrom; or wall signs, integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than twelve inches therefrom.

The Commission may relax such standards if a creative and innovative design is submitted and the sign does not adversely affect neighboring properties.

(2) Parking.

A. Applicants for Mixed Use Overlay developments shall submit a parking and traffic management proposal that does not adversely affect the neighborhood, identifies peak use times, and explores shared parking agreements.

B. All residential uses must comply with parking requirements or maintain existing parking conditions.

(3) Structural Requirements.

A. Mixed Use Overlay proposals must contain a residential component.

B. Maintain form and scale of building being re-purposed.

C. The primary design objective for the Mixed Use Overlay District are to reflect the area's architectural significance/character, while promoting the pedestrian scale environment. The design must be compatible with the neighborhood.

D. The principal or primary entrance to a non-residential structure must be located on the building front.

(4) Outdoor dining. Outdoor dining shall be permitted as a conditional use in a Mixed Use Overlay District pursuant to Section 1161.03(t).

1135.04 LOCATION OF MIXED USE OVERLAY DISTRICT.

Location of a Mixed Use Overlay District is limited to Commercial Districts (C1 Office, C2 Retail, C3 General Business, C4 Public School District) and Residential Districts (R1 Single Family, R2 Single and Two Family, R1L Single Family Low Density, R1M Single Family Medium Density, R1H Single Family High Density, ML Multiple Family Low Density and MH Multiple-Family High Density).

1135.05 PRINCIPAL AND CONDITIONALLY PERMITTED USES.

(a) Permitted Uses. Uses listed as permitted in the underlying "base" zone.

(b) Conditional Uses for a Commercial District Base Zone.

(1) Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. A Conditional Use may be granted pursuant to the requirements of Section 1129.02, Principal and Conditional Permitted Uses. Standards for specific Conditional Uses may be found in Chapter 1161, Conditional Uses, or elsewhere as referenced herein.

(2) In keeping with the desire for flexibility in this district, the following may be permitted as additional Conditional Uses in the Mixed Use Overlay District:

A. Dwelling units, single-family residence attached.

B. Live-work units where base zoning permits non-residential uses.

C. Uses listed as conditional in the underlying base zone.

(3) Modification of development standards shall be permitted on the authority of the Commission as part of the Conditional Use review.

(c) Conditional Uses for a Residential District Base Zone.

(1) Conditional uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. A conditional use may be granted pursuant to the requirements of Section 1129.02, conditional use. Standards for specific conditional uses may be found in Chapter 1161, Conditional Uses, or elsewhere as referenced herein.

(2) In keeping with the desire for flexibility in this district, the following use categories may be permitted as additional conditional uses pursuant to Section 1129.02, Principal and Conditional Permitted Uses:

A. Residential, Entertainment, Food and Beverage, Professional Services, General Retail, Service Retail, Convenience Retail, Personal Care Services, and Laundromat.

B. Conditional uses in a residential district base zone must be comparatively small scale. This does not mean these uses will serve only the nearby dwellings, but the appearance, mix

of uses, and scale of both buildings and uses must be that of a local or neighborhood establishment.

(3) Modification of development standards shall be permitted on the authority of the Commission as part of the conditional use review.

1135.06 ACCESSORY USES AND STRUCTURES.

Uses listed as accessory in the underlying "base" zone.

1135.07 ADDITIONAL USES.

Uses listed as additional in the underlying "base" zone.

1135.08 MINIMUM LOT AREA, WIDTH, COVERAGE, AND HEIGHT.

Standards related to minimum lot area, lot width, lot coverage and maximum heights shall be as required in the base zone for each lot. However, such standards may be relaxed without triggering the requirement to apply for a variance if the proposed standard is determined by the Commission to be consistent with the surrounding properties, both within and outside of limits of the Mixed Used Overlay District.

1135.09 MINIMUM YARDS.

In addition to the required yard, a landscaped buffer of at least ten (10) feet shall also be provided, pursuant to Section 1141.03, Landscaping Plan. However, the Commission may relax such standards if the proposed standard is determined to be consistent with the surrounding properties, both within and outside the limits of the Mixed Use Overlay District.

1135.10 FEES.

The fee(s) for a Mixed Use Overlay District application shall be pursuant to Section 1173.06.

1135.11 HOURS OF OPERATION IN RESIDENTIAL DISTRICT BASE ZONE.

Non-residential uses shall only be permitted to be open for the transaction of business between the hours of 6 a.m. and 10 p.m. Sunday through Thursday and 6 a.m. and 11 p.m. Friday and Saturday. The Commission may relax or restrict such standards in order to not adversely affect the neighboring properties.

is hereby repealed.

Section 2. That new Chapter 1135, Mixed Use Overlay District, of the Codified Ordinances shall be enacted to read as follows:

1135.01 PURPOSE.

(a) The purpose of the Mixed Use Overlay District is to provide a mechanism to accommodate development reuse and redevelopment in specified locations, which is in the public interest and may not otherwise be permitted pursuant to this Code. A Mixed Use Overlay District may overlay several base districts. However, the uses permitted in each underlying district are limited to the boundaries of that district, and the regulations of the underlying district shall govern, except where additional uses are expressly allowed under this Chapter.

(b) The Mixed Use Overlay District requirements and regulations allow for more flexibility than those pertaining to other uses within the Code. A Mixed Use Overlay District may be mapped in an area where the proposed use changes certain character and features otherwise limited by the underlying zoning only if it has been determined that the current and anticipated future uses in the immediate vicinity will be compatible with the mixed uses proposed and that such uses are consistent with the Development Plan. Therefore, the Commission shall consider Mixed Use Overlay developments on a case-by-case basis.

(c) A Mixed Use Overlay District should offer one (1) or more of the following advantages:

(1) Designs ~~in residential and commercial areas~~ that reflect the City's development and planning policies as set forth in this Code and that are consistent with the Vision.

(2) Designs that are intended to encourage flexibility, innovation, and creativity in site and development design by allowing the mixing of permitted uses and/or modification or variation from otherwise applicable zone district and development standards.

(3) Designs which encourage a mix of retail, service, office, housing, live-work units, public activities, and other compatible uses to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the vitality that mixed uses can bring to the community.

(4) Designs which provide substantial buffers and transitions between areas of different land uses and development densities.

(5) Designs which enhance the appearance of neighborhoods by conserving areas of natural beauty and natural green spaces.

(6) Designs which provide a choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other sections of this Code .

(7) Development and/or permanent reservation of open space, recreational areas and facilities.

(8) A creative approach to the use of land and related physical facilities that result in better urban design, higher quality construction and the provision of aesthetic amenities.

(9) The efficient use of land, so as to promote certain economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities.

(10) The adaptive reuse of historic buildings.

1135.02 LIMITATIONS ON FLEXIBILITY OF MIXED USE OVERLAY DISTRICTS.

It is not intended that the Commission automatically grant exceptions or maximum density increases for Mixed Use Overlay Districts, but it is expected that the Commission shall grant only such increases or uses which are consistent with the benefits resulting from the Mixed Use Overlay. Therefore, the Commission may require as a condition of approval any reasonable condition, limitation or design factor, pursuant to Section 1161.02, General Standards for All Conditional Uses, which will promote proper development of a Mixed Use Overlay development.

1135.03 DESIGNATION OF A MIXED USE OVERLAY DISTRICT.

(a) Relationship to Base Districts. The Mixed Use Overlay District is an overlay zone, which may be applied to existing zoning districts as described in Section 1135.04, Location of Mixed Use Overlay District. When such a district is established, the Mixed Use Overlay District shall be shown as an overlay to the underlying districts by the designation of MUOD on the Zoning Map. A Mixed Use Overlay District may overlay several base districts, however, the uses permitted in each base district are limited to the boundaries of that base district, except as otherwise provided herein.

(b) Development Standards. The development standards, including, but not limited to, the yard and setback requirements, the height limitations, parking requirements, open space areas, and signage shall be established as a function of the application to establish a Mixed Use Overlay District and the approval of the application. The following regulations shall be observed:

(1) Signage.

A. In a commercial district base zone, signage standards are set by the base zone.

B. In a residential district base zone, the following additional signage regulations

apply:

1. Signs must be non-illuminated.

2. Gooseneck fixtures or indirect spotlights concentrated on an area of a sign may be used to create illumination.

3. Only one sign per frontage, not to exceed 20 square feet per sign, shall be allowed.

4. Signs must be either projecting signs, erected on the outside wall of a building and projecting at an angle therefrom; or wall signs, integral with the exterior face of an exterior

wall of a building, or attached to the wall or parallel with the wall and projecting not more than twelve inches therefrom.

C. In an industrial based zone, signage must meet the standards of the commercial districts.

The Commission may relax such standards if a creative and innovative design is submitted and the sign does not adversely affect neighboring properties.

(2) Parking.

A. Applicants for Mixed Use Overlay developments shall submit a parking and traffic management proposal that does not adversely affect the neighborhood, identifies peak use times, and explores shared parking agreements.

B. All residential uses must comply with parking requirements or maintain existing parking conditions.

(3) Structural Requirements.

A. In a commercial or residential district base zone. Mixed Use Overlay proposals must contain a residential component. Residential components are not permitted in an industrial base zone.

B. Maintain form and scale of building being re-purposed.

C. The primary design objective for the Mixed Use Overlay District are to reflect the area's architectural significance/character, while promoting the pedestrian scale environment. The design must be compatible with the neighborhood.

D. The principal or primary entrance to a non-residential structure must be located on the building front.

(4) Outdoor dining. Outdoor dining shall be permitted as a conditional use in a Mixed Use Overlay District pursuant to Section 1161.03(t).

1135.04 LOCATION OF MIXED USE OVERLAY DISTRICT.

Location of a Mixed Use Overlay District is limited to Commercial Districts (C1 Office, C2 Retail, C3 General Business, C4 Public School District), ~~and~~ Residential Districts (R1 Single Family, R2 Single and Two Family, R1L Single Family Low Density, R1M Single Family Medium Density, R1H Single Family High Density, ML Multiple Family Low Density and MH Multiple-Family High Density), and the Industrial (I) District.

1135.05 PRINCIPAL AND CONDITIONALLY PERMITTED USES.

(a) Permitted Uses. Uses listed as permitted in the underlying "base" zone.

(b) Conditional Uses for a Commercial District Base Zone.

(1) Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. A Conditional Use may be granted pursuant to the requirements of Section 1129.02, Principal and Conditional Permitted Uses. Standards for specific Conditional Uses may be found in Chapter 1161, Conditional Uses, or elsewhere as referenced herein.

(2) In keeping with the desire for flexibility in this district, the following may be permitted as additional Conditional Uses in the Mixed Use Overlay District:

A. Dwelling units, single-family residence attached.

B. Live-work units where base zoning permits non-residential uses.

C. Uses listed as conditional in the underlying base zone.

(3) Modification of development standards shall be permitted on the authority of the Commission as part of the Conditional Use review.

(c) Conditional Uses for a Residential District Base Zone.

(1) Conditional uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. A conditional use may be granted pursuant to the requirements of Section 1129.02, conditional use. Standards for specific conditional uses may be found in Chapter 1161, Conditional Uses, or elsewhere as referenced herein.

(2) In keeping with the desire for flexibility in this district, the following use categories may be permitted as additional conditional uses pursuant to Section 1129.02, Principal and Conditional Permitted Uses:

A. Residential, Entertainment, Food and Beverage, Professional Services, General Retail, Service Retail, Convenience Retail, Personal Care Services, and Laundromat.

B. Conditional uses in a residential district base zone must be comparatively small scale. This does not mean these uses will serve only the nearby dwellings, but the appearance, mix of uses, and scale of both buildings and uses must be that of a local or neighborhood establishment.

(3) Modification of development standards shall be permitted on the authority of the Commission as part of the conditional use review.

~~(d) Conditional Uses for an Industrial District Base Zone.~~

(1) Conditional uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. A conditional use may be granted pursuant to the requirements of Section 1129.02, Conditional Use. Standards for specific uses may be found in Chapter 1161, Conditional Uses, or elsewhere as referenced herein.

(2) In keeping with the desire for flexibility in this district, the following use categories (or specific uses if listed) may be permitted as additional conditional uses pursuant to Section 1129.02, Principal and Conditional Permitted Uses:

A. Institutional (Trade/Vocational Schools only);

B. Entertainment;

C. Food and Beverage (Restaurant seated Table Service; Bar; Tavern, Nightclub only);

D. Professional Services (Radio/TV/Video/Audio Production only);

E. Service Retail; and

F. Hard Goods Retail.

(3) Modification of development standards shall be permitted on the authority of the Commission as part of the conditional use review.

1135.06 ACCESSORY USES AND STRUCTURES.

Uses listed as accessory in the underlying "base" zone.

1135.07 ADDITIONAL USES.

Uses listed as additional in the underlying "base" zone.

1135.08 MINIMUM LOT AREA, WIDTH, COVERAGE, AND HEIGHT.

Standards related to minimum lot area, lot width, lot coverage and maximum heights shall be as required in the base zone for each lot. However, such standards may be relaxed without triggering the requirement to apply for a variance if the proposed standard is determined by the Commission to be consistent with the surrounding properties, both within and outside of limits of the Mixed Used Overlay District.

1135.09 MINIMUM YARDS.

In addition to the required yard, a landscaped buffer of at least ten (10) feet shall also be provided, pursuant to Section 1141.03, Landscaping Plan. However, the Commission may relax such standards if the proposed standard is determined to be consistent with the surrounding properties, both within and outside the limits of the Mixed Use Overlay District.

1135.10 FEES.

The fee(s) for a Mixed Use Overlay District application shall be pursuant to Section 1173.06.

1135.11 HOURS OF OPERATION IN RESIDENTIAL DISTRICT BASE ZONE.

Non-residential uses shall only be permitted to be open for the transaction of business between the hours of 6 a.m. and 10 p.m. Sunday through Thursday and 6 a.m. and 11 p.m. Friday

and Saturday. The Commission may relax or restrict such standards in order to not adversely affect the neighboring properties.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

Sarah Kepple, President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor