

**AGENDA
PLANNING COMMISSION
CITY OF LAKEWOOD
MAY 2, 2024
PRE-REVIEW MEETING
5:30 P.M.
CITY HALL AUDITORIUM**

REVIEW DOCKET ITEMS

**REGULAR MEETING
6:00 P.M.
AUDITORIUM**

1. ROLL CALL
2. APPROVE THE MINUTES OF THE APRIL 4, 2024 MEETING
3. OPENING REMARKS

NEW BUSINESS

LOT SPLIT/LOT CONSOLIDATION

4. **Docket No. 05-17-24
12991 Clifton Blvd.**

Kyle L. Johns, KJ Architecture, applicant requests approval for reconfiguring boundary for three properties (PPN 31227031, 31227030, and 31227029), pursuant to Section 1155.07 – lot splits and Section 1155.06 – lot consolidations. Property is located in the R2, Single- and Two-Family district. (Page 2)

OLD BUSINESS

COMMUNICATION

5. **Docket No. 03-10-24
Communication from Planning and Development Staff
Amend Ordinance: Medical and Adult Use Marijuana Dispensaries in Commercial Districts**

On February 20, 2024, City Council met 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. Ordinance No. 42-2023 was referred to the Planning Commission for its review. (Page 18)

ADJOURN

“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.gov](mailto:michelle.nochta@lakewoodoh.gov) .”



PLANNING COMMISSION

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Application Cover Page

Docket No.: 05-17-24

Permit No.: PC24-000017

Applicant Name: Kyle L. Johns, KJ Architecture

Project Address: 12991 Clifton Blvd.

Project Name: n/a

Proposal: Reconfiguring boundary for three properties (PPN 31227031, 31227030, and 31227029), pursuant to Section 1155.07 – lot splits and Section 1155.06 – lot consolidations. Property is located in the R2, Single- and Two-Family district.

MEMO

To: City of Lakewood, Planning and Development Department
From: David Malina and Debra Pecka Malina, Property Owners of PPN 312-27-029
Date: Monday, March 18, 2024
Subject: Parcel expansion

To whom it concerns,

We are writing to inform the appropriate parties of our recognition and agreement with the prospective lot changes being proposed by Mitchell Mikoletic and Macy Clayton, the Property Owners of PPN's 312-27-030 and 312-27-031, and have provided our understanding and confirmation below.

To confirm, we have requested and Mitchell and Macy have agreed to extend the westerly lot line of our property by three (3) feet to the west. This will allow us to expand our driveway, thus allowing us to have a dedicated drive for our home. Concurrent to this, Mitchell and Macy intend on moving the current driveway for PPN 312-27-030 to the west side of the residence.

We would appreciate the City of Lakewood's approval to move the property line residing between PPN's 312-27-029 and 312-27-030, three (3) feet to the west. We appreciate your time and attention to this matter.

Thanks,



[David Malina \(Mar 18, 2024 09:29 PDT\)](#)

David Malina, Property Owner

Cell: 901-270-9901

Email: ddmalina1@gmail.com



[Debra Pecka Malina \(Mar 18, 2024 09:31 PDT\)](#)

Debra Pecka Malina, Property Owner

Email: dmalina01@gmail.com

MEMO

To: City of Lakewood, Planning and Development Department
From: Mitchell Mikoletic and Macy Clayton, property owners of PPN 312-27-030 and PPN 312-27-031
Date: Tuesday, April 16, 2024
Subject: Owner Consent

To whom it may concern,

We, Mitchell Mikoletic and Macy Clayton, the owners of the following property ID's, PPN 312-27-030 and PPN 312-27-031, in coordination with David and Debra Malina, the owners of the following property ID, PPN 312-27-029; hereby authorize KJ Architecture LLC, to act on our behalf in submitting drawings and any associated documentation necessary for the reconfiguration of boundary lines for the aforementioned properties to the City of Lakewood.

Thank you for your assistance in this matter. Should you require any further information or clarification, please do not hesitate to contact me, Mitchell Mikoletic, at 440.897.2976 or mitchell.mikoletic@gmail.com.

Sincerely,

Mitchell Mikoletic

Mitchell Mikoletic

Cell: 440-897-2976

Email: mitchell.mikoletic@gmail.com

Macy Clayton

Macy Clayton

Cell: 330-550-5975

Email: macyclayton15@gmail.com



CLIFTON BOULEVARD

NICHOLSON AVENUE

46
49
160.69
31227033
147.3
31227032
153.05
44.15
20
31.19
31227031

81
55.33
175
31227030
175
31227031
35.45
25
55.33
55
101.72

67.67
65
200.72
31227029
181.81
31227028
60.26
68.2
65.27
62.39
62.39

31227027
164.22
31227026
57.83
39.56
33.40
80.97
81.30
41.6

92
44.59
130.01
31227003
46.60
120
110
31227004
120
30
120
130

SURVEYOR'S DESCRIPTION
OF
SPLIT PARCEL A
663 SQUARE FEET

Situated in the City of Lakewood, County of Cuyahoga, State of Ohio, being a part of original Rockport Township lot number 57, section 21, and being a portion of lands conveyed to Mitchell Mikoletic & Macy Clayton via AFN 202205100328 (PPN 312-27-030) & AFN 202202100326 (PPN 312-27-031) of said county records, and being more particularly described as follows:

COMMENCING at a 5/8 inch iron pin in a monument box found at the centerline intersection of Clifton Avenue (120 feet wide) and Nicholson Avenue (60 feet wide), thence along said centerline of Clifton Avenue, South 73 degrees 02 minutes 14 seconds East, a distance of 126.25 feet to a point therein; thence South 00 degrees, 40 minutes 25 seconds West, a distance of 62.51 feet to a point on the southerly limits of said Clifton Avenue, and the northwesterly corner of said PPN 312-27-031; thence along said southerly limits of Clifton Avenue, and the northerly limits of said PPN 312-27-031 and PPN 312-27-030, South 73 degrees 02 minutes 14 seconds East, a distance of 133.20 feet to a point therein, and the **POINT OF BEGINNING**;

1. THENCE, with said southerly line of Clifton Avenue, and said northerly line of PPN 312-27-030, **South 73 degrees 02 minutes 14 seconds East**, a distance of **3.13 feet** to a drill hole found at the northeasterly corner of said PPN 312-27-030 and the northwesterly corner of PPN 312-27-029 as conveyed to David Malina & Debra Pecka Malina, Trustees via AFN 202210130587;
2. THENCE along the easterly line of said PPN 312-27-030, the westerly line of said PPN 312-27-029, and the easterly line of said PPN 312-27-031, **South 00 degrees 40 minutes 25 seconds West**, distance of **220.46 feet** to the southeasterly corner of said PPN 312-27-031 and the southwesterly corner of said PPN 312-27-029, said corner also being on the northerly line of PPN 312-27-008 as conveyed to Zachary Clark Tolles via AFN 201809280520;
3. THENCE along the southerly line of said PPN 312-27-031 and said northerly line of PPN 312-27-008, **North 89 degrees 57 minutes 02 seconds West** a distance of **3.00 feet** to a point therein;
4. Thence through said lands of Mitchell Mikoletic & Macy Clayton (PPNs 312-27-030 & 312-27-031), **North 00 degrees 40 minutes 25 seconds East 221.37 feet** to the point of BEGINNING, and containing 663 square feet (0.0152 acres) of land, more or less, and subject to all easements, restrictions, and covenants of record.

The bearings for this description are based on Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011) as established via GPS observation.

SURVEYOR'S DESCRIPTION
OF
Parcel 2
12,787 SQUARE FEET

Situated in the City of Lakewood, County of Cuyahoga, State of Ohio, being a part of original Rockport Township lot number 57, section 21, and being a portion of lands conveyed to Mitchell Mikoletic & Macy Clayton via AFN 202202100326 (PPN 312-27-031) and AFN 202205100328 (PPN 312-27-030) of said county records, and being more particularly described as follows:

Being known as **Parcel 2** of a Lot Split & Consolidation Plat as recorded in AFN _____ of Cuyahoga County Records and containing 12,787 square feet (0.2935 acres) of land, more or less, and subject to all easements, restrictions, and covenants of record.

SURVEYOR'S DESCRIPTION
OF
Parcel 3
14,411 SQUARE FEET

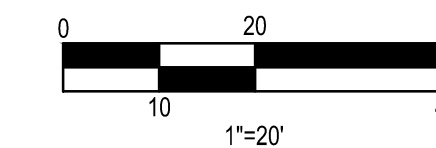
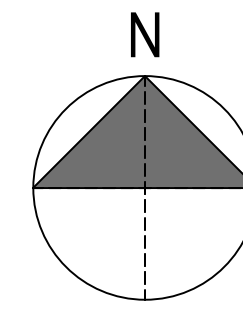
Situated in the City of Lakewood, County of Cuyahoga, State of Ohio, being a part of original Rockport Township lot number 57, section 21, being a portion of lands conveyed to Mitchell Mikoletic & Macy Clayton via AFN 202202100326 (PPN 312-27-031) and AFN 202205100328 (PPN 312-27-030) of said county records, and all of PPN 312-27-029 as conveyed to David Malina & Debra Pecka Malina, Trustees via AFN 202210130587 of said county records, and being more particularly described as follows:

Being known as **Parcel 3** of a Lot Split & Consolidation Plat as recorded in AFN _____ of Cuyahoga County Records and containing 14,411 square feet (0.3308 acres) of land, more or less, and subject to all easements, restrictions, and covenants of record.

SURVEYOR'S DESCRIPTION
OF
Parcel 1
16,745 SQUARE FEET

Situated in the City of Lakewood, County of Cuyahoga, State of Ohio, being a part of original Rockport Township lot number 57, section 21, and being a portion of lands conveyed to Mitchell Mikoletic & Macy Clayton via AFN 202202100326 (PPN 312-27-031) of said county records, and being more particularly described as follows:

Being known as **Parcel 1** of a Lot Split & Consolidation Plat as recorded in AFN _____ of Cuyahoga County Records and containing 16,745 square feet (0.3844 acres) of land, more or less, and subject to all easements, restrictions, and covenants of record.



Ex R/W

Ex R/W

Ex R/W

Ex R/W

Ex R/W

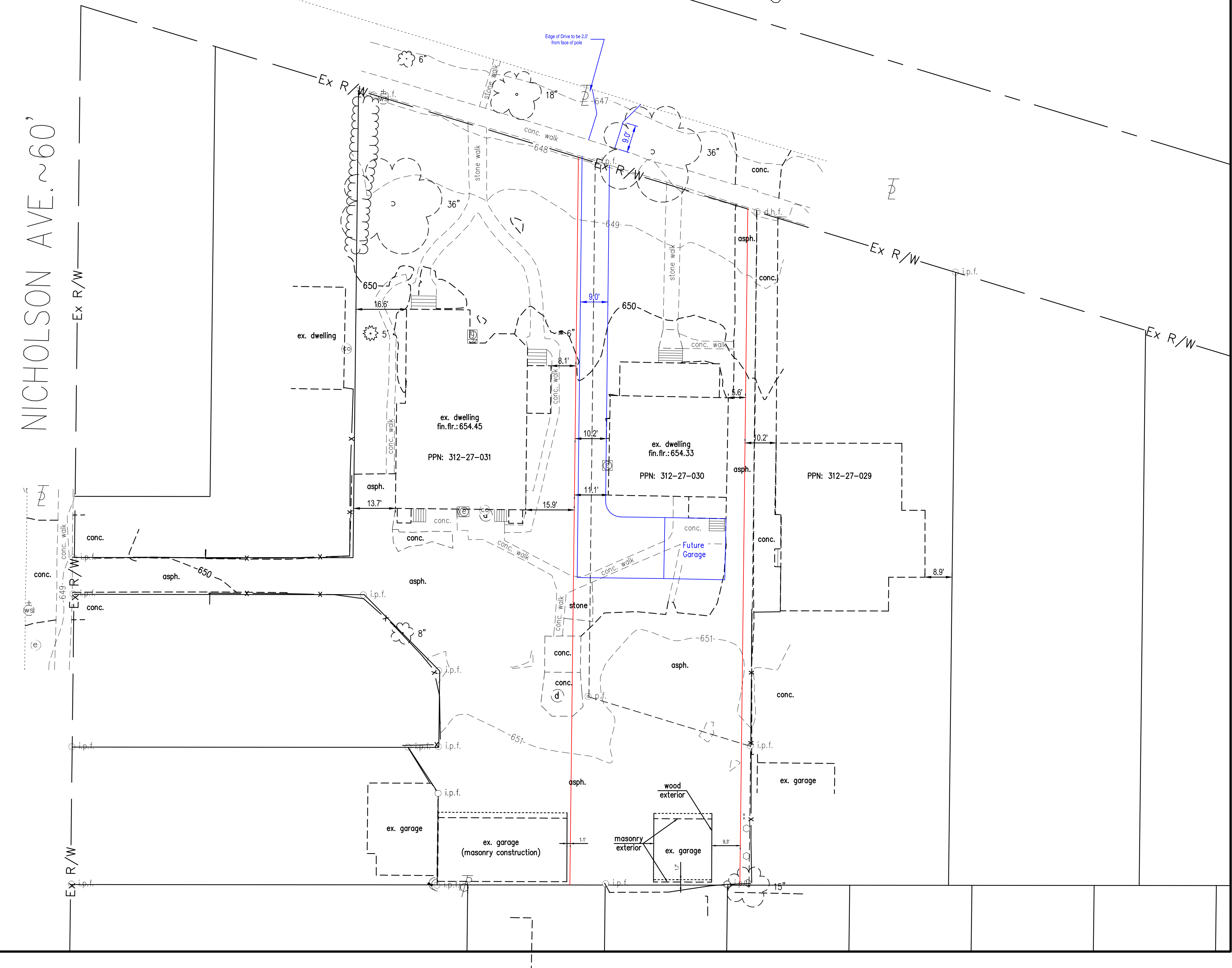
CLIFTON BLVD. ~120'

NICHOLSON AVE. ~60'

LEGEND:

- EXISTING IRON PIN FOUND
- ⊙ EXISTING IRON PIPE FOUND
- ⊙ EXISTING POST
- ⊙ EXISTING DRAIN
- ⊙ EXISTING TELEPHONE & LIGHT POLE
- ⊙ EXISTING CLEANOUT
- ⊙ EXISTING POWER & TELEPHONE POLE
- ⊙ EXISTING GUY WIRE
- ⊙ EX. GAS VALVE
- ⊙ EX. ELECTRIC BOX
- ⊙ EX. WATER SERVICE VALVE
- ⊙ EX. BUSH
- ⊙ EX. TREE

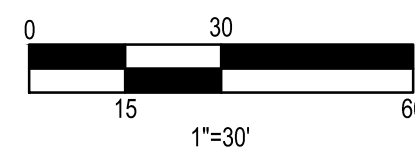
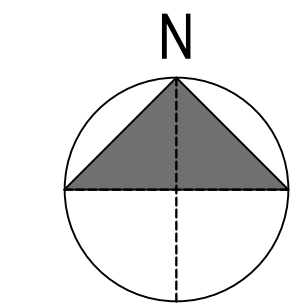
- EXISTING PROPERTY LINE
- - - EXISTING RIGHT OF WAY LINE
- - - EXISTING TREE/BRUSH LINE
- x - x - EXISTING FENCE



LOT SPLIT & CONSOLIDATION PLAT

SITUATED IN THE CITY OF LAKEWOOD, COUNTY OF CUYAHOGA, AND STATE OF OHIO,
AND BEING PART OF ORIGINAL ROCKPORT TOWNSHIP LOT NUMBER 57, SECTION 21.

BASIS OF BEARING:
STATE PLANE GRID NORTH, NAD 83 (2011), OHIO NORTH ZONE.



PLAT INTENT:

THE INTENT OF THIS PLAT IS TO ADD THREE (3) FEET TO THE WESTERLY SIDE OF PPN 312-27-029 (SPLIT PARCEL A) & TO EXTEND THE LIMITS OF PPN 312-27-030 TO THE WEST AND SOUTH (SPLIT PARCEL B) AS SHOWN HEREON.

MITCHELL MIKOLETIC & MACY CLAYTON ACCEPTANCE:

WE, THE UNDERSIGNED, OWNERS OF THE WITHIN PLATTED LAND, DO HEREBY CONSENT TO, AND ACCEPT THE DEDICATION OF THE SAME AS SHOWN HEREON.

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

STATE OF OHIO
COUNTY OF CUYAHOGA
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED MITCHELL MIKOLETIC & MACY CLAYTON, WHO ACKNOWLEDGED THAT THE SIGNING OF THE FOREGOING INSTRUMENT WAS A VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT _____, OHIO, THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC _____

DAVID MALINA & DEBRA PECKA MALINA ACCEPTANCE:

WE, THE UNDERSIGNED, OWNERS OF THE WITHIN PLATTED LAND, DO HEREBY CONSENT TO, AND ACCEPT THE DEDICATION OF THE SAME AS SHOWN HEREON.

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

STATE OF OHIO
COUNTY OF CUYAHOGA
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED DAVID MALINA & DEBRA PECKA MALINA, WHO ACKNOWLEDGED THAT THE SIGNING OF THE FOREGOING INSTRUMENT WAS A VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT _____, OHIO, THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC _____

APPROVALS:

THIS PLAT IS HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, OHIO, THIS _____ DAY OF _____, 20____.

PLANNING COMMISSION CHAIR _____ PRINT NAME _____

PLANNING COMMISSION SECRETARY _____ PRINT NAME _____

THIS PLAT IS HEREBY APPROVED BY THE CITY ENGINEER OF THE CITY OF LAKEWOOD, OHIO, THIS _____ DAY OF _____, 20____.

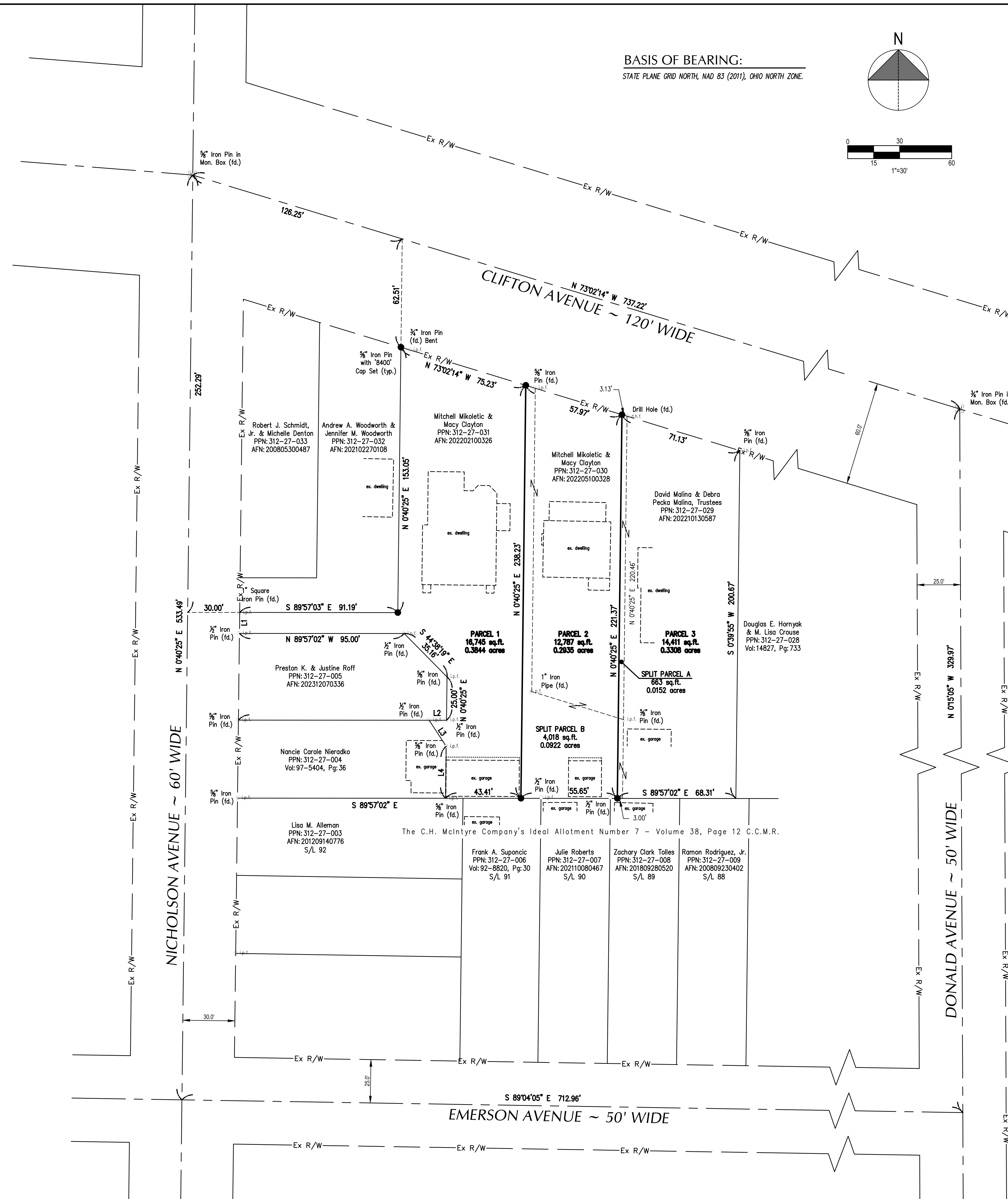
CITY ENGINEER _____ PRINT NAME _____

LINE DATA

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 0°40'25" E | 12.07' |
| L2 | S 89°57'02" E | 10.00' |
| L3 | N 33°12'28" W | 17.94' |
| L4 | N 0°40'25" E | 30.00' |

ACREAGE TABLE

| PARCEL | ORIGINAL AREA | NEW AREA |
|------------|---------------|--------------|
| 312-27-031 | 0.4798 ACRES | 0.3844 ACRES |
| 312-27-030 | 0.2134 ACRES | 0.2935 ACRES |
| 312-27-029 | 0.3156 ACRES | 0.3308 ACRES |



SURVEYOR'S CERTIFICATION:

I HEREBY DECLARE THIS TO BE A TRUE DELINEATION OF A CORRECT FIELD SURVEY PREPARED UNDER MY SUPERVISION. MONUMENTS WERE FOUND OR SET AS SHOWN HEREON. ALL DIMENSIONS ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.

DRAFT FOR REVIEW

ANDREW R. PROVOST, PS#8400

DATE _____



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PLANNING COMMISSION

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Communication Cover Page

Docket No.: 03-10-24

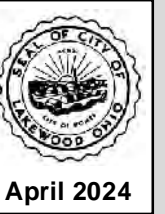
Permit No.: PC24-000009

Amend Ordinance: Medical and Adult Use Marijuana Dispensaries in Commercial Districts.


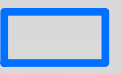




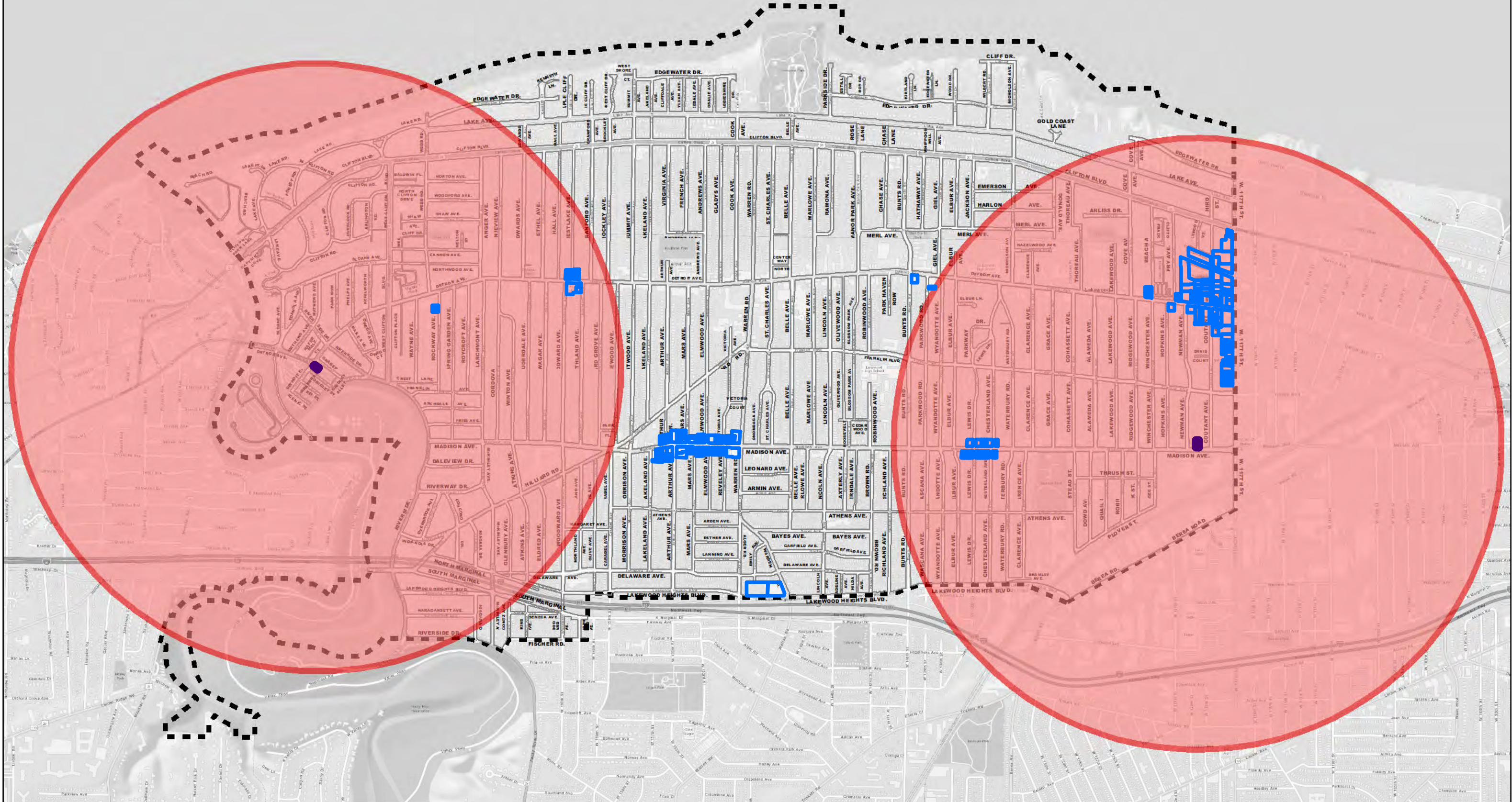
City of Lakewood

DEPARTMENT OF LAW Adult Use Facility 1-Mile Buffer Map



April 2024

-  Existing Adult Use Location
-  Eligible Parcel Boundaries
-  1-Mile Buffer
-  Lakewood Municipal Boundary



ORDINANCE NO.

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, 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; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That 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 | | | | |
|---|----------------------|----------------------|------------------------------------|---------------------------------|
| | C1 OFFICE | C2 RETAIL | C3 GENERAL BUSINESS | C4 PUBLIC SCHOOL |
| Hard Goods Retail <i>Including:</i> | | | | |
| 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 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 Permitted Uses in Commercial Districts, of the Lakewood Codified Ordinances, is hereby enacted as follows:

| SCHEDULE 1129.02: PERMITTED USES IN COMMERCIAL DISTRICTS | | | | |
|---|----------------------|----------------------|------------------------------------|---------------------------------|
| | 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 |
| 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 | - |

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

Section 4. That 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 Purpose, of the Lakewood Codified Ordinances is hereby enacted as follows:

1165.01 PURPOSE.

It is the purpose of this chapter to regulate 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, operation and concentration of marijuana dispensaries within the City.

Section 6. That 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 Definitions, of the Lakewood Codified Ordinances is hereby enacted as follows:

1165.02 DEFINITIONS.

For purposes of this chapter,

(a) "Marijuana" shall have the same meaning as in R.C. -3719.01.

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

(c) "Marijuana dispensary" 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) " _____ " means a person in whose name a Certificate of Compliance to operate a marijuana dispensary has been issued under Chapter 779, as well as the individual(s) designated on the compliance certificate application as principally responsible for the operation of the medical marijuana dispensary.~~

(de) "Operate" means to control or hold primary responsibility for the operation of a 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 marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a 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 marijuana dispensary whether or not that person is an owner, or part owner, or _____ of the business.

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

(fg) "Director" shall mean the Director of Planning and Development.

Section 8. That Section 1165.03 Location of ~~Medical~~Medical Marijuana ~~Dispensaries,~~sDispensaries 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 Location of Marijuana Dispensaries, of the Lakewood Codified Ordinances is hereby enacted as follows:

1165.03 LOCATION OF MARIJUANA DISPENSARIES.

(a) 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 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 marijuana dispensary may be established, operated or enlarged within ~~1,000 feet~~ 1 mile of another marijuana dispensary.

~~(d) Not more than one 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) Not more than marijuana dispensaries shall be located at any time within the City of Lakewood.

(f) 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 marijuana dispensary is conducted, to the nearest property line of the premises of a marijuana dispensary or a school, church, public library, public playground, or public park.

Section 10. That 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 _____ 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 _____ 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 Design Guidelines for Marijuana Dispensaries, 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 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) Dispensaries shall not have a drive through, curb-side pick up or a kiosk outside or in an entry vestibule.

(f) Rules, regulations and local permitting requirements imposed on a Dispensary 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 Dispensary 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. That 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 Off-Street Parking, of the Lakewood Codified Ordinances is hereby enacted as follows:

1165.05 OFF-STREET PARKING

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

Section 14. That 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 Sign Regulations for Marijuana Dispensaries, of the Lakewood Codified Ordinances is hereby enacted as follows:

1165.06 SIGN REGULATIONS FOR 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 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 ~~1615~~. 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 Certificate of Compliance, of the Lakewood Codified Ordinances is hereby enacted as follows:~~

~~—1165.07 CERTIFICATE OF COMPLIANCE.~~

~~Medical mMarijuana dispensaries as described in Section 1165.03 herein shall obtain a marijuana dispensary certificate of complinace and be operated pursuant to Chapter 779.~~

Section ~~18.16~~ 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 Dispensary 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 Dispensary and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested.

is hereby repealed.

Section ~~1917~~. That new Section 1165.08 Hearing; Renewal; Revocation, of the Lakewood Codified Ordinances is hereby enacted 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 ~~Dispensary~~ 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 ~~Dispensary~~ and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested.

Section ~~2018~~. 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 ~~2119~~. 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: _____

Sarah Kepple, President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor