

MINUTES
(Recording is available)
PLANNING COMMISSION
OCTOBER 5, 2017
LAKWOOD CITY HALL

PRE-REVIEW MEETING
6:30 P.M.
LOWER CONFERENCE ROOM

REGULAR MEETING
7:00 P.M.
AUDITORIUM

The meeting was called to order at 7:00 p.m.

1. Roll Call

MEMBERS PRESENT

Kyle Baker
Glenn Coyne
William Gaydos, Vice Chairman
Louis McMahon, Chairman
Patrick Metzger
Mark Papke, City Engineer

OTHERS PRESENT

Bryce Sylvester, Director, Planning and Development
Katelyn Milius, City Planner
Jennifer Swallow, Chief Assistant Law Director

A motion was made by Mr. Baker, seconded by Mr. Metzger to **EXCUSE** the absence of Monica Jordan.

2. Approve the Minutes of the July 25, 2017, Special Joint meeting, Planning Commission and Architectural Board of Review

A motion was made by Mr. Metzger, seconded by Mr. McMahon to **APPROVE** the minutes of the July 25, 2017, Special Joint meeting. All of the members voting yea, the motion passed.

3. Approve the Minutes of the September 7, 2017 meeting

A motion was made by Mr. Gaydos, seconded by Mr. Metzger to **APPROVE** the minutes of the September 7, 2017 meeting. All of the members voting yea, the motion passed.

4. Opening Remarks

NEW BUSINESS

LOT CONSOLIDATION

5. **Docket No. 10-18-17**
1279 Beach Avenue

David J. Wyatt, property owner and applicant requests the review and approval for the consolidation of two lots (PPN 312-29-063 and 312-29-102); pursuant to Section 1155.06 – procedures for lot consolidations and resubdivisions. Both lots are located in a R2- residential, single and two family districts. (Page 3)

David Wyatt, property owner and applicant was present to explain the request.

City administration made no comment other than the project was approved by the City Engineer. The Planning Commission inquired if there was a utility easement.

Public comment was taken.

A motion was made by Mr. Gaydos, seconded by Mr. Baker to **APPROVE** the request as presented. All of the members voting yea, the motion passed.

SIMILAR USE

6. **Docket No. 10-19-17**
14133 Detroit Avenue
McGorray-Hanna Funeral Home

Mark Reinhold, architect and applicant requests the review and approval for the expansion of a non-conforming garage structure; pursuant to Section 1149.03 – non-conforming use of structures or structures and land in combination. The property is located in a R1H – Residential, Single Family (High Density). (Page 5)

Terry Stanton, CFO of McGorray-Hanna Funeral Home was present to explain the request.

City administration advised the setbacks were being maintained within code, and square footage of the proposed garage was within the allowable guidelines.

Public comment was closed. There were no questions or comments from the Planning Commission members.

A motion was made by Mr. Gaydos, seconded by Mr. Baker to **APPROVE** the request as proposed. All of the members voting yea, the motion passed.

CONDITIONAL USE

7. **Docket No. 10-20-17**
18508 Detroit Avenue
Insomnia Cookies

Michael Sannuti, business owner and applicant requests the review and approval of the conditionally permitted hours of operation for Insomnia Cookies, pursuant to Section 1129.16- Supplemental regulations for extended business hours of operation. The property is located in a C2– Commercial, Retail zoning district. (Page 12)

Brian Baker, Vice President of Operations for Insomnia Cookies was present to explain the request.

Planning Commission members asked where the delivery vehicles were; Brian Baker replied the deliveries exited from the rear of the store, and retail patrons had a separate entrance at the front.

City administration commented the retail portion of the business should close at 2:30 a.m. and allow deliveries until 3:00 a.m. There were no further comments or question from the Planning Commission.

Public comment was closed. Brian Baker said that the time between 2:30 a.m. and 3:00 a.m. represented a significant portion of their business. There was discussion between the Planning Commission members and City administration about the additional half hour.

A motion was made by Mr. Baker, seconded by Mr. Gaydos to **APPROVE the request to allow deliveries until 3:00 a.m. with the following stipulation:**

- **There is a review in six months.**

All of the members voting yea, the motion passed.

8. **Docket No. 10-21-17**
13367-69 Madison Avenue
Great Lakes Medicinal, Inc.

Stephen Ernst, business owner and applicant requests the review and approval of a Conditional Use in order to operate the Great Lakes Medicinal medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses; subject to final approval of the changes to the code by City Council at its October 2, 2017 meeting. The property is located in a C2 - Commercial, Retail district. (Page 14)

Tom Heran, attorney at Frantz Ward LLP for Great Lakes Medicinal, Inc. was present to explain the request. He requested a deferral until the meeting in November.

There were no comments or question from the Planning Commission members. City administration said the proposed business was no closer than 500 feet to a school or 1,000 feet to another dispensary. An off-street parking plan was not required, but the Commission could request one; there was sufficient parking across the street and on the street. The City appreciated any remediation to the property. Parking for the patients was a concern.

Public comment was taken.

A motion was made by Mr. McMahon, seconded by Mr. Gaydos to **DEFER the request until the November 2, 2017 meeting**. All of the members voting yea, the motion passed.

COMMUNICATION

9. **Docket No. 10-22-17**
Proposed Changes to Chapter 1161, Conditional Use Permit to Allow the Operation of Body Art Establishments

The Department of Planning and Development staff will deliver a communication regarding the proposed changes to Chapter 1161, Conditional Uses, to conditionally permit body art establishments in the City. (Page 19)

Katelyn Milius, Planner with the City of Lakewood explained the proposed changes.

The Planning Commission members asked about disposal of equipment (needles, inks, etc.), single use facilities, business uses in commercial districts.

Public comment was taken. Chuck Mueller, tattoo artist for 25 years explained the processes in detail. Gerry Scott, Cuyahoga County Health Department explained the County's approval process for body art/tattoo establishments. City administration stated that any ordinance changes at the county level would be emulated by the City of Lakewood.

A motion was made by Mr. McMahon, seconded by Mr. Baker to **DEFER the request until the November 2, 2017 meeting**. All of the members voting yea, the motion passed.

10. **Docket No. 10-23-17**
Proposed Changes to Chapter 1103.02, Definition of Outdoor Dining

The Department of Planning and Development staff will deliver a communication for review and recommendation to City Council regarding the proposed changes to Chapter 1103.02, Definitions, to update the "Outdoor Dining" definition so that multiple dining areas could be considered. (Page 20)

Katelyn Milius, Planner with the City of Lakewood explained the proposed changes.

Planning Commission members suggested acceptance of “any combination of areas” and clarity/deletion of “any exterior wall...” because of its ambiguity. Discussion between the City administration and Planning Commission members continued.

A motion was made by Mr. McMahon, seconded by Mr. Baker to **RECOMMEND TO CITY COUNCIL with the following recommendation:**

- **Clarify or delete “wherein twenty-five percent (25%) or more of any exterior wall is movable”.**

All of the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. Gaydos, seconded by Mr. McMahon to **ADJOURN** the meeting at 8:36 p.m. All of the members voting yea, the motion passed.



Signature



Date



Oath

(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

- 1. Dave Wyatt
- 2. Brett Miller
- 3. My Alatorre
- 4. [Signature]
- 5. Thomas Han
- 6. James Hug
- 7. Chuck White
- 8. Gerry Scott
- 9. _____
- 10. _____
- 11. _____

- [Signature]
- [Signature]
- TERRY STANSON
- [Signature]
- [Signature]
- _____
- chr white
- Gerry Scott
- _____
- _____
- _____

Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ABR/BBS Citizens Advisory Civil Svc. Dangerous Dog Income Tax Appeals Loan Approval Nuisance Abatement Appeals Parking Planning Zoning Appeals Other:

Date of Proceeding: _____

Schwarz, Johanna

From: Brad Charnas <brad@charnasappraisal.com>
Sent: Thursday, September 28, 2017 9:00 AM
To: Planning Dept
Subject: Docket No. 10-18-17

Dear Lakewood Planning,

We own the property on the south side of 1279 Beach Ave (1283 Beach Ave, PPN 213-29-064) and are thrilled that our neighbors are applying to consolidate the two adjacent parcels they own (PPN 213-29-064 and 213-29-102). I would like to point out that your public notice letter incorrectly identified the rear parcel as "312"-29-102 when, in fact, it's "213"-29-102.

This consolidation will not only enhance the value of the applicant's property, it will enhance the value of the other properties surrounding it by freeing up more open space. We strongly endorse this proposal.

Sincerely,
Bradford E Charnas and Paulette Moylan
1283 Beach Ave
Lakewood, OH



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650

www.onelakewood.com

Lakewood City Council

SAM O'LEARY, PRESIDENT

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Ward Council
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JOHN LITTEN, WARD 3
DANIEL J. O'MALLEY, WARD 4

October 3, 2017

City of Lakewood Planning Commission
12650 Detroit Rd.
Lakewood, OH 44107
Via e-mail

Dear Commissioners:

I am writing to express my support for the proposed changes before you to amend Chapter 1161, Conditional Uses, to conditionally permit body art establishments in the city of Lakewood.

As you may know, our code currently permits the practice of tattooing only when performed or supervised by a medical doctor. This law may have made sense at one time in Lakewood's history, but its existence today effectively prohibits a perfectly safe and legitimate industry from enjoying operation in our city. Earlier this year I introduced a communication to begin the process of thoughtfully replacing the current language in our code with a policy that makes more sense and still permits the city to impose reasonable regulations.

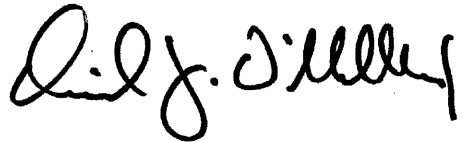
A recent survey by Harris Poll (enclosed) indicates that tattoos are enjoying unprecedented popularity in America. The majority of adults under age 40 now have a tattoo, and the vast majority of people with any tattoos (69%) have more than one. Attitudes toward tattoos have also shifted dramatically, even among people without body art: 71% of parents stated they would be perfectly comfortable with visible tattoos on their child's teacher, coach, or pediatrician. This is good news for those who are seeking to eliminate age-old stigmas around body art.

Tattooing has also proven to be increasingly safe as the industry has become more professionalized. Many artists I have heard from are highly skilled and participated in rigorous apprenticeship programs. The State of Ohio through our county Board of Health regulates body art establishments, and parlor owners have taken it upon themselves in many instances to use disposable tools when available. Our proposed ordinance mandates they do so.

I am pleased to have widespread support for this proposal from a broad cross-section of residents, business owners and artists. As the tattoo industry approaches \$3 billion in annual revenue nationally, it is my hope that the city of Lakewood will welcome its presence within our diverse business community.

Thank you for your consideration. Please contact me directly with any questions or concerns I may address.

Sincerely,

A handwritten signature in black ink, reading "Daniel J. O'Malley". The signature is written in a cursive style with a large initial 'D' and 'J'.

Daniel J. O'Malley
Councilmember, Ward 4

Tattoo Takeover: Three in Ten Americans Have Tattoos, and Most Don't Stop at Just One

Even among those without, findings indicate broadening mainstream acceptance

NEW YORK, N.Y. – Tattoos can take any number of forms, from animals to quotes to cryptic symbols, and appear in all sorts of spots on our bodies – some visible in everyday life, others not so much. But one thing's for sure – more and more Americans are getting them. About three in ten Americans (29%) have at least one tattoo, up from roughly two in ten (21%) just four years ago. What's more, few inked Americans stop at one; among those with any tattoos, seven in ten (69%) have two or more.

These are some of the results of *The Harris Poll* of 2,225 U.S. adults surveyed online from October 14-19, 2015.

<http://media.theharrispoll.com/images/Tattoo+infographic.jpg>

Tattoos are especially prevalent among younger Americans, with nearly half of Millennials (47%) and over a third of Gen Xers (36%) saying they have at least one, compared to 13% of Baby Boomers and one in ten Matures (10%). Millennials and Gen Xers (37% and 24%) are also exponentially more likely than their elders (6% Baby Boomers, 2% Matures) to have multiple tattoos.

Some other interesting comparisons:

Rural (35%) and Urban (33%) Americans are both more likely to have a tattoo than Suburbanites (25%).

Those with kids in the household are much more likely than those without to be sporting at least one tattoo (43% vs. 21%).

Political persuasion doesn't seem to factor into the decision to get a tattoo, with little difference between Republicans, Democrats and Independents (27%, 29% and 28%).

Regrets, I've had a few

With tattoos on the rise, regrets have risen as well; though a strong majority still has no regrets, nearly one fourth (23%) of those with tattoos say they ever regret getting one – up from 14% in 2012.

Top-ranked regrets (collected in an open-ended manner) include:

- Too young when they got the tattoo,
- Personality changes/Doesn't fit my present lifestyle,
- Got someone's name that I'm no longer with,
- Poorly done/Doesn't look professional, and
- Isn't meaningful.

Hooked on a feeling

A third (33%) of inked adults indicate having a tattoo has made them feel sexy (up marginally from 30% in 2012). Roughly a third also say that it makes them feel attractive (32%), though it's worth noting that this percentage has grown considerably from 21% in 2012. Just over a quarter (27%) say it makes them feel more rebellious and two in ten (20%) feel more spiritual

as a result of their tattoos. Fewer say it makes them feel more intelligent (13%), respected (13%), employable (10%) and healthy (9%).

Perhaps the more important learning, though, is that most say that having a tattoo hasn't made them feel any different on any of these measures.

Outside impressions

Opinions differ more broadly among those without tattoos:

Nearly half (45%) feel those with tattoos are more rebellious than those without – though it's worth noting that this percentage continues to decline (54% held this belief in 2008; 50% in 2012), likely a byproduct of tattoos' continued trend toward the mainstream.

On the other end of the scale, nearly half feel those with tattoos are *less* attractive (47%) than those without, 44% feel they're less sexy and a third (34%) believe them to be less respectable.

Meanwhile, between a quarter and three in ten think those with tattoos are less intelligent (29%), healthy (28%) and spiritual (25%).

Across professions, visible tattoos no big deal

Further driving home the message of tattoos going mainstream, majorities of Americans would be comfortable seeing a person with visible tattoos serve in roles across a diverse range of industries and professions.

Comfort ranges from highs of 86% for athletes, 81% for IT technicians and 78% for chefs, to lower majorities of 59% each for primary school teachers and judges, and even 58% for presidential candidates.

More specifically, many Americans - particularly Millennials – would be “*extremely* comfortable” with someone with visible tattoos in these professions – including police officers (39%, including 54% of Millennials), real estate brokers (37%/52%), bankers (36%/50%), doctors (35%/51%), judges (34%/49%) and presidential candidates (32%/46%).

TATTOO
TAKE THEM

71%
OF PARENTS ARE COMFORTABLE WITH VISIBLE TATTOOS ON THEIR CHILD'S PRIMARY SCHOOL TEACHER OR PEDIATRICIAN

As tattoos trend toward mainstream status, visible ink is unlikely to raise eyebrows across a variety of professions.

3 IN 10
U.S. ADULTS HAVE AT LEAST 1 TATTOO
UP FROM 2 IN 10 IN 2012

NEARLY HALF OF MILLENNIALS HAVE A TATTOO

AMONG THOSE WITH ANY TATTOOS
69%
HAVE 2 OR MORE

ONE OF THE FEW AREAS NOT DIVIDED BY POLITICS:

- 29%** DEMOCRAT (Donkey icon)
- 28%** INDEPENDENT (Eagle icon)
- 27%** REPUBLICAN (Elephant icon)

SOURCE: The Harris Poll, conducted online in the United States between October 14 and 19, 2015 among 2,225 adults (aged 18 and over). Additional polling was conducted online in the United States between November 6 and 16, 2015 among 1,093 parents (aged 18 and over) with children under 18 in the household.

WWW.THEHARRISPOLL.COM

the harris poll.

That's all well and good, but parents are likely to have a whole different set of standards when it comes to who interacts with their kids, right? Wrong. In fact, a separate poll of parents with kids under 18 in the household found that strong majorities are comfortable (roughly four in ten of them "extremely" so) with people sporting visible tattoos serving in a number of positions that involve interacting with the kiddos:

- Coach (81% comfortable, 39% extremely comfortable),
- High school teacher (75%, 39%),
- Camp counselor (73%, 36%),
- Sitter/Caregiver (73%, 37%),
- Primary school teacher (71%, 37%), and
- Pediatrician (71%, 40%).

TABLE 1a

HOW MANY TATTOOS DO YOU CURRENTLY HAVE

"How many tattoos do you currently have on your body? By tattoos, we mean ink-based tattoos that have been permanently placed on your skin and that you have not had removed."

Base: All adults

	Total	Generation				Children in HH		Metro Status			Have a Tattoo
		Millennials (18-35)	Gen X (36-50)	Baby Boomers (51-69)	Matures (70+)	Yes	No	Urban	Suburban	Rural	
		%	%	%	%	%	%	%	%	%	
None	71	53	64	87	90	57	79	67	75	65	--
One or more (NET)	29	47	36	13	10	43	21	33	25	35	100
One	9	10	12	6	8	11	8	8	7	15	31
Two or more (NET)	20	37	24	6	2	32	13	25	17	20	69
Two	7	13	7	3	2	12	5	9	5	10	25
Three	3	6	4	1	1	5	2	5	3	2	11
Four	2	3	4	1	--	3	2	3	3	1	8
Five or more	7	15	9	2	--	13	4	9	7	7	26

Note: Percentages may not add to 100% due to rounding.

TABLE 1b

TATTOO TRENDS

“How many tattoos do you currently have on your body?”

(People saying “one or more”)

Base: All Adults

	2003	2008	2012	2015
	%	%	%	%
All Adults	16	14	21	29
Region				
East	14	12	21	28
Midwest	14	10	21	27
South	15	13	18	32
West	20	20	26	27
Age				
18 – 24	13	9	22	35
25 – 29	36	32	30	42
30 – 39	28	25	38	55
40 – 49	14	12	27	33
50 – 64	10	8	11	13
65 +	7	9	5	11
Sex				
Male	16	15	19	27
Female	15	13	23	31
Political Party				
Republican	14	13	17	27
Democratic	18	15	22	29
Independent	12	13	21	28

TABLE 2

EVER REGRET GETTING A TATTOO

“Do you ever regret getting a tattoo?”

Base: Currently Have a Tattoo

	2003	2008	2012	2015
	%	%	%	%
Yes	17	16	14	23
No	83	84	86	77

Note: Percentages may not add to 100 due to rounding.

TABLE 3

WHY REGRET GETTING A TATTOO

Top 5 Responses, by Rank

“Why do you regret getting a tattoo?”

Base: Ever regret getting a tattoo

	Total
Too young when I got the tattoo	1
Personality changes/Doesn't fit my present lifestyle	2
Got someone's name that I am no longer with	3
Poorly done/Doesn't look professional	4
Isn't meaningful	5

TABLE 4a

HOW HAVING A TATTOO MAKES ME FEEL

“Please complete the following sentence: ‘Compared to not having a tattoo...having a tattoo has made me feel...?’”

Base: Currently Have a Tattoo

		More			Less			No Difference		
		Total	Men	Women	Total	Men	Women	Total	Men	Women
Sexy	%	33	38	30	3	5	2	63	57	68
Attractive	%	32	40	25	6	6	6	62	54	69
Rebellious	%	27	31	23	4	7	1	69	62	75
Spiritual	%	19	25	14	6	7	6	75	68	80
Intelligent	%	13	20	8	2	3	1	85	77	91
Respected	%	13	22	5	7	9	6	80	70	89
Employable	%	10	16	5	9	10	8	81	74	87
Healthy	%	9	16	4	5	6	4	86	78	93

Note: Percentages may not add to 100 due to rounding.

TABLE 4b

HAVING A TATTOO MAKES ME FEEL MORE...

TREND

“Please complete the following sentence: ‘Compared to not having a tattoo...having a tattoo has made me feel...?’”

Those saying more

Base: Currently Have a Tattoo

		2003	2008	2012	2015
Sexy	%	34	31	30	33
Attractive	%	26	19	21	32
Rebellious	%	29	36	25	27
Spiritual	%	20	13	16	19

Intelligent	%	5	5	8	13
Healthy	%	4	4	9	9

Note: Percentages may not add to 100 due to rounding.

TABLE 5a

PERCEPTIONS OF PEOPLE WITH TATTOOS

“Please complete the following sentence: ‘Compared to people without tattoos, I think people with tattoos are...?’”

Base: All Adults

		More			Less			No Difference		
		Total	Have a tattoo		Total	Have a tattoo		Total	Have a tattoo	
			Yes	No		Yes	No		Yes	No
Rebellious	%	40	28	45	6	4	7	54	68	49
Attractive	%	16	33	8	36	9	47	48	57	44
Sexy	%	15	35	7	33	8	44	52	57	49
Spiritual	%	9	14	7	20	7	25	71	79	68
Respectable	%	7	13	5	26	7	34	66	81	60
Intelligent	%	4	7	2	23	7	29	74	86	69
Healthy	%	4	7	2	22	8	28	74	86	70

Note: Percentages may not add to 100 due to rounding.

TABLE 5b

PERCEPTIONS AMONG THOSE WITHOUT A TATTOO - TREND

“Please complete the following sentence: ‘Compared to people without tattoos, I think people with tattoos are...?’”

Base: Adults Without Tattoos

	More	Less

		2003	2008	2012	2015	2003	2008	2012	2015
Rebellious	%	57	54	50	45	2	3	4	7
Attractive	%	4	4	4	8	42	47	45	47
Sexy	%	8	6	5	7	36	39	39	44
Spiritual	%	3	5	4	7	29	25	25	25
Intelligent	%	*	1	2	2	31	27	27	29
Healthy	%	1	2	1	2	21	25	25	28

Note: Percentages may not add to 100 due to rounding; * indicates less than .05%

TABLE 6a

COMFORT WITH THOSE WITH VISIBLE TATTOOS SERVING IN DIFFERENT PROFESSIONS

“Thinking about the following occupations, how comfortable, if at all, would you be with a person with a visible tattoo serving in such a position?”

Base: All adults

		Comfortable (NET)	Extremely comfortable	Somewhat comfortable	Not comfortable (NET)	Not very comfortable	Not at all comfortable
Athlete	%	86	51	35	14	9	6
IT technician	%	81	43	38	19	10	8
Chef	%	78	43	35	22	13	9
Police officer	%	70	39	31	30	17	13
Real estate broker/agent	%	68	37	32	32	19	12
Camp counselor	%	67	36	31	33	20	13
Banker	%	64	36	28	36	21	15
Doctor	%	62	35	27	38	18	20
Primary school teacher	%	59	32	27	41	20	21
Judge	%	59	34	25	41	18	23
Presidential candidate	%	58	32	26	42	17	25

Note: Percentages may not add to 100% due to rounding.

TABLE 6b

EXTREMELY COMFORTABLE WITH THOSE WITH VISIBLE TATTOOS SERVING IN DIFFERENT PROFESSIONS

“Thinking about the following occupations, how comfortable, if at all, would you be with a person with a visible tattoo serving in such a position?”

Base: All adults

	Total	Generation				Children in HH		Have a tattoo	
		Millennials (18-35)	Gen X (36-50)	Baby Boomers (51-69)	Matures (70+)	Yes	No	Yes	No
		%	%	%	%	%	%	%	%
Athlete	51	66	63	35	23	63	44	74	41
Chef	43	60	54	28	15	54	37	69	32
IT technician	43	58	54	29	19	53	37	67	33
Police officer	39	54	49	24	17	49	33	64	28
Real estate broker/agent	37	52	44	23	16	47	31	61	27
Banker	36	50	45	23	15	46	31	62	26
Camp counselor	36	52	41	25	13	47	30	61	26
Doctor	35	51	42	22	15	46	29	61	25
Judge	34	49	38	22	15	43	29	60	23
Presidential candidate	32	46	39	21	13	42	27	58	22
Primary school teacher	32	46	39	21	12	42	27	57	22

Note: Percentages may not add to 100% due to rounding.

TABLE 6c

NOT COMFORTABLE WITH THOSE WITH VISIBLE TATTOOS SERVING IN DIFFERENT PROFESSIONS

“Thinking about the following occupations, how comfortable, if at all, would you be with a person with a visible tattoo serving in such a position?”

Base: All adults

	Total	Generation				Children in HH		Have a tattoo	
		Millennials (18-35)	Gen X (36-50)	Baby Boomers (51-69)	Matures (70+)	Yes	No	Yes	No
		%	%	%	%	%	%	%	%
Presidential candidate	42	26	39	53	59	33	46	17	52
Judge	41	28	37	50	62	31	47	17	51
Primary school teacher	41	26	34	55	62	30	47	18	51
Doctor	38	23	31	51	60	26	44	15	47
Banker	36	23	27	48	54	26	41	14	44
Camp counselor	33	19	28	43	55	23	38	13	41
Real estate broker/agent	32	21	27	40	47	24	36	13	40
Police officer	30	17	25	39	51	20	35	9	39
Chef	22	12	14	30	41	14	26	8	27
IT technician	19	14	11	24	33	14	21	8	23
Athlete	14	9	8	18	31	10	17	6	18

Note: Percentages may not add to 100% due to rounding.

TABLE 7

AGE AT WHICH YOU'D ALLOW YOUR CHILD(REN) TO...

“At what age would you allow your child(ren) to get/do each of the following?”

Base: Parents with kids <18 in HH

	Total	Parent Gender		Parent Age		
		Men	Women	18-34	35-44	45+

	%	%	%	%	%	%
TATTOOS						
Would ever allow (NET)	63	58	66	72	66	51
Under age 18	7	8	7	13	6	4
Age 18	41	38	44	51	44	30
Age 19-20	2	1	2	1	2	1
Age 21	12	11	13	7	13	16
Would never allow	37	42	34	28	34	49
Mean	17.9	17.3	18.2	17.0	18.3	18.5
PIERCED EARS						
Would ever allow (NET)	86	83	89	89	88	82
Under age 18	76	74	79	81	77	71
Age 18	8	6	9	8	7	8
Age 19-20	*	*	1	--	1	*
Age 21	2	3	1	1	2	3
Would never allow	14	17	11	11	12	18
Mean	9.2	10.5	8.3	7.4	9.4	11.0
PIERCING SOMEWHERE ELSE ON THEIR FACE						
Would ever allow (NET)	48	45	50	62	45	36
Under age 18	11	10	11	20	8	5
Age 18	27	24	30	34	29	19
Age 19-20	1	1	2	1	1	1
Age 21	8	10	7	6	7	11
Would never allow	52	55	50	38	55	64
Mean	17.3	16.8	17.7	16.4	17.9	18.2

PIERCING SOMEWHERE ELSE ON THEIR BODY						
Would ever allow (NET)	52	49	55	63	54	40
Under age 18	9	12	8	15	9	4
Age 18	32	26	37	41	34	23
Age 19-20	2	1	2	1	3	1
Age 21	9	10	8	7	9	12
Would never allow	48	51	45	37	46	60
Mean	17.5	16.9	18	16.7	18.0	18.3

Note: Percentages may not add to 100% due to rounding.

* indicates <0.5% selected this response

-- indicates no selections for this response

TABLE 8a

COMFORT WITH THOSE WITH VISIBLE TATTOOS IN ROLES INTERACTING WITH YOUR CHILDREN

“Thinking about the following people who may interact with your child(ren), how comfortable, if at all, would you be with a person with a visible tattoo serving in such a role?”

Base: Parents with kids <18 in HH

		Comfortable (NET)	Extremely comfortable	Somewhat comfortable	Not comfortable (NET)	Not very comfortable	Not at all comfortable
Coach	%	81	39	42	19	11	8
High school teacher	%	75	39	36	25	13	12
Camp counselor	%	73	36	38	27	16	11
Sitter/Caregiver	%	73	37	36	27	14	12
Primary school teacher	%	71	37	34	29	16	13
Pediatrician	%	71	40	30	29	16	13

Note: Percentages may not add to 100% due to rounding.

TABLE 8b

EXTREMELY COMFORTABLE WITH THOSE WITH VISIBLE TATTOOS IN ROLES INTERACTING WITH YOUR CHILDREN

“Thinking about the following people who may interact with your child(ren), how comfortable, if at all, would you be with a person with a visible tattoo serving in such a role?”

Base: Parents with kids <18 in HH

	Total	Parent Gender		Parent Age		
		Men	Women	18-34	35-44	45+
	%	%	%	%	%	%
Pediatrician	40	35	45	52	42	28
Coach	39	34	43	53	42	24
High school teacher	39	32	44	51	42	24
Primary school teacher	37	31	42	48	40	25
Sitter/Caregiver	37	30	43	49	38	26
Camp counselor	36	27	42	46	39	23

Note: Percentages may not add to 100% due to rounding.

Methodology

This **Harris Poll** was conducted online within the United States between October 14 and 19, 2015 among 2,225 adults (aged 18 and over). Additional polling was conducted online in the United States between November 6 and 16, 2015 among 1,093 parents (aged 18 and over) with children under 18 in the household. Figures for age, sex, race/ethnicity, education, region and household income were weighted where necessary to bring them into line with their actual proportions in the population. Propensity score weighting was also used to adjust for respondents' propensity to be online.

All sample surveys and polls, whether or not they use probability sampling, are subject to multiple sources of error which are most often not possible to quantify or estimate, including sampling error, coverage error, error associated with nonresponse, error associated with question wording and response options, and post-survey weighting and adjustments. Therefore, The Harris Poll avoids the words “margin of error” as they are misleading. All that can be calculated are different possible sampling errors with different probabilities for pure, unweighted, random samples with 100% response rates. These are only theoretical because no published polls come close to this ideal.

Respondents for this survey were selected from among those who have agreed to participate in Harris Poll surveys. The data have been weighted to reflect the composition of the adult population. Because the sample is based on those who agreed to participate in our panel, no estimates of theoretical sampling error can be calculated.

These statements conform to the principles of disclosure of the National Council on Public Polls.

The results of this Harris Poll may not be used in advertising, marketing or promotion without the prior written permission of The Harris Poll.

The Harris Poll® #12, February 10, 2016

By Larry Shannon-Missal, Managing Editor, *The Harris Poll*

About The Harris Poll®

Begun in 1963, The Harris Poll is one of the longest running surveys measuring public opinion in the U.S. and is highly regarded throughout the world. The nationally representative polls, conducted primarily online, measure the knowledge, opinions, behaviors and motivations of the general public. New and trended polls on a wide variety of subjects including politics, the economy, healthcare, foreign affairs, science and technology, sports and entertainment, and lifestyles are published weekly.

Want Harris Polls delivered direct to your inbox? Click [here \(mailto:Press.TheHarrisPoll@nielsen.com?subject=Please%20add%20me%20to%20your%20distribution%20list\)](mailto:Press.TheHarrisPoll@nielsen.com?subject=Please%20add%20me%20to%20your%20distribution%20list)!

Placed on first reading and referred to the Planning Commission and Committee of the Whole 9/5/2017. Second reading 9/18/2017. Returned to Council with favorable recommendation by the Planning Commission 9/7/2017. Please substitute for the original.

ORDINANCE NO. 32-17

BY:

AN ORDINANCE to take effect at the earliest period allowed by law, amending various sections and enacting new chapters of the Codified Ordinances of the City of Lakewood in order to regulate medical marijuana cultivators, processors and dispensaries in the City.

WHEREAS, on September 8, 2016, Ohio House Bill 523 (codified in Ohio Revised Code Chapter 3796) took effect, codifying a statewide medical marijuana control program under which licensed medical marijuana cultivators, processors, dispensaries and testing laboratories could legally operate within the state; and

WHEREAS, the City has the power to regulate and license medical marijuana entities pursuant to Ohio Revised Code Chapter 3796 and pursuant to its exercise of police powers in furtherance of the health, safety and general welfare of the residents of the City; and

WHEREAS, this Council has determined that medical marijuana dispensaries should be able to locate within the City so that residents may access this form of medical relief in order to reduce or eliminate pain and suffering caused by the severe medical conditions identified by the Ohio legislature as qualifying for medical marijuana treatment; and

WHEREAS, this Council has determined that the business and zoning regulations set forth herein shall ensure the safe and secure operation of medical marijuana entities within the City.

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, 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 that the state medical marijuana control program is currently underway; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Schedule 1129.02, Permitted Uses in Commercial Districts, currently reading as follows:

SCHEDULE 1129.02: PERMITTED USES IN COMMERCIAL DISTRICTS				
	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL
RESIDENTIAL				
Single-Family/Two-Family Dwellings	-	-	-	C
Multi-Family Dwellings	-	C ¹	C ¹	C ¹
Mixed Use Structure	P	P	P	C ⁷
Hotels/Motels	-	-	P	C ⁷
Groups/Convalescent/Nursing/Assisted Living	C	C	P	C ⁷
Day-Care Centers (6+ children)	P	P	P	C ⁷
Bed and Breakfast Establishment	C	C	C	C
INSTITUTIONAL				
Funeral Homes	-	C	P	C ⁷
Places of Worship	C	C	C	C ⁷
Elementary/Secondary Schools	P	P	P	C
Trade/Vocational Schools	-	C	P	C ⁷
Colleges	C	P	P	C ⁷
Libraries	C	P	P	C ⁷
Hospitals	C	C	P	C ⁷
Public Parks and Playgrounds	C	C	C	C ⁷
Parking Facility as a Principal Use	P	P	P	C ⁷
ENTERTAINMENT				
Indoor Commercial Recreation	-	C	P	C ⁷
Theaters, Banquet Hall, Party Center	-	C	P	C ⁷
Studios for Instruction	-	P	P	C ⁷
Fraternal Organizations	-	C	P	C ⁷
Museum/Art Gallery	P	P	P	C ⁷
Auditorium	-	C	P	C ⁷
FOOD AND BEVERAGE SERVICES				
Restaurant seated Table Service	P ²	P	P	C ⁷

Restaurants – Fast Food	C ²	P	P	C ²
Bar, Tavern, Nightclub	C ²	P	P	C ²
Outdoor/Seasonal Dining Facility	C ³	C ³	C ³	C ^{3,7}
PROFESSIONAL SERVICES				
<i>Offices Including:</i>				
Business, Medical, and Government	P	P	P	C ⁷
Medical Clinics/Urgent Care Facility	C	C	P	C ⁷
Radio/TV/Video/Audio Production	C	C	P	C ⁷

RETAIL/SERVICE USES				
<i>General Retail Including:</i>				
Book and Stationery Stores,	P	P	P	C ⁷
Apparel Stores, Florists,	P	P	P	C ⁷
Antique Stores, Sporting Good Stores	P	P	P	C ⁷
Jewelry Stores,	P	P	P	C ⁷
Second Hand and Resale Stores,	P	P	P	C ⁷
Specialty Gift Stores,	P	P	P	C ⁷
Retail Variety Stores, and	P	P	P	C ⁷
Floor Coverings.	P	P	P	C ⁷
Media Stores	P ⁴	P ⁴	P ⁴	C ⁷
Sexually Oriented Businesses Including:				
Adult Arcades,	P ⁵	P ⁵	P ⁵	-
Adult Cabarets,	P ⁵	P ⁵	P ⁵	-
Adult Media Stores,	P ⁵	P ⁵	P ⁵	-
Adult Novelty Stores, ⁶	P ⁵	P ⁵	P ⁵	-
Adult Motion Picture Theaters,	P ⁵	P ⁵	P ⁵	-
Adult Theaters,	P ⁵	P ⁵	P ⁵	-
Nude Model Studios,	P ⁵	P ⁵	P ⁵	-
Sexual Encounter Centers,	P ⁵	P ⁵	P ⁵	-
Any combination of above.	P ⁵	P ⁵	P ⁵	-
Service Retail, Including:				
Printing Services,	C ²	P	P	C ^{2,7}
Shoe Repair,	C ²	P	P	C ^{2,7}

Photographic Studios,	C ²	P	P	C ^{2,7}
Tailoring, Dress Making and	C ²	P	P	C ^{2,7}
Dry Cleaning,	C ²	P	P	C ^{2,7}
Upholstery.	C ²	P	P	C ^{2,7}
Convenience Retail, Including:				
Bakeries, Grocery,	P	P	P	C ⁷
Supermarkets,	P	P	P	C ⁷
Beverage Stores including	P	P	P	C ⁷
Liquor, Film/Video Rental, and Drug Stores.	P	P	P	C ⁷

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

LAUNDROMAT	-	P	P	C ⁷
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STORAGE WHOLESALE/UTILITY Including:				
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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	-

INDUSTRIAL <i>Including:</i>				
Manufacturing, Processing,	-	-	C	-
Assembly, and/or Packaging Plant.	-	-	C	-
Light Industrial (as above, no more than 1,000 sq.ft. or five [5] employees.)	-	C	P	-
DRIVE-THROUGH FACILITY	C	C	C	-

- 1 As regulated by Chapter 1127.
- 2 Use is limited to the ground floor of the structure.
- 3 Permitted only as an accessory use and limited to the ground floor level.
- 4 Reference Sections 1103.02(o), 1103.02(tt) and 1103.02(uu), and Section 1129.15 herein.
- 5 As regulated by Chapter 1163 and Chapter 777.
- 6 Reference Section 1103.02(i), or Chapter 1163.
- 7 Use shall be limited to Detroit Avenue and/or Madison Avenue as regulated by Chapters 1156 and 1161.
- 8 Reference Sections 1129.17 and 1161.03(y).

is hereby repealed, and new Schedule 1129.02, Permitted Uses in Commercial Districts, is hereby enacted to read as follows:

SCHEDULE 1129.02: PERMITTED USES IN COMMERCIAL DISTRICTS				
	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL
RESIDENTIAL				
Single-Family/Two-Family Dwellings	-	-	-	C
Multi-Family Dwellings	-	C ¹	C ¹	C ¹

Mixed Use Structure	P	P	P	C ⁷
Hotels/Motels	-	-	P	C ⁷
Groups/Convalescent/Nursing/Assisted Living	C	C	P	C ⁷
Day-Care Centers (6+ children)	P	P	P	C ⁷
Bed and Breakfast Establishment	C	C	C	C
INSTITUTIONAL				
Funeral Homes	-	C	P	C ⁷
Places of Worship	C	C	C	C ⁷
Elementary/Secondary Schools	P	P	P	C
Trade/Vocational Schools	-	C	P	C ⁷
Colleges	C	P	P	C ⁷
Libraries	C	P	P	C ⁷
Hospitals	C	C	P	C ⁷
Public Parks and Playgrounds	C	C	C	C ⁷
Parking Facility as a Principal Use	P	P	P	C ⁷
ENTERTAINMENT				
Indoor Commercial Recreation	-	C	P	C ⁷
Theaters, Banquet Hall, Party Center	-	C	P	C ⁷
Studios for Instruction	-	P	P	C ⁷
Fraternal Organizations	-	C	P	C ⁷
Museum/Art Gallery	P	P	P	C ⁷
Auditorium	-	C	P	C ⁷
FOOD AND BEVERAGE SERVICES				
Restaurant seated Table Service	P ²	P	P	C ⁷
Restaurants – Fast Food	C ²	P	P	C ²
Bar, Tavern, Nightclub	C ²	P	P	C ²
Outdoor/Seasonal Dining Facility	C ³	C ³	C ³	C ^{3, 7}
PROFESSIONAL SERVICES				
Offices <i>Including:</i>				
Business, Medical, and Government	P	P	P	C ⁷
Medical Clinics/Urgent Care Facility	C	C	P	C ⁷
Radio/TV/Video/Audio Production	C	C	P	C ⁷

RETAIL/SERVICE USES				
General Retail <i>Including:</i>				
Book and Stationery Stores,	P	P	P	C ⁷
Apparel Stores, Florists,	P	P	P	C ⁷
Antique Stores, Sporting Good Stores	P	P	P	C ⁷
Jewelry Stores,	P	P	P	C ⁷
Second Hand and Resale Stores,	P	P	P	C ⁷
Specialty Gift Stores,	P	P	P	C ⁷
Retail Variety Stores, and	P	P	P	C ⁷
Floor Coverings.	P	P	P	C ⁷
Media Stores	P ⁴	P ⁴	P ⁴	C ⁷
Sexually Oriented Businesses <i>Including:</i>				
Adult Arcades,	P ⁵	P ⁵	P ⁵	-
Adult Cabarets,	P ⁵	P ⁵	P ⁵	-
Adult Media Stores,	P ⁵	P ⁵	P ⁵	-
Adult Novelty Stores, ⁶	P ⁵	P ⁵	P ⁵	-
Adult Motion Picture Theaters,	P ⁵	P ⁵	P ⁵	-
Adult Theaters,	P ⁵	P ⁵	P ⁵	-
Nude Model Studios,	P ⁵	P ⁵	P ⁵	-
Sexual Encounter Centers,	P ⁵	P ⁵	P ⁵	-
Any combination of above.	P ⁵	P ⁵	P ⁵	-
Service Retail, <i>Including:</i>				
Printing Services,	C ²	P	P	C ^{2,7}
Shoe Repair,	C ²	P	P	C ^{2,7}
Photographic Studios,	C ²	P	P	C ^{2,7}
Tailoring, Dress Making and	C ²	P	P	C ^{2,7}
Dry Cleaning,	C ²	P	P	C ^{2,7}
Upholstery.	C ²	P	P	C ^{2,7}
Convenience Retail, <i>Including:</i>				
Bakeries, Grocery,	P	P	P	C ⁷
Supermarkets,	P	P	P	C ⁷
Beverage Stores including	P	P	P	C ⁷
Liquor, Film/Video Rental, and Drug	P	P	P	C ⁷

Stores.				
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
<u>Medical Marijuana Dispensaries</u>	<u>C²</u>	<u>C²</u>	<u>C²</u>	-
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	C	C	C	-

Agency				
Motor Vehicle Washing/Detailing Facility	-	C	C	-

INDUSTRIAL <i>Including:</i>				
Manufacturing, Processing,	-	-	C	-
Assembly, and/or Packaging Plant.	-	-	C	-
Light Industrial (as above, no more than 1,000 sq.ft. or five [5] employees.)	-	C	P	-
DRIVE-THROUGH FACILITY	C	C	C	-

- 1 As regulated by Chapter 1127.
- 2 Use is limited to the ground floor of the structure.
- 3 Permitted only as an accessory use and limited to the ground floor level.
- 4 Reference Sections 1103.02(o), 1103.02(tt) and 1103.02(uu), and Section 1129.15 herein.
- 5 As regulated by Chapter 1163 and Chapter 777.
- 6 Reference Section 1103.02(i), or Chapter 1163.
- 7 Use shall be limited to Detroit Avenue and/or Madison Avenue as regulated by Chapters 1156 and 1161.
- 8 Reference Sections 1129.17 and 1161.03(y).
- 9 As regulated by Chapter 1165 and Chapter 779.**

Section 2. New Chapter 779, Medical Marijuana Operations, shall be enacted to read as follows:

CHAPTER 779
Medical Marijuana Operations

- 779.01 Purpose.
- 779.02 Definitions.
- 779.03 Applicability.
- 779.04 Prohibition on certain medical marijuana operations.
- 779.05 Medical marijuana dispensary license required.
- 779.06 Medical marijuana dispensary license application.
- 779.07 Issuance of medical marijuana dispensary license.
- 779.08 Fees.
- 779.09 Inspection.
- 779.10 Expiration and renewal of license.
- 779.11 License suspension.
- 779.12 License revocation.
- 779.13 Appeal rights.
- 779.14 Transfer of license.
- 779.15 Regulations pertaining to the operation of medical marijuana dispensaries.
- 779.16 Loitering and exterior lighting and monitoring requirements.
- 779.17 Injunction.
- 779.18 Effect of partial invalidity.
- 779.19 Change in information.

779.99 Penalty.

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.

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.

779.03 APPLICABILITY.

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

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.

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.

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.

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) A 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) A 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 re-

quirement 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.

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 from the dispensary to

which the license applies 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 \$25,000.00 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.

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.

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.

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.

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.

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.

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.

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

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

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

(6) The use of any vending machine which allows access to medical marijuana is prohibited. For purposes of this 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.

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 parcel of real property upon which the medical marijuana dispensary is located;

(2) Post conspicuous signs stating that no loitering is permitted on such property;

(3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and

(4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business.

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

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.

779.18 EFFECT OF PARTIAL INVALIDITY.

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

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.

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 3. New Chapter 1165, Medical Marijuana Dispensaries, shall be enacted to read as follows:

CHAPTER 1165
Medical Marijuana Dispensaries

1165.01 Purpose.

1165.02 Definitions.

1165.03 Location of medical marijuana dispensaries.

1165.04 Design guidelines for medical marijuana dispensaries.

1165.05 Off-street parking.

1165.06 Sign regulations for medical marijuana dispensaries.

1165.07 Licensing.

1165.08 Hearing; renewal; revocation.

1165.09 Severability.

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.

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 in 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 opera-

tion. 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.

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.

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.

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.

1165.06 SIGN REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES.

(a) All signs for a medical marijuana dispensary shall be awning signs, wall signs or window signs as defined in Section 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.

1165.07 LICENSING.

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

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 at the expiration of the medical marijuana dispensary license pursuant to Section 779.10(a). 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.

1165.09 SEVERABILITY.

If any section, subsection, or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Section 4. 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.

Adopted: _____

PRESIDENT

CLERK

3796:6-3-07

Security, control, and storage of medical marijuana at a dispensary.

(A) Pursuant rule 3796:6-3-05 of the Administrative Code, a designated representative shall provide supervision and control of medical marijuana and medical marijuana products and adequate safeguards to ensure that such items are dispensed in accordance with Chapter 3796. of the Revised Code and this division, by the following procedures:

(1) A licensed dispensary key employee shall provide personal supervision of the medical marijuana and medical marijuana products, order forms, all records relating to the dispensing of medical marijuana and medical marijuana products, unless the state board of pharmacy has issued written approval to a dispensary allowing for the storage of records off-site.

(2) Whenever personal supervision of medical marijuana and medical marijuana products is not provided by a licensed dispensary key employee, physical or electronic security of such items must be provided according to the following requirements:

(a) The dispensary department, restricted access areas and stock of medical marijuana must each be secured by a physical barrier with suitable locks and an electronic barrier to detect entry at a time when licensed dispensary employees are not present. The physical barrier shall be constructed from floor to ceiling to separate the public entry area from the dispensary department. Such a barrier, before being put into use, must be approved by the state board of pharmacy.

(b) A restricted access area within the dispensary department must contain all medical marijuana, and if maintained on the licensed premises, all records relating to the dispensing of medical marijuana, and any other items required to be under personal supervision of a licensed dispensary employee.

(c) A dispensary maintaining records at a location other than the premises licensed by the state board of pharmacy or via a computerized recordkeeping system shall maintain an executed agreement with the company possessing or storing the records authorizing an agent of the state board of pharmacy access to the records maintained in accordance with this rule within three business days, excluding weekends and holidays. The dispensary is obligated to ensure the board receives the records in the timeframe specified in this rule.

(d) No item, product, record, or equipment that must be accessible to anyone other than a licensed dispensary employee may be stored in restricted access areas.

(e) No medical marijuana may be sold or otherwise dispensed at any time the dispensary department is closed.

(3) Areas designated for the dispensing and storage of medical marijuana shall meet the security requirements in rule 3796:6-3-16 of the Administrative Code. No person may be within the physical confines of the area designated for dispensing or storage of medical marijuana unless under the personal supervision of a licensed dispensary employee.

(B) A dispensary shall store inventory on the licensed premises. All inventory stored on the licensed premises must be secured in restricted access areas and tracked in the inventory tracking system.

(C) A dispensary shall maintain adequate lighting, ventilation, temperature, humidity control, and equipment. Required equipment includes, but is not limited to, adequate personal protective equipment for employees.

(D) Containers storing expired, damaged, deteriorated, misbranded, adulterated or opened medical marijuana shall be separated from other medical marijuana until they are destroyed in accordance with the dispensary's destruction policy. Expired, damaged, deteriorated, misbranded, or adulterated medical marijuana shall not be stored at the licensed dispensary for more than one week.

(E) The dispensary shall be maintained in a clean and orderly condition. It shall be free from infestation by insects, rodents, birds, or pests.

(F) Medical marijuana shall be stored at appropriate temperatures and under appropriate conditions to help ensure that its identity, strength, quality and purity are not adversely affected.

Effective: 09/08/2017

Five Year Review (FYR) Dates: 09/08/2022

CERTIFIED ELECTRONICALLY

Certification

08/14/2017

Date

Promulgated Under: 119.03
Statutory Authority: 3796.04
Rule Amplifies: 3796.04, 3796.20

3796:6-3-16

Monitoring, surveillance, and security requirements.

(A) All licensed dispensaries shall maintain security policies and procedures that include, but are not limited to:

- (1) A security plan with protocols for patient, caregiver, and employee safety and management and security of medical marijuana and currency;
- (2) Restricted access to the areas in the dispensary that contain medical marijuana to authorized employees;
- (3) Identification of authorized employees through means including current employee identification card in the employee's immediate possession whenever the employee is present at the dispensary;
- (4) Controlled access and prevention of loitering both inside and outside of the facility; 5. Conducting electronic monitoring; 6. Use of a panic button; and 7. Prepares for, protects against, and addresses how to handle any crisis that affects the security or operation of a dispensary in the event of strike, fire, flood or other natural disaster, or other situations of local, state or national emergency.

(B) All licensed dispensaries shall implement security measures to protect the premises, patients, caregivers and employees, including the following measures:

- (1) The dispensary department shall be accessible to patients and caregivers, dispensary employees, service professionals conducting business with the dispensary and who are escorted and supervised by a dispensary employee, and other persons authorized by Chapter 3796, of the Revised Code and this division. To prevent unauthorized access to the dispensary department, establish a locked door or barrier between the facility's entrance and the dispensary department.
- (2) Post a sign at all entry ways into any area of the dispensary containing medical marijuana, including a room with an approved vault, which sign shall be a minimum of twelve inches in height and twelve inches in width and shall state: "Do Not Enter – Restricted Access Area – Access Restricted to Authorized Employees Only." In lettering no smaller than one-half inch in height.
- (3) Maintenance of a supply of medical marijuana that is not more than the quantity required for normal, efficient operation;
- (4) Prevent individuals from remaining on the premises if they are not engaging in authorized activities under Chapter 3796, of the Revised Code or this division;
- (5) Develop a policy that addresses the maximum capacity and patient flow in the

waiting rooms, dispensary department, and patient care areas;

- (6) Dispose of medical marijuana in accordance with this division;
 - (7) During hours of operation, store all medical marijuana in established restricted access areas accessible only to authorized employees. The minimum number of dispensary employees necessary for efficient operations shall be in the restricted access area;
 - (8) Keep all safes, vaults and any other equipment or medical marijuana storage areas securely locked and protected from unauthorized entry;
 - (9) Keep a daily log of dispensary employees with access to the safe or vault and knowledge of the access code or combination;
 - (10) Keep all locks and security equipment in good working order. All security equipment must be inspected and tested at regular intervals, not to exceed thirty calendar days from the previous inspection and test to ensure the systems remain functional. A dispensary must maintain a log documenting such inspections and tests;
 - (11) Prohibit keys, if applicable, from being left in locks or stored or placed in a location accessible to persons other than specifically authorized personnel;
 - (12) Prohibit accessibility of security measures, including combination numbers, passwords or electronic or biometric security systems to persons other than persons specifically authorized in accordance with this division;
 - (13) Ensure that trees, bushes and other foliage outside of the dispensary do not allow for a person to conceal themselves from sight;
 - (14) Develop emergency policies and procedures for securing all product and currency following any instance of diversion, theft or loss of medical marijuana, and conduct an assessment to determine whether additional safeguards are necessary; and
 - (15) Develop sufficient additional safeguards in response to any special security concerns, or as required by the state board of pharmacy.
- (C) The state board of pharmacy may request or approve alternate security provisions that it determines are an adequate substitute for a security measure specified in this rule. Any additional protections may be considered by the state board of pharmacy in evaluating overall security measures.
- (D) When physical security controls become inadequate because of such items as a significant increase in the quantity of medical marijuana, the physical controls shall be expanded and extended accordingly.

(E) All licensed dispensaries shall have a security system that is operational at all times and that uses commercial grade equipment to prevent and detect diversion, theft, or loss of medical marijuana, including:

(1) A perimeter alarm;

(2) Motion detectors;

(3) Video cameras in all areas, unless prohibited by law, including all points of entry and exit from the dispensary, the dispensary department, and restricted access areas which shall be appropriate for the normal lighting conditions of the area under surveillance, so as to allow for the capture of clear and certain identification of any person located in the surveillance area. Such surveillance shall be sufficient to distinctly view the entire area under surveillance;

(4) A video camera or cameras recording at each point of sale location allowing for the identification of the dispensary employee dispensing the medical marijuana and any patient or caregiver purchasing the medical marijuana. The camera or cameras shall capture the sale, the individuals and the computer monitors used for the sale;

(5) In accordance with rule 3796:6-3-04 of the Administrative Code, a minimum of constant streaming from all video cameras during hours when a dispensary is closed;

(6) Recording from all video cameras during hours of operation, which the dispensary shall make available for immediate viewing by the state board of pharmacy or the board's authorized representative upon request and shall be retained for at least six months.

(a) Unaltered copies of such recordings shall be made available upon request;

(b) If a dispensary knows or should know of a pending criminal, civil, or administrative investigation or legal proceeding for which a recording may contain relevant information, the registered organization shall retain an unaltered copy of the recording until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the dispensary that it is not necessary to retain the recording.

(7) A duress alarm, which for purposes of this rule means a silent security alarm system signal generated by the entry of a designated code into an arming station to signal that the alarm user is being forced to turn off the system;

(8) A panic alarm, which for purposes of this section, means an audible security alarm system signal generated by the manual activation of a device intended

to signal a life threatening or emergency requiring a law enforcement response;

- (9) A holdup alarm, which for purposes of this section, means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress;
 - (10) An automatic voice dialer, which for purposes of this section means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch;
 - (11) A failure notification system that provides an audible, text or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to the dispensary within five minutes of the failure, either by telephone, email, or text message;
 - (12) The ability to immediately produce a clear color still photo that is a minimum of ninety-six hundred dpi from any camera image, either live or recorded. All cameras shall be capable of capturing at least thirty frames per second;
 - (13) A date and time stamp embedded on all recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture;
 - (14) The ability to remain operational during a power outage and ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage; and
 - (15) All video surveillance equipment shall allow for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.
- (F) A surveillance system at a dispensary shall have electronic monitoring capacity including:
- (1) Monitors that are each at least nineteen inches or greater;
 - (2) A video printer capable of immediately producing a clear still photo from any video image; and
 - (3) A failure notification system that provides an audible and visual notification of

any failure in the electronic monitoring system.

- (G) All surveillance systems at a dispensary shall comply with the requirements herein and shall provide secure access and secure override access for the system to the state board of pharmacy in a manner suitable to the board. At any time and without notice, the dispensary surveillance system, and its component parts, shall be subject to testing by the state board of pharmacy. Each surveillance camera must be programed with a defined home position that remains consistent when a surveillance system is restarted. The defined home position feature must remain enabled at all times and allow for automatic return to the home position.
- (H) If dispensary premises present special security issues, such as an extremely large stock of medical marijuana, exposed handling or unusual vulnerability to diversion, theft or loss, the state board of pharmacy may require additional safeguards, including, but not limited to, a supervised watchman service.
- (I) If diversion, theft or loss of medical marijuana has occurred from a dispensary, the state board of pharmacy shall review and approve the improvements in the appropriate storage and security requirements for all medical marijuana in such dispensary and may require additional safeguards to ensure security of the medical marijuana.
- (J) Preventative maintenance must be performed on a dispensary's surveillance system at least annually by a vendor approved by the state board of pharmacy.

Effective: 09/08/2017

Five Year Review (FYR) Dates: 09/08/2022

CERTIFIED ELECTRONICALLY

Certification

08/14/2017

Date

Promulgated Under: 119.03
Statutory Authority: 3796.04
Rule Amplifies: 3796.04



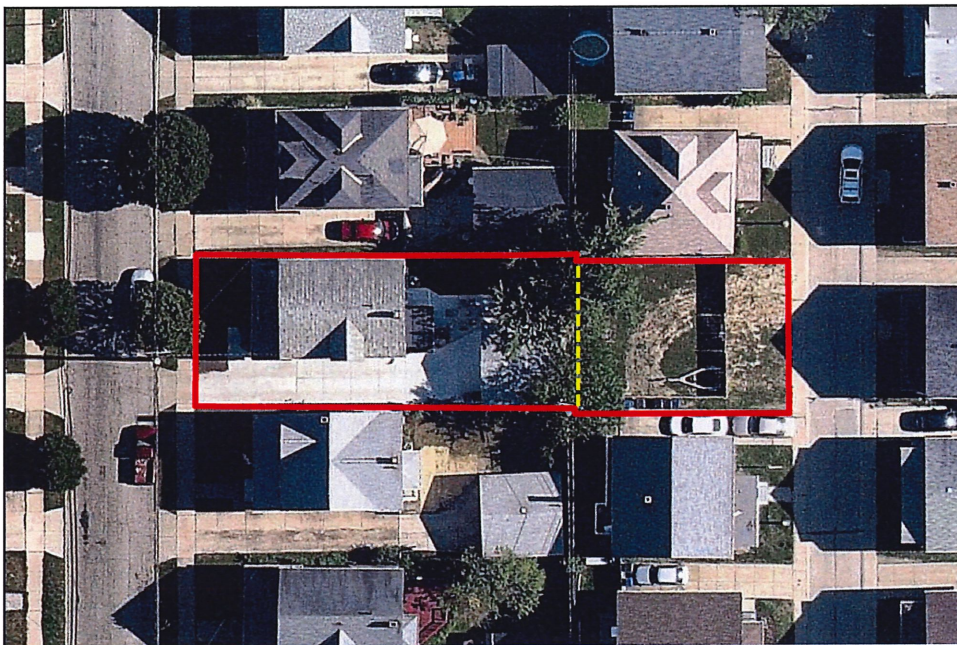
Planning Commission
October 5, 2017

Request
The review and approval of the consolidation of two lots (PPN 312-29-063 and 312-29-102); pursuant to Section 1155.06 – procedures for lot consolidations and resubdivisions. The both lots are located in a R2-residential, single and two family districts.

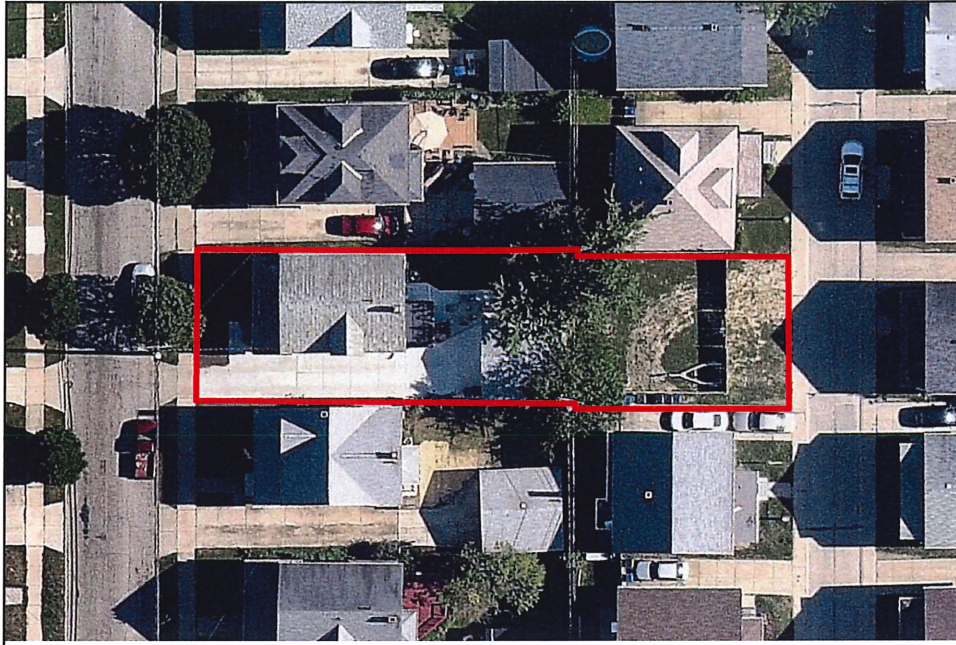
1279 Beach Ave.
Lot Consolidation



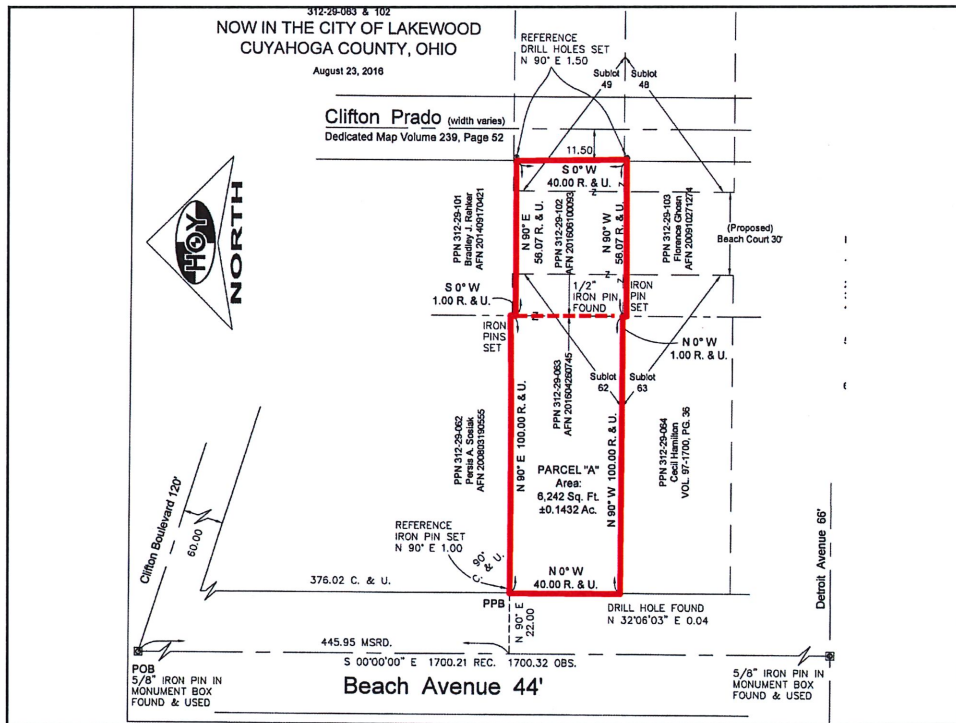
1279 Beach Ave.
Lot Consolidation



1279 Beach Ave.
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1279 Beach Ave.
Lot Consolidation





Request
The review and approval of the consolidation of two lots (PPN 312-29-063 and 312-29-102); pursuant to Section 1155.06 – procedures for lot consolidations and resubdivisions. The both lots are located in a R2-residential, single and two family districts.

1279 Beach Ave.
Lot Consolidation



Request

The review and approval of the expansion of a non-conforming garage structure, pursuant to Section 1149.03 – non-conforming use of structures or structures and land in combination. The property is located in a R1H – Residential, Single Family (High Density).

14133 Detroit Avenue
McGorray Funeral Home
Expansion of A Non-Conformity

1149.03 NON-CONFORMING USE OF STRUCTURES OR STRUCTURES AND LAND IN COMBINATION.

If lawful use involving individual structures with a replacement cost of \$3,000.00 or more, or of structures and land in combination, exists at the effective date of adoption or amendment of this *Code* that would not be allowed in the district under the terms of this *Code*, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) The Commission may, at public hearing and following the notice procedures for use variance(s) set forth in Section 1173.04, authorize the expansion of a non-conforming structure or use a maximum of 2,000 square feet or up to twenty percent (20%) of the existing floor area, whichever is greater, where the Commission finds:

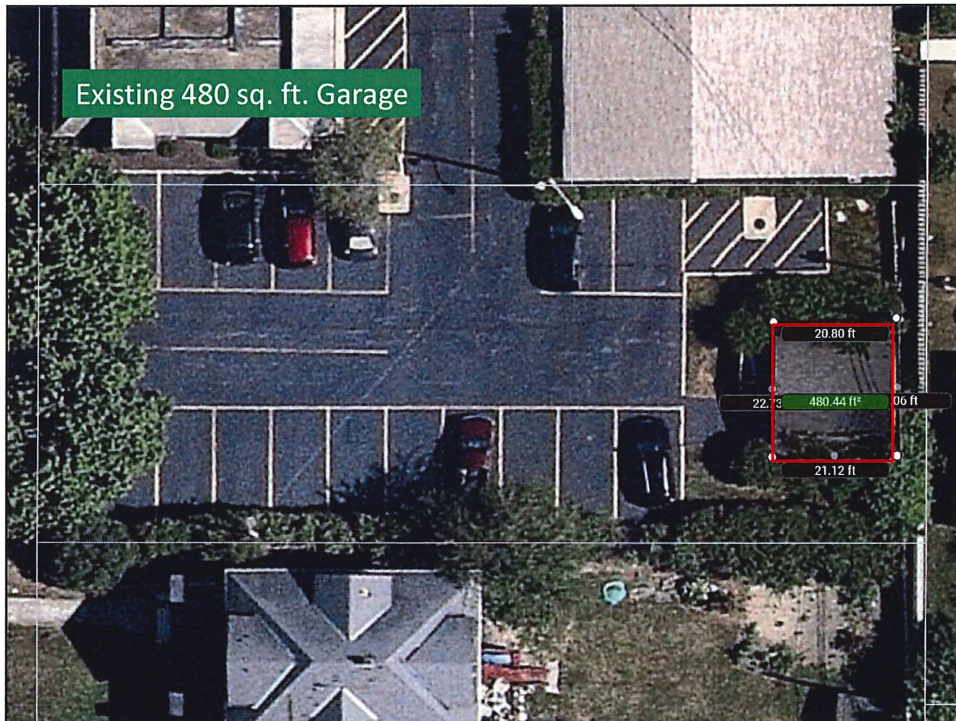
(1) That side and rear yards a minimum of ten (10) feet wide/deep will be maintained along lot lines abutting conforming uses; the Commission may require larger side or rear yards where necessary to effectively insulate abutting conforming uses from the non-conforming use.

When considering whether to authorize the expansion, the Commission may consider any other factors it deems relevant.

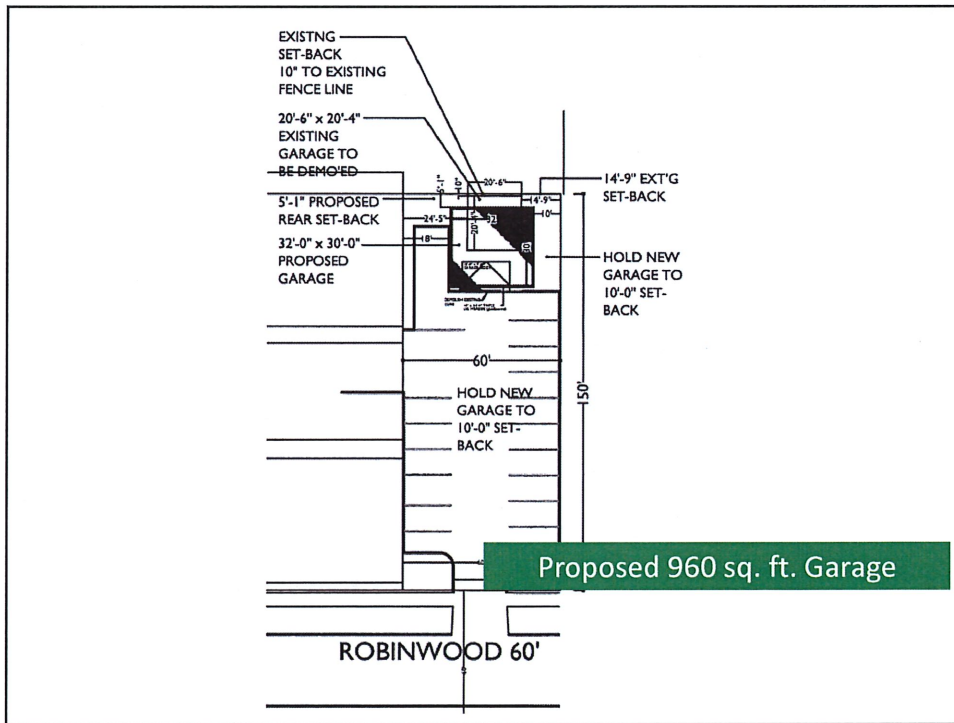
14133 Detroit Avenue
McGorray Funeral Home
Expansion of A Non-Conformity

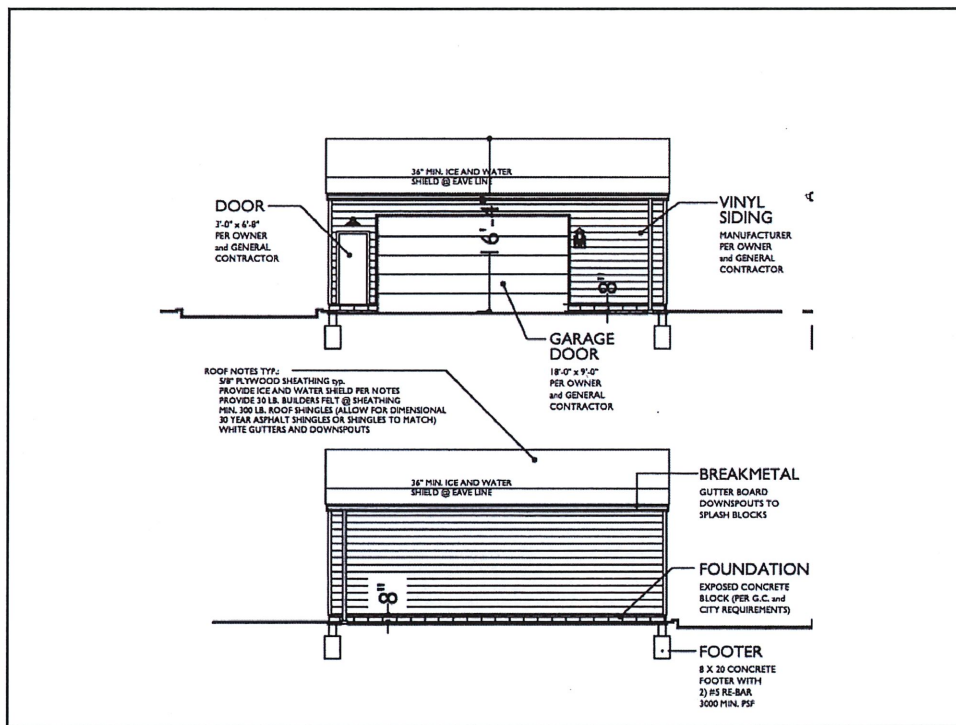
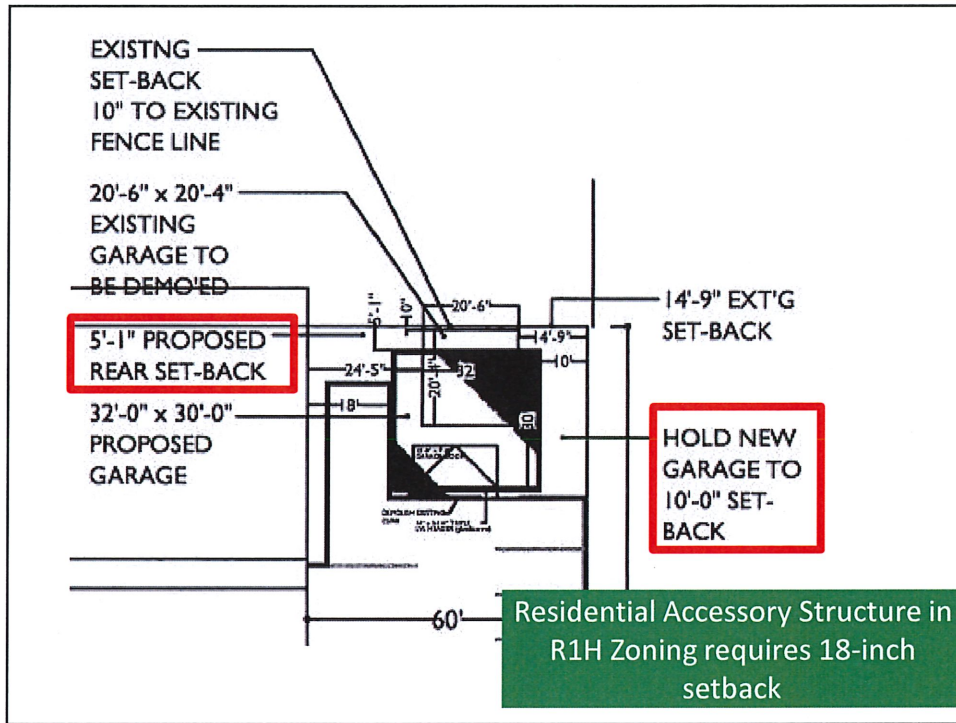


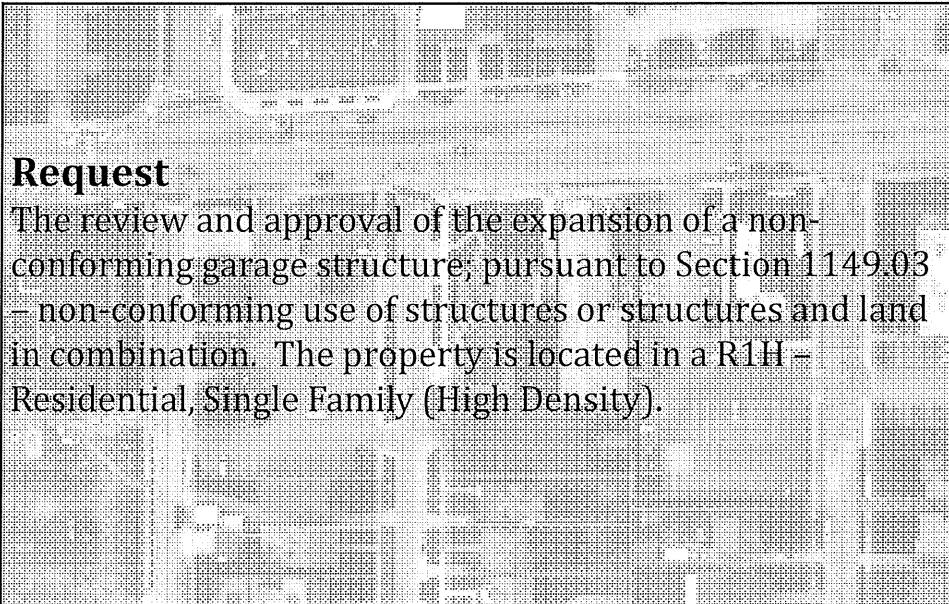
14133 Detroit Avenue
McGorray Funeral Home
Expansion of A Non-Conformity





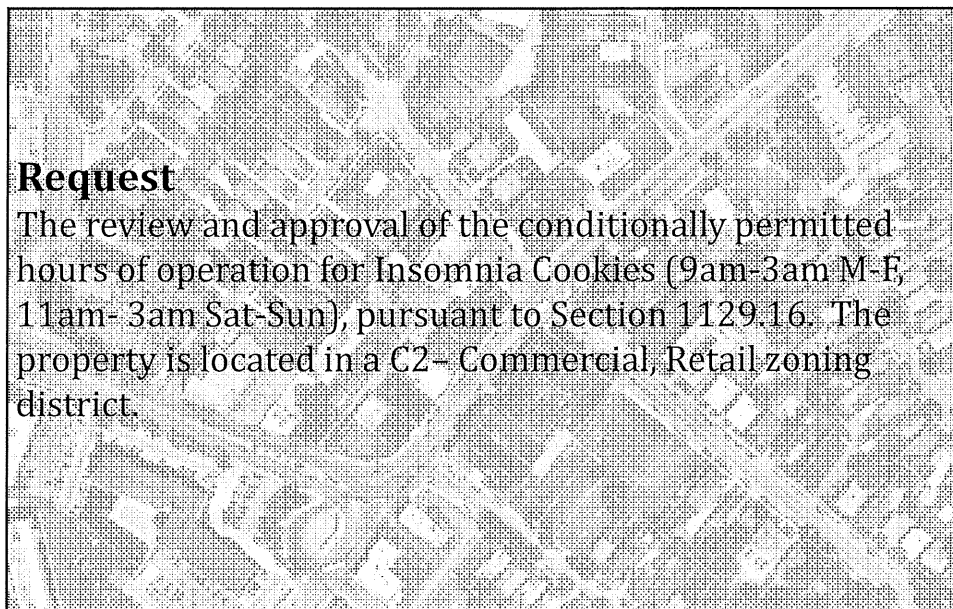






Request
The review and approval of the expansion of a non-conforming garage structure; pursuant to Section 1149.03 – non-conforming use of structures or structures and land in combination. The property is located in a R1H – Residential, Single Family (High Density).

14133 Detroit Avenue
McGorray Funeral Home
Expansion of A Non-Conformity



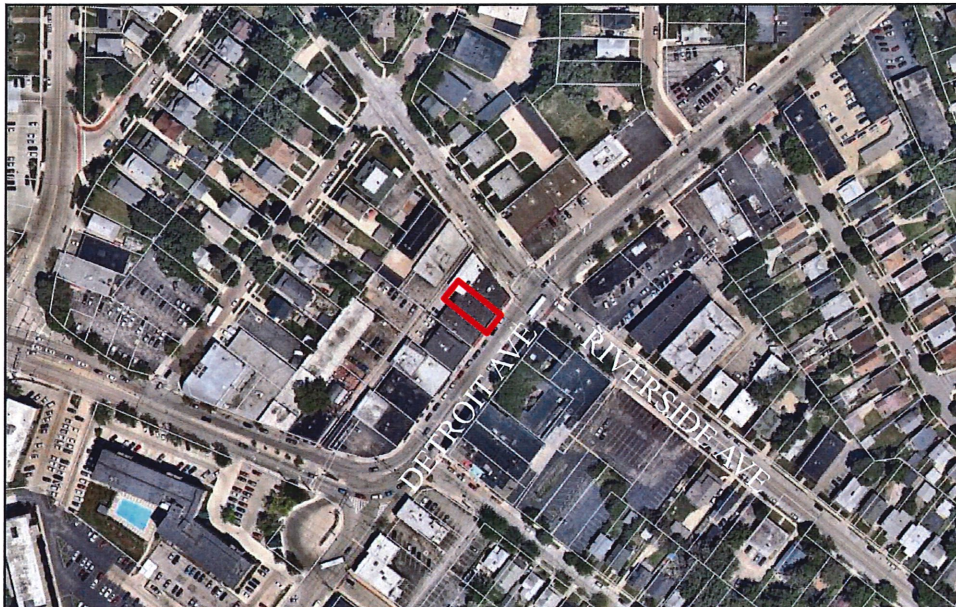
Request
The review and approval of the conditionally permitted hours of operation for Insomnia Cookies (9am-3am M-F, 11am- 3am Sat-Sun), pursuant to Section 1129.16. The property is located in a C2- Commercial, Retail zoning district.

18508 Detroit Avenue
Insomnia Cookies
Conditional Use

1129.16 SUPPLEMENTAL REGULATIONS FOR EXTENDED BUSINESS HOURS OF OPERATION.

(a) Any store or other place of business, including but not limited to all permitted or conditionally permitted uses in the C1 Office, C2 Retail, C3 General Business, and C4 Public School District outlined in Section 1129.02 herein, having an entrance, exit, parking lot, loading dock, trash enclosure, or show window within 250 feet of any single-family, two-family, or multiple-family residential district, shall only be permitted to be open for the transaction of business after 12:00 a.m. or before 6:00 a.m. of any day as a conditionally permitted use.

18508 Detroit Avenue
Insomnia Cookies
Conditional Use



18508 Detroit Avenue
Insomnia Cookies
Conditional Use

HOURS OF OPERATION

Mon-Fri 9am-3am
Sat-Sun 11am-3am

CUSTOMER BASE

We started out catering to college students but have found that people of all ages love our products. With our range of hours we are perfect for families, company events, delivering local gifts or filling late night cravings.

OPERATION SUMMARY

Our cookies are baked fresh on premises and can be carried out or delivered. A majority of our late night sales are delivery, but we often serve patrons out and about looking for a sweet treat.

STAFFING

Staffing generally consists of 1-2 team members during the day time and 2-4 team members in the evenings. Our manager and team members are provided parking spaces at our building in the Orrington Hotel.

SALES VOLUME

Our sales are steady during the week and generally increase throughout the weekend. Daytime sales are split evenly between delivery and takeout. In the evenings, orders shift heavily toward delivery. Generally we keep a 1-2 mile delivery area radius. Depending on the market's volume we may expand or decrease that proximity to the store.

PRODUCTS

Our Menu consists of Cookies, Cookie Cakes, Brownies, Ice Cream, Milk and Water. We also serve hybrids of our main products like Cookiewiches - Ice Cream sandwiches between two warm cookies.

SUSTAINABILITY

We have committed to sustainability by eliminating all Styrofoam cups and plastic takeout bags. All of our items including boxes, plates and bags are recyclable. We also try to deliver by bicycle in our city locations but occasionally allow vehicle deliveries due to inclement weather or other issues.

SECURITY

Insomnia employs our own internal security team that offers us live video monitoring during our operating hours. This allows us to provide increased security to our guests as well as to our team members.





Request

The review and approval of the conditionally permitted hours of operation for Insomnia Cookies (9am-3am M-F, 11am- 3am Sat-Sun), pursuant to Section 1129.16. The property is located in a C2- Commercial, Retail zoning district.

18508 Detroit Avenue
Insomnia Cookies
Conditional Use



DEFER- Request

The review and approval of a Conditional Use in order to operate the Great Lakes Medicinal medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

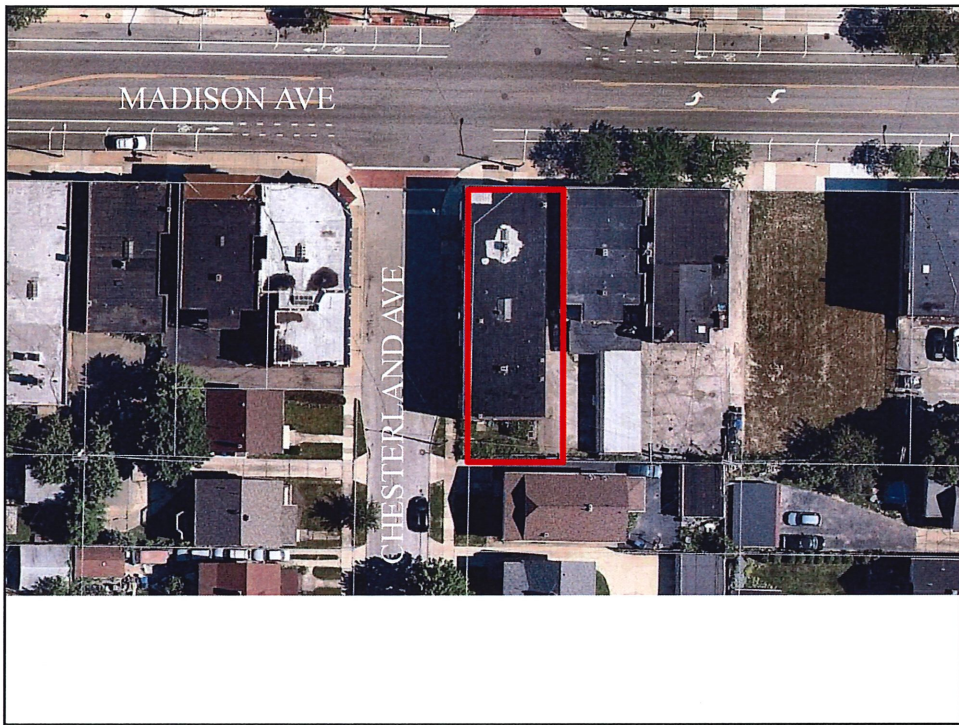
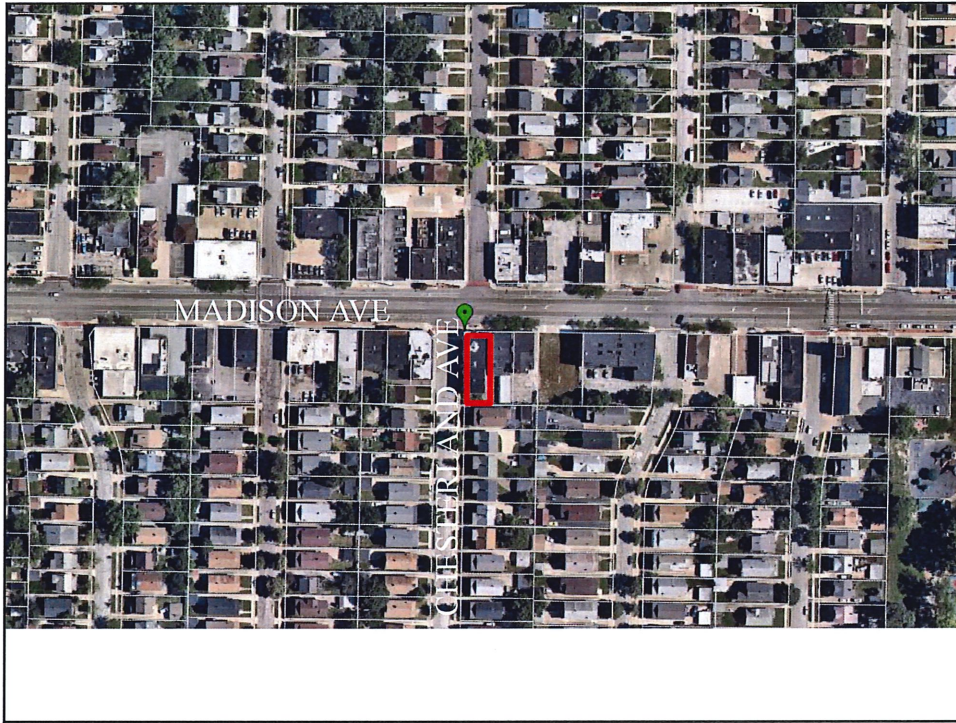
13367 & 13369 Madison Avenue
Great Lakes Medicinal
Conditional Use

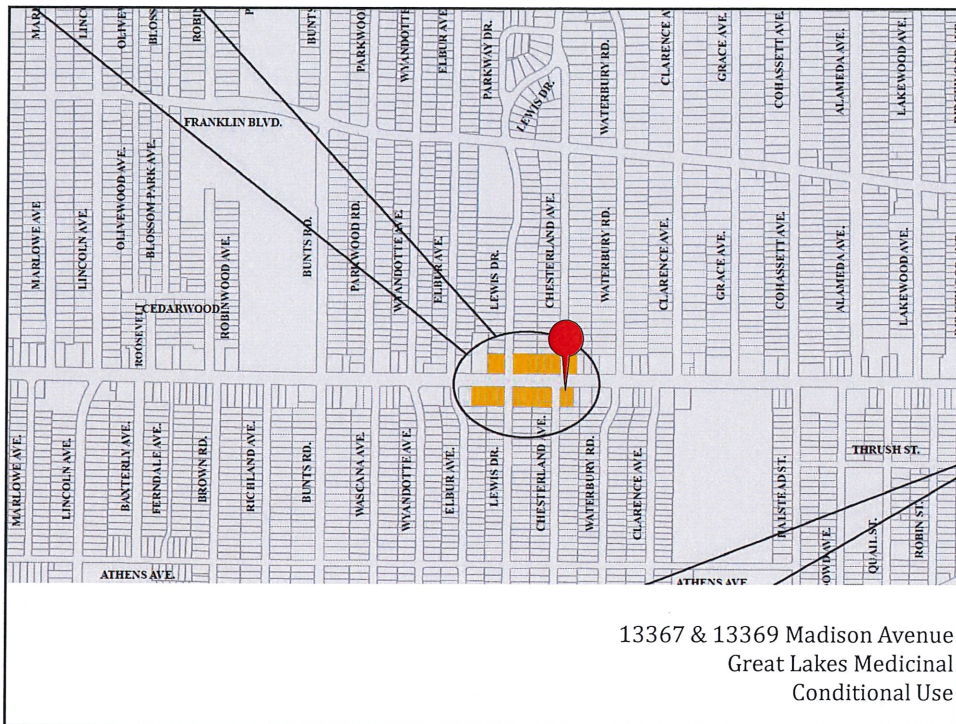


CHAPTER 1165

- Outside of 500' buffer zone.
- Not within 1,000' of another dispensary.
- 1165.05 Commission may require an off-street parking plan.

13367 & 13369 Madison Avenue
Great Lakes Medicinal
Conditional Use





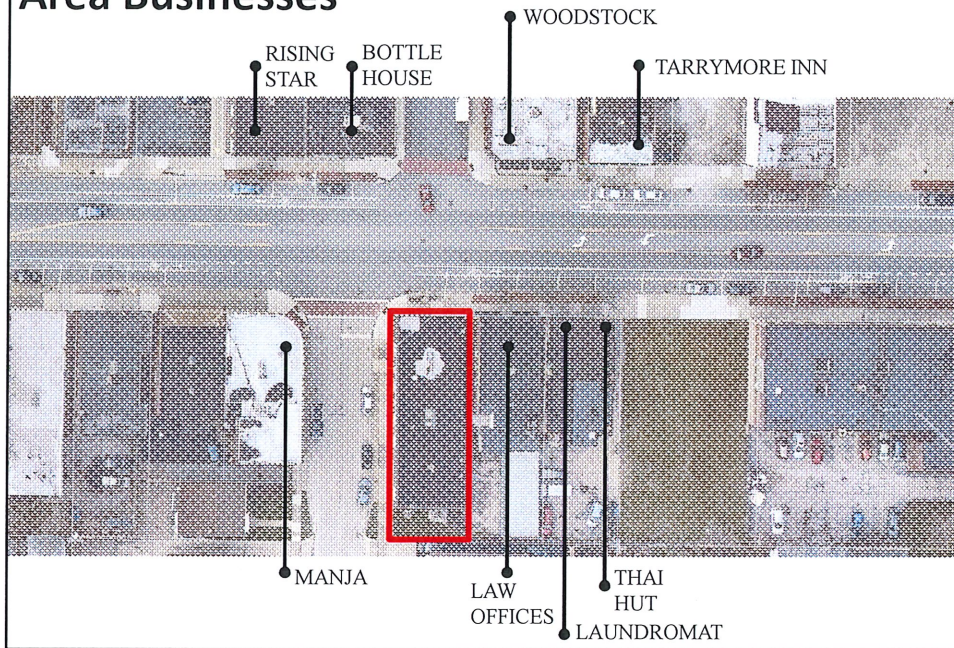








Area Businesses



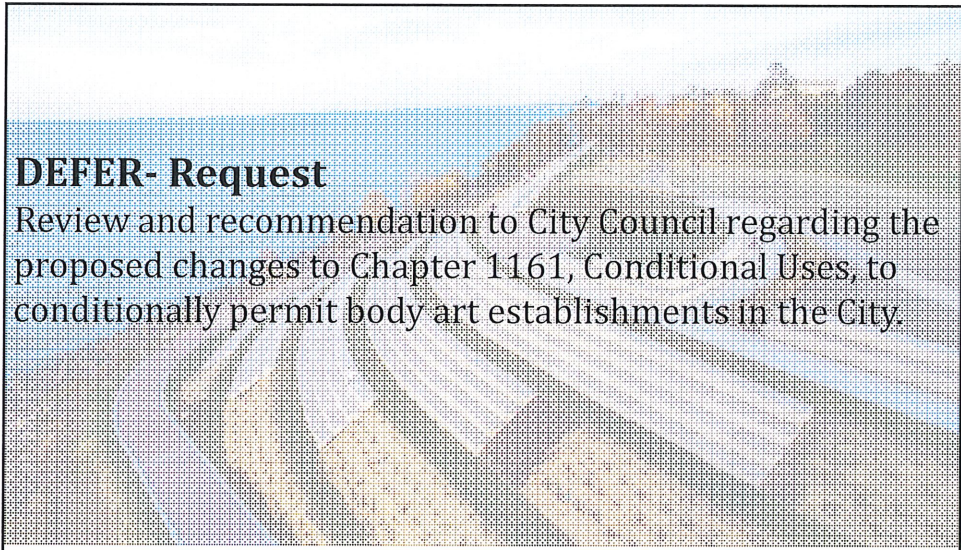
Area Street Parking



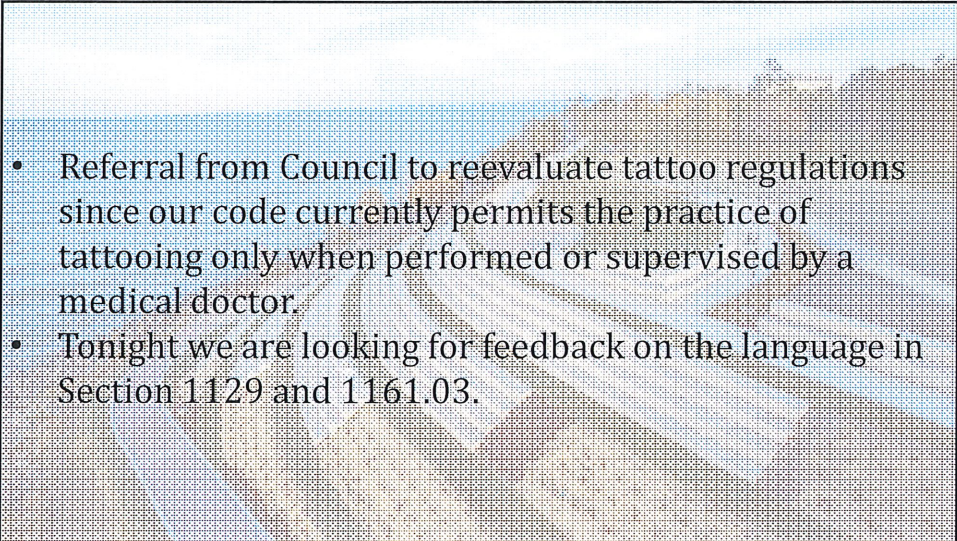


DEFER- Request
The review and approval of a Conditional Use in order to operate the Great Lakes Medicinal medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

13367 & 13369 Madison Avenue
Great Lakes Medicinal
Conditional Use



DEFER- Request
Review and recommendation to City Council regarding the proposed changes to Chapter 1161, Conditional Uses, to conditionally permit body art establishments in the City.

- 
- Referral from Council to reevaluate tattoo regulations since our code currently permits the practice of tattooing only when performed or supervised by a medical doctor.
 - Tonight we are looking for feedback on the language in Section 1129 and 1161.03.



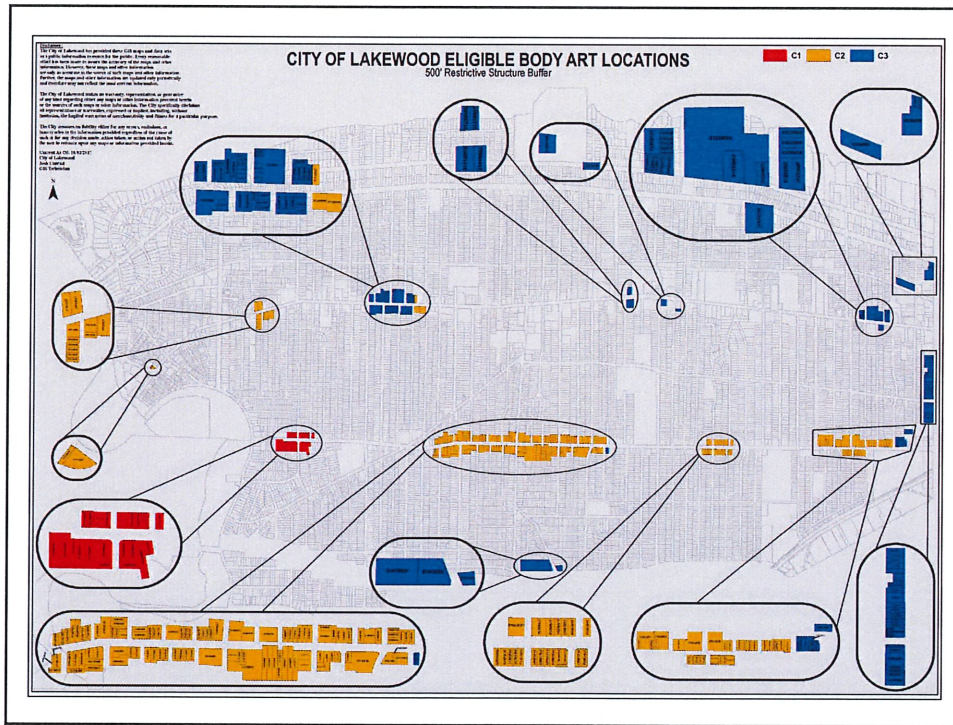
Section 1129.02

Body Art Establishment established as a conditional service retail use in C1, C2, and C3 Zoning Districts.

Section 1161.03

All requirements of the Ohio Administrative Code, plus:

- Single-use equipment required.
- Three years of experience in addition to apprenticeship.
- 500-ft. buffer around schools, libraries, daycares, and parks.
- Cannot be within 1,000-ft of another body art establishment.
- Proof of General liability insurance.
- Strict signage regulations.
- Hours of operation limited to 8AM- 9PM.





DEFER- Request

Review and recommendation to City Council regarding the proposed changes to Chapter 1161, Conditional Uses, to conditionally permit body art establishments in the City.



Request

Review and recommendation to City Council regarding the proposed changes to Chapter 1103.02, Definitions, to update the "Outdoor Dining" definition so that multiple dining areas could be considered.



Section 1103.02 Definitions

(zz) OUTDOOR/SEASONAL DINING FACILITY means an out-door dining area or **any combination of areas** wherein twenty-five percent (25%) or more of any exterior wall is movable and is connected or attached to an in-door restaurant, bar, tavern or nightclub.



Request

Review and recommendation to City Council regarding the proposed changes to Chapter 1103.02, Definitions, to update the "Outdoor Dining" definition so that multiple dining areas could be considered.



Planning Commission
October 5, 2017