

**CHAPTER 786**  
**Marijuana Dispensaries**

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**786.01 PURPOSE.**

It is the purpose of this chapter to regulate marijuana dispensaries in order to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the deleterious location, operation and concentration of marijuana dispensaries within the City.

**786.02 DEFINITIONS.**

For purposes of this chapter,

- (a) "Marijuana" shall have the same meaning as in R.C. § 3719.01.
- (b) " School," "church," "public library," "public playground," and "public park" shall have the same meanings as is R.C. § 3796.30.
- (c) "Marijuana dispensary" means an entity licensed pursuant to R.C. §§ 3796.10 and/or 3780.17 and any rules promulgated thereunder to sell adult use and/or medical marijuana as authorized.
- (d) "Operate" means to control or hold primary responsibility for the operation of a marijuana dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation. Operator means any persons on the premises of a marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a marijuana dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be in operation or causing to be operated a marijuana dispensary whether or not that person is an owner, or part owner of the business.
- (e) " Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- (f) "Director" shall mean the Chief Zoning Inspector.

**786.03 LOCATION OF MARIJUANA DISPENSARIES.**

- (a) Marijuana dispensaries may be located only in a Retail and Industrial Business District as a permitted use pursuant to Chapter 1145 and in accordance with the restrictions contained in this chapter.
- (b) No marijuana dispensaries may be established or operated within 500 feet of a school, church, public library, public playground, or public park in the City.
- (c) No marijuana dispensary may be established, operated or enlarged within one mile of another marijuana dispensary.
- (d) For the purpose of subsections (b) and (c) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a marijuana dispensary is conducted, to the nearest property line of the premises of a marijuana dispensary or a school, church, public library, public playground, or public park.

**786.04 DESIGN GUIDELINES FOR MARIJUANA DISPENSARIES.**

- (a) Parking for a 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 1145.08. Landscaping and screening shall be continuously maintained and promptly restored, if necessary, pursuant to Chapter 1332.01
- (b) Ingress and egress drives and primary circulation lanes shall be located away from residential areas where practical to minimize vehicular traffic and noise which may become a nuisance to adjacent residential areas.
- (c) All building entrances intended to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned and/or used property, whenever possible, to minimize the potential for patrons to congregate and create noise which may become a nuisance to adjacent residential areas.

(d) All exterior site and building lighting, which shall be provided, must be approved by the Planning Review Board pursuant to Chapter 177, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas, especially residential.

(e) Any marijuana dispensary adjacent to a residential district and/or use shall contain a minimum six-foot-high solid fence along such abutting property lines and be approved by the Zoning Department pursuant to Chapter 1165.

(f) Rules, regulations and local permitting requirements imposed on a marijuana dispensary by the City shall be interpreted in all instances to conform to the state licensing requirements for dispensaries, but in the event the City's rules, regulations and permitting requirements impose a greater obligation on a marijuana dispensary than the state licensing requirements, the local provisions shall be enforced.

(g) Applicants must meet any additional criteria and fulfill any additional requirements associated with obtaining a license and/or 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 license and/or a permit.

#### **786.05 OFF-STREET PARKING.**

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

#### **786.06 SIGN REGULATIONS FOR MARIJUANA DISPENSARIES.**

(a) All signs for a marijuana dispensary shall be wall signs or window signs as defined in Chapter 1349 and shall be constructed and located in conformance with all applicable provisions of Chapter 1349.

(b) All signs for a marijuana dispensary shall be maintained in accordance with Chapter 1349 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 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) A one-square-foot sign shall be placed on the door to state hours of operation.

#### **786.07 SECURITY PLAN.**

(a) Each application for use under this chapter shall be submitted along with a security plan for review and approval by the Chief of Police. The security plan shall be on a form or in a manner prescribed by the Chief and shall include, at a minimum:

(1) A lighting plan that identifies how the interior, facade, adjoining sidewalks, parking areas and immediate surrounding areas of the dispensary will be illuminated and how the lighting will deflect light away from adjacent properties; and

(2) Identification of operable cameras, alarms, security guards and other security measures to be present on the premises whether during or outside business hours.

(b) The security plan should address the applicants' 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.

(c) The security plan shall not be submitted to the Planning Commission nor become part of the public record.

#### **786.08 LICENSE PROCEDURES AND FEES.**

(a) Applicants desiring to operate a Marijuana Entity shall make an application upon a form provided by the Mayor or designee.

(b) All applications, including renewals, shall include a security plan and site plan, subject to approval by the Chief of Police. Said security plan shall be in a form proscribed by the Chief of Police. Applicant shall supply any and all additional information requested by the Chief of Police to evaluate said security plan. All applicants, except renewals, shall include a non-refundable application fee of two hundred and fifty dollars (\$500.00).

(c) Upon approval by the Mayor or designee, Applicant shall pay a license fee based on the following schedule of categories and amounts per calendar year or fraction thereof:

(1) Adult use marijuana business licenses: Fifteen thousand dollars (\$17,000.00).

(d) Each License shall be an annual license, which covers the period of the issuance until December 31.

(e) A renewal application shall be submitted on or before October 1 of each year upon a renewal form provided by the Mayor or designee to be processed prior to December 31.

(f) Any Marijuana Entity that fails to timely obtain a renewal of License shall not operate after the License expires on December 31.

#### **786.09 RESPONSIBILITIES OF THE LICENSEE.**

(a) Each License shall be displayed permanently in a conspicuous place on the premise of the Marijuana Entity for which it is issued.

(b) Each License shall be only assignable or transferable, as to person or location, upon written consent of the Mayor or designee.

(c) Licensee shall immediately notify the Mayor or designee of any material change to information provided in the application including, but not limited to, changes to the security plan.

(d) If, at any time, the Marijuana Entity or its owner or principal is subject to any enforcement action by the State of Ohio, the Marijuana Entity shall immediately notify the Mayor or designee and shall provide any relevant information or documentation requested by the Mayor or designee.

(e) If, at any time, the Marijuana Entity or its employee has a reasonable belief that an actual loss, theft, or diversion of marijuana or currency over one hundred dollars (\$100.00) has occurred, the Marijuana Entity shall immediately notify the Willowick Police Department, and such notification shall be provided no later than twenty-four (24) hours after discovery of the loss, theft, or diversion.

#### **786.10 HEARING; RENEWAL; REVOCATION.**

(a) Notwithstanding anything in this chapter or section to the contrary, any license application for a marijuana dispensary shall be heard by the Plan Review Board and, if approved, shall expire 12 months from the date of issuance. Subsequent renewal of the license may be made administratively by the Chief Zoning Inspector if no significant modifications to the conditions of the license 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 license, or non-compliance with other applicable state or local regulation. The marijuana dispensary shall have a reasonable opportunity and time to cure the complaint or possible non-compliance as defined in this section before being subject to revocation or suspension.

(b) Determination of administrative renewal is at the discretion of the Chief Zoning Inspector. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit.

(c) Notwithstanding anything in this chapter or section to the contrary, any license granted for a marijuana dispensary may be revoked by the City after referral to the Planning Review Board by the Director and after a public hearing on whether violations have occurred or the spirit and intent of the license has not been met. Notice of such hearing shall be sent to the marijuana dispensary at least 14 days prior to the hearing.

#### **786.99 PENALTY.**

Unless otherwise provided herein, whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than six months, or both. A separate offense shall be deemed to have been committed each day during or on which a violation occurs or continues.

### 1145.03 USES.

The Retail District shall have the following main uses, accessory uses, and prohibited uses:

(a) Main Uses Permitted.

- (1) Retail establishments.
- (2) Offices. Professional, administrative, medical, public, semi-public and civil offices and other civil establishments.
- (3) Professional business and service establishments. Professional, craftsman, artisan business uses and personal services when recommended by the Planning Commission and approved by City Council.
- (4) Dining facilities, full service and drive through restaurants, ice cream parlors, pizza or other specialty food establishments.
- (5) Grocery stores.
- (6) School facilities.
- (7) Health club facilities.
- (8) Motor vehicle fueling stations.
- (9) Maximum of four entertainment device arcade(s) per three square mile(s).
- (10) Mechanical amusement devices and game rooms.

(11) Marijuana dispensaries, subject to all the following:

1. No more than a total of one (1) marijuana dispensaries shall be located in the City, regardless of the use district(s) in which they are located.
  2. No marijuana dispensary shall be located within 2,000 feet of the boundaries of a parcel of real estate having situated on it another marijuana dispensary.
  3. No marijuana dispensary shall be granted a Zoning Certificate without demonstrated compliance with the separation requirements contained in Sections 3796.30 and/or 3780.07 of the Ohio Revised Code, as applicable.
- AA. Non-prescription drugs sold at retail, subject to the following:
1. No more than a total of one (1) such establishments shall be located in the City.
  2. No such establishment shall be located within 1,000 feet of the boundaries of a parcel of real estate having situated on it another establishment whose principal use is non-prescription drugs sold at retail

(b) Accessory Uses Permitted.

- (1) Parking areas for the use of customers of the establishments permitted in Section [1145.03\(a\)](#).
- (2) Building service facilities:
  - A. Facilities for the disposal of garbage and rubbish complying with the provisions of the Building Code.
  - B. Facilities shall be provided within an enclosed service area, separate from any pedestrian or vehicular traffic, for any accessory service needs to any retail establishment.

(c) Prohibited Uses.

- (1) Retail establishments not conducive to those uses permitted in Section [1145.03\(a\)](#).
- (2) Abortion clinics.
- (3) Motels, hotels, or mobile home parks.
- (4) Adult oriented material businesses.
- (5) Sale of motor vehicles.

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