REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 4, 2024 – 7:00 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING
PUBLIC HEARING – 7:15 PM

CALL TO ORDER

President Jim Fodor called the Regular Council Meeting to order at 7:00 PM. City Council convened for a regular meeting in Council Chambers – Courtroom #1.

ROLL CALL FOR ATTENDANCE

Councilpersons Derrick Abney, Nick Augustine, Lori DiNallo, Jim Fodor, Paul Hach, Mario Rodriguez, and Christine Shoop were present.

Other City Staff in attendance: City Manager Doug Lewis, Assistant City Manager Tony Zampedro, Law Director Jim Lyons, Economic Development Director Susan Crotty, Director of Planning Sarah Sitterle, Human Resources Director Kris Young, City Engineer Leanne Exum, Police Chief Dan Waterman, and Clerk of Council Samantha Danielson.

APPROVE AGENDA AS SUBMITTED

Mr. Fodor asked for a motion to approve the agenda.

Mrs. Shoop moved to approve the agenda, seconded by Mr. Rodriguez. All Council members were in favor by answering "Aye". Motion carried. Agenda approved.

INVOCATION was given by Councilperson Paul Hach.

PLEDGE OF ALLEGIANCE was recited.

MINUTES: Regular Meeting 10.21.24

Mr. Fodor asked for a motion to approve the minutes from the Regular Meeting on October 21, 2024.

Mrs. Shoop moved to approve the minutes from the Regular Meeting on October 21, 2024, seconded by Mr. Rodriguez. All Council members were in favor by answering "Aye". Motion carried. Minutes approved.

PUBLIC COMMENTS: None

COMMITTEE REPORT: Finance Committee

Mrs. DiNallo reported for this committee which was held on October 28, 2024. The committee members reviewed the 2025 budget and made recommendations. This will be discussed further during the work session on November 12th.

LEGISLATION:
ITEM #1 ORDINANCE through ITEM #4 ORDINANCE: PUBLIC HEARING ITEMS

These were discussed during the Public Hearing.

ITEM #5 ORDINANCE
2nd Reading* – An Ordinance amending Ordinance 909.01 – Repair of Sidewalk; Notice to Owner and amending Property Maintenance Ordinances 1349.231 – Sidewalks and 1349.27 – Notice of Violation, and declaring an emergency.** ***(1st Reading 10.21.24)

There has not been any correspondence on this matter.
This will go to third reading.

ITEM #6 RESOLUTION
2nd Reading* – A Resolution authorizing and directing the City Manager to issue payment to non-union employees holding special licensure or certification not required for their position, but beneficial to City operations, and declaring an emergency.** ***(1st Reading 10.21.24)

This will go to third reading.

ITEM #7 RESOLUTION
***1st Reading* – A Resolution reappointing Brian Dunay as a member of the Board of Zoning Appeals of the City of Painesville, and declaring an emergency.**

Director of Planning Sarah Sitterle spoke on this piece of legislation. She stated Mr. Dunay is an existing member on the BZA. He was recommended by the Chair and has also expressed interest in being reappointed for another term. His current term would expire in December 31, 2024.

Mr. Hach moved to suspend, seconded by Mrs. DiNallo.

On roll call, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mr. Fodor answered "Yes". Motion carried.

Mr. Hach moved to adopt, seconded by Mr. Augustine.

On roll call, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mr. Fodor answered "Yes". Motion carried 7-0.

RESOLUTION 58-24 is ADOPTED.

Prior to the public hearing, Mr. Fodor called up Ordinance #4 related to vaping. Staff is proposing an amendment to the language, specifically for Standard and Condition, Item B.

Director of Planning Sarah Sitterle stated the staff is proposing to modify the language under Standards and Conditions, Item B to read: New facilities shall not use more than 10% of the overall retail square footage space in the store for the display and/or sale of vape/e-cigarette devices and products.

Staff went out and visited many of our local businesses that sell vape/e-cigarettes. After receiving questions from City Council, changes are being proposed because it would be much easier for staff to determine and enforce the requirements. The City will not have to obtain sales information for both vaping devices and products. It would only be a portion of the overall sales and would not occupy an entire building for the purpose of selling vaping/e-cigarette devices and products.

She presented information on their display and percentage of sale area of products and devices, and pictures of existing stores that sell vaping products. See slide presentation.

Mr. Fodor asked if there was a motion to change the ordinance related to vaping/e-cigarette devices and products.

Mr. Augustine made a motion to change Item B under Standards and Conditions to read: New facilities shall not use more than 10% of the overall retail square footage space in the store for the display and/or sale of vape/e-cigarette devices and products, seconded by Mrs. Shoop.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried.

UNFINISHED BUSINESS: Lodging Tax, Solar Project

Solar Project

Assistant City Manager Tony Zampedro spoke on the topic of the Solar Project. Council would like to have monthly updates on this project. He stated it's a five-year process and is still working through the agreement with the other parties involved. A brief update included: working through land issues, adjustment the balance between the solar panels and battery storage to more appropriately reflect the City's needs behind the meter. All the parties involved seem to be in favor of that, primarily, due to the fact that it would allow for the decommission of the plant sooner to meet out peek loads if we include our storage availability. There is a study to determine the perfect balance of megawatts of solar and megawatts of battery.

This was to be continued after the public hearing.

PUBLIC HEARING

Mr. Fodor asked for a motion to adjourn the Regular Meeting for the Public Hearing.

Mr. Augustine motioned to adjourn the Regular Meeting for the Public Hearing, seconded by Mrs. Shoop.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried at 7:15 PM.

Mr. Fodor asked for a motion to move into the Public Hearing.

Mrs. Shoop motioned to move into the Public Hearing, seconded by Mr. Augustine.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried at 7:16 PM.

The public hearing was for Item #1 Ordinance through Item #4 Ordinance. Director of Planning Sarah Sitterle presented information about this matter. She provided maps and summarized of the changes are as follows:

1113.06(d) Main Uses

This change adds Medical Marijuana Dispensaries as a conditional use in the B-2 General Business District, and cultivation facilities and processing facilities as conditional uses in the M-1 and M-2 Districts and references new standards in a new section 1115.33.

New Section 1115.33 (new) Location of Medical Marijuana Dispensaries and Cultivation and Processing Facilities

This section adds standards and conditions for the Planning Commission to use to evaluate a conditional use permit request for a medical marijuana dispensary, cultivation facility, and processing facility. The conditions in Section 1115.33 restrict the location of facilities to one mile apart from each other. There is also the limitation on locating these facilities more than 500 feet from a "prohibited facility", which includes a school, church, public library, public playground, or public park in the city. Applicants must meet all licensing requirements of the State of Ohio and must demonstrate compliance when submitting a conditional use permit application for a new facility. The proposed standards are also designed to control the impacts that might occur to adjacent property owners. These criteria are in addition to criteria used to evaluate all conditional use permits which addresses noise, hours of operation traffic, etc.

1113.06(d) Main Uses

This change adds Adult Use Cannabis (Marijuana) Dispensaries as a conditional use in the B-2 General Business district, and cultivation facilities and processing facilities, and testing labs as conditional uses in the M-1 and M-2 Districts and references new standards in a new section 1115.34.

New Section 1115.34 (new) Location of Adult Use Cannabis (Marijuana) Dispensaries, Testing Labs, and Cultivation and Processing Facilities

This section adds standards and conditions for the Planning Commission to use to evaluate a conditional use permit request for an adult use cannabis (marijuana) dispensary, testing lab, cultivation facility, and processing facility. The conditions in Section 1115.34 restrict the location of facilities to one mile apart from each other. There is also the limitation on locating these facilities more than 500 feet from a "prohibited facility", which includes a school, church, public library, public playground, or public park in the city. Applicants must meet all licensing requirements of the State of Ohio and must demonstrate compliance when submitting a conditional use permit application for a new facility. The proposed standards are also designed to control the impacts that might occur to adjacent property owners. These criteria are in addition to criteria used to evaluate all conditional use permits which addresses noise, hours of operation traffic, etc.

1113.06(d) Main Uses

This change adds Vape/E-Cigarette Store as a conditional use in the B-2 General Business District and references new standards in a new section 1115.36.

New Section 1115.36 (new) Vape/E-Cigarette Store

This section adds standards and conditions for the Planning Commission to use to evaluate if a conditional use permit for a vape/e-cigarette store. The standards and conditions control the location, 10% of the overall retail square footage space in the store for the display and/or sale of vape/e-cigarette devices and products, limit the business to locating within an existing plaza mall or multi-tenant building, have limited hours of operation as determined by the Planning Commission, no flashing or electronic lights to advertise vape/e-cigarette products, and adherence to the design standards of any applicable design review district and design elements from Section 1117.10. These criteria are in addition to criteria used to evaluate all conditional use permits which addresses noise, hours of operation traffic, etc.

1113.06(d) Main Uses

This change adds Small Box Discount Store as a permitted use in the B-2 General Business district and references new standards in a new section 1115.35.

New Section 1115.35 Small Box Discount Store

This section adds standards and conditions to evaluate if a location for a new small box discount store is appropriate. The code states that no more than one store within a circumference of 1 mile of each other is permitted. The code allows for existing small box discount stores to be grandfathered. If an existing store wanted to change locations, then the distance requirements must be followed. Small box discount stores would be subject to meet

the standards of any applicable design review district and also the design elements from Section 1117.10, appearance standards for nonresidential uses in the B-1 and B-2 Districts.

A concern of growing restrictions/location and agricultural considerations was brought forth. According to the ORC, six plants are allowed to be grown.

See slide presentation.

Mr. Fodor opened the public hearing up to public comments.
No one from the public spoke for or against this matter.

Mr. Fodor asked for a motion to close the public hearing.
Mr. Hach moved to close the Public Hearing, seconded by Mrs. Shoop.
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried at 7:25 PM.

Mr. Fodor asked for a motion to return to the regular meeting.
Mr. Hach motioned to return to the Regular Meeting, seconded by Mrs. Shoop.
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried at 7:26 PM.

REGULAR MEETING

ITEM #1 ORDINANCE
3rd Reading* – An Ordinance amending Section 1113.06(d), and Section 1115.33, of the Painesville Code of 1998, relating to Location of Medical Marijuana Dispensary and Cultivation and Processing Facilities, and declaring an emergency.** ***(1st Reading 10.07.24, 2nd Reading 10.21.24)

Mrs. DiNallo moved to adopt, seconded by Mr. Hach.
On roll call, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mr. Fodor answered "Yes". Motion carried 7-0.
ORDINANCE 36-24 is ADOPTED.

ITEM #2 ORDINANCE
3rd Reading* – An Ordinance amending Section 1113.06(d), and Section 1115.34, of the Painesville Code of 1998, relating to Location of Adult Use Cannabis (Marijuana) Cultivation Facilities, Dispensaries, Processing Facilities, and Testing Labs, and declaring an emergency.** ***(1st Reading 10.07.24, 2nd Reading 10.21.24)

Consensus of Council would like more information from administration about the rules, regulations associated with growing marijuana in the city, and as an agricultural aspect. Mr. Lewis clarified this addresses the zoning, not if a resident can or cannot grow it.

Mr. Augustine moved to adopt, seconded by Mrs. DiNallo.
On roll call, Mr. Rodriguez, Mrs. Shoop, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Hach, and Mr. Fodor answered "Yes". Motion carried 7-0.
ORDINANCE 37-24 is ADOPTED.

ITEM #3 ORDINANCE
3rd Reading* – An Ordinance amending Section 1113.06(d), and Section 1115.35, of the Painesville Code of 1998, relating to Small Box Discount Stores, and declaring an emergency.** ***(1st Reading 10.07.24, 2nd Reading 10.21.24)

Mr. Hach moved to adopt, seconded by Mr. Augustine.
On roll call, Mrs. Shoop, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Hach, Mr. Rodriguez, and Mr. Fodor answered "Yes". Motion carried 7-0.
ORDINANCE 38-24 is ADOPTED.

ITEM #4 ORDINANCE
3rd Reading* – An Ordinance amending Section 1113.06(d), and Section 1115.36, of the Painesville Code of 1998, relating to Vape/E-cigarette Stores, and declaring an emergency.** ***(1st Reading 10.07.24, 2nd Reading 10.21.24)

Mr. Hach moved to adopt, seconded by Mrs. Shoop.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried 7-0.

ORDINANCE 39-24 is ADOPTED.

UNFINISHED BUSINESS: Lodging Tax, Solar Project

Solar Project continued: Assistant City Manager Tony Zampedro continued the topic of the Solar Project. Council would like clarification on what decommission of our plant would entail. Mr. Zampedro suggested giving updates at significant milestones as the project progresses, on a quarterly basis.

Lodging Tax

Mr. Zampedro stated as a follow-up after he talked to the county administration, in terms of how they have their 5% lodging tax throughout the county on establishments that have rentable rooms. Different places treat their lodging tax differently based on the number of rentable rooms. The county does tax units under five. The difference will be in how the city defines lodging units. The county is implementing an electronic service to pay the taxes for those lodging establishments instead of submitting paper forms, and it will help identifying types of lodging. The county remits .5% back to communities that do not have a lodging tax, which is approximately $1,000 to $1,500 a year. If the city proposed a 3% tax, the county .5% would cease to be remitted. It was clarified that the county would still charge their 5% tax rate, and the city would add an additional, up to 3%, tax rate. Mr. Zampedro clarified the tax collection process for the lodging establishments. Due to the new hotel being built, this could potentially bring in an additional $80,000 per year. The revenue from the tax could be relegated to a specific purpose deemed by Council for example to support arts and entertainment in the community. The administration was asked to investigate it further and to get tax information from surrounding communities.

NEW BUSINESS: Utilities Committee

Mrs. DiNallo stated this came up as part of the Finance Committee meeting. This concept came to the Administration from Council to develop a utilities commission because the city has public owned utilities, and to have residents on committees that help to advise and make decisions regarding how their public owned utilities are being utilized. The question asked was why the City doesn't have a utilities committee. A concern was that one committee may not be able to handle all the utilities and expertise would be diversified or not. It may be a lot of work for a few people. Several committees may need to be formed, perhaps ad hoc. Others concerns and past struggles were getting residents to apply with the qualifications the committee required, and not to create a committee for the sake of creating a committee. It needs to be useful and effective to the organization and residents the community. Mr. Hach will address this matter at the Electric Committee and report back to Council.

DEPARTMENTAL PRESENTATIONS: None

ADMINISTRATIVE REPORTS: Law Director and City Manager

Law Director Jim Lyons clarified that growing marijuana plants and according to the law, it must be in a confined place that is not accessible to minors and not in a visible space. Therefore, it could not be grown in someone's front yard.

City Manager Doug Lewis reported on the following items: On the 38th Chief Hummel and C-Shift personnel visited Head Start on Cedarbrook, and taught fire safety and gave a truck tour to 165 preschoolers. He thanked the police and fire department for protecting the residents; Chlorine building project will be advertising for bids; He thanked electric for installing the Christmas Lights in the park and along Main Street; The City is working and meeting with AMP about a variety of issues with the Solar Project; Electric Committee meeting tomorrow night in the City Hall Conference Room to review the Electric Rate Study and recommendations as well as the Solar Project; Jimmy Johns will be located in the Former Giorgio's Pizza on Richmond Street; The Local Tavern shut down a couple weeks ago and will be opening under new ownership. It will be Johnny Gringo's; There was a Ribbon Cutting for Payne and Payne's 1st home at Highland Park Development at 73 South State Street in Painesville. This is the first house and the second is under construction. He thanked Payne and Payne for investing in Painesville and look forward to partnering with them on the remainder of the site; Administration wants to schedule a meeting with Finance Committee to review Water and Sewer Rate Studies and recommendations, and discuss the Utilities Committee; Budget Special Meeting will be conducted on November 12, 2024 at 5:15 PM; The final phase of the Park Place Streetscape Project continues to move forward and is expected to be completed prior to Thanksgiving. There will be some punch list items such as the plantings that will need to be completed in the spring.

CORRESPONDENCE: Clerk of Council

The next regular Council meeting will be held on Monday, November 18th at 7:00 PM; City Offices will be closed on Monday, November 11th for Veterans Day; and Community Observation Partnership Program will be Wednesday, November 13th at 6:00 PM for Ward 4D & 4C at First Church of Christ on Mentor Ave.

CLOSING COMMENTS: Members of Council

Mr. Abney had no comments at this time

Mr. Hach had no comments at this time.

Mrs. DiNallo welcomed the two new restaurants and reminded residents to vote. She thanked Brian Dunay for his service to the community and for his reappointment. She expressed appreciation and importance for all the individuals who serve on the committees.

Mrs. Shoop made a public service announcement for the HEAP Winter Crisis Program with Lifeline. It runs from November 1st through March 31st. It helps eligible households pay their utilities services. There are eligibility/financial guidelines. Information can be found on their website.

Mr. Augustine had no comments at this time.

Mr. Rodriguez thanked everyone who attended and watched tonight's meeting, and reminded residents to vote. He wished his daughter a happy birthday. He commented on how well the situation, that recently occurred, was handled.

Mr. Fodor acknowledged that he received an email from a resident on Rockwood regarding the music being played at Recreation Park. The City is looking into it and will be in contact with the individuals who have concerns. He expressed his view, the difference between and city and a community, about how several residents helped out at a local barber shop stating how it shows an example of a community and engagement.

EXECUTIVE SESSION

Mr. Fodor asked for a motion to move into the Executive Session.

Mr. Augustine motioned to move into Executive Session being held in accordance with Article II, Section 6(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official of the City, and in accordance with Article II, Section 6(3) To discuss pending or potential litigation involving the City, seconded by Mrs. Shoop.

All Council Members were in favor by answering "Aye". Motion carried to move into the Executive Session at 8:05 PM.

Mr. Fodor asked for a motion to adjourn the Executive Session.

Mrs. Shoop moved to adjourn the Executive Session, seconded by Mr. Augustine. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Executive Session at 8:42 PM.

ADJOURNMENT

Mr. Fodor asked for a motion to adjourn the Regular Meeting.

Mrs. Shoop moved to adjourn the Regular Meeting, seconded by Mr. Augustine. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Regular Meeting at 8.43 PM.

Meeting adjourned at 8:43 PM.

Samantha Danielson
Clerk of Council

Jim Fodor
President of Council

City of Painesville
City Council

NOVEMBER 4, 2024

roposed Code Changes to add Vape/E-Cigarette Store regulations
pplicant: City of Painesville
istrict: B-2
ection: Section 1113.06(d) District Regulations for Main Uses
Section 1115.36 Vape/E-Cigarette Store (new)

Existing stores that sell Vaping Products

Name	Address	Retail Sq. Ft.	Vape Sq. Ft.	% of floor area
Sheetz	461 Richmond Street	3,306 sq. ft.	0.069 sq. ft.	.002%
Grab N' Go	201 Richmond Street	2,040 sq. ft.	12"x20"x6" wall (120 c.f) or (10 s.f.)	.49%
Richmond Food Mart	161 Richmond Street	6,000 sq. ft.	3'x5'x6" cabinet (2.5 c.f) (0.0333 s.f.)	.01%
Grand Mini Mart	642 Mentor Avenue	1,176 sq. ft.	3'x6'x6" (3 c.f.) and 2'x1' (0.0333 c.f.) cabinets	.09%
Dairy Express Food Mart	894 Mentor Avenue	3,000 sq. ft.	5'x8'x8" (5 c.f.) and 3'x4'x 6" cabinets (2 c.f.)	.05%
Five Star Subs	262 Liberty Street	1,924 sq. ft.	4'x4'x1' cabinets (16 c.f.)	.20%
Harry's Food Mart	47 W. Walnut Street	11,128 sq. ft.	1'x1'x8" (0.5 c.f.)	.004%
Harry's Beverages	103 W. Walnut Street	2,640 sq. ft.	5'x2'x1' (10 c.f.)	.18%
Puff 'N' Snuff	142 Chestnut Street	2,219 sq. ft.	10'x4'x1' (40 c.f.)	.45%
Chestnut Food Mart	180 Chestnut Street	3,760 sq. ft.	5'x3'1' (15 c.f.) and 2'x1'x6" (1 c.f.)	.14%

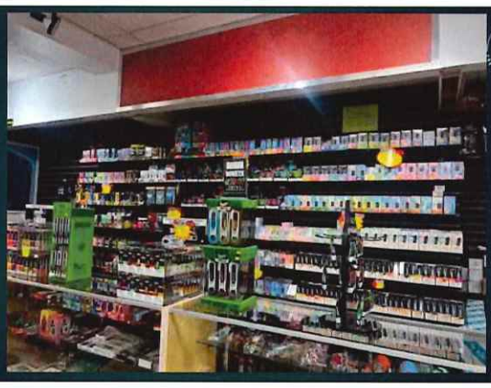
Five Star Subs



Harry's Food Mart



Grab 'N Go



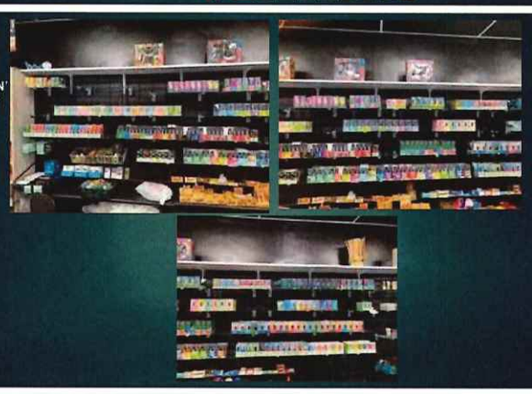
Harry's Beverages



Richmond Food Mart



Puff N' Snuff



Grand Mini Mart



Chestnut Food Mart

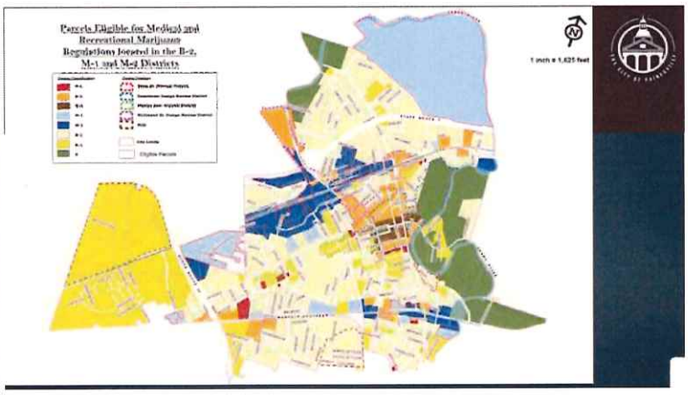


Dairy Express Food Mart



City of Painesville City Council

NOVEMBER 4, 2024



Proposed Code Changes to add Medical Marijuana and Adult Use Marijuana Facilities
Applicant: City of Painesville
District: B-2, M-1 and M-2
Section: Section 1113.06(d) District Regulations for Main Uses
Section 1115.33 Medical Marijuana (New)
Section 1115.34 Adult Use Marijuana (New)

Medical Marijuana
- Amending 1113.06(d) to include Medical Marijuana dispensaries as a conditional use under Commercial Uses in the B-2 District and cultivation and processing facilities as a conditional use under Industrial Uses in the M-1 and M-2 Districts subject to section 1115.33.
  - This change adds medical marijuana dispensaries as a conditional use in the B-2 General Business district and cultivation and processing facilities as conditional uses the M-1 Light Industrial district and M-2 Industrial district and references new standards in a new section 1115.33.

Adult Use Marijuana
- Amending 1113.06(d) to include Adult Use Cannabis (Marijuana) Dispensary as a conditional use under Commercial Uses in the B-2 District, subject to section 1115.34
- Amending 1113.06 (d) to include Adult Use Cultivation Facility as a conditional use under Industrial Uses in the M-1 and M-2 Districts, subject to section 1115.34
- Amending 1113.06 (d) to include Adult Use Testing Laboratory as a conditional use under Industrial Uses in the M-1 and M-2 Districts, subject to section 1115.34
- Amending 1113.06 (d) to include Adult Use Processing Facility as a conditional use under Industrial Uses in the M-1 and M-2 Districts, subject to section 1115.34
- New Section 1115.33 Location of Medical Marijuana Dispensaries and Cultivation and Processing Facilities that includes definitions and conditions.
  - The new section 1115.33 adds definitions, standards and conditions for the Planning Commission to use to evaluate if a conditional use permit for medical marijuana dispensaries and cultivation and processing facilities are appropriate.

Proposed Code Changes to add Vape/E-Cigarette Store regulations
Applicant: City of Painesville
District: B-2
Section: Section 1113.06(d) District Regulations for Main Uses
Section 1115.36 Vape/E-Cigarette Store (new)

- Amend Section 1113.06 (d) to include the following:

Main Use Category	S-1	R-1	R1 -60	R-2	B-1	B-2	B-3	DD	M-1	M-2	
Vape/E-Cigarette Store						C					1115.36

Add Section 1115.36 (new) VAPE/E-CIGARETTE STORE
- Definition: Vape/E-Cigarette Store - establishments that sell or otherwise distribute electronic smoking devices and/or vapor products as defined in section 2927.02 of the Ohio Revised Code

Proposed Code Changes to add Medical Marijuana and Adult Use Marijuana Facilities
Applicant: City of Painesville
District: B-2, M-1 and M-2
Section: Section 1113.06(d) District Regulations for Main Uses
Section 1115.33 Medical Marijuana (New)
Section 1115.34 Adult Use Marijuana (New)

1115.33 LOCATION OF MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION AND PROCESSING FACILITIES.
Definitions:
Medical Marijuana - Medical marijuana shall have the same meaning as in O.R.C. 3796.01.
Medical Marijuana Dispensary shall have the same meaning as in O.R.C. 3796.20.
Medical Marijuana Cultivation and Processing shall have the same meaning as in O.R.C. 3796.18 and 3796.19.

(a) Medical marijuana dispensaries may be located only in a B-2 Zoning District as a conditionally permitted use, and medical marijuana cultivation and processing facilities may be located in the M-1 and M-2 Districts as a conditionally permitted use pursuant to Chapter 1111.08 and in accordance with the restriction contained in this section.
(b) No medical marijuana dispensaries, and cultivation and processing facilities 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 and cultivation and processing facilities may be established, operated or enlarged within 1 mile feet of another medical marijuana dispensary or cultivation and processing facility.
(d) For the purpose of divisions (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 or cultivation and processing facility 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.
(e) No more than one medical marijuana dispensary or cultivation and processing facility shall be permitted within the city for every one square mile of the city.
(f) Applicants must verify that they are in compliance with all requirements of the State of Ohio for licensing when submitting for a conditional use permit.
(g) If approved as a Conditional Use and prior to opening the facility the owner shall provide a security plan to the Police Department, name address and contact information for the facility manager, and a floor plan for the facility.
(h) Applicant shall maintain a valid State of Ohio License for a Medical Marijuana dispensary.
(i) Conditional Use permits are not transferable.

Proposed Code Changes to add Vape/E-Cigarette Store regulations
Applicant: City of Painesville
District: B-2
Section: Section 1113.06(d) District Regulations for Main Uses
Section 1115.36 Vape/E-Cigarette Store (new)

- Add Section 1115.36 (new) VAPE/E-CIGARETTE STORE

In addition to the conditional use requirements set forth in section 1111.08, vape/e-cigarette stores shall comply with the following specific standards and conditions:
a. Not permitted within 500 feet as measured from property lines from another facility selling vape/e-cigarette products, school, churches, and parks.
~~b. New facilities are limited to selling no more than 20% of product sales as vape/e-cigarette devices and products.~~
b. New facilities shall not use more than 10% of the overall retail square footage space in the store for the display and/or sale of vape/e-cigarette devices and products (AMENDED)
c. Current stores in the City selling vape/e-cigarette devices and products are grandfathered and must register with the City identifying their business as a location of vape/e-cigarette sales. Businesses must register with the city within 30 days of notification of the requirement. If a store chooses to move locations, it must comply with all requirements of Section 1115.36.
d. Business is not allowed in a standalone building, and only permitted within a plaza mall or multi-tenant building.
e. The business is to have limited hours of operation as determined by the Planning Commission.
f. No flashing or electronic lights to be used to advertise vape/e-cigarette products
g. Signage in front windows must comply with requirements of Chapter 1127 Signs in the Unified Development Code
h. Nonresidential uses in the B-2 District shall be required to meet the standards of any applicable Design Review District and shall also be required to meet the design elements from Section 1117.10.

Proposed Code Changes to add Medical Marijuana and Adult Use Marijuana Facilities
Applicant: City of Painesville
District: B-2, M-1 and M-2
Section: Section 1113.06(d) District Regulations for Main Uses
Section 1115.33 Medical Marijuana (New)
Section 1115.34 Adult Use Marijuana (New)

1115.34 LOCATION OF ADULT USE CANNABIS (MARIJUANA) CULTIVATION FACILITIES, DISPENSARIES, PROCESSING FACILITIES, TESTING LABS.

Definitions
Area, Cultivation – Cultivation Area shall have the same meaning as O.R.C. Section 3780.01;
Cultivator, Adult Use – Adult Use Cultivator shall have the same meaning as O.R.C. Section 3780.01 and includes the following licenses,
Level 1 Adult Use Cultivator as defined in O.R.C. Section 3780.01;
Level 2 Adult Use Cultivator as defined in O.R.C. Section 3780.01;
Level 3 Adult Use Cultivator as defined in O.R.C. Section 3780.01;
Dispensary, Adult Use – Adult Use Dispensary shall have the same meaning as O.R.C. Section 3780.01 and operate according to O.R.C. Section 3780.15
Dispensary – Dispensary shall have the same meaning as O.R.C. 3780.01 and Chapter 3796 of the O.R.C.;
Facility, Cultivation – Cultivation Facility shall have the same meaning as O.R.C. Section 3780.01;
Facility, Prohibited – Prohibited Facility shall have the same meaning as O.R.C. Section 3796.30
Laboratory, Adult Use Testing – Adult Use Testing Laboratory shall have the same meaning as O.R.C. Section 3780.01;
License– License shall have the same meaning as O.R.C. Chapter 3780;
Operator, Adult Use Cannabis– Adult Use Cannabis Operator shall have the same meaning as O.R.C. Section 3780.01;
Processor, Adult Use–Adult Use Processor shall have the same meaning as O.R.C. Section 3780.01;

Proposed Code Changes to add Small Box Discount Store regulations
Applicant: City of Painesville
District: B-2
Section: Section 1113.06(d) District Regulations for Main Uses
Section 1115.35 Small Box Discount Store (new)

- Amend Section 1113.06 (d) to include the following:

Main Use Category	S-1	R-1	R1 -60	R-2	B-1	B-2	B-3	DD	M-1	M-2	
Small Box Discount Store						P					1115.35

Add Section 1115.35 (new) SMALL BOX DISCOUNT STORE
Definition: Small Box Discount Store - "Small Box Discount Store" means a retail, variety, or discount store up to 15,000 square feet that sells at retail, directly to the consumer, a limited assortment of physical goods and other consumer products, including food or beverages for off premises consumption, that generally cost less than ten dollars or cost 20% - 40% lower than the same type of good, products or merchandise sold at grocery or drug stores.

Proposed Code Changes to add Medical Marijuana and Adult Use Marijuana Facilities
Applicant: City of Painesville
District: B-2, M-1 and M-2
Section: Section 1113.06(d) District Regulations for Main Uses
Section 1115.33 Medical Marijuana (New)
Section 1115.34 Adult Use Marijuana (New)

1115.34 LOCATION OF ADULT USE CANNABIS (MARIJUANA) CULTIVATION FACILITIES, DISPENSARIES, PROCESSING FACILITIES, TESTING LABS.

(a) Adult use cannabis (marijuana) dispensaries may be located only in a B-2 Zoning District as a conditionally permitted use pursuant to Chapter 1111.08 and in accordance with the restrictions contained in this section.
(b) Adult use cannabis (marijuana) cultivation facilities may be located only in a M-1 or M-2 District as a conditionally permitted use pursuant to Chapter 1111.08 and in accordance with the restrictions contained in this section.
(c) Adult use cannabis (marijuana) testing laboratories may be located only in a M-1 or M-2 District as a conditionally permitted use pursuant to Chapter 1111.08 and in accordance with the restrictions contained in this section.
(d) Adult use cannabis (marijuana) processing facility may be located only in a M-1 or M-2 District as a conditionally permitted use pursuant to Chapter 1111.08 and in accordance with the restrictions contained in this section.
(e) No adult use cannabis (marijuana) cultivation facilities, dispensaries, processing facilities or testing laboratories may be established or operated within 500 feet of a prohibited facility, which includes a school, church, public library, public playground, or public park in the City.
(f) For the purpose of division (d) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where an adult use cannabis (marijuana) cultivation facility, dispensary, or testing laboratory is conducted, to the nearest property line of the premises of an adult use cannabis (marijuana), cultivation facility, dispensary, or testing laboratory, or a school, church, public library, public playground, or public park.
(g) No more than one adult use cannabis (marijuana) cultivation facility, dispensary, processing facility or testing laboratory shall be permitted within the city for every two square miles of the city.
(h) Applicants must verify that they are in compliance with all requirements of the State of Ohio for licensing when submitting for a conditional use permit.
(i) If approved as a Conditional Use and prior to opening the facility the owner shall provide a security plan to the Police Department, including name address and contact information for the facility manager, and a floor plan for the facility.
(j) Applicant shall maintain a valid State of Ohio License for an Adult Use Cannabis (Marijuana) cultivation facility, dispensary, or testing laboratory.
(k) Conditional Use permits are not transferable.

Proposed Code Changes to add Small Box Discount Store regulations
Applicant: City of Painesville
District: B-2
Section: Section 1113.06(d) District Regulations for Main Uses
Section 1115.35 Small Box Discount Store (new)

Add Section 1115.35 (new) SMALL BOX DISCOUNT STORE
- Small box discount stores must comply with the following specific standards and conditions:
- a. No more than one store within a circumference of 1 mile of each other.
- b. Current stores in the City are grandfathered. If a store chooses to move locations, it must comply with distance requirements.
- c. Nonresidential uses in the B-2 District shall be required to meet the standards of any applicable Design Review District and shall also be required to meet the design elements from Section 1117.10.

1 Mile from Family Dollar



1 Mile from Dollar General



1 Mile from Dollar Tree



Recommendations

- Staff supports the text amendments and recommends approval.
- All of the proposed amendments have had moratoriums passed and renewed by City Council in May and June 2024 for 6 to 12 months.
- Review and recommendation of the proposed text amendments prior to the moratorium deadlines at the end of this year and May 2025 (Small Box Discount Store) are desirable.

City Council Action

- Four actions are requested:
  - Vote recommending approval of the text amendment for Medical Marijuana use
  - Vote recommending approval of the text amendment for Adult Marijuana use
  - Vote recommending approval of the text amendment for Vape/E-Cigarette Store use
  - Vote recommending approval of the text amendment for Small Box Discount Store use.