



# City of Hudson, Ohio

## Staff Report

File Number: 17-99

Meeting Date: 6/20/2017

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

### **AN ORDINANCE AMENDING SECTIONS 1206.01 AND 1213.02 OF THE PLANNING AND ZONING CODE CONCERNING THE PROHIBITION OF CULTIVATION, PROCESSING, AND DISPENSING OR SALE OF MEDICAL MARIJUANA.**

**Executive Summary:** This Ordinance will amend the Planning & Zoning Code (Land Development Code) to prohibit the cultivation, processing, dispensing, or sale of medical marijuana within the municipal limits of the City.

#### **Legislative History**

Ordinance No. 16-146; establishing a six-month moratorium on issuance of zoning certificates for cultivation, processing, distribution, or sale of medical marijuana in the City of Hudson; passed September 6, 2016.

Ordinance No. 17-27; extending moratorium for six months; passed February 7, 2017.

#### **Purpose & Explanation**

Through Substitute House Bill No. 523, the 131st Ohio General Assembly and Governor John Kasich authorized the use of marijuana for medical purposes and established the medical marijuana control program. Substitute House Bill 523 also gave this Council the authority to adopt regulations prohibiting or limiting the number of medical marijuana cultivators, processors, and dispensaries within the limits of the City.

#### **Timing Considerations**

This Ordinance amending the Planning & Zoning Code (Land Development Code) must be referred to the Planning Commission for recommendation. As well, public hearings before both the Planning Commission and City Council are required prior to final action by Council.

#### **Fiscal Impact**

Currently Budgeted

Supplemental Appropriation Required

☒ Appropriation Not Required.

#### **Suggested Action**

If Council desires to prohibit the cultivation, processing, dispensing, or sale of medical marijuana within the municipal limits of the City, then Council should pass this Ordinance.

#### **Submitted by,**

Jane Howington, City Manager

Mark Richardson, Community Development Director

AN ORDINANCE AMENDING SECTIONS 1206.01 AND 1213.02 OF THE  
PLANNING AND ZONING CODE CONCERNING THE PROHIBITION OF  
CULTIVATION, PROCESSING, AND DISPENSING OR SALE OF MEDICAL  
MARIJUANA.

WHEREAS, Substitute House Bill 523 ("H.B. 523"), was passed by the 131st General Assembly and thereafter signed by Governor John Kasich on June 9, 2016, becoming effective on September 8, 2016; and

WHEREAS, H.B. 523, among other things, permits licensed physicians to recommend the use of medical marijuana to patients within the State of Ohio, and creates State regulatory oversight of the cultivation, processing, sale, distribution, and use of medical marijuana; and

WHEREAS, H.B. 523 gives this Council the power to adopt regulations prohibiting, regulating or limiting the number of medical marijuana cultivators, processors, and dispensaries within the limits of the City; and

WHEREAS, pursuant to the City Charter, and the Ohio Constitution, this Council also has the inherent power to enact planning, zoning, and business regulation laws that further the health, safety, welfare, comfort, and peace of its citizens, including regulating, restricting or prohibiting certain business uses; and

WHEREAS, on September 6, 2016, pursuant to Ordinance No. 16-146, this Council adopted a six (6) month moratorium on applications for, and the granting of, zoning certificates for any building, structure, use or change of use, that would enable the cultivation, processing, distribution, or sale of medical marijuana in order to study the issues associated therewith and review City ordinances and the State regulatory scheme before taking legislative action related to these uses; and

WHEREAS, on February 7, 2017, pursuant to Ordinance 17-27, this Council extended the moratorium for an additional period not to exceed six (6) months; and

WHEREAS, the existing moratorium will expire on August 7, 2017; and

WHEREAS, this Council has determined it to be in the best interest of the community's health, safety, welfare, comfort, and peace to prohibit any cultivation, processing, dispensing, or sale of marijuana for medical purposes in any form within the City of Hudson; and

WHEREAS, this Council has introduced the within Ordinance and referred it to the Planning Commission pursuant to its obligation under Charter Section 9.02 and Planning and Zoning Code Section 1203.03 to follow said procedure; and

WHEREAS, the Planning Commission has submitted its recommendation to Council and Council has held its own public hearing on this Ordinance, and upon which Council determines that the proposed amendments to Section 1206.01, "Table of permitted and conditional uses by zone district," of Chapter 1206, "Use Regulations," and Section 1213.02, "Definitions," of Chapter 1213, "Definitions," of the Planning and Zoning Code should be adopted as being consistent with the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, Ohio, that:

Section 1: The Planning and Zoning Code of Hudson is hereby amended at Chapter 1206, "Use Regulations," 1206.01, "Table of permitted and conditional uses by zone district," and shall hereafter read as follows:

"1206.01(d) – Medical Marijuana. The cultivation, processing, dispensing, or sale of medical marijuana, as defined in this Code, shall not be permitted in any zoning district within the City."

Section 2. The Planning and Zoning Code of Hudson is hereby further amended at Chapter 1213, "Definitions," 1213.02, "Definitions," and shall hereafter read as follows:

"1213.02(a)(180.1) – "Medical Marijuana" shall mean "marihuana", as defined in Ohio Revised Code Section 3719.01, that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose. In accordance with Section 1206.01(d), the cultivation, processing, dispensing, or sale of medical marijuana shall not be permitted in any zoning district within the City."

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
David A. Basil, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 17-99 was duly passed by the Council of said Municipality on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Elizabeth Slagle, Clerk of Council