



# City of Hudson, Ohio

## Staff Report With Text

**File #:** 17-27      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 1/31/2017      **In control:** City Council

**On agenda:** 2/7/2017      **Final action:** 2/7/2017

**Title:** AN ORDINANCE EXTENDING A 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 FOR AN ADDITIONAL PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE LAW AND REGULATIONS, TO PLAN FOR LOCAL REGULATIONS RELATING TO SUCH USES, AND DECLARING AN EMERGENCY.  
Executive Summary: The resolution would extend a six-month moratorium established on September 6, 2016. It would prevent the City from accepting applications for, and issuing, zoning certificates for activities related to medical marijuana for six months in order to perform proper planning related to such uses.

**Sponsors:** David A. Basil

**Indexes:** Community Development - Zoning

**Code sections:**

**Attachments:** 1. Ordinance No. 17-27

Date	Ver.	Action By	Action	Result
2/7/2017	1	City Council	first reading	
2/7/2017	1	City Council	to suspend the rule requiring three readings	Pass
2/7/2017	1	City Council	adopted with rule suspension	Pass

AN ORDINANCE EXTENDING A 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 FOR AN ADDITIONAL PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE LAW AND REGULATIONS, TO PLAN FOR LOCAL REGULATIONS RELATING TO SUCH USES, AND DECLARING AN EMERGENCY.

**Executive Summary:** The resolution would extend a six-month moratorium established on September 6, 2016. It would prevent the City from accepting applications for, and issuing, zoning certificates for activities related to medical marijuana for six months in order to perform proper planning related to such uses.

### Legislative History

This is an extension of a moratorium established for activities concerning medical marijuana adopted by Council with Resolution No. 16-146 on September 6, 2016.

### Purpose & Explanation

On June 8, 2016, the Ohio General Assembly adopted and the Governor signed into law 131 Sub. H.B. 523 which became effective September 8, 2016. Among other things, the bill permits persons to use medical marijuana in Ohio upon the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, sale, use and physician recommendations of the use of medical marijuana; authorizes the legislative authority of a local government to adopt regulations to prohibit, limit or otherwise regulate medical marijuana uses. The state has begun to set up the regulatory processes by which medical marijuana can be distributed and rules as to who can grow marijuana which could take up to two years. Staff recommends that Council extend its moratorium on the granting of zoning certificates for these activities for an additional six months to give itself, the staff, and Planning Commission time to study the implications of this legislation and to adopt local regulations as it finds necessary.

Many cities in the state have adopted or are considering similar moratoriums. Among these communities in northeast Ohio are Avon Lake, Bay Village, Fairview Park, Lakewood, Parma, Tallmadge, Brooklyn, North Olmstead, Sheffield Village, North Canton, New Philadelphia, and Dover.

### Timing Considerations

This resolution is scheduled for a first reading on February 7, 2017. The current moratorium will expire on March 6, 2017.

### Fiscal Impact

Currently Budgeted

Supplemental Appropriation Required

X Appropriation Not Required.

### Suggested Action

Staff recommends that Council adopt the proposed resolution before the current moratorium expires on March 6, 2017. This would require Council action to suspend the rules and to adopt with the second reading on February 21, 2017.

### Submitted by,

Jane Howington, City Manager

Mark Richardson, Community Development Director