

ORDINANCE NO 1571-2016

*Introduced by: MR. COLE*

*First Reading: December 5, 2016*

*Second Reading: December 19, 2016*

*Third Reading: January 3, 2017*

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IMPOSING A SIX-MONTH MORATORIUM ON GRANTING ZONING CERTIFICATES FOR ANY BUILDING STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA AND PROVIDING FOR IMMEDIATE ENACTMENT

WHEREAS, on June 8, 2016, the Ohio General Assembly adopted and the Governor signed into law 131 Sub. H.B. 523, which becomes effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a village to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park.

WHEREAS, as such, Council, Administration, and the Planning and Zoning Commission require additional time to undertake a review of all applicable codes statewide and within the village in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LAKEMORE, COUNTY OF SUMMIT, STATE OF OHIO:

SECTION 1. Council hereby imposes a moratorium on the granting of zoning certificates for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this ordinance, in order to allow Council, Administration, and the Lakemore Planning and Zoning Commission time to review applicable Ohio statutes, criminal codes and the Lakemore Zoning Code relative to such use.

SECTION 2. For the purpose of this ordinance, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

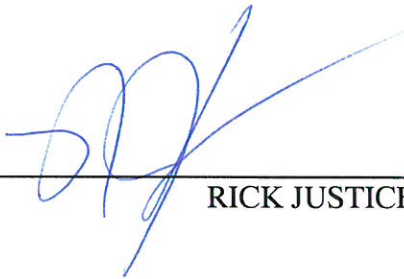
SECTION 3. No zoning certificates or any other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the Village may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

SECTION 4. The moratorium shall be in effect for a period of six months from the effective date of this ordinance or until changes are enacted to amend the Ordinances of the Village of Lakemore to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first. Council reserves the right to extend this moratorium if reasonable and necessary.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all 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 including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this ordinance is necessary to provide for and to accomplish the purposes herein set forth, which are conducive to the health, safety, and welfare of the citizens of the Village of Lakemore. For that reason, provided this ordinance shall receive the affirmative vote of three-fourths of the members of Council and approval by the Mayor, it shall be enacted immediately and shall be of immediate effect.

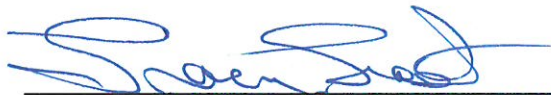
Passed: January 3, 2017



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RICK JUSTICE, Mayor

ATTEST:



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TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1571-2016 was duly adopted by Council at its regular meeting held on January 3, 2017.



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TRACY FAST, Fiscal Officer