

BRUNSWICK CITY PLANNING & ZONING COMMITTEE

Agenda SEPTEMBER 15, 2016 6:00 PM

1. Discussion Items
 - (a) Discussion of medical marijuana store zoning.
2. General Discussion
3. Adjournment



Senator Kenny Yuko
25th District

Ohio Senate
Senate Building
1 Capitol Square
Columbus, Ohio 43215
(614) 466-4583

September 7, 2016

Dear Local Government Officials,

The legislation that creates a medical marijuana program in Ohio goes into effect tomorrow, September 8th. While working on this legislation and talking to Ohioans about medical marijuana, I heard compelling testimony about the good that this medicine can do. I also saw skeptics' attitudes change.

I understand that some local governments are concerned about what exactly this law will mean for their citizens. Out of respect for our cities and townships, lawmakers included significant local control in the bill. Local governments do have the option to regulate the number and kinds of cannabis businesses that can be licensed within their communities.

That being said, I urge local governments to carefully consider all information before making any decisions for your citizens about medical marijuana.

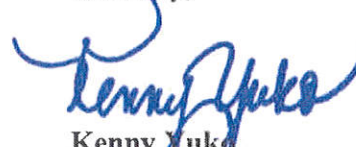
1. **Consider the economic opportunities.** I don't know a single community that couldn't use another entrepreneur with a business plan and the ability to fill a need for the area's residents. Whether you represent a farming community, a commercial area, a suburb or an urban center, it is quite possible you have constituents who are considering starting a medical marijuana-related business. These businesses would employ community members, put money in their pockets and get them spending in your area. If you ban medical marijuana businesses in your town, these automatically become missed economic opportunities.
2. **Listen to your constituents.** Speaking with people in the community is precisely how I came to learn about the many studies that show medicinal cannabis can greatly improve quality of life for patients who are suffering. Now it's your turn to listen to your residents' concerns and hopes. I encourage you to provide an ample public comment period before taking any action regarding medical marijuana in your community. Allow people to speak or write to you, especially if you are considering a moratorium. Listen to the needs of the aged, the disabled, and everyone who could benefit from increased access. Listen to the entrepreneur, the farmer, the botanist, and the medical supplier. You may be surprised to discover who would benefit from a medical marijuana business in your community.

3. **Be patient.** I know many of the remaining concerns about this new law come from lingering questions about how the program will work. These details will be addressed. The new law directs state agencies to create regulations that ensure the safety of all Ohioans and the administration of a well-regulated program. We did our best to ensure through the law that the cannabis will be secure, the patients will have access to needed medicine, and that the sick and the young—and everyone in between—will be safe. Medical marijuana businesses cannot legally exist in Ohio until they are licensed by the appropriate agency, and they cannot be licensed until the rules are created. Local governments will have plenty of time to act once the rules have been written.

Medical marijuana businesses will not materialize on September 8th. Instead the regulatory process will formally begin, some medical marijuana users will gain an affirmative defense, and doctors will be permitted to speak frankly with their patients about options. I encourage you to reach out to the agencies in charge of writing medical marijuana rules if there is a specific concern you would like to see addressed. Listen to the agencies when they introduce rules, and your worries may well be eased.

Some local governments have already passed or started hearing resolutions and ordinances banning licensed medical marijuana businesses from their communities. I understand the urge to act, but keep an open mind. Please consider all the good that this medicine can do for the citizens of your communities.

Sincerely,



Kenny Yuka
State Senator
25th District

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND/OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING OR RETAIL SALE OF MEDICAL MARIJUANA TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND PLANNING COMMISSION AN OPPORTUNITY TO REVIEW APPLICABLE LAW AND TO CONSIDER POSSIBLE AMENDMENTS TO THE BRUNSWICK ZONING CODE.

WHEREAS: On June 8, 2016, the Ohio General Assembly adopted and the Governor signed into law Sub. H.B. 523, which went into effect as of September 8, 2016;

WHEREAS: 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 municipality 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: The City Administration, Council and Planning Commission require additional time to undertake a review of applicable law and to consider possible amendment to the Brunswick Zoning Code; and

WHEREAS: Pursuant to the Ohio Constitution and 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.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That a temporary moratorium on the issuance of building permits and/or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail sale of medical marijuana is hereby established for a period not to exceed six (6) months from the effective date of this Resolution to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code.

SECTION 2: For the purposes of this Resolution, "medical marijuana" shall have the meaning as defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective as of September 8, 2016.

SECTION 3: No building permits, certificates of occupancy or any other permits shall be granted to any person or entity 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 City may expand in any way that would establish cultivation, processing or retail sale of medical marijuana for the duration of this moratorium.

SECTION 4: Unless legislation is adopted by this Council expressly revoking this moratorium, this moratorium shall be in effect for a period not to exceed six (6) months from the effective date of this Resolution or until such time as the Brunswick Zoning Code is revised to address the provisions of Sub. H.B. 523.

SECTION 5: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all such 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.

SECTION 6: That this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City and for the additional reasons as provided in the preamble hereto. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____

RULES SUSPENDED: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz