

ORDINANCE NO. 80-2025

INTRODUCED BY: Council President Jordan and Mayor Thomas

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE CITY BY AMENDING CHAPTER 1123 "DEFINITIONS" OF THE PLANNING AND ZONING CODE TO ADD A DEFINITION OF "ADULT USE CANNABIS OPERATORS", ENACTING NEW SECTION 1125.12, "PROHIBITION OF ADULT USE CANNABIS OPERATORS AND MEDICAL MARIJUANA ENTITIES"; REPEALING PORTIONS OF SECTIONS 1151.03, 1167.02, 1171.02, AND 1171.03 AND BUILDING CODE SECTION 1313.02 RELATED TO MEDICAL MARIJUANA ENTITY USES; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 3780.25(A) of the Ohio Revised Code, the legislative authority of a municipal corporation may adopt an ordinance by majority vote to prohibit adult use cannabis operators within the municipality regardless of their being permitted to operate in Ohio under Chapter 3780 of the Ohio Revised Code that was enacted by the Ohio General Assembly with respect to control of adult use cannabis;

WHEREAS, in 2017, pursuant to Ordinance No. 11-2017, the Council of Richmond Heights permitted "medical marijuana entity" uses, as defined in current Codified Ordinance Section 1123.06(h), to operate in certain non-residential zoning districts in the City;

WHEREAS, Council desires to amend Chapter 1123 "Definitions" of the Planning and Zoning Code to add the definition of "Adult Use Cannabis Operators", to enact new Section 1125.12 to prohibit adult use cannabis operators and medical marijuana entities in the City of Richmond Heights, and to repeal references to medical marijuana entities in Table 1151.03 of Codified Ordinance Section 1151.03 and Sections 1167.02, 1171.02, 1171.03 as currently being either a permitted or conditional use in the City;

WHEREAS, currently, there are no adult use cannabis operators or medical marijuana entities operating within the City;

WHEREAS, under current state law, licensed and operating medical marijuana entities are permitted to also have an adult use cannabis business located therewith pursuant to an appropriate license from the State of Ohio;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO THAT:

SECTION 1: Chapter 1123 "Definitions" at Section 1123.02 of the Codified Ordinances of the City of Richmond Heights is hereby amended to read as follows:

"1123.02 LETTERS A-B.

For the purpose of this Zoning Code, certain terms are defined as follows:

“(a) Adult Use Cannabis Operator. “Adult use cannabis operator” means a Level I adult use cultivator, a Level II adult use cultivator, a Level III adult use cultivator, an adult use processor, and an adult use dispensary, all as defined in Section 3780.01 of the Ohio Revised Code, as that provision of the Ohio Revised Code may be amended from time to time, and also any business growing, cultivating, processing and dispensing cannabis.”

SECTION 2: All remaining subsections of Section 1123.02 LETTERS A-B shall be redesignated with letters and numbers to conform with the new subsection adopted in Section 1 of this Ordinance.

SECTION 3: New Section 1125.12 “Prohibition of Adult Use Cannabis Operators and Medical Marijuana Entities” of Chapter 1125 “Districts and Map” of the Codified Ordinances of the City of Richmond Heights is hereby enacted to provide as follows:

“1125.12 PROHIBITION OF ADULT USE CANNABIS OPERATORS AND MEDICAL MARIJUANA ENTITIES.

(a) Definition of Adult Use Cannabis Operator. For the purpose of this Section, “adult use cannabis operator” and “medical marijuana entity” shall be as defined in Chapter 1123 of this Code.

(b) Prohibited Activity.

- (1) No person shall operate as an adult use cannabis operator or medical marijuana entity within the City of Richmond Heights, Ohio.**
- (2) No building permits, certificates of occupancy, or any other permits shall be granted by the City of Richmond Heights to any person who intends to open, use any land or devote any floor area of a business for the purpose of the sale of cannabis, medical marijuana or otherwise. No existing business in the Village may expand in any way that would establish the sale of cannabis, medical marijuana or otherwise.**

(c) If any provision of this section, or the application of such provision, shall be rendered or declared invalid by any court action or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of this section shall remain in full force and effect.”

SECTION 4: All references to any medical marijuana entity, including a marijuana cultivator, dispensary, processor, or testing laboratory, as defined in Chapter 1123 of the Zoning Code, in Table 1151.03 of Section 1151.03 of the Codified Ordinances as either a permitted or conditional use are hereby repealed.

SECTION 5: Subdivision (f) of Section 1167.02, Permitted Uses, of Chapter 1167, I-1 Office-Industrial District, of the Codified Ordinances is hereby repealed as follows:

1167.02 PERMITTED USES.

In all I-1 Office Industrial Districts, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified uses:

~~(f) Cultivation, processing and testing of medical marijuana. Dispensaries of medical marijuana associated with the foregoing uses in this subsection (f) that are located on the same or contiguous lot are a permitted accessory use.~~

SECTION 6: Subdivision (t) of Section 1171.02, Permitted Uses, of Chapter 1171, I-2 Industrial District of the Codified Ordinances is hereby repealed as follows:

1171.02 PERMITTED USES.

In all I-2 Industrial Districts no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified uses:

~~(t) Cultivation, processing and testing of medical marijuana. Dispensaries of medical marijuana associated with the foregoing uses in this subsection (t) that are located on the same or contiguous lot are a permitted accessory use.~~

SECTION 7: All remaining subsections of Section 1171.02, Permitted Uses, subdivisions (u) through (v) shall be re-designated with letters to conform with the repeal of subsection (t).

SECTION 8: Subdivision (b) of Section 1171.03, Use Restrictions, of Chapter 1171, I-2 Industrial District of the Zoning Code is hereby amended as follows:

1171.03 USE RESTRICTIONS.

(b) The processing of raw material for shipment in bulk form to be used in an industrial or commercial operation at another location is prohibited, except for the processing of raw materials for legal pharmaceutical drugs ~~and medical marijuana.~~

SECTION 9: Subdivision (e) of Section 1313.02, Permitted Fences of Chapter 1313, Fences, of the Codified Ordinances is hereby repealed as follows:

“1313.02 PERMITTED FENCES.

Only the following fences shall be permitted:

~~—(e) The Planning Commission has the authority to determine the height, design, and materials of fences located on lots used by medical marijuana entities without the requirement of the applicant for a fence permit seeking a variance from the provisions of this section.~~

SECTION 10: All remaining subsections of Section 1313.02, Permitted Fences, shall be re-designated with letters to conform with the repeal of subsection (e).

SECTION 11: 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 12: This Ordinance is declared to be an emergency measure which furthers the public health, safety and general welfare and for the further reason that the Ohio General Assembly has before it pending legislation which is proposed to restrict or eliminate municipal regulation of adult cannabis use and medical marijuana business uses, including the authority of a municipality to prohibit such uses within the municipality after the effective date of any such state legislation; and, therefore, provided it receives approval of five (5) members of Council, it shall be in full force and effect from and after its approval by the Mayor, or otherwise take effect and be in force from and after the earliest period provided by law.

PASSED: _____

APPROVED: _____

Kim A. Thomas, Mayor

ATTEST: _____

Tracey Blair
Clerk of Council

Bobby Jordan
President of Council