

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2021- **89**

Introduced By: Mr. Grech Co-Sponsors: Mr. Bortolotto, Mr. Ference

**AN ORDINANCE
EXTENDING A MORATORIUM ON THE ISSUANCE AND PROCESSING
OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS,
OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE
CITY OF MIDDLEBURG HEIGHTS, OHIO
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance 2017-90, passed November 16, 2017 established a temporary moratorium on the issuing and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Middleburg Heights and Ordinances 2018-84, passed November 13, 2018 and 2019-122, passed December 10, 2019, extended the moratorium for an additional period of 12 months from the effective date of the Ordinances, Ordinance 2020-93, passed November 24, 2020 extended the moratorium an additional period of 6 months for the effective date of the Ordinance; and

WHEREAS, Substitute House Bill 523, authorized the use of marijuana for medical purposes and established the medical marijuana control program; and

WHEREAS, for the purposes of this Ordinance, the definitions of "cultivators", "processors" and "retail dispensaries" are given the same definitions as those found in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, which Chapter was effective September 8, 2016; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Section 3796.29 in the City of Middleburg Heights; and

WHEREAS, the City of Middleburg Heights is continuing to work together with the Cuyahoga County Planning Commission to develop a comprehensive, useable, and actionable Master Plan for the City of Middleburg Heights; and

WHEREAS, the Master Plan will document all recommendations regarding issues related to Land Use and Zoning, Building and Land Vacancy, Economic Development, Environment and Transportation; and

WHEREAS, the City is simultaneously undergoing a Zoning Code update project with the assistance of a land use planning and zoning professional; and

WHEREAS, this ordinance will temporarily preserve the status quo pending further study of a new Comprehensive Master Plan and Zoning Code update; and

WHEREAS, the Mayor and Council have determined the extension of this moratorium will protect the planning process and will be in the best interest of the community, health, safety, and welfare to undertake a review of the Middleburg Heights Zoning Code and to consider updates so that any necessary regulations conform to the goals of the City of Middleburg Heights.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: The Mayor and Council hereby extend a moratorium for an additional period of 6 months from the effective date of this Ordinance, on the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana.

Section 2: The purpose of this extended moratorium is so that the City Administration, Council, and Planning Commission can continue review of the Middleburg Heights Zoning Code and consider amendments thereof relative to the law and the related issues and then determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the City of Middleburg Heights and to prepare any necessary related regulations.

Section 3: Council and the Mayor hereby direct and order that no permits for cultivators, processors or retail dispensaries of medical marijuana shall be issued or processed by the City of Middleburg Heights during the extended 6-month moratorium.

Section 4: The extended moratorium shall be in effect for a period of 6 months from the effective date of this Ordinance, or until changes are enacted to amend the Codified Ordinance of the City of Middleburg Heights to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 6: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of said City, and for the further reason that it is immediately necessary to impose an extended moratorium of 12 months on the granting of permits for medical marijuana-related businesses in the City of Middleburg Heights in order to allow Council time to accomplish the city's goals as stated above. Wherefore, provided this Ordinance receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 11-9-21

David Antkowiak
President of Council

Attest: M Meola
Clerk of Council

Approved On: 11-10-21

Presented to Mayor: 11-10-21

Matthew Castelli
Mayor

	Yea	Nay
Bortolotto	<u>X</u>	_____
Ali	<u>X</u>	_____
Sage	<u>X</u>	_____
Meany	<u>X</u>	_____
McGregor	<u>X</u>	_____
Ference	<u>X</u>	_____
Grech	<u>X</u>	_____

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2021-89 adopted by the Council of the City of Middleburg Hts., on 11/9/21 was posted for a period of fifteen days, beginning 11/11/21 and remained so posted for fifteen days at the two posting places as designated by Charter.
Mary Ann Meola
Clerk

CERTIFICATE

I, Mary Ann Meola, Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2021-89 passed on the 9th day of November 2021 by said Council.

Mary Ann Meola
Clerk of Council