

November 16, 2023

**ECONOMIC DEVELOPMENT COMMITTEE**

November 20, 2023

Council Chambers

Following Service Committee

*Committee and Council Meetings can be viewed by accessing YouTube*

**AGENDA**

1. Consider **Ordinance No. 23-59** AN ORDINANCE AUTHORIZING A MORATORIUM ON THE PROCESSING OR APPROVAL OF ANY APPLICATION FOR CERTIFICATE OF ZONING CLEARANCE, BUILDING OCCUPANCY PERMIT, OR ANY OTHER PERMIT OR APPROVAL REQUIRED UNDER THE ZONING CODE FOR ANY PREMISES THAT WOULD ENABLE THE RETAIL SALE OR DISPENSING, CULTIVATING, OR PROCESSING OF ADULT USE MARIJUANA FOR A PERIOD OF 180 DAYS; AND DECLARING AN EMERGENCY
2. Other items at the discretion of the chair.

BY \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A MORATORIUM ON THE PROCESSING OR APPROVAL OF ANY APPLICATION FOR CERTIFICATE OF ZONING CLEARANCE, BUILDING OCCUPANCY PERMIT, OR ANY OTHER PERMIT OR APPROVAL REQUIRED UNDER THE ZONING CODE FOR ANY PREMISES THAT WOULD ENABLE THE RETAIL SALE OR DISPENSING, CULTIVATING, OR PROCESSING OF ADULT USE MARIJUANA FOR A PERIOD OF 180 DAYS; AND DECLARING AN EMERGENCY.**

WHEREAS, Issue 2, an initiative petition to enact Chapter 3780 of the Ohio Revised Code to commercialize, regulate, legalize, and tax the adult use of cannabis, was passed by Ohio voters on November 7, 2023; and,

WHEREAS, included in Chapter 3780 of the Ohio Revised Code is the authorization of the creation of state regulatory oversight of the cultivation, processing, dispensing, and use of marijuana; and,

WHEREAS, the proposed state regulatory format addresses licensing and operation of marijuana cultivators, processors, testing facilities, and dispensaries without restricting a municipality's right to prohibit or limit the number of such entities or the right to impose additional restriction by zoning ordinance or other lawful means within the limits of the municipal corporation; and,

WHEREAS, the Constitution of the State of Ohio and the Ohio Revised Code authorize municipalities to enact local planning and zoning laws designed to protect the health, safety, welfare, comfort, and peace of the municipality; and,

WHEREAS, this Council hereby expresses the need for additional time to consider the developing statewide regulatory format for adult use marijuana dispensaries, cultivators, processors and to undertake a review of how such statewide regulation, once determined, would impact local building and zoning codes all in an effort to protect and preserve the health, safety, welfare, comfort, and peace of the municipality; and,

WHEREAS, an emergency is hereby declared to exist due to the developing nature of the adult use marijuana industry and the need to fully examine and implement any regulations, restrictions, or limitations upon such business before any certificate of zoning clearance, building occupancy permit, or any other permit or approval required under the zoning code has been sought or issued, all in an effort to protect the health, safety, and public welfare of the City and the citizenry pursuant to Article 4.06 of the Charter of the City of Newark, Ohio.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
NEWARK, COUNTY OF LICKING, STATE OF OHIO:**

**SECTION ONE:** That there is hereby imposed a complete moratorium on the processing or approval of any application for certificate of zoning clearance, building occupancy permit, or any other permit or approval required under the City's Zoning Code, for any premises or building which would enable the retail sale, dispensing, cultivating, or processing of adult use marijuana for a period of 180 days from the effective date hereof to allow the Administration and City Council sufficient opportunity to review all applicable provisions of the Ohio Revised Code, the Ohio Administrative Code, the City of Newark Zoning Code, and all other provisions of law impacting the adult use marijuana industry.

**SECTION TWO:** That no certificate of zoning clearance, building occupancy permit, or any other permit or approval required under the City's Zoning Code for any building, structure, use, or change of use shall be granted to a business owner or operator who intends to open, operate, use any land, or devote any floor space of any business for the purpose of the retail sale, dispensing, cultivating, or processing of adult use marijuana and no existing business in the City may expand in any manner which would allow for the retail sale or dispensing of adult use marijuana for the duration of the moratorium established herein.

**SECTION THREE:** That an emergency is hereby declared to exist as set forth in this Ordinance as this matter which impacts the health, safety and public welfare of the City of Newark and that as such, this Ordinance shall be effective immediately upon passage by Council and approval by the Mayor pursuant to Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**PRESIDENT OF COUNCIL**

**ATTEST:** \_\_\_\_\_  
**CLERK OF COUNCIL**

**DATE FILED WITH MAYOR:** \_\_\_\_\_

**DATE APPROVED BY MAYOR:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**FORM APPROVED:** \_\_\_\_\_  
**DIRECTOR OF LAW**