

ORDINANCE NO. 2017- 3871

AN ORDINANCE DECLARING A MEDICAL MARIJUANA DISPENSARY A PERMITTED USE AS LONG AS IT IS LOCATED WITHIN A B(2) GENERAL COMMERCIAL DISTRICT PURSUANT TO THE ZONING CODE §1135.05 BUSINESS USES TO BE CATEGORIZED AS A RETAIL BUSINESS OR SERVICE, NOT OTHERWISE SPECIFICALLY MENTIONED HEREIN, AND DECLARING AN EMERGENCY.

WHEREAS, the 131st Ohio General Assembly enacted House Bill 523, effective September 8, 2016, establishing Ohio Revised Code Section 3796, which provides for the state regulated cultivation, processing and sale of medical marijuana within the State of Ohio; and

WHEREAS, pursuant to Ohio Revised Code §3796.29, the legislative authority of a municipal corporation is permitted to adopt legislation to prohibit or limit the number of medical marijuana cultivators, processors, or distributors licensed to operate within the municipality; and

WHEREAS, the City of Fremont had previously enacted Resolution 2016-1988 which imposed a twelve (12) month moratorium on the granting of any permits, or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail dispensing of medical marijuana within the City; and

WHEREAS, the purpose of said moratorium was to afford the City time to review and make recommendations on business regulations, zoning, prohibition and/or limitations of medical marijuana related activity and businesses; and

WHEREAS, the Moratorium was lifted on September 8, 2017; and

WHEREAS, the City has concluded after careful study and review that the complete prohibition of all medical marijuana related commercial activity would have a negative impact upon the economic conditions of the City; and

WHEREAS, the City has determined that further legislation should be put in place to regulate, but to not completely ban, certain medical marijuana business activity that is otherwise lawful under Ohio's Medical Marijuana Statute; and

WHEREAS, the City believes that such business, namely the dispensing of medical marijuana, would create additional jobs, revenue and a positive economic climate within the City; and

WHEREAS, the City believes that it is unnecessary to prohibit a medical marijuana dispensary and instead desires to allow a legal medical marijuana dispensary business within the City subject to certain limitations;

BE IT ORDAINED BY THE COUNCIL, CITY OF FREMONT, STATE OF OHIO:

SECTION 1. The Fremont City Council hereby declares a medical marijuana dispensary a permitted use as long as it is located within a B(2) General Commercial District pursuant to Zoning Code §1135.05 Business Uses and categorized as a retail business or service, not otherwise specifically mentioned herein.

SECTION 2. The dispensing of medical marijuana within the City corporation limits shall be limited to no more than one (1) medical marijuana dispensary within the B(2) General Commercial District and subject to all other applicable zoning and permits.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare, as the application to obtain a license for the dispensary is based on regulated and mandated time deadlines.

This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.



Jamie Hafford
President of Council

PASSED: 10-19-17

Effective date: 10-19-17

YEAS: _____ NAYS: _____

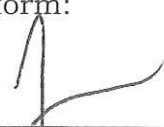


Stephanie L. Martin, City Council Clerk



Daniel R. Sanchez, Mayor

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Approved as to form:


James F. Melle, Director of Law
City of Fremont, Ohio