

RESOLUTION NO. 2024-80
INTRODUCED BY: ADMINISTRATION

A RESOLUTION CONTINUING 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 RECREATIONAL MARIJUANA TO ALLOW THE CITY ADMINISTRATION, COUNCIL, AND PLANNING COMMISSION AN OPPORTUNITY TO REVIEW APPLICABLE LAWS AND TO CONSIDER POSSIBLE AMENDMENTS TO THE LYNDHURST ZONING CODE, AND DECLARING AN EMERGENCY

WHEREAS, on November 7, 2023, the electorate of the State of Ohio adopted Issue 2 enacting Ohio Revised Code Chapter 3780 wherein the cultivation, processing, sale, purchase, possession, home grow and use of recreational marijuana by adults over the age of 21 is permitted; and

WHEREAS, Issue 2, which remains subject to potential revision and/or repealment by the Ohio General Assembly, permits, among other things, the cultivation, processing, sale, purchase, possession, home grow and use of recreational marijuana by adults over the age of 21; creates state regulatory and licensing oversight thereover; and authorizes the legislative authorities of municipal corporations to, by resolution, prohibit or limit the number of Adult Use Cannabis Operators, which include cultivators, processors and dispensaries, permitted within the municipal corporation; and

WHEREAS, the City Administration, Council, and Planning Commission require additional time to undertake a review of applicable laws and to consider possible amendments to the Lyndhurst 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. Now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

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 recreational marijuana hereby continues for a period of six (6) months from the effective date of this Resolution to allow the City Administration, Council, and Planning Commission an opportunity to review applicable laws and to consider possible amendments to the Lyndhurst Zoning Code.

SECTION 2. 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 recreational 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 recreational marijuana for the duration of this moratorium.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. 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 of Lyndhurst and for the additional reason to allow the City Administration, Council, and Planning Commission an opportunity to review applicable laws and to consider possible amendments to the Lyndhurst Zoning Code. Therefore, this Resolution shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: November 18, 2024

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

First Reading: November 18, 2024

Second Reading: Suspended

Third Reading: Suspended

Passed 11-18-2024