#### RESOLUTION NO. 33-2017

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# RESOLUTION PROHIBITING MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES WITHIN WEST CHESTER TOWNSHIP AND INITIATING PROPOSED TEXT AMENDMENTS TO THE WEST CHESTER TOWNSHIP ZONING RESOLUTION TO REFLECT THIS PROHIBITION

WHEREAS, the 131st Ohio General Assembly passed Substitute House Bill 523, signed into law by Ohio Governor John Kasich and effective in September 2016, which creates certain land uses associated with the cultivation, processing, and dispensing of medical marijuana and also allows individuals with a qualifying medical condition on the recommendation of a physician to apply to the State, and upon approval of their application receive an identification card allowing them to obtain, possess and use medical marijuana for the treatment of said condition;

**WHEREAS**, for the purposes of this Resolution, the definitions of "cultivators," "processors," and "retail dispensaries" are given the same definitions as those found in Chapter 3796 of the Ohio Revised Code;

**WHEREAS**, R.C. Chapter 3796 provides that the Ohio Department of Commerce, the Board of Pharmacy, and the State Medical Board shall adopt rules establishing standards and procedures for the medical marijuana control program;

WHEREAS, these state boards have published their proposed rules governing operation of marijuana dispensaries, cultivators, and processors, the issuance of certificates to physicians wishing to recommend medical marijuana to patients, and the registration of patients and caregivers wishing to purchase medical marijuana pursuant to these recommendations:

**WHEREAS**, these proposed rules are in the process of completing the state's agency rule-review;

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, rendering the manufacture, distribution, dispensation, and the possession of marijuana with intention to manufacture, distribute, or dispense, a crime under federal law;

WHEREAS, a consequence of the continued prohibition of marijuana by the Federal government is that financial services providers such as banks and credit card companies are unable to do business with marijuana enterprises because it is illegal under Federal law to transmit funds known to have been derived from marijuana;

WHEREAS, the unbanked status of marijuana businesses results in the businesses and their customers carrying significant amounts of cash;

WHEREAS, the presence of large amounts of cash invites opportunity for robbery,

Page 1 of 3 (RES: 33-2017)

theft, money laundering, tax evasion, and other crimes constituting threats to the public health, safety, and welfare;

WHEREAS, Section 3796.29 of the Ohio Revised Code authorizes a township board of trustees to adopt a resolution limiting the number of, or entirely prohibiting, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Chapter 3796 within the unincorporated territory of the township;

WHEREAS, due to the above threats to public health, safety, and welfare, and having reviewed the State's rules and Federal law's continued classification of marijuana (cannabis) as a Schedule I drug, the West Chester Township Board of Trustees determines that cultivation, processing, and dispensing of marijuana for medical purposes, or otherwise, shall not be permitted within this Township;

WHEREAS, the West Chester Township Board of Trustees has determined that it is in the best interest of West Chester Township to prohibit medical marijuana uses, including medical marijuana cultivators, processors, and retail dispensaries within West Chester Township; and

WHEREAS, the West Chester Township Board of Trustees simultaneously wishes to initiate the process of amending the West Chester Township Zoning Resolution in order to ensure that the Zoning Resolution accurately reflects the prohibition of medical marijuana-related uses effectuated by this Resolution;

**NOW THEREFORE, BE IT RESOLVED,** that the West Chester Township Board of Trustees does hereby resolve to:

**SECTION 1.** That pursuant to its powers under Ohio Revised Code Section 3796.29, and for the benefit of the health, safety, and general welfare of West Chester Township, the West Chester Township Board of Trustees hereby prohibits the authorization or establishment of any medical marijuana-related businesses within West Chester Township, including but not limited to medical marijuana-related cultivators, processors, or retail dispensaries, and Township staff are moreover prohibited from issuing or processing any permits or approvals for any medical marijuana-related businesses such as medical marijuana-related cultivators, processors, or retail dispensaries within West Chester Township.

**SECTION 2.** Initiate the Zoning Resolution text amendment process in accordance with R.C. 519.12 and the West Chester Township Zoning Resolution by authorizing the Township Administrator to complete, execute, and file the West Chester Township, Butler County, Ohio Community Development Department application: Submission Requirements and Instructions for Text Amendments to the Zoning Resolution and take any and all other action necessary to initiate and pursue this process.

**SECTION 3.** Propose and consider the amendments, set forth on the Exhibit A attached hereto, to the West Chester Township Zoning Resolution through the Zoning Resolution amendment process in accordance with the West Chester Township Zoning Resolution and the Ohio Revised Code in order to ensure that the West Chester Township

the establishment of medical marijuana uses within West Chester Township.

Adopted this \_\_\_\_\_\_ 5th \_\_\_ day of \_\_December \_\_\_\_\_\_, 2017.

Mark Welch, President \_\_\_\_\_\_ Yes/No

Lee Wong, Vice President \_\_\_\_\_\_ Yes/No

Zoning Resolution accurately reflects the prohibition set forth in this Resolution regarding

ATTEST:

Ann Becker, Trustee

Yes/No

Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:

Donald L. Crain, Law Director

#### Resolution 33-2017 EXHIBIT A

# WEST CHESTER TOWNSHIP, BUTLER COUNTY, OHIO COMMUNITY DEVELOPMENT DEPARTMENT 9577 Beckett Road, Suite 100, West Chester, Ohio 45069 TELEPHONE: (513) 777- 4214 www.westchesteroh.org

# SUBMISSION REQUIREMENTS AND INSTRUCTIONS FOR TEXT AMENDMENTS TO THE ZONING RESOLUTION

An application for a text amendment to the Zoning Resolution submitted to the office of the West Chester Township Community Development Department must comply with the requirements and procedures outlined herein.

This packet contains a checklist of general and written requirements; application submittal forms; and addendums and examples which explain the zoning amendment process. The checklist together with all required information, original application forms, and copies must be submitted in complete and accurate form before the amendment will be processed by the Community Development Department.

The filing date of the application packet shall be the date on which all information submitted is examined by the Community Development Department and found to meet all the requirements as described in this packet. The closing date represents the final day on which an application will be accepted. After the closing date, the applicant cannot modify any portion of the information submitted unless specifically requested by the staff, Zoning Commission or Board of Trustees. Early submission is therefore, highly recommended to assure placement on the agenda and adequate time for revisions and corrections. The office of the West Chester Township Community Development Department maintains a list of monthly meeting and closing dates.

# SUBMISSION REQUIREMENTS FOR A TEXT AMENDMENT TO THE WEST CHESTER TOWNSHIP ZONING RESOLUTION

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TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT USE ONLY:
CASE # DATE RECEIVED:
1. GENERAL REQUIREMENTS
I. OLIVERAL REGUIRENTS
X 1.1 PRE-APPLICATION MEETING (DATE: 10 / 05 / 2017 TIME: 10:00 am )
The applicant is to present the concept of the text amendment to the Community Developmer Department and to obtain and discuss the overall application process before submitting the application packet. Call 777-4214 for an appointment. There will be no assurance at any time implicitly or otherwise, regarding final staff recommendations to the Commission about the application.
X 1.2 SUBMISSION CLOSING DATE DATE: 11 / 14 / 2017
FOR BUTLER COUNTY PLANNING COMMISSION IN MONTH OF December
The application packet must be submitted to the office of the West Chester Township Community Development Department in person, no later than THE CLOSING DATE. Prior to submitting the application packet and necessary information, the applicant should revise proposed amendment as advised by the Community Development Director. After the closing date, the applicant cannot modify any portion of the information submitted unless specifically requested by the staff, Zoning Commission or Board of Trustees. Early submission is recommended to assure placement on the agenda and adequate time for revisions and corrections. Incomplete or inaccurate applications will not be accepted for processing or be placed on the agenda for any hearings or meetings.
NA 1.3 APPLICATION FEE

An application fee for a zoning map amendment shall be accompanied by a non-refundable payment to cover the costs of holding the public hearing thereon, including personnel costs, advertising and legal notices as required by law or otherwise in connection with said amendment. Please make checks payable to West Chester Township.

Zoning Amendment cancellations must be submitted in writing to the Community Development Department. There shall be no refund or part thereof once public notice has been given.

#### 2. WRITTEN REQUIREMENTS

X2.1	DESCRIPTION OF REQUEST AND RIFORM	EASONS FOR TEXT AMENDMENT
	Complete and submit the original Desc Amendment form (provided in this pack	•
X2.2	TEXT AMENDMENT APPLICATION F	
	Complete and submit the original Applic (provided in this packet).	ation for Zoning Text Amendment form
X 2.3	CHECKLIST OF REQUIREMENTS	
,	Submit this checklist and application	packet fully completed.
AND/OR AC		BILITY FOR ANY ERRORS AND/OR
	person preparing this checklist cant or Representative)	N FORM  pplication for Zoning Text Amendment for  tion packet fully completed.  MED TO BE CORRECT AND APPLICATION
Name Printe	d	

# APPLICATION FOR ZONING TEXT AMENDMENT TO THE ZONING RESOLUTION

# WEST CHESTER TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT 9577 Beckett Road, Suite 100, West Chester, Ohio 45069 Telephone: (513) 777-4214

FOR WEST (	CHESTER TOW	NSHIP COMMUNITY I	DEVELOPMENT D	EPARTMENT USE
CASE#			DATE RE	ECEIVED:
				3Y:
NOTE: THIS		MUST BE TYPEWRIT		
NAME OF AF	PLICANT Wes	t Chester Township Bo	pard of Trustees	
ADDRESS _	9113 Cincinnat	i-Dayton Road		
PHONE NO.	513-777-5900		FAX NO <u>. 51</u>	3-779-9369
CITY/STATE/	ZIP <u>West C</u>	hester, Ohio 45069		
Township Boa proposed text	ard of Trustees F		proved on Novemb	
SUBSECTIO	N(S) <u>See abo</u>	ove		
TYPE THE C AMENDED:	URRENT LANG	JAGE OF THE ARTIC	LE(S) AND/OR SU	BSECTION(S) TO BE
		l of Trustees Resolution he Articles and Section		ed on November 14,
	ROPOSED AME N(S) YOU ARE F	NDED VERSION OF T REQUESTING:	HE ARTICLE(S) A	ND/OR
Amending the	"Permissible Us	es By District" table		
APPLICANT	Larry Fronk - V	Vest Chester Township	Interim Administra	ator
	Signature		ati-Day Rd, West Ches Address	ter, OH 45069 / 513-777-5900 Phone Number

# DESCRIPTION OF REQUEST AND REASONS FOR TEXT AMENDMENT WEST CHESTER TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT 9577 Beckett Road, Suite 100, West Chester, Ohio 45069

Telephone: (513) 777-4214
FOR WEST CHESTER TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT USE ONLY:
CASE # DATE RECEIVED:
***************************************
NOTE: THIS APPLICATION SHOULD BE TYPEWRITTEN
REQUEST TEXT AMENDMENT CHANGE TO ARTICLE(S) See attached
SUBSECTION(S) See attached

THE APPLICANT SHOULD PREPARE DEFINITIVE STATEMENTS REGARDING THE FOLLOWING: (USE ADDITIONAL SHEETS IF NECESSARY)

1) What specific changes have occurred to make the existing article or subsection of the Zoning Resolution no longer suitable or appropriate, or make the proposed amendment necessary?

Ohio's Medical Marijuana Control Program (OMMCP) was created through Ohio HB 523, effective September 8, 2016. Current Ohio Revised Code 3796.29 allows for "The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively."

2) What is the benefit that the township or community as a whole will derive from this text change?

Based on extensive research conducted by West Chester Administration, Police, Fire and Community Development Departments, it is the desire of the West Chester Township Board of Trustees to prohibit cultivators, processors and retail dispensaries of medical marijuana within the Township through adopted changes the West Chester Zoning Resolution.

3) In what ways will this text change serve to promote the public health, safety, and welfare of the residents of the township?

The West Chester Board of Trustees researched and reviewed various sources to discern and distinguish the relevant and applicable data and information necessary to propose this text amendment to the Zoning Resolution and address community matters. This amendments are proposed in the intent to protect the public health, safety, morals and general welfare of the community.

4) How will this text change conserve and protect property and property values throughout the township?

The desire of the West Chester Board of Trustees is to protect existing and future property values within the Township from unknown consequences of this newly enacted legislation in the State of Ohio. The OMMCP is newly enacted and rules and regulations for the programs are still being defined at the State level. West Chester currently lacks proper empirical data from similar Ohio communities on the effects to property values that surround medical marijuana facilities. This zoning amendment will preserve the existing high quality development and property values from unknown consequences of this newly enacted legislation.

5) Will this text change affect other articles or subsections of the Zoning Resolution resulting in the need for further amendments?

The West Chester Township Board of Trustees discussed these community matters at several regularly scheduled Board of Trustees' meeting and received a presentation on the possible changes and amendments to the West Chester Township Zoning Resolution at the Board's regularly scheduled meetings on September 26, 2017 and October 10, 2017.

The proposed amendment is the result of a review by staff and legal counsel. Appropriate changes were made to all sections that were being affected. At this time, no additional amendments to the Zoning Resolution are anticipated by these changes.

6) What identified community goal or objective will be achieved by this text change?

These changes and amendments continue to progress the community forward by promoting and strengthening economic development initiatives and protecting the public health, safety and general welfare consistent with the West Chester Township Comprehensive Land Use Plan and other adopted policy plans.

# WEST CHESTER TOWNSHIP

BUTLER COUNTY, OHIO

# **ZONING RESOLUTION**

**AMENDED VERSION - November 2017** 

## ZONING RESOLUTION ADOPTED:

## November 1989

## CHANGES AND AMENDMENTS:

Text Revision	November	1990
Text Revision	April	1991
Zoning Resolution Update	January	1993
Olde West Chester RCO	January	1994
Text Revision	April	1995
Text Revision	September	1996
Text Revision	November	1997
Text Revision	September	1999
Text Revision	September	2001
Text Revision	August	2003
Text Revision	July	2004
Text Revision	April	2005
Text Revision	May	2005
Text Revision	September	2011
Text Revision	June	2015
Text Revision	December	2016
<b>Text Revision</b>	November	2017

#### PERMISSIBLE USES BY DISTRICT

P\* = Subject to Approval Process, Pursuant to Article 26 P+ = Subject to Special Conditions of District P = Permitted Use

C = Conditional Use

Shaded, Blank or Unlisted = Prohibited Use

## OFFICE, BUSINESS, INDUSTRIAL, AND RESIDENTIAL USES

USE	0-1	0-2	<b>B-1</b>	B-2	M-1	M-2	C-PUD	I-PUD	SP-PUD	R-PUD	CBD	R-1	R-1A	R-2	R-3	R-4	A-1
office uses	P	P	P	Р	P+	P+	P*	P*	P*		P				6.0	164,666,6	61 <b>5</b> 159
banks/financial institutions including drive thru and pick-up windows	P	P	P	P	P+	P+-	P*	P*	P*		P						
day care centers	P	P	P	P	P+	P+	P*	P*	P*	P*	P	С	C	С	С	С	C
bed & breakfast	P+	P+	P+	P+	P÷	P+	P*	P*	P*	P*	P+	C	С	С	С	С	С
churches/places of worship	P	P	P	P	P	P	P*	P*	P*	P*	P	С	С	С	С	С	С
public/private elementary & high schools	P	Р	P	P	P	P	P*	P*	P*	P*	P	C	С	С	С	С	C
public buildings & properties of administrative, cultural, recreational, or service type including such buildings used to house not-for-profit organizations	P	Р	P	P	P	P	P*	P*	P*	P*	P	С	С	С	С	С	С
wireless and cellular telecommunication facilities	P	P	P	P	P	P	P*	P*	P*		P		100	1000	Witte	i kilongrij	
funeral homes		P	P	P	P+	P+	P*	P*	P*	100	P		10.00			ije v vir ro	
radio/television studios		P	P	P	P+	P+	P*	P*	P*		P		in days				PACE S
art galleries & studios		P	P	P	P+	P+	P*	P*	P*		P		a salay sa		Mile de la	de servicio	
veterinarian offices & clinics w/ no breeding or boarding	25/13/2	P+	P+	<b>P</b> +	P+	P+	P*	P*	P*								
hospital & medical centers		P	P	P	P+	P+	P*	P*	P*		P					41217	nie de la
convenience business which cater to adjacent residential neighborhood			Р	P	P+	P+	P*	P*	P*		P						
personal service establishments	450	С	P	P	P+	P+	P*	P*	P*	0.000	P		1000				
restaurants - no drive-thru	1	С	P	P	P+	P+	P*	P*	P*		P					Sections)	(Order
institutional care facilities		С	С	C	С	С	P*	P*	P*	4.16.4				17.42			
off premises advertising - Billboard signs			P+	P+	P+	P+	P*	P*	P*					100			P+
schools & universities including private, public, & business			P	P	P+	P+	P*	P*	P*	1000	P+	30000		Alcoholo	701		
private clubs/lodges			P	P	<b>P</b> +	P+	P*	P*	P*		P				071712	60 200	WEST STATE
dwelling or dwellings if a part of an approved	7/10/1												0.1	100	100	151150	i mitalia
principal use permitted in this district			С	С	С		P*	P*	P*		С						
outdoor dining area with permitted restaurant			С	P+	P+	P+	P*	P*	P*		<b>P</b> +					3 1000	1 20/0
auto service station/mechanical repair garages	No.			P+	P+	P+	P*	P*	P*		P+	\$10.00g		機構造	i de la composición dela composición de la composición dela composición de la compos		E NEVINIA
auto, truck, trailer & farm implement sales & service				P+	P+	P+	P*	P*	P*	FREE	<b>P</b> +						A ALEXANDE

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USE	O-1	O-2	B-1	B-2	M-1	M-2	C-PUD	I-PUD	SP-PUD	R-PUD	CBD	R-1	R-1A	R-2	R-3	R-4	A-1
carpenter, electrical, plumbing, heating & air conditioning shops, printing, publishing and lithography shops, furniture upholstering shops				P+	P+	<b>P</b> +	P*	P*	P*	12					H H		
self-storage units, including outside storage				P+	P+	P+	P*	P*	P*							Mark 19	
garden stores, supply centers, greenhouses				P	P+	P+	P*	P*	P*		P		9.5			<b>建</b> 基础。	Meridian.
hotels, motels				P	P	P	P*	P*	P*		P		95.770				Marin .
extended stay hotels/motels	2010			Р	P÷	P+	P*	P*	P*		P	TANK TO SEE				S CANCIDIO	
night clubs, restaurants including drive-thru		100		P+	P+	P+	P*	P*	P*		P+		1960				
animal hospital, veterinary clinic/kennels				P+	P+	P+	P*	P*	P*		dis.	17			1975		
commercial recreation				P+	P+	P+	P*	P*	P*		P+		100		15 3 4	(this is	1996年
building material sales yard - no concrete mixing				P+	P+	P+	P*	P*	P*					46.0	o dispersi	的影響的	1000
stone/monument works	OT HOST		100	P+	P+	P+	P*	P*	P*			Telephone I					mayr ar
theaters including drive-ins	100.00			C	<b>P</b> +	P+	P*	P*	P*		P+					<b>建</b> 药	
contractors equipment storage yard or plant			1467	С	P+	P+	P*	P*	P*	進 動原植	a substitution of	1000	15 (10 10 10	000	e in the	(Section	Marks)
trucking & motor freight station or terminal; carting express or hauling establishments; the storage of vehicles	198			С	P+	P+	P*	P*	P*	0.00							
storage & sales of grain, livestock feed				С	P+	P+	P*	P*	P*								
sexually oriented businesses	1			<b>P</b> +	P+				<b>通過可能</b>				676	<b>设</b> 的 4	i Birlin		
methadone and similar high volume drug treatment centers				C	С				s province								A TOTAL STATE
research & development facilities, distribution warehouses, wholesale warehouses, package delivery companies, bottling & packaging, manufacturing including: minor assembly, altering, fabricating, finishing, processing, treatment, storage and incidental sales					P+	P+		P*	P*		P+		Ayrı				
building material sales yards including concrete mixing; retail lumber yards including mill work, landscape businesses	1 2 2				<b>P</b> +	P+		P*	P*							b Nessio Nession	
outdoor storage yards			Page 2		P+	P+		P*									
manufacturing, assembling, processing, recycling, fabricating, finishing, testing, storing or other similar industrial actions					1	P+		P*	P*		P+						
auto wrecking & junk yards	388					C		P*						排料源			

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USE	0-1	O-2	B-1	B-2	M-1	M-2	C-PUD	I-PUD	SP-PUD	R-PUD	CBD	R-1	R-1A	R-2	R-3	R-4	A-1
animal slaughtering, stock yards			20 EU B. ()			C		P*					(C) (1)			in the last	
any use which conducts, as its principal activity, the production, processing, storing, or similar industrial action of solids, liquids, or gases, that have a degree of hazard rating in health, flammability, or reactivity of 2, 3, or 4 as ranked by the National Fire Protection Association 704						С		P*									
any use which involves incineration, processing, reduction, storage of garbage, debris, infectious or medical waste, dead animals, or other types of refuse						С		P*		, Kr							
airports				PA II			Name of the		P*			Thirt		Plan	N. Die		
amusement centers/parks									P*		P+		Jan 198				AVE.
community centers & recreation areas								HE THINK	P*		P+						
museum & cultural centers, including outdoor theaters			No. 1						P*		P+		<b>DIRINE</b>				
stadium & sports arenas			1		MARCH TO			2.17%	P*			WELL C	- Santi		100	( ) A	VIVE TVE
mass transit terminals	1370		ALC: N			A COLOR			P*	(SEPARE)	LEST !						
ZOOS	talas:		E TE			10000			P*								STATE OF
internet cafes			P	P	P	P	P*	P*	P*	ABLE NO	P			CE CO	W. STATE	長 88	
internet sweepstakes establishments													an en				A XIII
non-therapeutic massage establishment	324Fin	9				MARK!	e calley	ME COL			13,65		that party	BAYEVA		THE TANK	
one family detached dwellings		A COL	2.4		Ran					P*	С	P	P	P	P	P	P
two family dwellings	AND COM	Marie V			17,885	The state of the s	911-251	1015150	A CONTRACTOR	P*		Tanish .		E Barridge	P	P	derive 1
multi-family dwellings, row dwellings and townhouses	BEN						A STATE OF THE STA	Page 8 y		P*	С	William A	<b>RUBIN</b>	in sa		P	Assemble .
agriculture and farm uses, including and customary agricultural use, building or structure for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, greenhouses and nurseries, not including garden stores or supply centers										P*		P+	P+	P+	P+	P+	P
animal and poultry husbandry or the keeping of farm animals	2000					V ARREST				P*	DANIE A	P+	P+	P+	P+	P+	P+
public and non-profit parks and recreational facilities.	393/5				THE W					P*	Willes to	P	P	P	P	P	P
in-law suite in principal structure					320					P*		P+	P+	P+			P+
country clubs, golf courses (excluding driving ranges which are not a part of a golf course or miniature golf course) and other private, profit oriented, non-commercial recreation areas and facilities including swimming pools.										P*		С	С	С	С	С	С
cemeteries		Side R	FILE						de com	P*		С	С	С	С	С	С
Medical marijuana cultivation, processing & distribution	KEN.		TEATE					Table 1			NAME OF		To Was		1		