

RESOLUTION NO. 33-2017

**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,

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

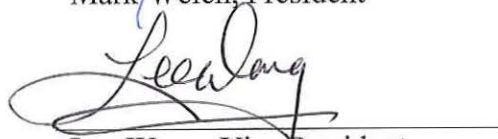
Zoning Resolution accurately reflects the prohibition set forth in this Resolution regarding the establishment of medical marijuana uses within West Chester Township.

Adopted this 5th day of December, 2017.



Mark Welch, President

YES
Yes/No



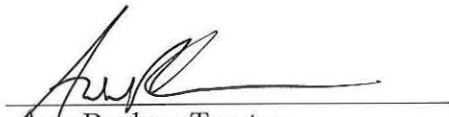
Lee Wong, Vice President

Yes
Yes/No

ATTEST:



Bruce Jones, Fiscal Officer



Ann Becker, Trustee

Yes
Yes/No

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**

.....
TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT USE ONLY:

CASE # _____

DATE RECEIVED:

.....
1. GENERAL REQUIREMENTS

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 Development 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 this application.

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.**

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

 X 2.1 DESCRIPTION OF REQUEST AND REASONS FOR TEXT AMENDMENT FORM

Complete and submit the original Description of Request and Reasons for Text Amendment form (provided in this packet).

 X 2.2 TEXT AMENDMENT APPLICATION FORM

Complete and submit the original Application for Zoning Text Amendment form (provided in this packet).

 X 2.3 CHECKLIST OF REQUIREMENTS

Submit this checklist and application packet fully completed.

INFORMATION SUBMITTED SHALL BE ASSUMED TO BE CORRECT AND APPLICANT AND/OR AGENT SHALL ASSUME RESPONSIBILITY FOR ANY ERRORS AND/OR INACCURACIES RESULTING IN AN IMPROPER APPLICATION.

Signature of person preparing this checklist
(Applicant or Representative)

Date Submitted

Name Printed

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 |
| Text Revision | 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 | 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 |
|--|-----|-----|-----|-----|-----|-----|-------|-------|--------|-------|-----|-----|------|-----|-----|-----|-----|
| office uses | P | P | P | P | P+ | P+ | P* | P* | P* | | P | | | | | | |
| 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 | C | C | C | C | C | C |
| bed & breakfast | P+ | P+ | P+ | P+ | P+ | P+ | P* | P* | P* | P* | P+ | C | C | C | C | C | C |
| churches/places of worship | P | P | P | P | P | P | P* | P* | P* | P* | P | C | C | C | C | C | C |
| public/private elementary & high schools | P | P | P | P | P | P | P* | P* | P* | P* | P | C | C | C | C | C | C |
| public buildings & properties of administrative, cultural, recreational, or service type including such buildings used to house not-for-profit organizations | P | P | P | P | P | P | P* | P* | P* | P* | P | C | C | C | C | C | C |
| wireless and cellular telecommunication facilities | P | P | P | P | P | P | P* | P* | P* | | P | | | | | | |
| funeral homes | | P | P | P | P+ | P+ | P* | P* | P* | | P | | | | | | |
| radio/television studios | | P | P | P | P+ | P+ | P* | P* | P* | | P | | | | | | |
| art galleries & studios | | P | P | P | P+ | P+ | P* | P* | P* | | P | | | | | | |
| veterinarian offices & clinics w/ no breeding or boarding | | P+ | P+ | P+ | P+ | P+ | P* | P* | P* | | | | | | | | |
| hospital & medical centers | | P | P | P | P+ | P+ | P* | P* | P* | | P | | | | | | |
| convenience business which cater to adjacent residential neighborhood | | | P | P | P+ | P+ | P* | P* | P* | | P | | | | | | |
| personal service establishments | | C | P | P | P+ | P+ | P* | P* | P* | | P | | | | | | |
| restaurants - no drive-thru | | C | P | P | P+ | P+ | P* | P* | P* | | P | | | | | | |
| institutional care facilities | | C | C | C | C | C | P* | P* | P* | | | | | | | | |
| off premises advertising - Billboard signs | | | P+ | P+ | P+ | P+ | P* | P* | P* | | | | | | | | P+ |
| schools & universities including private, public, & business | | | P | P | P+ | P+ | P* | P* | P* | | P+ | | | | | | |
| private clubs/ lodges | | | P | P | P+ | P+ | P* | P* | P* | | P | | | | | | |
| dwelling or dwellings if a part of an approved principal use permitted in this district | | | C | C | C | | P* | P* | P* | | C | | | | | | |
| outdoor dining area with permitted restaurant | | | C | P+ | P+ | P+ | P* | P* | P* | | P+ | | | | | | |
| auto service station/mechanical repair garages | | | | P+ | P+ | P+ | P* | P* | P* | | P+ | | | | | | |
| auto, truck, trailer & farm implement sales & service | | | | P+ | P+ | P+ | P* | P* | P* | | P+ | | | | | | |

