



WARREN COUNTY REGIONAL PLANNING COMMISSION

DATE: June 27, 2024

TO: Warren County Regional Planning Commission Executive Committee

FROM: Kelly Taylor Osborne, Planning Intern

SUBJECT: **Clearcreek Township Zoning Code Text Amendments**

BACKGROUND

The Clearcreek Township Board of Trustees initiated amendments to the official Clearcreek Township Zoning Resolution on May 29, 2024. The Board of Township Trustees have established definitions for adult use cannabis to reflect what is seen in Chapter 3780 in the Ohio Revised Code, as well as established definitions for medical marijuana cultivation, processing, and retail dispensing to reflect what is seen in Chapter 3796 in the Ohio Revised Code. The Board of Township Trustees have also established standards for the adult utilization of cannabis as well as for medical marijuana cultivation, processing, and retail dispensing to continue the prohibition of all uses whether licensed under Ohio Revised Code Chapters 3780 and 3796 or not.

SOURCE OF PROPOSED AMENDMENT: Clearcreek Township Trustees

ZONING CODE SECTION:

1. ADD Section 3.023: Establishing Definitions of Adult Use Cannabis and Adult Use Cannabis Operators.
2. ADD Section 3.5201: Establishing Definitions of the Cultivation, Processing, and Distribution of Medical Marijuana.
3. AMEND Section 5.19: Establishing General Provisions Continuing the Prohibition of the Cultivation, Processing, and Distribution of Medical Marijuana.
4. ADD Section 5.23: Establishing General Provisions Continuing the Prohibition of Adult Use Cannabis Operators.

JUSTIFICATION: To reflect the changes made to definitions and standards within the Ohio Revised Code regarding the adult utilization of cannabis (found in Ohio Revised Code Chapter 3780) as well as the cultivation, processing, and distribution of medical marijuana (found in Ohio Revised Code Chapter 3798). These changes to the Clearcreek Township Zoning Resolution would continue the previously defined complete prohibition within all zoning classifications, adjusting and adding sections as needed to reflect the Ohio Revised Code more accurately.

PROPOSED ADDITIONS AND AMENDMENTS

Proposed amendments to the Zoning Code are divided among two (2) different topics:

(1) DEFINITIONS – *Chapter 3; Sections 3.023 and 3.5201*

In response to the definitions provided within the Ohio Revised Code in Chapters 3780.01 and 3796.01, the Township proposes to add sections referring to these definitions found within the Ohio Revised Code as to unify local definitions to the statewide definition of adult use cannabis and medical marijuana.

(2) GENERAL PROVISIONS – *Chapter 5; Sections 5.19 and 5.23*

In response to the standards set in place within the Ohio Revised Code in Chapters 3780 and 3796, the Township proposes the amendment of section 5.19 to update the verbiage to better reflect the definitions set in place around the cultivation, processing, and distribution of medical marijuana. This amendment still maintains the complete prohibition of these defined processes within all zoning classifications whether licensed or not under the Ohio Revised Code (As defined in Chapter 3796: Sections 18, 19, and 20). The Township also proposes the addition of section 5.23 to establish the complete prohibition of adult use cannabis operators within all zoning classifications whether licensed or not under the Ohio Revised Code (As defined in Chapter 3780: Sections 10, 12, 13, 14, 15, 16, and 17).

STAFF ANALYSIS

The Board of Township Trustees have determined the prior Zoning provision found within Chapter 5 Section 19 of the Clearcreek Township Zoning Resolution, stating, “The cultivation, processing, and the dispensary sale of medical marijuana is prohibited in all zoning classifications.” Does not accurately reflect and encompass the definitions found within the Ohio Refined Code. These provisions to Chapters 3 and 5 provided by Clearcreek Township will establish the definition as well as continue the complete prohibition of adult use cannabis and the cultivation, processing, and distribution of medical marijuana for all zoning classifications within the Township. These legislative decisions to continued prohibition within Clearcreek Township are allowed, as defined in Chapter 3780 Section 26 as well as Chapter 3796 Section 29 which defines allowed limitations by localities.

RECOMMENDATION

Recommend **approval** of the proposed Clearcreek Township Zoning Code text amendments, as shown in Exhibit A, to the Clearcreek Township Zoning Commission with the following recommendation:

1. Terms not defined herein shall have their customary meanings as found in the Ohio Revised Code, Sections 3719.01, 3780.01, and 3796.01.

RESOLUTION 5515
CLEARCREEK TOWNSHIP TRUSTEES
Warren County, Ohio
May 28, 2024

A RESOLUTION TO INITIATE EXHIBIT 2024-1, AN AMENDMENT THAT ESTABLISHES DEFINITIONS AND STANDARDS FOR MEDICAL AND RECREATIONAL MARIJUANA FOR THE CLEARCREEK TOWNSHIP, WARREN COUNTY, OHIO, ZONING CODE, AND DISPENSING WITH THE SECOND READING

WHEREAS, amendments to the Clearcreek Township, Warren County, Ohio, Zoning Code may be initiated by passage of a Resolution by the Board of Clearcreek Township Trustees.

NOW THEREFORE BE IT RESOLVED by the Board of Clearcreek Township Trustees that the statutory process to amend the text of the Clearcreek Township, Warren County, Ohio, Zoning Code be initiated for the purpose of establishing definitions and standards for Chapters: 3 and 5 as identified in EXHIBIT "2024-1" attached herewith and deemed a part of this Resolution as if fully rewritten herein; and

BE IT FURTHER RESOLVED, by the Board of Clearcreek Township Trustees upon majority vote does hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorizes the adoption of this Resolution upon its first reading.

Mr. MUTERSPAW moved to adopt the foregoing Resolution. Mr. GABBARD seconded the motion and upon the call of the roll the following vote resulted:

- Mr. Wade - YEA
- Mr. Gabbard - YEA
- Mr. Muterspaw - YEA

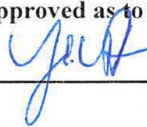
Resolution adopted at a regular public meeting conducted May 28, 2024.

THE BOARD OF
CLEARCREEK TOWNSHIP TRUSTEES





Law Director Bryan Pacheco
Approved as to form



CHAPTER 3, DEFINITIONS:

ADD SEC. 3.023: ADULT USE CANNABIS AND ADULT USE CANNABIS OPERATOR SHALL HAVE THE SAME MEANINGS AS DEFINED OR DESCRIBED IN CHAPTER 3780 OF THE OHIO REVISED CODE.

ADD SEC 3.5201 MARIJUANA, MEDICAL MARIJUANA, CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES AS USED IN THIS RESOLUTION SHALL HAVE THE SAME MEANINGS AS DEFINED OR DESCRIBED IN CHAPTER 3796 OF THE OHIO REVISED CODE.

CHAPTER 5, GENERAL PROVISIONS:

AMEND SEC. 5.19: ~~The cultivation, processing and the dispensary sale of medical marijuana is prohibited in all zoning classifications.~~ CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES OF MEDICAL MARIJUANA, INCLUDING ALL CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MEDICAL MARIJUANA, WHETHER LICENSED UNDER CHAPTER 3796 OF THE OHIO REVISED CODE OR NOT, ARE PROHIBITED IN ALL ZONING CLASSIFICATIONS.

ADD SEC. 5.23: ADULT USE CANNABIS OPERATORS WHETHER LICENSED UNDER CHAPTER 3780 OF THE OHIO REVISED CODE OR NOT, ARE PROHIBITED IN ALL ZONING CLASSIFICATIONS.

Text Amendment 2024-1, Initiated by Trustee Resolution _____
Zoning Commission _____ on _____
Trustees _____ on _____ Trustee Resolution _____