

AN ORDINANCE AMENDING AND/OR SUPPLEMENTING SECTION 1248.04 “PROHIBITED USES OF CHAPTER 1248 “PROVISIONS APPLICABLE TO ALL DISTRICTS”; TITLE SIX “ZONING”; PART TWELVE “PLANNING AND ZONING CODE” OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRLAWN, OHIO

WHEREAS, from time to time it becomes necessary to update and amend the codified ordinances of the City of Fairlawn to promote the health, safety, and welfare of the community; and

WHEREAS, Ohio Issue 2 on the November 7, 2023 ballot passed and allows for the cultivation, processing, sale, purchase, and use of cannabis in Ohio; and

WHEREAS, pursuant to newly enacted Ohio Revised Code Section 3780.25, the legislative authority of a municipal corporation may adopt an ordinance to prohibit adult use cannabis operators in the City; and

WHEREAS, the Mayor and Council believe it is in the best interest of the City to update the codified ordinances to prohibit adult use cannabis operators. Adult use cannabis operators include marijuana cultivators, processors, and dispensaries.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF FAIRLAWN, OHIO, THAT:

Section 1: Section 1248.04 “Prohibits Uses” of Chapter 1248 “Provisions Applicable to all Districts” is hereby amended and/or supplemented as set forth in Exhibit A attached hereto and incorporated herein.

Section 2: All other sections of Chapter 1248 remain unchanged.

Section 3: It is hereby found and determined that this legislation complies with Section 121.22, O.R.C. regarding notification of meetings, and all deliberations of this Council pertaining hereto have been conducted in accordance therewith.

Section 4: This Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor or at the earliest period allowed by law.

Enacted: _____ 2023

Approved: _____ 2023

Barbara Potts, President of Council

Russell T. Sharnsky, Mayor

Approval of the form and corrections by R. Bryan Nace, Director of Law:

CERTIFICATION OF PASSAGE

I, Tonja K. Caldwell, Clerk of Council of the City of Fairlawn, hereby certify that the foregoing Ordinance was duly and regularly passed at a meeting on _____, 2023.

Tonja K. Caldwell, Clerk of Council

CERTIFICATION OF POSTING

This is to certify that on _____, 2023 the within Ordinance was published as required by Section 222.03(a) of the Codified Ordinances of the City of Fairlawn.

Tonja K. Caldwell, Clerk of Council

Exhibit A
Ordinance 2023-089

1248.04 PROHIBITED USES

- (a) No mobile home shall be parked in any zoning district.
- (b) No cabin, cabin court or camp shall be permitted in any zoning district.
- (c) No outdoor wood-fired boiler shall be permitted in any zoning district.
- (d) No medical marijuana related business as may be allowed or permitted under the Medical Marijuana Control Program, Ohio R.C. Ch. 3796, including any marijuana cultivation operation, marijuana processing facilities, or marijuana retail dispensaries, shall be permitted in any zoning district.
- (e) No adult use cannabis operators shall be permitted in any zoning district pursuant Ohio R.C. 3780.25. Adult use cannabis operators include all marijuana cultivators, processors, or dispensaries.