

**DEPARTMENT OF BUILDING AND HOUSING
EXECUTIVE SUMMARY**

Ordinance No. 1009-17

Description: Supplements the Codified Ordinances of Cleveland, Ohio 1976 by enacting new Section 347.19 and amends Sections 343.11 and 345.02 relating to State-licensed Medical Marijuana Cultivators, Processors, Retail Dispensaries, and Testing Laboratories.

Impact: Ohio Substitute House Bill 523, legalizing the cultivation, processing and retail dispensing of medical marijuana in Ohio, was enacted and became effective on September 8, 2016. As a result, Cleveland City Council passed Ordinance No. 1016-16 on October 24, 2016, and Ordinance No. 679-17 on June 5, 2017, declaring a moratorium on any permit or license for such uses, except cultivators, in the City of Cleveland in order to review all applicable laws and make recommendations on zoning prohibitions and limitations on the locations of these uses. This ordinance implements the recommended zoning limitations and locations for these uses. The moratorium on City department issuance of licenses, permits, or certificates for same will expire on October 26, 2017.

A new proposed Section 347.19 in the Cleveland Zoning Code creates and defines the new land uses of State-licensed Medical Marijuana Cultivators, Processors, Retail Dispensaries, and Testing Laboratories. The new land uses, when permitted in a particular use district in the Cleveland Zoning Code, also must be at least 500 feet from the boundaries of a parcel that contains a school, church, public library, public playground or public park. The limitations do not apply to research related to marijuana conducted at a university, academic medical center, or an institutional review board approved private research and development organization, per Ohio Revised Code 3796.30. These definitions and location limitations match the language of Sub. HB 523, and Ohio Administrative Rules for these uses. Additionally, no state-licensed Cultivator, Processor, or Retail Dispensary may be established on a lot within one thousand feet of a residence district. The City Planning Department will demonstrate, via maps, the available sites in the City with these restrictions imposed.

As for Zoning District classifications, State-licensed Medical Marijuana Retail Dispensary is a use first permitted in a General Retail Business District. State-licensed Medical Marijuana Cultivators, and State-licensed Medical Marijuana Processors are first permitted in a Residence Industry District, and accordingly in all less restrictive districts. Testing Laboratories are not listed in any particular district, which by default would first allow this use in the Institutional Research District, Zoning Code Chapter 340.

Legislative Summary: Ordinance No. 1009-17

Ordinance No. 1009-17 enacts new Section 347.19 and amends Sections 343.11 and 345.02 of the Zoning Code to regulate the location of state-licensed medical marijuana cultivators, processors, retail dispensaries, and testing laboratories.

This ordinance incorporates the state requirement that these entities be located 500 feet from a school, church, public library, public playground or public park. It also prohibits them from being located within 1000 feet of a residence district. Retail dispensaries are specifically allowed in general retail business districts and less restrictive districts, and cultivators and processors are specifically allowed in residence-industry districts and less restrictive semi, general, and unrestricted industry.

The State Department of Commerce already accepted license applications from cultivators, and will accept license applications from retail dispensaries from November 3 – 17, and processors from December 4-15. A maximum of five retail dispensary licenses are available in Cuyahoga County. The moratorium established by Ordinance No. 679-17 expired on October 26, 2017.

Frequently Asked Questions about Medical Marijuana Control Program

What forms of medical marijuana are approved?

Oils, tinctures, plant material, edibles, and patches are permitted. Use by smoking or combustion are prohibited, but vaporization is allowed. Any form that is attractive to children is prohibited, such as products veering any resemblance to a cartoon character or candy.

What are the qualifying medical conditions that may be treated with medical marijuana?

Certified physicians may recommend medical marijuana only for the treatment of the following qualifying medical conditions: AIDS, amyotrophic lateral sclerosis, Alzheimer's disease, cancer, chronic traumatic encephalopathy, Crohn's disease, epilepsy or another seizure disorder, fibromyalgia, glaucoma, hepatitis C, inflammatory bowel disease, multiple sclerosis, pain that is either chronic and severe or intractable, Parkinson's disease, positive status for HIV, post-traumatic stress disorder, sickle cell anemia, spinal cord disease or injury, Tourette's syndrome, traumatic brain injury, and ulcerative colitis.

How many cultivators, processors, and retail dispensaries are allowed in Ohio when the program begins on September 9, 2018?

Cultivators: up to 12 Level I provisional licenses (25,000 square feet)
up to 12 Level II provisional licenses (3000 square feet)

Processors: up to 40 provisional licenses

Retail Dispensaries: up to 60 licenses throughout 4 quadrant regions and 31 districts
up to 18 in the Northeast District
up to 5 in Cuyahoga County

What are the application requirements and rules?

Application requirements for cultivators, processors, and retail dispensaries are extensive and must meet the administrative rule standards. Although requirements vary, they require an application fee, background check, proof of financial responsibility, including insurance and an escrow or surety bond, property ownership or lease, map of compliance with state requirement of 500 feet from a school, church, public library, public park or public playground, proper local zoning form, business and operations plan, quality assurance plan, and security plan.

What about testing laboratories?

State law provides that municipalities are not authorized to adopt ordinances limiting research by testing laboratories. The state requirement that entities be located within 500 feet of a school, church, public library, public playground, or public park does not apply to testing laboratories. This is why our ordinance does not place zoning restrictions on testing laboratories.

During the first year, the Department of Commerce opened applications only to public universities for testing. Only two universities, Central State and Hocking College, applied. Due to testing capacity needs, the Department will now allow private testing laboratories to apply from November 27 – December 8, and may issue licenses in June 2018.