

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2024-09 *Passed* July 2, 20 24

AN ORDINANCE AMENDING CHAPTER 1170 MEDICAL MARIJUANA AND CHAPTER 1145 I-2 GENERAL INDUSTRIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, Section 1170.01 of the Code of Ordinances currently prohibits medical marijuana cultivators, processors and retail dispensaries from operating in the City of Brookville; and

WHEREAS, the Code of Ordinances does not currently address the cultivation, processing, testing and retail dispensaries for adult use cannabis which have recently been authorized in Ohio; and

WHEREAS, City Council desires to amend the zoning code to permit marijuana cultivators, processors and laboratory testing facilities for medical marijuana and adult use cannabis to locate in the I-2 General Industrial District in the City of Brookville; and

WHEREAS, the Planning Commission and City Council desire to retain the current prohibition of medical marijuana retail dispensaries in the City of Brookville and to also prohibit adult use retail dispensaries in the City of Brookville; and

WHEREAS, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon receiving the recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: Chapter 1170 Medical Marijuana of the Code of Ordinances is hereby repealed and replaced with in its entirety with Chapter 1170, Medical Marijuana and Adult Use Cannabis, as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION II: Section 1145.02(a) Permitted Uses is hereby amended to add 1145.02(a) (10) as set forth below and to renumber the current Section 1145.02(a) (10) to 1145.02(a) (11):

1145.02(a)(10) Medical Marijuana and Adult Use Cannabis Cultivation, Processing and Laboratory Testing

1145.02(a)(11) Accessory buildings and uses incidental to the principal use.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION IV: This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

PASSED this 2nd day of July, 2024.

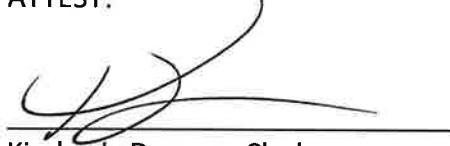
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ATTEST:



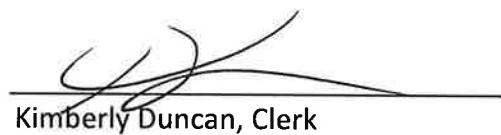
Kimberly Duncan, Clerk



Charles Letner, Mayor

CERTIFICATE

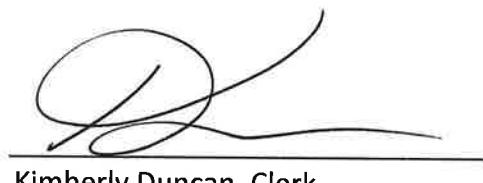
The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-09, passed by the Council of the City of Brookville, Ohio, on the 2nd day of July, 2024.



Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2024-09 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 3rd day of July, 2024, to the 1st day of August, 2024, both days inclusive.



Kimberly Duncan, Clerk

EXHIBIT "A"

CHAPTER 1170
MEDICAL MARIJUANA AND ADULT USE CANNABIS

Section 1170.01 MEDICAL MARIJUANA

(a) The cultivation, processing and laboratory testing of medical marijuana shall be a permitted use in the I-2 General Industrial District and shall not be permitted in any other zoning district in the City of Brookville. A license as described in Ohio Revised Code Section 3796.09 shall be required to operate a cultivation, processing or laboratory testing facility for medical marijuana in the City of Brookville.

(b) The operation of a retail medical marijuana dispensary as described in Ohio Revised Code Section 3796.10 shall be prohibited in the City of Brookville, and a zoning permit shall not be issued for a retail medical marijuana dispensary.

Section 1170.02 ADULT USE CANNABIS

(a) The cultivation, processing and laboratory testing of adult use cannabis shall be a permitted use in the I-2 General Industrial District and shall not be permitted in any other zoning district in the City of Brookville. A license as described in Ohio Revised Code Section 3780.10 shall be required to operate a cultivation, processing or laboratory testing facility for adult use cannabis in the City of Brookville.

(b) The operation of a retail adult use cannabis dispensary as described in Ohio Revised Code Section 3780.10 shall be prohibited in the City of Brookville, and a zoning permit shall not be issued for a retail adult use cannabis dispensary.

Section 1170.03 PERMITS

(a) The number of zoning permits for the cultivation, processing and laboratory testing of medical marijuana and adult use cannabis shall be limited to one (1) zoning permit in the City of Brookville.