

## **ARTICLE XXIV-RECREATIONAL ADULT USE CANNABIS**

**WHEREAS**, on November 7, 2023, voters in Ohio approved State Issue 2, which enacts new Chapter 3780 of the Ohio Revised Code, effective thirty days from the date of the election; and

**WHEREAS**, Chapter 3780 authorizes and regulates recreational adult-use cannabis in the state of Ohio; and

**WHEREAS**, R.C. 3780.25 authorizes townships to limit the number of adult-use cannabis operators (as defined in R.C. 3780.01) within the unincorporated area of the township; and

**WHEREAS**, for the purposes of this Resolution, “adult use cannabis operators” are given the same definition as found in Chapter 3780 of the Ohio Revised Code; and

**WHEREAS**, the board of township trustees finds it to be in the best interest of the township to limit adult use cannabis operators which includes adult-use marijuana dispensaries, cultivators, and processors licensed under Ohio Revised Code Chapter 3780 to no more than one (1) retail business operating within the unincorporated area of Austintown Township, Mahoning County.

**2024-1** - All terms used in this Resolution shall be defined in the same manner as Ohio Revised Code Chapter 3780, as it pertains to adult use cannabis. All terms used in this resolution but not defined in those chapters shall be construed, for purposes of this resolution, in a manner to be consistent with the use of such terms in Ohio Revised Code Chapter 3780.

It is the intent of the Board of Township Trustees to limit the operations described above to the maximum extent permitted by Ohio Revised Code 3780.25 and any other applicable provisions of state law. This Resolution shall be construed in a manner that gives maximum effect to that intent.

### **2024-2 - LOCATION OF RECREATIONAL ADULT USE CANNABIS BUSINESS**

1. A Recreational Adult Use Cannabis Business may be located only in accordance with the restrictions contained in (2) through (4) below.

2. A Recreational Adult Use Cannabis Business may be located on a lot wholly contained in that portion of a Business B-2 District or Industrial District on North Canfield-Niles Road that is within 4,000 ft. of the midpoint of the State Route 46 and I-80 interchange overpass; and on Business B-2 District or Industrial District zoned lots on Patriot Boulevard, Cerni Place, Clarkins Drive, 76 Drive, Hollywood Drive, and the portion of Silica Road bounded between North Canfield-Niles Road and Ohltown Road.

3. No Recreational Adult Use Cannabis Business may be established within 500 feet of:

(a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities; church, synagogue, mosque, temple or building which is used primarily for religious worship includes the grounds, but does not include facilities used primarily for another purpose and only incidentally as a church, synagogue, mosque, or temple;

(b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

(c) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of either the Township or which is operated or managed by another public entity; or

(d) A business which is oriented primarily towards children or family entertainment.

4. For the purpose of subsection 3 of this Section, a measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Recreational Adult Use Cannabis Business is operated, to the nearest property line of the premises of a use listed in subsection 3.

**2024-03 - SEVERABILITY**

If any section, subsection, or clause of this amendment shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected. All amendments or parts of amendments in conflict with the provisions of this amendment are hereby repealed.

**2024-04** - This amendment shall become effective thirty (30) days after adoption by the Trustees.

**2024-05** - That it is found and determined that all formal actions of the Trustees concerning and related to the adoption of this amendment were adopted in an open meeting of the Trustees and that all deliberations of the Trustees were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Zoning Resolution, as amended.

Adopted August 5, 2024.