

**CITY OF CARLISLE
ORDINANCE 29-24**

AN ORDINANCE IMPOSING A MORATORIUM OF EIGHTEEN MONTHS ON THE ACCEPTANCE OF ZONING APPLICATIONS AND THE GRANTING OF ZONING APPROVALS FOR MARIJUANA DISPENSARIES, VEHICLE FUELING ESTABLISHMENTS, CONVENIENCE STORES, DRIVE-THRU CONVENIENCE STORES, AUTOMOBILE WASHES, SMOKE SHOPS, STORAGE FACILITIES, SMALL BOX DISCOUNT STORES AND USED CAR DEALERSHIPS AND DECLARING AN EMERGENCY.

WHEREAS, the City of Carlisle passed a moratorium on allowing gas stations/pumps for one year, effective 3/23/2024; and

WHEREAS, the City of Carlisle passed a moratorium on the cultivation, processing, and retail sale of "adult use" cannabis for one year, effective 11/28/2023; and

WHEREAS, the City of Carlisle has allowed vehicle fueling establishments, convenience stores, drive-thru convenience stores, automobile washing establishments, smoke shops, storage facilities, small box discount stores, and used car dealerships in the City; and

WHEREAS, "marijuana dispensary" means a licensed retail establishment authorized to sell marijuana and marijuana-containing products, including all types of THC: THCA, Delta-9, THCV, Delta-8-THC, Delta-10-THC, THCP, and THCO; and

WHEREAS, "vehicle fueling establishment" means an establishment dispensing and/or selling motor fuels, including, without limitation, those permitted as an additional principal use. In addition, such an establishment may provide minor vehicle servicing and repairs; and

WHEREAS, "convenience store" means a retail establishment that has a floor area of more than 500 square feet and less than 4,000 square feet and that offers for sale a limited line of groceries, beverages, food, and other household items intended for the convenience of the customer; and

WHEREAS, "drive-thru convenience store" means a retail establishment that has a floor area of more than 500 square feet and less than 4,000 square feet and that offers for sale a limited line of groceries, beverages, food, and other household items intended for the convenience of the customer with a drive-thru option allowing for the customer to purchase items from their vehicle without entering the establishment; and

WHEREAS, "automobile washing establishment" means an establishment with machine or hand operated facilities used principally for cleaning, washing, polishing, or waxing of motor vehicles; and

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WHEREAS, "smoke shop" means an establishment that primarily sells products like cigarettes, cigars, pipes, vaping devices, and related accessories; and

WHEREAS, "storage facility" means a commercial property designed for the secure storage of personal or business items. These facilities are typically used by individuals or businesses to store belongings, inventory, or equipment that they don't need regular access to or don't have space for on-site; and

WHEREAS, "small box discount store" means a retail use that has a floor area of more than 5,000 square feet and less than 15,000 square feet, and that offers for sale (1) a combination and variety of convenience shopping goods and consumer shopping goods, and (2) which the majority of the items sold generally cost less than ten dollars per item or have a cost that is 20%-40% lower than the same type of goods, products, or merchandises sold at a grocery store or a pharmacy; and

WHEREAS, "used car dealership" means a business that buys, sells, and sometimes trades pre-owned vehicles. These dealerships offer a range of previously owned cars, trucks, SUVs, and other vehicles, usually from various makes and models, rather than specializing in new vehicles; and

WHEREAS, the City Of Carlisle desires to coordinate the regulations of marijuana dispensaries, vehicle fueling establishments, convenience stores, drive-thru convenience stores, automobile washing establishments, smoke shops, storage facilities, small box discount stores, and used car dealerships in the City; and

WHEREAS, the current zoning regulations do not adequately guide the location and approval of such uses; and

WHEREAS, this City Council desires to review legislation and to enact reasonable regulations as to the size, number, location, and approval process of such uses in the City; and

WHEREAS, the City administrative staff have recommended reviewing and revising the current zoning regulations to conform to the City's goals of providing adequate regulations and the City Manager concurs with said recommendation; and

WHEREAS, the City has begun the process completing a new comprehensive plan, including a land use plan, for the City, which will address the City's land-use policies and future land-use map; and

WHEREAS, it is anticipated that the new comprehensive plan process for the City will be completed by June 30th, 2026; and

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WHEREAS, the zoning code amendment process will take months to complete from the application filing date through obtaining both Planning Commission and City Council approvals and until the zoning changes go into effect; and

WHEREAS, during the completion of the comprehensive use plan, City staff needs time to research and propose zoning code amendments to be considered by the City for adoption; and

WHEREAS, individual applications for marijuana dispensaries, vehicle fueling establishments, convenience stores, drive-thru convenience stores, automobile washing establishments, smoke shops, storage facilities, small box discount stores, and used car dealerships will disrupt the coordination necessary to draft and implement new regulations governing such uses; and

WHEREAS, a moratorium on such applications and approvals will prevent said disruption; and

WHEREAS, City Council finds that a moratorium for eighteen (18) months is reasonable and will allow for the adoption of the new comprehensive plan, and allow the Carlisle City Manager and Community Development staff time to propose and initiate action to address the issues outlined herein; and

WHEREAS, City Council recognizes the acute nature of the problem faced by the City in allowing such applications and approvals for marijuana dispensaries, vehicle fueling establishments, convenience stores, drive-thru convenience stores, automobile washing establishments, smoke shops, storage facilities, small box discount stores, and used car dealerships may disrupt the orderly growth and development of the City, and seeks a moratorium on applications and approvals for such uses to preserve the public peace, health, safety, and welfare of the citizens of Carlisle.

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

SECTION 1: Commencing with the date of passage of this ordinance, City Council hereby imposes a moratorium through April 22, 2026, on applications and approvals for marijuana dispensaries, vehicle fueling establishments, convenience stores, drive-thru convenience stores, automobile washing establishments, smoke shops, storage facilities, small box discount stores, and used car dealerships. City Council hereby directs and orders that no applications or approvals for vehicle fueling, convenience stores, drive-thru convenience stores, automobile washing establishments, smoke shops, storage facilities, small box discount stores, and used car dealerships be accepted, processed, or issued during the moratorium.

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SECTION 2: City Council finds that a moratorium of eighteen (18) months is reasonable and will allow the City of Carlisle City Manager and Community Development staff to propose and initiate action to address the issues outlined herein.

SECTION 3: In order to limit the duration of the moratorium, the Carlisle City Manager and Community Development staff are hereby authorized and directed to immediately review and recommend comprehensive zoning regulations for marijuana dispensaries, vehicle fueling establishments, convenience stores, drive-thru convenience stores, automobile washing establishments, smoke shops, storage facilities, small box discount stores, and used car dealerships within the duration of the moratorium.

SECTION 4: If a section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5: This ordinance shall take effect and be in full force and effect from and after the earliest date allowed by law upon adoption, in accordance with Sections 5.03 and 5.04 of the Carlisle Charter.

Adopted: 10/22/24

Mayor: Randy Winkler

Attest: [Signature]
Clerk of Council