

## City of Springdale

**To:** Springdale Planning Commission

**From:** Anne McBride, FAICP

**Re:** Springdale Zoning Code Text Amendments

**Date:** May 14, 2024

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Attached is a series of text amendments that Staff is proposing to the Springdale Zoning Code which address the recreational sale and use of marijuana. The following is a brief summary of the proposed major amendments:

### **MARIJUANA CODE REVISIONS**

#### **Overview:**

In December, 2023, recreational marijuana became legal in the State of Ohio. Since then, the State has been working on licensing and use standards. In preparation for new recreational marijuana businesses, the City is proposing to allow such uses within the City's commercial and industrial areas per the stipulations in the proposed code language.

#### **Proposed Permitted Uses and Use Standards:**

##### **Adult Use/Medical Marijuana**

Multiple changes are proposed to the list of permitted uses in Table 253-1. This includes the addition of new recreational marijuana uses: "Marijuana Dispensary, Adult Use", "Marijuana Cultivator, Adult Use", and "Marijuana Processing, Adult Use" as well as new medical marijuana uses: "Marijuana Dispensary, Medical", "Marijuana Cultivator, Medical", and "Marijuana Processing, Medical."

New use-specific standards are proposed in Section 153.253(D) which will pertain to the new uses. These standards include requirements from the Ohio Revised Code (ORC) as well as best practice standards from other communities that have adopted marijuana related regulations in Ohio.

Additionally, the prohibition of medical marijuana cultivation, processing, and retail dispensaries in Section 153.254(D) was removed.

#### **Proposed Definitions:**

##### **Adult Use/Medical Marijuana**

Multiple definitions are proposed in Section 153.600 to match the new uses. These definitions are consistent with ORC Chapters 3780 and 3796 which regulate medical and adult use marijuana.

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If the Planning Commission finds the proposed text amendments are appropriate, a motion to refer approval of the amendments to City Council for consideration is requested.

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### **MARIJUANA FACILITIES RELATED CODE REVISIONS**

<b>Section</b>	<b>Page</b>	<b>Revision</b>
Table 253-1	35	<ul style="list-style-type: none"><li>• Added "Marijuana Dispensary, Adult Use" as a permitted use with standards to the GB district</li><li>• Added "Marijuana Dispensary, Adult Use" as a permitted use to the OB district</li><li>• Added "Marijuana Dispensary, Medical" as a permitted use with standards to the GB district</li><li>• Added "Marijuana Dispensary, Medical" as a permitted use to the OB district</li><li>• Added "Marijuana Cultivator, Adult Use" as a permitted use to the GI district</li><li>• Added "Marijuana Processing, Adult Use" as a permitted use with standards to the GI district</li><li>• Added "Marijuana Cultivator, Medical" as a permitted use with standards to the GI district</li><li>• Added "Marijuana Processing, Medical" as a permitted use with standards to the GI district</li></ul>
153.253(D)	40	Added use specific standards which apply to "Adult Use Marijuana Dispensaries" and "Medical Marijuana Dispensaries" in the GB district
153.253(D)	40	Added use specific standards which apply to "Marijuana Cultivator, Adult Use", "Marijuana Processing, Adult Use", "Marijuana Cultivator, Medical", and "Marijuana Processing, Medical" in the GI district
153.254(D)	61	Remove the prohibition of medical marijuana cultivation, processing, and retail dispensaries
153.600	151	<ul style="list-style-type: none"><li>• Added new definition category titled "Marijuana Facilities Related Definitions"</li><li>• Added definition for "Adult Use Cannabis"</li><li>• Added definition for "Adult Use Marijuana Cultivator, Level I"</li><li>• Added definition for "Adult Use Marijuana Cultivator, Level II"</li><li>• Added definition for "Adult Use Marijuana Cultivator, Level III"</li><li>• Added definition for "Adult Use Marijuana Dispensary"</li><li>• Added definition for "Adult Use Marijuana Processing"</li><li>• Added definition for "Cultivation Area"</li><li>• Added definition for "Marijuana"</li><li>• Added definition for "Medical Marijuana"</li><li>• Added definition for "Medical Marijuana Cultivator"</li><li>• Added definition for "Medical Marijuana Dispensary"</li><li>• Added definition for "Medical Marijuana Processing"</li><li>• Added definition for "Person"</li></ul>

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### **Proposed Definitions**

**ADULT USE CANNABIS.** Or "cannabis" or "marijuana" means marihuana as defined in Section 3719.01 of the Ohio Revised Code.

**ADULT USE MARIJUANA CULTIVATOR, LEVEL I.** Either a person who has a certificate of operation as a level I cultivator and who is licensed pursuant to section 3780.12 of the Ohio Revised Code, Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level I adult use cultivator pursuant to section 3780.12 of the Ohio Revised Code, Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to cultivate adult use cannabis as authorized, and either person may operate up to one hundred thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control.

**ADULT USE MARIJUANA CULTIVATOR, LEVEL II.** Either a person who has a certificate of operation as a level II cultivator and who is licensed pursuant to section 3780.12 of the Ohio Revised Code, Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level II adult use cultivator pursuant to section 3780.12 of the Ohio Revised Code, Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to cultivate adult use cannabis as authorized, and either person may operate up to fifteen thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control.

**ADULT USE MARIJUANA CULTIVATOR, LEVEL III.** A person licensed pursuant Section 3780.13 of the Ohio Revised Code, Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to cultivate adult use cannabis as authorized.

**ADULT USE MARIJUANA DISPENSARY.** A person licensed pursuant to Section 3780.15 of the Revised Code, Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to sell adult use cannabis as authorized.

**ADULT USE MARIJUANA PROCESSING.** A person licensed pursuant to Section 3780.14 of the Revised code, chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to manufacture adult use cannabis as authorized.

**CULTIVATION AREA.** the boundaries of the enclosed areas in which adult use cannabis is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.

**MARIJUANA.** Means marihuana as defined in Section 3719.01 of the Ohio Revised Code.

**MEDICAL MARIJUANA.** Means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

**MEDICAL MARIJUANA CULTIVATION.** An establishment where medical marijuana is cultivated, harvested, and subsequently delivered to another medical marijuana establishment in accordance with the medical marijuana licensing laws in Chapter 3796 of the Ohio Revised Code.

**MEDICAL MARIJUANA DISPENSARY.** An establishment where medical marijuana products are obtained from a licensed cultivator or processing establishment, and subsequently sold to consumers in a retail setting, in accordance with the medical marijuana licensing laws in

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Chapter 3796 of the Ohio Revised Code.

**MEDICAL MARIJUANA PROCESSING.** An establishment where medical marijuana products are obtained from a licensed cultivator, processed into one or more consumable forms, and subsequently delivered to licensed dispensaries, in accordance with the medical marijuana licensing laws in Chapter 3796 of the Ohio Revised Code.

**PERSON.** Includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

### **Proposed Use Standards**

#### **Marijuana Cultivator & Processing, Adult Use & Medical**

Adult use and medical marijuana cultivator and processing facilities located in the General Industrial "GI" zoning district shall be subject to the following development standards:

- a)** No adult use or medical marijuana cultivator or processing facility shall be established or operated within 500 feet of a school, church, public library, public playground, or public park in the City.
- b)** No smoking, inhalation, or consumption of marijuana shall take place on the premises.
- c)** All activities of an adult use or medical marijuana cultivator or processing facility shall be conducted indoors.
- d)** No equipment or process shall be used in any adult use or medical marijuana cultivator or processing facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference beyond the property boundary.
- e)** Retail sales shall be prohibited.
- f)** For the purpose of subsection (a), the measurement shall be made from the nearest portion of the building or structure used as part of the premises where an adult use or medical marijuana cultivator or processing facility is conducted, to the nearest property line of the premises of an adult use or medical marijuana dispensary or a school, church, public library, public playground, or public park.
- g)** The location requirement in subsection (a) does not apply to:
  - i)** Cannabis entities issued a certificate of operation pursuant to Chapter 3796 of the Ohio Revised Code for the same licensed premises; and
  - ii)** Any state university, academic medical center, or private research and development organization conducting research related to cannabis pursuant to research protocol approved by an institutional review board or equivalent entity.

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### **Marijuana Dispensaries, Adult Use & Medical**

Adult use and medical marijuana dispensaries located in the General Business "GB" zoning district shall be subject to the following development standards:

- a)** No adult use or medical marijuana dispensary shall be established or operated within 500 feet of a school, church, public library, public playground, or public park in the City.
- b)** No adult use or medical marijuana dispensary shall be established, operated, or enlarged within 500 feet of another adult use or medical marijuana dispensary.
- c)** No more than one adult use or medical marijuana dispensary shall be established or operated in the same building, structure, or portion thereof.
- d)** No smoking, inhalation, or consumption of marijuana shall take place on the premises.
- e)** Drive-in and drive through adult use or medical marijuana dispensaries shall be prohibited.
- f)** Any adult use or medical marijuana dispensary adjacent to a residential district or use shall contain a minimum six-foot high opaque fence along such abutting property line(s).
- g)** For the purpose of subsections (b) and (c), the measurement shall be made linearly from the nearest portion of the building or structure used as part of the premises where an adult use or medical marijuana dispensary is conducted, to the nearest property line of the premises of an adult use or medical marijuana dispensary or a school, church, public library, public playground, or public park.
- h)** The location requirement in subsection (a) does not apply to:
  - i)** Cannabis entities issued a certificate of operation pursuant to Chapter 3796 of the Ohio Revised Code for the same licensed premises; and
  - ii)** Any state university, academic medical center, or private research and development organization conducting research related to cannabis pursuant to research protocol approved by an institutional review board or equivalent entity.