

GENERAL INFORMATION

Subject

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| Request | - | Text amendment modifying TMC§1104.2300, Medical Marijuana Facilities to add recreational marijuana |
| Applicant | - | Toledo City Plan Commission
One Government Center, Suite 1620
Toledo, OH 43604 |

STAFF ANALYSIS

The current Zoning Code does not define or provide regulations for the use of recreational marijuana, formally referred to as “adult use cannabis” in section 3719.09 of the Ohio Revised Code. Given the state’s recent legalization of recreational marijuana, in the passing of An Act to Control and Regulate Adult Use Cannabis, it is important to amend the City’s zoning text to reflect this use category. The proposed text amendment provides clarity around how the City will define this use, where this use will be permitted, and what regulations the use will be subject to.

The current Zoning Code outlines regulations for medical marijuana in TMC§1104.2300. It states that Medical Marijuana Facilities shall not be located within 500 feet of uses established specifically for the activities of minors, and that Medical Marijuana Dispensaries shall not be located within 1,000 feet of another Dispensary. This section of code also specifies limitations around hours of operation for Medical Marijuana Dispensaries.

Staff reviewed zoning code in Columbus, Cincinnati, Cleveland, Dayton, and Akron, and found that none of these cities have made amendments for recreational marijuana in their code as of yet. In the absence of precedent, staff believes Toledo can blaze the trail in establishing code for this use. To account for recreational marijuana in the Zoning Code, staff proposes deleting the word “medical” before each mention of “marijuana” in the Code, thus creating an umbrella use category that encompasses both medical and recreational marijuana. Staff believes subjecting recreational marijuana to the same standards as medical marijuana will ensure the safety of Toledo residents and promote the highest and best use of City land.

In addition to deleting the word “medical” before each mention of “marijuana,” staff recommends altering the use categories in TMC§1116.0200 to establish one definition for Marijuana Facilities. The definition should include both medical marijuana and recreational marijuana, the latter of which shall henceforth be referred to as “adult use cannabis,” as defined in section 3719.09 of the Ohio Revised Code. Expanding the definition to include both uses will grant staff clarity in regulating this use and in processing new applications for marijuana facilities.

STAFF RECOMMENDATION

Staff recommends that the Toledo City Plan Commission recommend approval of M-13-23, a text amendment modifying TMC§1104.2300, “Medical Marijuana Facilities” to add recreational marijuana, for the following two (2) reasons:

1. Recreational marijuana, or adult use cannabis, is not a defined use in the Zoning Code
2. The text amendment is in alignment with the stated purpose of the Zoning Code and ensures safety of Toledo residents

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-13-23
DATE: December 7, 2023
TIME: 2:00 P.M.

ZONING AND PLANNING COMMITTEE OF
CITY COUNCIL
DATE: January 9, 2024
TIME: 4:00 P.M.

MJM
Two (2) Exhibits follow

Exhibit “A”
Existing

1104.0100 | Use Table

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Medical Marijuana Facility																	
Cultivator	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--
Dispensary	--	--	--	--	--	--	--	--	--	--	S [30]	--	--	--	--	--	--
Processor	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--
Testing Laboratory	--	--	--	--	--	--	--	P [30]	--	--	P [30]	P [30]	P [30]	P [30]	P [30]	--	--

1104.2300 | Medical Marijuana Facilities

The following standards apply to Medical Marijuana Facilities as defined in TMC 1116.0230.

1104.2301 Location

A Medical Marijuana Facility shall not be located within:

- A.** 500 feet of any school (K-12), church, public park, public playground, public library, pre-school, or child day care center, or other use established specifically for the activities of minors.

(Ord. 359-17. Passed 08-22-17.)

1104.2302 Dispensaries

The following regulations pertain to Dispensaries:

- A.** A Dispensary shall not be located within 1,000 feet of another Dispensary; and
- B.** The hours of operation of a Dispensary shall be limited to 8 a.m. to 8 p.m., or other hours consistent with a Medical Marijuana Dispensary permit issued by the State of Ohio, as a condition of development approval.

(Ord. 359-17. Passed 08-22-17.)

1116.0200 Use Categories

1116.0230 Medical Marijuana Facility

Any entity that has been issued a certificate or license by the State of Ohio to operate as a cultivator, dispensary, processor or testing facility of medical marijuana. The following are Medical Marijuana Facility use types:

A. Cultivator

An entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana.

B. Dispensary

An entity licensed by the State of Ohio to sell medical marijuana products to qualifying patients and caregivers.

C. Processor

An entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.

D. Testing Laboratory

An independent laboratory that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

(Ord. 359-17. Passed 08-22-17.)

Exhibit “B”**Modifications**

(Additions in italic highlight. Deletions in bold strikethrough.)

1104.0100 | Use Table

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Medical Marijuana Facility																	
Cultivator	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--
Dispensary	--	--	--	--	--	--	--	--	--	--	S [30]	--	--	--	--	--	--
Processor	--	--	--	--	--	--	--	--	--	--	--	--	P [30]	P [30]	P [30]	--	--
Testing Laboratory	--	--	--	--	--	--	--	P [30]	--	--	P [30]	P [30]	P [30]	P [30]	P [30]	--	--

1104.2300 | ~~Medical~~ Marijuana FacilitiesThe following standards apply to ~~Medical~~ Marijuana Facilities as defined in TMC 1116.0230.**1104.2301 Location**A ~~Medical~~ Marijuana Facility shall not be located within:

- B.** 500 feet of any school (K-12), church, public park, public playground, public library, pre-school, or child day care center, or other use established specifically for the activities of minors.

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1104.2302 Dispensaries

The following regulations pertain to Dispensaries:

- C.** A Dispensary shall not be located within 1,000 feet of another Dispensary; and
- D.** The hours of operation of a Dispensary shall be limited to 8 a.m. to 8 p.m., or other hours consistent with a ~~Medical~~ Marijuana Dispensary permit issued by the State of Ohio, as a condition of development approval.

(Ord. 359-17. Passed 08-22-17.)

1116.0200 Use Categories**1116.0230 ~~Medical~~ Marijuana Facility**

Any entity that has been issued a certificate or license by the State of Ohio to operate as a cultivator, dispensary, processor or testing facility of medical marijuana *or adult use cannabis (colloquially called “recreational marijuana”).*

The following are ~~Medical~~ Marijuana Facility use types:**A. Cultivator**

An entity that has been issued a certificate of operation by the State of Ohio

to grow, harvest, package, and transport **medical** marijuana.

B. Dispensary

An entity licensed by the State of Ohio to sell **medical** marijuana products to qualifying patients and caregivers.

C. Processor

An entity that has been issued a certificate of operation by the State of Ohio to manufacture **medical** marijuana products.

D. Testing Laboratory

An independent laboratory that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

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