



Legislation Text

File #: O-023-24, Version: 1

AMEND TMC 1104.2300
ADD RECREATIONAL MARIJUANA

Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1104.2300; Medical Marijuana Facilities; to add recreational Marijuana and declaring an emergency.

SUMMARY & BACKGROUND:

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.

The Toledo City Plan Commission recommends 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.

NOW THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1104.2300 which read as follows;
Exhibit “A”

Contents

[CHAPTER 1104 | USE REGULATIONS 4-1 <../../../../Users/momeneem/Desktop/Marijuana Text Amendments/TMZC Marijuana Text Amendments.docx>](#)
[1104.2300 | Medical Marijuana Facilities4-27 <../../../../Users/momeneem/Desktop/Marijuana Text Amendments/TMZC Marijuana Text Amendments.docx>](#)

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]	--	--

[30] Subject to standards of Sec. [1104.2300 <../../../../Users/momeneem/Desktop/Marijuana Text Amendments/TMZC Marijuana Text Amendments.docx>](#) | Medical Marijuana Facilities

1104.2300 | Medical Marijuana Facilities

The following standards apply to Medical Marijuana Facilities as defined in TMC [1116.0230 <../../../../Users/schmidbm/Desktop/_1_COUNCIL_MEETING_DOCS/1-17-24/Zoning/Final ORD M-13-23 Medical marijuana to recreational marijuana.2docx.docx>](#).

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.)

Use Category	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Bicycle Parking Slots Required (See Sec. _____ Below)
Medical Marijuana Facilities		
Cultivator	per Schedule C (§1107.0500) <../../../../Users/momeneem/Desktop/Marijuana Text Amendments/TMZC Marijuana Text Amendments.docx>None	
Dispensary	per Schedule B (§1107.0400) <../../../../Users/momeneem/Desktop/Marijuana Text Amendments/TMZC Marijuana Text Amendments.docx>1 per 10 parking spaces	
Processor	per Schedule C (§1107.0500) <../../../../Users/momeneem/Desktop/Marijuana Text Amendments/TMZC Marijuana Text Amendments.docx>None	
Testing Laboratory	per Schedule B (§1107.0400) <../../../../Users/momeneem/Desktop/Marijuana Text Amendments/TMZC Marijuana Text Amendments.docx>1 per 10 parking spaces	

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.)

Be repealed.

SECTION 2. That a new Toledo Municipal Code, Part Eleven, Subsection 1104.2300. is created to read as follows;

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

Contents

- [CHAPTER 1104 | USE REGULATIONS 4-1 <../../../../Users/momeneem/Desktop/Marijuana Text Amendments/TMZC Marijuana Text Amendments.docx>](#)
- [1104.2300 | MARIJUANA Facilities4-27 <../../../../Users/momeneem/Desktop/Marijuana Text Amendments/TMZC Marijuana Text Amendments.docx>](#)

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

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

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 Marijuana Dispensary permit issued by the State of Ohio, as a condition of development approval.
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1116.0230 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 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 marijuana.

B. Dispensary

An entity licensed by the State of Ohio to sell 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 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.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide for the orderly development of the area and to protect the land values in the area.

Vote on emergency clause: yeas 10, nays 0.

Passed: January 17, 2024, as an emergency measure: yeas 10, nays 0.

Attest:

Julie Gibbons
Clerk of Council

Carrie Hartman
President of Council

Approved:

January 22, 2024
Wade Kapszukiewicz
Mayor