



LUC MODEL ZONING TEXT

Medical Marijuana: Definitions

Article XXXX Definitions.

Medical marijuana related definitions:

- a) Cultivate. Means to grow, harvest, package, and transport medical marijuana pursuant to ORC 3796.
- b) Cultivator. Means an entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana as permitted under ORC 3796.
- c) Dispensary. Means an entity licensed pursuant to ORC 3796 and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.
- d) Dispense. Means the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient as permitted by Ohio law in accordance with Ohio law.
- e) Manufacture. Means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.
- f) Marihuana. Has the same meaning as defined in ORC 3719.01, as amended from time to time.
- g) Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- h) Medical Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- i) Medical Marijuana Entity. Means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
- j) Medical Marijuana Processor. Means an entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.
- k) Testing Laboratory. Means an independent laboratory located in Ohio 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.

LUC Model Text (Zoning & Subdivision Committee; July 13, 2017)



LUC MODEL ZONING TEXT

Medical Marijuana: General Conditions (Version 1)

Section XXXX General Conditions for Medical Marijuana Entities.

In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the **unincorporated area of the township/municipal corporation.**

1. Not an Agricultural Use. Medical marijuana is not considered an “agricultural” use **pursuant to ORC 519.21 (D).**
2. Zoning Districts. No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, or dispensary shall be permitted as a home occupation.
3. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.

LUC Model Text (Zoning & Subdivision Committee; July 13, 2017)



LUC MODEL ZONING TEXT

Medical Marijuana: General Conditions (Version 2)

Section XXXX General Conditions for Medical Marijuana Entities.

In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the **unincorporated area of the township/municipal corporation.**

1. **Not An Agricultural Use.** Medical marijuana is not considered an “agricultural” use **pursuant to ORC 519.21 (D).**
2. **Zoning Districts.** No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, or dispensary shall be permitted as a home occupation.
3. **Fully Enclosed Buildings & Screening.** Activities related to the use of property by medical marijuana cultivators, processors, and dispensaries shall take place within fully enclosed buildings. Such activities shall be completely screened and shall not be visible from any lot line. Additionally, outside storage is prohibited.
4. **Mobile Building Prohibited.** No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.
5. **Odor.** In addition to Section XXXX Special Provisions for Commercial and Industrial Uses, odors traveling off-site and being detectable by a person with a normal sense of smell from a public place, the right-of-way, and other lots are prohibited.
6. **Distance from Other Uses.** Pursuant to ORC 3796, no medical marijuana cultivator, processor, or dispensary shall be located within five hundred (500) feet of the boundaries of a lot having situated on it a school, church, public library, public playground, or public park. The distance shall be measured as the shortest straight line from property line to property line.
7. **Distance from Other Medical Marijuana Dispensaries.** No medical marijuana dispensary shall be located within XXXX feet of a lot having situated on it another medical marijuana dispensary. The distance shall be measured as the shortest straight line from property line to property line.
8. **Total Medical Marijuana Dispensaries Permitted.** No more than XXXX medical marijuana dispensaries shall be permitted within the **unincorporated area of the township/municipal corporation.**



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9. Hours of Operation. No medical marijuana dispensary shall be open for business before XXXX or after XXXX on any day.
10. Drive-Thru. No medical marijuana dispensary shall include a drive-thru or exterior sales.
11. Applications. Any zoning application—including and not limited to a zoning certificate, zoning permit, variance application, conditional use application—shall include:
 - a. A scale map showing the lots involved in the request are in compliance with the requirements for Distance from Other Uses and Distance from Other Medical Marijuana Dispensaries.
 - b. Proof of compliance with all security requirements in ORC 3796 and the rules and standards adopted thereunder.

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