



## Logan-Union-Champaign regional planning commission

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### LUC MODEL ZONING TEXT Medical Marijuana: Definitions

#### Article ~~XXXX~~ Definitions.

Medical marijuana related definitions:

- a) Cultivate. Pursuant to ORC 3796 as amended or replaced from time to time, "cultivate" Means means to grow, harvest, package, and transport medical marijuana ~~pursuant to ORC 3796.~~
- b) Cultivator. Pursuant to ORC 3796 as amended or replaced from time to time, "cultivator" Means means an entity or person that has been issued a certificate of operation licensed by the State of Ohio to grow, harvest, package, and transport medical marijuana ~~as permitted under ORC 3796.~~
- c) Dispensary. Pursuant to ORC 3796 as amended or replaced from time to time, "dispensary" Means means an entity or person licensed pursuant to ORC 3796 and any rules promulgated thereunder by the State of Ohio 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)d) Manufacture. Pursuant to ORC 3796 as amended or replaced from time to time, "manufacture" Means 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)e) Marihuana. Pursuant to ORC 3796 as amended or replaced from time to time, Has "marihuana" has the same meaning as "marihuana" as defined in ORC 3719-01, as amended from time to time.
- g)f) Marijuana. Pursuant to ORC 3796 as amended or replaced from time to time, Has "marijuana" has the same meaning as "marihuana" as defined in ORC 3719-3796-01, as amended from time to time.
- h)g) Medical Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time. Pursuant to ORC 3796 as amended or replaced from time to time, "medical marijuana" Means means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

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9676 E. Foundry St, PO Box 219  
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203  
• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)



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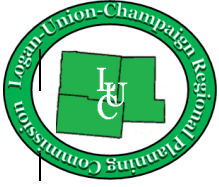
- h) Medical Marijuana Entity. Pursuant to ORC 3796 as amended or replaced from time to time, "medical marijuana entity" Means-means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
- i) ~~Medical Marijuana~~ Processor. Pursuant to ORC 3796 as amended or replaced from time to time, "processor" Means-means an entity or person that has been issued a certificate of operation licensed by the State of Ohio to manufacture medical marijuana products.
- j) Testing Laboratory. Pursuant to ORC 3796 as amended or replaced from time to time, "testing laboratory" Means-means an independent laboratory located in Ohio that has been issued a certificate of operation licensed 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 Text DRAFT (Zoning & Subdivision Committee; MONTH, DAY, YEAR)**

9676 E. Foundry St, PO Box 219  
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203  
• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)



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### 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 and~~ dispensaries within the ~~unincorporated area of the township/municipal corporation.~~

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1. ~~Not an Agricultural Use. Medical marijuana is not~~The cultivation, manufacture, and/or sale of medical marijuana shall not be considered an "agricultural" use ~~pursuant to ORC 519.21 (D).~~
2. ~~Zoning Districts.~~ No medical marijuana ~~entity including a~~ cultivator, processor, and/or dispensary shall be located in a zoning district where ~~it the use~~ is not explicitly listed as a permitted or conditionally permitted use. ~~No medical marijuana cultivation, manufacture, and/or sale by a medical marijuana entity shall occur in a zoning district where the use is not explicitly listed as a permitted or conditionally permitted use.~~ Furthermore, no cultivator, processor, and/or dispensary shall ~~be permitted~~ operate 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 Text DRAFT (Zoning & Subdivision Committee; MONTH DAY, YEAR)~~

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East Liberty, Ohio 43319

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## 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 and~~ dispensaries within the ~~unincorporated area of the township/municipal corporation.~~

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1. ~~Not An Agricultural Use.~~ ~~Medical marijuana is not.~~ ~~The cultivation, manufacture, and/or sale of medical marijuana shall not be~~ considered an “agricultural” use ~~pursuant to ORC 519.21 (D).~~
2. ~~Zoning Districts.~~ No medical marijuana ~~entity including a~~ cultivator, processor, ~~and/or~~ dispensary shall be located in a zoning district where ~~it the use~~ is not explicitly listed as a permitted or conditionally permitted use. ~~No medical marijuana cultivation, manufacture, and/or sale by a medical marijuana entity shall occur in a zoning district where the use is not explicitly listed as a permitted or conditionally permitted use.~~ Furthermore, no cultivator, processor, ~~and/or~~ dispensary shall ~~be permitted operate~~ 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.~~
- 4.3. ~~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.~~
- 6.4. ~~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, ~~or school.~~ The distance shall be measured as the shortest straight line from property line to property line. ~~If there is an exception to this distance requirement provided in ORC 3780 or ORC 3796, this requirement shall not apply.~~
- 7.5. ~~Distance from Other ~~Medical Marijuana~~ Dispensaries.~~ No medical marijuana dispensary shall be located within ~~XXXX~~ feet of a lot having situated on it another ~~adult~~

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use cannabis dispensary and/or medical marijuana dispensary. The distance shall be measured as the shortest straight line from property line to property line. However, this requirement shall not prevent the co-location of an adult use cannabis dispensary and a medical marijuana dispensary on the same lot.

8-6. Total ~~Medical Marijuana~~ Dispensaries Permitted. No more than **XXXX** medical marijuana dispensaries shall be permitted to locate and/or operate within the **unincorporated area of the township/municipal corporation.** However, this requirement shall not prevent the co-location of an adult use cannabis dispensary and a medical marijuana dispensary on the same lot.

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7. Hours of Operation. No medical marijuana dispensary shall be open for business before **XXXX** or after **XXXX** on any day. Drive-Throughs at Dispensaries: Sufficient vehicle stacking shall occur within the drive for all drive-through lanes. A minimum of six vehicle stacking spaces is required.

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8. Dumpsters/Service Areas/Storage Areas, Loading areas, dumpsters, and refuse areas shall be consolidated and/or shared where possible. Dumpsters, refuse areas, and storage areas shall be enclosed on all sides by fencing, walls, or a combination thereof and screened from view by landscaping on all sides except along gated access. The intent of this requirement is to minimize the impacts and view of such uses from the right-of-way and from adjacent lots.

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9. Lighting. All exterior light sources shall be concealed (100% cutoff) to minimize the amount of light pollution affecting neighboring properties. In any building or other structure where medical marijuana is cultivated, the cultivator shall utilize blackout screens, retractable window coverings, or other methods to contain or minimize the light pollution affecting neighboring properties and the night sky.

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~~10. Drive Thru. No medical marijuana dispensary shall include a drive thru or exterior sales.~~

~~11-10. Applications.~~ In addition to the other requirements, Any any zoning application provided for in this ordinance/resolution—including and not limited to a zoning certificate, zoning permit, variance application, conditional use application—shall include:

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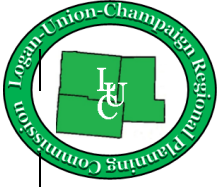
a. A scale map showing the lots involved in the request ~~are in compliance~~ comply with the requirements for Distance from Other Uses ~~and~~, Distance from Other Medical Marijuana Dispensaries, and Total Dispensaries Permitted.

b. Proof of compliance with all security requirements in ORC 3796 and the rules and standards adopted thereunder. A plot plan of the site drawn to a reasonable scale that designates the different areas of operation occurring exterior. This shall include parking spaces, parking space dimensions, and drive widths.

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b.—A photometric plan depicting proposed light intensity and exterior light sources. This shall specify proposed poles and luminary design, maximum height, lighting source, wattage, shielding, and any other information necessary to evaluate the proposed lighting.

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

LUC Model Text DRAFT (Zoning & Subdivision Committee; MONTH DAY, YEAR)

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9676 E. Foundry St, PO Box 219  
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203  
• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)