



## LUC MODEL ZONING TEXT

### Adult Use Cannabis Medical Marijuana

#### ***Important Commentary.***

Included with this explanation, one will find an individual model text for adult use cannabis and an individual model text for medical marijuana. Each of these two model texts includes a set of definitions and two versions.

What is the difference between the two versions? One version might prohibit cultivators, processors, and dispensaries. The other version might regulate cultivators, processors, and dispensaries as conditional uses. Some townships might choose to adopt version one, version two, or to prohibit some of the uses and allow others as conditional uses.

#### ***Co-Location & Conversion.***

Municipalities and townships should be aware there are instances in the Ohio Revised Code making it possible, and some may argue reasonable, for a cultivator, processor, or dispensary to operate both as an adult use cannabis and a medical marijuana use at the same location. For that reason, the model text contemplates allowing both types on a lot. In other words, if a local government wishes to allow an adult use cannabis dispensary, the model text contemplates the local government will also allow a medical marijuana dispensary.

Also, municipalities and townships should be aware there are instances in the Ohio Revised Code making it possible for “adult use cultivators, adult use processors, and adult use dispensaries that are co-located on the same parcel or contiguous parcels with an adult use cultivator and an adult use processor and whose owners also have a [medical marijuana] certificate of operation at the same location...may not be prohibited or limited by any municipal corporation or township from operating as an adult use cultivator, adult use processor, or an adult use dispensary co-located with an adult use cultivator and an adult use processor”.

#### ***Considerations regarding Cultivators—Townships Only.***

ORC 519.21 is commonly referred to as the “agriculture exemption”. The agriculture exemption does not appear to apply to medical marijuana cultivation reading, “Nothing in this section prohibits a township zoning commission, board of township trustees, or board of zoning appeals from regulating the location of medical marijuana cultivators, processors, or retail dispensaries or [sic] from prohibiting such cultivators, processors, or dispensaries from being located in the unincorporated territory of the township” (ORC 519.21, (D)). No similar provision exists in ORC 519.21 regarding adult use cannabis cultivators.



For this reason, townships should contact legal counsel to understand the extent with which adult use cannabis cultivators may be regulated through zoning.

***Local Authority regarding Adult Use Cannabis Operators.***

ORC 3780.25 reads, “The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, by majority vote to prohibit, or limit the number of adult use cannabis operators permitted under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively.”

Notwithstanding:

- “Existing cultivators, processors, or dispensaries who have a [medical marijuana] certificate of operation may not be prohibited or limited by a municipal corporation or township from operating under Chapter 3796 of the Revised Code [Medical Marijuana Control Program] and Chapter 3796 of the Administrative Code [Medical Marijuana Control Program]...unless there is a revocation of the [medical marijuana] certificate of operation....” (ORC 3780.25 (B) (1)).
- “Adult use cultivators, adult use processors, and adult use dispensaries that are co-located on the same parcel or contiguous parcels with an adult use cultivator and an adult use processor, who are applicants [for] or [adult use cannabis] license holders...and whose owners also have a [medical marijuana] certificate of operation at the same location...may not be prohibited or limited by any municipal corporation or township from operating as an adult use cultivator, adult use processor, or an adult use dispensary co-located with an adult use cultivator and an adult use processor...because of the significant capital investment in the facilities....” (ORC 3780.25 (B) (2)).
- “Dispensaries, or the owners of dispensaries, who have a [medical marijuana] certificate of operation, and who are not co-located on the same parcel or contiguous parcels with a cultivator or processor that has a [medical marijuana] certificate of operation...shall also be authorized to operate as an adult use dispensary without any municipal or township prohibitions upon receiving a [adult use cannabis] license from the division of cannabis control, unless a majority of the members of the legislative authority of a municipal corporation affirmatively pass an ordinance, or a majority of township trustees in a township affirmatively pass a resolution...within one hundred and twenty days from [adult use cannabis] license issuance, prohibiting the operation of the adult use dispensary....” (ORC 3780.25 (B) (3)).

**LUC Model Text (Zoning & Subdivision Committee, September 12, 2024)**

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## LUC MODEL ZONING TEXT

### Adult Use Cannabis: Definitions

#### Article XXXX Definitions.

Adult use cannabis related definitions:

- a) Adult Use Cannabis. Pursuant to ORC 3780 as amended or replaced from time to time, “adult use cannabis” has the same meaning as “marihuana” as defined in ORC 3719 as amended or replaced from time to time.
- b) Adult Use Cannabis Operator. Pursuant to ORC 3780 as amended or replaced from time to time, “adult use cannabis operator” means an adult use cultivator, processor, and dispensary.
- c) Cannabis. Pursuant to ORC 3780 as amended or replaced from time to time, “cannabis” has the same meaning as “marihuana” as defined in ORC 3719 as amended or replaced from time to time.
- d) Cultivation Facility. Pursuant to ORC 3780 as amended or replaced from time to time, “cultivation facility” means a facility where a cultivator is licensed by the State of Ohio to operate.
- e) Cultivate. Pursuant to ORC 3780 as amended or replaced from time to time, “cultivate” means to grow, harvest, package, and transport adult use cannabis.
- f) Cultivator. Pursuant to ORC 3780 as amended or replaced from time to time, “cultivator” means an entity or person licensed by the State of Ohio to grow, harvest, package, and transport adult use cannabis.
- g) Dispensary. Pursuant to ORC 3780 as amended or replaced from time to time, “dispensary” means an entity or person licensed by the State of Ohio to sell adult use cannabis.
- h) Manufacture. Pursuant to ORC 3780 as amended or replaced from time to time, “manufacture” means the process of converting harvested plant material into adult use extract by physical or chemical means for use as an ingredient in an adult use cannabis product.
- i) Marihuana. Pursuant to ORC 3780 as amended or replaced from time to time, “marihuana” has the same meaning as “marihuana” as defined in ORC 3719 as amended or replaced from time to time.
- j) Marijuana. Pursuant to ORC 3780 as amended or replaced from time to time, “marijuana” has the same meaning as “marihuana” as defined in ORC 3719 as amended or replaced from time to time.



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- k) Processor. Pursuant to ORC 3780 as amended or replaced from time to time, “processor” means an entity or person licensed by the State of Ohio to manufacture adult use cannabis products.
- l) Testing Laboratory. Pursuant to ORC 3780 as amended or replaced from time to time, “testing laboratory” means an independent laboratory licensed by the State of Ohio to have custody and use of adult use cannabis for scientific purposes and for purposes of instruction, research, or analysis.

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## LUC MODEL ZONING TEXT

### Adult Use Cannabis: General Conditions (Version 1)

#### Section **XXXX** General Conditions for Adult Use Cannabis Operators.

In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations for State-authorized adult use cannabis cultivators, processors, and dispensaries within the *unincorporated area of the township/municipal corporation*.

1. Not an Agricultural Use. The cultivation, manufacture, and/or sale of adult use cannabis shall not be considered an “agricultural” use. *Additional action (by separate resolution by a board of township trustees) may be required for a township to make this statement effective.*
2. Zoning Districts. No adult use cannabis operator including a cultivator, processor, and/or dispensary shall be located in a zoning district where the use is not explicitly listed as a permitted or conditionally permitted use. No adult use cannabis cultivation, manufacture, and/or sale by an adult use cannabis operator 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 operate as a home occupation.
3. Mobile Building Prohibited. No adult use cannabis cultivator, processor, or dispensary shall be located within a mobile building.

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## LUC MODEL ZONING TEXT

### Adult Use Cannabis: General Conditions (Version 2)

#### Section XXXX General Conditions for Adult Use Cannabis Operators.

In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations for State-authorized adult use cannabis cultivators, processors, and dispensaries within the *unincorporated area of the township/municipal corporation*.

1. Not an Agricultural Use. The cultivation, manufacture, and/or sale of adult use cannabis shall not be considered an "agricultural" use. *Additional action (by separate resolution by a board of township trustees) may be required for a township to make this statement effective.*
2. Zoning Districts. No adult use cannabis operator including a cultivator, processor, and/or dispensary shall be located in a zoning district where the use is not explicitly listed as a permitted or conditionally permitted use. No adult use cannabis cultivation, manufacture, and/or sale by an adult use cannabis operator 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 operate as a home occupation.
3. Mobile Building Prohibited. No adult use cannabis cultivator, processor, or dispensary shall be located within a mobile building.
4. Distance from Other Uses. Pursuant to ORC 3780, no adult use cultivator, processor, or dispensary shall be located within five hundred (500) feet of the boundaries of a lot having situated on it a church, public library, public playground, 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.
5. Distance from Other Dispensaries. No adult use cannabis dispensary shall be located within XXXX feet of a lot having situated on it another adult 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.
6. Total Dispensaries Permitted. No more than XXXX adult use cannabis 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-



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location of an adult use cannabis dispensary and a medical marijuana dispensary on the same lot.

7. 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.
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.
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 adult use cannabis is cultivated, the cultivator shall utilize blackout screens, retractable window coverings, or other methods to contain or minimize light pollution affecting neighboring properties and the night sky.
10. Applications. In addition to other requirements, any zoning application provided for in this **ordinance/resolution**—including and not limited to a zoning certificate, zoning permit, variance application, or conditional use application—shall include:
  - a. A scale map showing the lots involved in the request comply with the requirements for Distance from Other Uses, Distance from Other Dispensaries, and Total Dispensaries Permitted.
  - b. 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.
  - c. 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.

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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 to grow, harvest, package, and transport medical marijuana.
- b) Cultivator. Pursuant to ORC 3796 as amended or replaced from time to time, “cultivator” means an entity or person licensed by the State of Ohio to grow, harvest, package, and transport medical marijuana.
- c) Dispensary. Pursuant to ORC 3796 as amended or replaced from time to time, “dispensary” means an entity or person licensed by the State of Ohio to sell medical marijuana.
- d) Manufacture. Pursuant to ORC 3796 as amended or replaced from time to time, “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.
- e) Marihuana. Pursuant to ORC 3796 as amended or replaced from time to time, “marihuana” has the same meaning as “marihuana” as defined in ORC 3719 as amended or replaced from time to time.
- f) Marijuana. Pursuant to ORC 3796 as amended or replaced from time to time, “marijuana” has the same meaning as “marihuana” as defined in ORC 3719 as amended or replaced from time to time.
- g) Medical Marijuana. Pursuant to ORC 3796 as amended or replaced from time to time, “medical marijuana” means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.
- h) Medical Marijuana Entity. Pursuant to ORC 3796 as amended or replaced from time to time, “medical marijuana entity” means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
- i) Processor. Pursuant to ORC 3796 as amended or replaced from time to time, “processor” means an entity or person 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 an independent laboratory 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.





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**LUC Model Text (Zoning & Subdivision Committee, July 13, 2024)**

**LUC Model Text (Zoning & Subdivision Committee, September 12, 2024)**

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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 for State-authorized medical marijuana cultivators, processors, and dispensaries within the *unincorporated area of the township/municipal corporation*.

1. Not an Agricultural Use. 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 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 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, 2024)

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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 for State-authorized medical marijuana cultivators, processors, and dispensaries within the *unincorporated area of the township/municipal corporation*.

1. Not An Agricultural Use. 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 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 operate as a home occupation.
3. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.
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 church, public library, public playground, 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.
5. Distance from Other Dispensaries. No medical marijuana dispensary shall be located within XXXX feet of a lot having situated on it another adult 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.
6. Total 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. 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.
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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10. Applications. In addition to the other requirements, 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:
  - a. A scale map showing the lots involved in the request comply with the requirements for Distance from Other Uses, Distance from Other Dispensaries, and Total Dispensaries Permitted.
  - b. 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.
  - c. 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.

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