



Staff Report – Mad River Township (L) Zoning Amendment

<p>Applicant:</p>	<p>Mad River Township Zoning Commission c/o Gerald Blair 3978 Storms Creek Rd Urbana, OH 43078 blairg@outlook.com</p>
<p>Request:</p>	<p>The Mad River Township Zoning Commission initiated an amendment to the text of the Zoning Resolution. The proposal amends Article II Definitions by adding Adult Use Cannabis related definitions, modifying Medical Marijuana related definitions, and adds “Fence or Wall”. It amends article V and Article VI regarding public notice requirements and amendments. It also amends Article X Supplementary District Regulations by adding Section 1013 Fences & Walls, Section 1036 General Conditions for Adult Use Cannabis Operators, and amends Section 1037 General Conditions for Medical Marijuana Entities. It also adds visual diagrams.</p>
<p>Location:</p>	<p>Mad River Township is in southwest Champaign County and contains the unincorporated communities of Terre Haute, Thackery, and Westville. The southern-most edge borders Clark County.</p>
<p>Staff Analysis:</p>	<p>BZA Public Notices The Township is modifying several sections in Article V Administration. The change eliminates specific public notice requirements, and instead references the relevant ORC language.</p> <ul style="list-style-type: none"> ○ Staff recommends changing Section 547 to read “Before holding the public hearing required in Section 546, notice of such hearing shall be given at least 10 days before the date of said hearing, in accordance with ORC 519.15. The notice shall set forth the date, time, and location of the public hearing, and the nature of the proposed appeal or variance.” <p>Zoning Amendments The Township is modifying Article VI Amendments. Instead of listing out the entire process, it leaves in place application and initiation information, but then references ORC 519.12 for the remainder of the process.</p> <p>Adult Use Cannabis Operators The Township proposes to adopt Version 1 of the LUC Adult Use Cannabis Model Text. This establishes Adult Use Cannabis related definitions in Article II, and creates Section 1036 General Conditions for Adult Use Cannabis Operators, which prohibits Adult Use Cannabis Operators.</p>



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	<p>LUC Staff notes: It may be wise of the Township Trustees to take additional action on adult use cannabis cultivation. Township Trustees can prohibit adult use cannabis cultivation by an additional and separate resolution, as it is unclear if it could be argued that the use is agricultural and exempt from local zoning.</p> <ul style="list-style-type: none">○ Staff recommends including this information in the transmittal of the Zoning Commission’s recommendation to the Trustees. <p>Medical Marijuana Entities The Township adopted a previous iteration of the LUC Medical Marijuana Model Text, and prohibits all entities (Version 1). The amendment also includes changes that would amend Section 1037 General Conditions for Medical Marijuana Entities as well as the related definitions in Article II Definitions to match the current iteration of the LUC Model Text.</p> <p>Fences & Walls The Township is adding Section 1013 Fences & Walls as well as the definition of “Fence or Wall” in Article II Definitions. This language, while not model text, is the same text that was adopted by Washington Township in Union County; it includes the recommendations given by the Union County Prosecutor and the LUC Executive Committee.</p> <ul style="list-style-type: none">○ Staff recommends removing the word “said” from Section 1013(1)(C).○ Staff recommends moving “(3)” to between “three” and “feet” in Section 1013(1)(d).○ Staff recommends making sure that each measurement includes units after it. The unit “feet” should be placed after “(6)” in 1013(2)(d). <p>Diagrams The Township is proposing to add visual diagrams that come from LUC Model Text. LUC Staff have been working with many Townships to get these diagrams placed back into Zoning Resolutions after slowly disappearing over time.</p> <p>Prosecutor’s Office A copy of this proposal was forwarded to the County Prosecutor’s Office for consideration and comment. At the time of the writing of this report, the Prosecutor’s Office has not provided any comments.</p>
<p>Staff Recommendations:</p>	<p>Staff recommends APPROVAL WITH MODIFICATIONS of the proposed zoning text amendment. Those modifications are:</p> <ul style="list-style-type: none">○ Staff recommends changing Section 547 to read “Before holding the public hearing required in Section 546, notice of such hearing shall be given at least 10 days before the



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	<p>date of said hearing, in accordance with ORC 519.15. The notice shall set forth the date, time, and location of the public hearing, and the nature of the proposed appeal or variance.”</p> <ul style="list-style-type: none"> ○ Staff recommends removing the word “said” from Section 1013(1)(C). ○ Staff recommends moving “(3)” to between “three” and “feet” in Section 1013(1)(d). ○ Staff recommends making sure that each measurement includes units after it. The unit “feet” should be placed after “(6)” in 1013(2)(d). <p>Staff also recommends including a reminder for the Trustees to take additional and separate action on adult use cannabis cultivators in the transmittal of the Zoning Commission’s recommendation to the Trustees.</p>
<p>Z&S Committee Recommendations:</p>	<p>Options for action:</p> <ul style="list-style-type: none"> • <i>Approval</i> • <i>Approval with Modifications (state modifications)</i> • <i>Denial</i>