



Legislation Text

File #: 3023-2018, **Version:** 1

BACKGROUND:

In response to the creation of the Ohio Medical Marijuana Control Program, this code change specifies which zoning districts the uses licensed under the state program would be permitted in based upon already codified similar land uses.

This code change also creates the requirement and review standards for obtaining a Special Permit from the Columbus Board of Zoning Adjustment for the establishment of an Ohio Medical Marijuana Control Program Retail Dispensary.

These code changes will not alter, change, lessen, or abrogate any of the state level standards or requirements for any licensed facility under the control of the Ohio Medical Marijuana Control Program.

The Columbus Development Commission reviewed and recommended approval of this proposed code change at its monthly public meeting held on October 11, 2018.

FISCAL IMPACT: None

To supplement the Columbus Zoning Code, Title 33, by amending various code sections to specify which zoning districts permit the various land uses associated with the Ohio Medical Marijuana Control Program and to enact Section 3389.115, requiring a Special Permit from the Board of Zoning Adjustment for an Ohio Medical Marijuana Control Program Dispensary.

WHEREAS, in response to the creation of the Ohio Medical Marijuana Control Program, this code change specifies which zoning districts the uses licensed under the state sanctioned program would be permitted in based upon already codified similar land uses; and

WHEREAS, this code change also creates the requirement and review standards for obtaining a Special Permit from the Columbus Board of Zoning Adjustment for the establishment of an Ohio Medical Marijuana Control Program Retail Dispensary; and

WHEREAS, these code changes will not alter, change, lessen, or abrogate any of the state level standards or requirements for any licensed facility under the control of the Ohio Medical Marijuana Control Program; and

WHEREAS, the Columbus Development Commission reviewed and recommended approval of this proposed code change at its monthly public meeting held on October 11, 2018; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Section 3303.15 of the Columbus City Codes is hereby amended to read as follows:

3303.15 - Letter O.

"Occupancy" means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use. The term also pertains to the purpose for which a building or part of a building is used or intended to be used. Change of occupancy is not construed to include change of tenants or proprietors, when a nonconforming use is being considered. Off-Premises Sign. See "Sign."

“Ohio Medical Marijuana Control Program Testing Laboratory” means an independent laboratory located in Ohio licensed or receiving a certificate of operation under Chapter 3796 of the Ohio Revised Code and any rules promulgated thereunder to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

“Ohio Medical Marijuana Control Program Retail Dispensary” means an entity licensed or receiving a certificate of operation under Chapter 3796 of the Ohio Revised Code and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.

“Ohio Medical Marijuana Control Program Cultivator” means an entity licensed or receiving a certificate of operation under Chapter 3796 of the Ohio Revised Code and any rules promulgated thereunder to grow, harvest, package, and transport medical marijuana.

“Ohio Medical Marijuana Control Program Processor” means an entity licensed or receiving a certificate of operation under Chapter 3796 of the Ohio Revised Code and any rules promulgated thereunder to manufacture medical marijuana products.

On-Premises Sign. See "Sign."

"Opaque" means a completely nontransparent and nontranslucent material.

"Open court" means open, uncovered, unoccupied space on the same lot with a building wholly surrounded by or bordered on two or more sides by the building walls.

Open Porch. See "Porch."

Outdoor amphitheater" means any non-publicly owned or operated land or open faced structure or building designed, intended to be used, or used to accommodate patrons in tiered seating and exclusive from motor vehicles.

Outline Lighting and Neon Outline Lighting.

"Outline lighting" means an arrangement of ~~incandescent~~ lights, lamps or electric discharge tubing that outlines or calls attention to certain features of a building such as its shape or the decoration of a window.

"Neon outline lighting" means outline lighting formed in whole or part with neon.

"Overlay" means an additional special classification together with regulations therefor which is superimposed on an area already subject to a district classification and general zoning regulations.

"Owner" means any person, as defined in C.C. 3303.16, who is the owner of record as shown on the current tax list of the county auditor; the mortgage holder of record, if any, as shown in the mortgage records of the county recorder, and any purchaser under a land contract. "Owner" also means any person who has a freehold or lesser estate in the premises; a mortgagee or vendee in possession; or any person who has charge, care or control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee.

SECTION 2. That Section 3353.03 of the Columbus City Codes is hereby amended to read as follows:

3353.03 - Permitted uses.

The following are uses permitted in the C-2, Office Commercial District; however these are not meant to be exhaustive nor an exclusive listing. The Director has the authority to decide if an unnamed use is of similar enough character and nature to warrant inclusion into the C-2 district.

The North American Industry Classification System, or its successor document, is the reference document used to provide use families for this chapter. The Director may use the current NAICS or its successor, as one document in making decisions as to the appropriateness of any future use permitted to be in the C-2, district.

A. Offices for administrative and support services, examples include:

- Administrative and Support Services
- Business Service Centers and Support Services
- Collection Agencies
- Convention and Visitors Bureaus
- Court Reporting and Stenotype Services
- Credit Bureaus
- Document Preparation Services
- Employment Services and Placement Agencies
- Facilities Support Services

- Professional Employer Organizations
- Repossession Services
- Telephone Answering Services
- Telemarketing Bureaus
- Telephone Call Centers
- Temporary Help Services
- Tour Operators
- Travel Agencies, Travel Arrangement and Reservation Services

B. Offices and/or Clinics for Health Care and Social Assistance, examples include:

- Ambulatory Health Care Services
- Chiropractors, Dentists, Optometrists, Physicians and Podiatrists
- Diagnostic Imaging Centers
- Family Planning Centers
- Freestanding Ambulatory Surgical and Emergency Centers
- HMO Medical Centers (Urgent Care)
- Home Health Care Services
- Kidney Dialysis Centers
- Medical and Diagnostic Laboratories
- Mental Health Practitioners
- Miscellaneous Health Practitioners
- Outpatient Care Centers
- Outpatient Mental Health Centers
- Physical, Occupational and Speech Therapists and Audiologists
- Social Services

C. Offices for Finance and Insurance, examples include:

- Banking, Commercial and Personal
- Brokerage, Commodity and Securities Exchanges
- Claims Adjusting Offices
- Commodity Contracts Brokerage and Dealing
- Consumer Lending
- Credit Unions
- Direct Casualty, Health, Life, Medical, Property and Title Insurance Carriers
- Financial Transactions Processing, Reserve and Clearinghouse Activities
- Funds, Trusts, and Other Financial Vehicles
- Insurance Agencies, Brokerages, Carriers and Employee Benefit Funds
- International Trade Financing
- Investment Advice and Banking and Securities Dealing
- Mortgage and Non-mortgage Loan Brokers
- Pension Funds
- Savings Institutions
- Trusts, Estates, Fiduciary and Agency Accounts

D. Offices for Public and Miscellaneous Purposes, examples include:

- Business, Professional, Labor, Political and Similar Organizations
- Conservation, Environment and Wildlife Organizations
- Civic and Social Organizations
- Human Rights Organizations
- Libraries
- Local, County, State and Federal Government
- Public Fire Stations
- Religious, Grant making, Civic, Professional and Similar Organizations
- Social Advocacy Organizations
- Voluntary Health Organizations

E. Offices for Professional, Scientific and Technical Services examples include:

- Accounting and Bookkeeping Services
- Advertising Services
- Administrative and General Management Consulting Services
- Architectural, Drafting, Engineering, Graphic and Landscape Design Services
- Bank Holding Companies
- Certified Public Accountants
- Contractors
- Computer Centers, Programming and Systems Design Services
- Corporate, Subsidiary and Regional Managing
- Display Advertising
- Human Resources and Executive Search Consulting Services
- Interior Design Services
- Industrial Design Services
- Lawyers and Legal Services
- Management, Companies and Enterprises and Consulting Services
- Marketing Consulting, Public Opinion Polling and Research Services
- Notaries
- Payroll Services
- Process, Physical Distribution and Logistics Consulting Services
- Public Relations Agencies
- Real Estate Agents and Brokers
- Surveying and Mapping Services
- Tax Preparation Services
- Title Abstract and Settlement
- Translation and Interpretation Services

F. Non-Office Commercial Facilities including:

- Art Studios (No retail sales)
- Electronic and Telephone Mail Order Processing Centers
- Educational Facility, Business, Computer, Management and Training Facilities
- Educational Facility, Professional, Secretarial, Technical and Trade
- Internet Providers, Web Search Portals and Data Processing Services
- Libraries and Museums
- Music Publishers
- Ohio Medical Marijuana Control Program Testing Laboratory
- Photography Studios, Commercial and Portrait
- Post Offices
- Public Park and Recreation Centers
- Radio and Television Broadcasting Stations and Studios
- Recording Studios
- Religious Facilities
- Schools (as defined in C.C. 3303)

G. Non-Office Commercial Uses, subject to the additional provisions of C.C. 3353, including:

- Adult and Child Day Care Centers
- Monopole Telecommunication Antennas
- Veterinarians (Limited practice)

H. Dwelling units, as allowed under C.C. 3353.05.

SECTION 3. That Section 3356.03 of the Columbus City Codes is hereby amended to read as follows:

3356.03 C-4 permitted uses.

The following are uses permitted in the C-4, Commercial District; however these are not meant to be exhaustive nor an

exclusive listing. The Director has the authority to decide if an unnamed use is of similar enough character and nature to warrant inclusion into the C-4 district.

The North American Industry Classification System, or its successor document, is the reference document used to provide use families for this chapter. The Director may use the current NAICS or its successor, as one document in making decisions as to the appropriateness of any future use permitted to be in the C-4, district.

A. All uses listed in C.C. 3351, C.C. 3353 and C.C. 3355. B. Commercial uses allowing dwelling units above the primary use, including:

- Appliance Stores
- Automotive Accessories, Parts and Tire Stores
- Automobile and Light Truck Dealers
- Automobile Driving Training Facility
- Automotive Sales, Leasing and Rental
- Bars, Cabarets and Nightclubs
- Blood and Organ Banks
- Building Material and Supplies Dealers
- Caterers
- Check Cashing and Loans
- Community Food Pantry
- Consumer Goods Rental
- Discount Department Stores
- Electronics Stores
- Floor Covering Stores
- Furniture and Home Furnishings Stores
- General Merchandise Stores
- Home Centers
- Household and Personal Goods Maintenance and Repair
- Linen and Uniform Supply
- Missions/Temporary Shelters
- Motorcycle, Boat, and Other Motor Vehicle Dealers
- Motor Vehicle Accessories and Parts Dealers
- Ohio Medical Marijuana Control Program Retail Dispensary
- Outdoor Power Equipment Stores
- Parking Lots and Parking Garages as allowed in C.C. 3356.05
- Pawn Brokers
- Recreational Vehicle Dealers
- Reupholster and Furniture Repair
- Sporting Goods and Outfitters Stores
- Supermarkets
- Truck, Utility Trailer, and RV (Recreational Vehicle) Sales, Rental and Leasing
- Used Merchandise Stores
- Vending Machine Operators
- Warehouse Clubs and Super Centers

C. Commercial uses not allowing dwelling units above the primary use, including:

- Automotive Maintenance and Repair
- Bowling Centers
- Carpet and Upholstery Cleaning Services
- Drive-In Motion Picture Theaters
- Exterminating and Pest Control Services
- Farm Equipment and Supply Stores
- Garden, Landscaping and Nursery Centers and Sales
- Hotels and Motels
- Hotels, Extended Stay

- Hospitals
- Janitorial Services
- Lawn and Garden Equipment and Supplies Stores
- Limousine and Taxi Service
- Paint and Wallpaper Stores
- Performing Arts, Spectator Sports and Related Industries
- Theaters, Dance Companies and Dinner Theaters

D. Commercial uses not allowing dwelling units above the primary use and subject to the additional provisions of C.C. 3356.05, including:

- Animal Shelter
- Amusement Arcade
- Halfway House
- Veterinarians (unlimited practice)

E. Dwelling units, as allowed under C.C. 3356.05.

SECTION 4. That Section 3363.08 of the Columbus City Codes is hereby amended to read as follows:

3363.08 Miscellaneous uses-less objectionable uses.

Miscellaneous uses less objectionable uses permitted in M-Manufacturing Districts, subject to the provisions of this Zoning Code are:

Manufacture, compounding, processing, assembling, packaging or treatment of goods, materials and products not involving operations which are obnoxious or offensive by reason of odor, dust, smoke, gas, fumes, vibration, noise or other cause:

- Cigar or cigarette manufacture
- Dry cleaning and dyeing plant
- Fur finishing
- Leather goods manufacture (not including tanning)
- Laundry (employing more than three persons)
- Monument shop
- Motion-picture producing
- Ohio Medical Marijuana Control Program Cultivator
- Ohio Medical Marijuana Control Program Processor
- Paint and shellac (excluding manufacture of lacquer, varnish colors, pigments, thinners and removers)
- Plastic products
- Printing, publishing or engraving (other than as permitted in Commercial Districts)
- Research and development laboratories, computer laboratories, and offices in connection with such laboratories
- Show printing
- Steam laundry

Other uses of similar character which are not obnoxious or offensive, as defined in this section.

SECTION 5. That Section 3365.08 of the Columbus City Codes is hereby amended to read as follows:

3365.08 Miscellaneous uses-less objectionable uses.

Miscellaneous uses less objectionable uses permitted in M-1 Manufacturing Districts, subject to the provisions of this Zoning Code are:

Manufacture, compounding, processing, assembling, packaging or treatment of goods, materials and products not involving operations which are obnoxious or offensive by reason of odor, dust, smoke, gas, fumes, vibration, noise or other cause:

- Cigar or cigarette manufacture
- Commercial radio transmitting or television station and appurtenances thereto
- Dry cleaning and dyeing plant

Fur finishing
Leather goods manufacture (not including tanning)
Laundry (employing more than three persons)
Monument shop
Motion-picture production
Ohio Medical Marijuana Control Program Cultivator
Ohio Medical Marijuana Control Program Processor
Paint and shellac (excluding manufacture of lacquer, varnish colors, pigments, thinners and removers)
Plastic products
Printing, publishing or engraving (other than as permitted in Commercial Districts)
Research and development laboratories, computer laboratories, and offices in connection with such laboratories
Residence for a resident watchman
Show printing
Steam laundry
Other uses of similar character which are not obnoxious or offensive, as defined in this section.

SECTION 6. That Section 3367.08 of the Columbus City Codes is hereby amended to read as follows:

3367.08 Miscellaneous uses-less objectionable uses.

Miscellaneous uses, less objectionable uses permitted in M-2 manufacturing districts, subject to the provisions of this Zoning Code are:

Manufacture, compounding, processing, assembling, packaging or treatment of goods, materials and products not involving operations which are obnoxious or offensive by reason of odor, dust, smoke, gas, fumes, vibration, noise or other cause:

Cigar or cigarette manufacture
Commercial radio transmitting or television station and appurtenances thereto
Dry cleaning and dyeing plant
Fur finishing
Leather goods manufacture (not including tanning)
Laundry (employing more than three persons)
Monument shop
Motion-picture production
Ohio Medical Marijuana Control Program Cultivator
Ohio Medical Marijuana Control Program Processor
Paint and shellac (excluding manufacture of lacquer, varnish colors, pigments, thinners and removers)
Plastic products
Printing, publishing or engraving (other than as permitted in commercial districts)
Residence of a resident watchman
Research and development laboratories, computer laboratories, and offices in connection with such laboratories
Show printing
Steam laundry
Other uses of similar character which are not obnoxious or offensive, as defined in this section.

SECTION 7. That Columbus City Codes are hereby supplemented with the creation of a new section numbered 3389.151, reading as follows:

3389.151 Ohio Medical Marijuana Control Program Retail Dispensary.

An Ohio Medical Marijuana Control Program Retail Dispensary requires a Special Permit and shall only be located in any zoning district permitting C-4 Commercial District uses. In addition to complying with the underlying zoning standards, an Ohio Medical Marijuana Control Program Retail Dispensary shall provide proof that their proposed location provides a minimum 500-foot separation from other Ohio Medical Marijuana Control Program Retail Dispensaries. Distance separation as required in this section is measured from the closest point on a parcel line containing the Ohio

Medical Marijuana Control Program Retail Dispensary and the closest point on a parcel line containing the zoning district or use it is to be separated from.

The board of zoning adjustment shall grant a special permit for a Medical Marijuana Retail Dispensary only when it finds that the following conditions have been met:

- (a) Applicants shall provide proof of compliance of providing notice to all property owners within 250 feet of the proposed location.
- (b) Applicant shall also provide a presentation to the applicable area commission or civic association, if established, that shall include the following information:
 - (i) an introduction of the company along with background, anticipated earliest opening date, operating hours and days of the week, and an emergency contact name and number.

SECTION 8. That prior existing sections 3303.15, 3353.03, 3356.03, 3363.08, 3365.08, and 3367.08 of the Columbus City Codes are hereby repealed.

SECTION 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.