



# City of Columbus

## Legislation Report File Number: 3023-2018

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

### 30-Day

**File ID:** 3023-2018 **Type:** Ordinance **Status:** Passed

**Version:** 1 **\*Committee:** Rules & Reference Committee

**File Name:** Medical Marijuana Zoning Code Provisions **File Created:** 10/26/2018

**Final Action:** 12/06/2018

### Auditor Cert #:

**Auditor:** When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

**Contact Name/No.:** Paul Freedman; 614-645-0704

### Floor Action (Clerk's Office Only)

### Mayor's Action

### Council Action

Mayor	Date	Date Passed/ Adopted	President of Council
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Veto	Date	City Clerk
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**Title:** 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.

**Sponsors:** Priscilla Tyson

### Attachments:



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### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	10/31/2018	Scott Messer	Approved	11/2/2018
1	2	11/1/2018	ATTORNEY APPROVER	Approved	11/2/2018
<b>Notes:</b> wsb					
1	3	11/2/2018	Heather Treanor	Approved	11/5/2018
1	4	11/2/2018	Aileen Heiser	Approved	11/6/2018
1	5	11/2/2018	Adam Robins	Approved	11/6/2018
1	6	11/5/2018	Joe Lombardi	Approved	11/6/2018
1	7	11/5/2018	ODI APPROVER	Approved	11/7/2018
1	8	11/6/2018	Auditor Reviewer	Approved	11/7/2018
<b>Notes:</b> MNK/blp					
1	9	11/7/2018	AUDITOR APPROVER	Approved	11/9/2018
<b>Notes:</b> MNK/bam					
1	10	11/8/2018	ATTORNEY APPROVER	Approved	11/9/2018
<b>Notes:</b> JTC					

### History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	11/19/2018	Read for the First Time				
1	Columbus City Council	12/03/2018	Approved				Pass
1	COUNCIL PRESIDENT	12/03/2018	Signed				
1	ACTING MAYOR	12/05/2018	Signed				
1	CITY CLERK	12/06/2018	Attest				

**ODI:** Following the review and approval, when required, the Office of Diversity and Inclusion certifies



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compliance  
with Title 39 as of date listed.

**City Attorney:** Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

### Explanation

#### 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

#### Title

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.

#### Body

**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



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**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



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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



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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



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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



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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





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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



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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



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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



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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.



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**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.