

Franklin Township, Portage County
Zoning Commission Hearing
December 16, 2021

Members Present: Chair Mary Organ, Mekal Banyasz, and alternate Judy Spencer.

Others: Jenny August, Zoning Commission Secretary.

Call to Order:

Mrs. Organ called the meeting to order at 7:01 pm.

Minutes:

Mrs. Organ moved to accept the minutes from the November 18, 2021 meeting. Ms. Banyasz seconded. All commission members voted yes. The minutes were approved.

Discussion Topics:

Medical Marijuana in Franklin Township

The Zoning Commission is aware that Franklin Township has had several requests for zoning certificates for Medical Marijuana Dispensaries. Once the Township Trustees lifted their moratorium on Medical Marijuana facilities in the township at their September 28, 2021 meeting, the Zoning Commission was given 1 year to make a recommendation for updated text to the Township Trustees regarding this issue in the zoning code.

Because Medical Marijuana Dispensaries are similar to pharmacies, or drug stores, the ZC is recommending that these facilities be added to the Conditional Use section of each district where drug stores are currently permitted (anywhere within C-1 or C-2 districts). The ZC also added specific zoning conditions for these facilities in chapter 601.01B 61. These conditions come directly from the ORC, our concerns for current residential properties in the township, and our concern for the number of facilities within the township.

Franklin Township is much more residential and commercial in nature than other townships. Therefore, the ZC decided it might be best to prohibit Medical Marijuana Cultivators, Processors, and Testing Laboratories because they are more "manufacturing" in nature and may have more impact on the residents and the environment than a Dispensary.

Definitions were added for each step of the medical marijuana process and facility. These definitions were taken directly from the ORC section 3796.

The commission did recommend allowing for one medical marijuana dispensary in Franklin Township. The following amendments to the Zoning Resolution will be forwarded to Portage County Regional Planning Commission for their consideration:

Section 403: Prohibited Uses

K. Medical Marijuana Cultivator Facilities as defined in ORC 3796.

L. Medical Marijuana Processor Facilities as defined in ORC 3796.

M. Medical Marijuana Testing Laboratory Facilities as defined in ORC 3796.

Sections 312 (R-1/C-1),

312.02 B. Conditionally Permitted Uses

2. Commercial/Professional Services Uses

h. Medical Marijuana Dispensary, as defined in the ORC 3796, and subject to the provisions of Section 601.01.B subsection 61.

Section 320 (C-1),

320.02 B. Conditionally Permitted Uses

1. Commercial/Professional Services Uses

h. Medical Marijuana Dispensary, as defined in the ORC 3796, and subject to the provisions of Section 601.01.B subsection 61.

Section 321 (C-1b),

321.02 B. Conditionally Permitted Uses

1. Commercial/Professional Services Uses

h. Medical Marijuana Dispensary, as defined in the ORC 3796, and subject to the provisions of Section 601.01.B subsection 61.

Section 322 (C-1/R-3),

322.02 B. Conditionally Permitted Uses

2. Commercial/Professional Services Uses

h. Medical Marijuana Dispensary, as defined in the ORC 3796, and subject to the provisions of Section 601.01.B subsection 61.

Section 323 (C-1/I-1),

323.02 B. Conditionally Permitted Uses

1. Commercial/Professional Services Uses

h. Medical Marijuana Dispensary, as defined in the ORC 3796, and subject to the provisions of Section 601.01.B subsection 61.

Section 324 (C-2),

324.02 B. Conditionally Permitted Uses

1. Commercial/Professional Services Uses

i. Medical Marijuana Dispensary, as defined in the ORC 3796, and subject to the provisions of Section 601.01.B subsection 61.

Section 332 (I-2/C-2)

332.02 B. Conditionally Permitted Uses

2. Commercial/Professional Services Uses

i. Medical Marijuana Dispensary, as defined in the ORC 3796, and subject to the provisions of Section 601.01.B subsection 61.

601.01B Regulations Pertaining to Conditionally Permissible Uses

61. Medical Marijuana Dispensaries (page 58 of 58)

A. As stated in ORC 3796, dispensaries shall be located at least 500 feet from any school, church, public library, public playground, public park, or opioid treatment facility.

B. Such facilities shall be located at least 1000 feet from any property line (front, back or sides) of a parcel of land in any district in which residential use, of any density, is a permitted use.

C. Such facilities shall be located at least 1000 feet from any property line (front, back or sides) of a parcel of land currently being used for residential purposes, even if that use is a non-conforming use.

D. The number of Medical Marijuana Dispensaries in the township shall be limited to one (1).

In Chapter 13: Definitions

We would propose adding the following definitions:

- *Medical Marijuana means marijuana that is cultivated, processed, and dispensed, tested possessed or used for medical purposes. ORC 3796.01*
- *Medical Marijuana Cultivate means to grow, harvest, package, and transport medical marijuana pursuant to Chapter 3796. of the Revised Code.*
- *Medical Marijuana Cultivator, as used in Chapter 3796. of the Revised Code, means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796. of the Revised Code. Medical Marijuana Cultivator Facilities (whether growing plants indoors or outdoors) shall be categorized as “manufacturing”, never categorized as “agricultural” in nature.*
- *Medical Marijuana Dispensary as used in Chapter 3796. of the Revised Code, means an entity licensed pursuant to sections [3796.04](#) and [3796.10](#) of the Revised Code and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.*
- *Medical Marijuana Manufacturer 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.*

- *Medical Marijuana Processor as used in Chapter 3796. of the Revised Code, means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to manufacture medical marijuana products.*
- *Medical Marijuana Testing Laboratory means an independent laboratory located in Ohio that has been issued a certificate of operation by the Ohio Department of Commerce to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.*

Mrs. Organ moved to forward the amendments relating to medical marijuana to Portage County Regional Planning, with a second from Ms. Banyasz. All ayes on roll call.

Responsibilities of the Zoning Commission Chairperson

Mrs. Organ said the position of chairperson should rotate and would appreciate if someone else would step into the role of chair for 2022. She provided the commissioners with a list of some of the responsibilities of the chairperson. A nomination will take place at the first meeting of the new year.

New Business: None

Next Meeting:

The next meeting is to be held January 20, 2022 at 7:00 pm.

Adjournment: Mrs. Spencer moved to adjourn at 9:03 pm with a second from Mrs. Organ. All Commission members voted yes.

Respectfully submitted by Jenny August, Zoning Commission Secretary.

Approved:

Mary Organ, Zoning Commission Chair