

Economic Development Committee Minutes

Honorable Council
City of Newark, Ohio
May 21, 2024

The Economic Development Committee met in Council Chambers on May 20, 2024 with these members in attendance:

Bill Cost Jr. - Chair
Michael Houser – Vice Chair
Jonathan Lang
Mark Labutis
Dustin Neely

We wish to report:

Ordinance No. 24-18 AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND SEPTEMBER 5, 2023, BY ORDINANCE 23-22A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO.

Mr. Lang – I wanted to present this to the committee for consideration. This is zoning updates. There's one thing that I'll mention separately that has nothing to do with adult use cannabis facilities. The rest of this is intended to essentially follow what we did with medical marijuana. Dispensaries, cultivators, growers, with a few updates. We've made conditional use, so anywhere we put zoning where we allow something is permitted use, if you're operating under that you can proceed. If we make it conditional use, then you have to go through the Board of Zoning and Appeals where they can apply additional restrictions on your business and talk through concerns at a public hearing. Allow anyone to come by and offer their thoughts. We've also expanded on the States' requirements. The State has a requirement of 500' away from any school, church, park, library, and a few other categories. We expanded on that just like with medical. We pushed that out to a 1000' buffer. We do allow the Board of Zoning, just like with medical, to reduce that to 750' as a variance and going through that process. We've added the dispensaries as a conditional use for medium business intensity, similar to where we started the medical dispensaries, and increasing intensities from there. The general philosophy is we start with if something is permitted in the lower intensity district, then we allow it all the way up the stream to the higher density districts. For cultivators and growing facilities, we've allowed those in the limited industrial district, and going up from there. We've also prohibited any of these facilities from the downtown district. There's a big map, we have copies. Thanks to Ryan Shearer from our engineering department. It's a very laborious process to go through, and all

those green dots represent schools, parks, churches. Some place where a facility could not go. The green areas on the map are areas where we could not put one of these facilities. We don't think 100% of the green dots captured on this map, but this map itself is not a definitive map. It's part of the conditional use process. When you go to the Board of Zoning, the applicant will have to show that they are not within 1000' of any school, park, church, etc. It will be more detailed. That map is to give us a general sense of where these properties will be permitted.

Mr. Neely – What exactly are we amending?

Mr. Lang – We're amending our zoning codes, adding adult use dispensaries, as a conditional use to medium intensity business district, high intensity business district, general business district, limited commercial district, general commercial district, limited industrial district, and general industrial district. We're adding processors and growers with conditional uses to all the districts I just named, with the exception of general commercial district, limited commercial district, general business, and high and medium businesses. (inaudible).

Mr. Neely – Other than that, we haven't changed the exclusions zoning?

Mr. Lang – The locations speak for themselves. The legislation says they have to be at least 1000' from any property having situated on it a school, church, public library, public playground, public park, or community addiction services. That last one is provided under the Ohio Revised Code. The green dots on the map represent those areas.

Mr. Neely – They are the same as they were for medical?

Mr. Lang – Yes. It's the same list of types of properties.

Mr. Houser – We have three facilities for medical use. Can you walk me through what the procedure would be if we do pass this or don't, what is their process to move forward to get some sort of license? (inaudible)

Mr. Lang – Each of the three medical dispensaries zoning applications include a restriction that prohibits them from selling recreational at that location. As it stands, all three of them would have to come back, go through the Board of Zoning, do a new application to get that removed, and add adult use as the conditional use for their property.

Mr. Houser – If we don't move this forward, what would be their process?

Mr. Lang – They would not be permitted to engage in adult use dispensing under the new Issue 2, Ohio Revised Code. Unless there is something done at the State level, this provides clarity that we're putting them in these same zones where the medical dispensaries were permitted.

Mr. Houser – Question for the Law Director. Do you concur that if we don't move this forward, the medical space could not move forward?

Tricia Moore, Law Director – There would be no (inaudible) for them to exist in any of those because there is no adult use in our city.

Mr. Rath – Love what you've done. Everything looks great, with the exception of 17 N. Chalfant. It is a school. Currently it is on the map as a permitted location. I ask that the map be revised.

Mr. Lang – That’s down in the southwest area, it would chop off, it would put another green dot over an area of limited and medium business intensity. Again, if ever there was a facility going through, this map would not be what we would rely on. They would have to use the 1000’ radius.

Director Moore – Can I correct something? Pursuant to 37a-25 of the Ohio Revised Code, the legislative authority may adopt an ordinance prohibiting or limiting the number of (inaudible), existing cultivators, processors, or dispensaries who have a certificate of operation under the medical, may not be prohibited or limited by a municipal corporation or township from operating under the adult under the medical. Chapter 37.96, they could still operate as medical, but adult use. They could still operate as a medical dispensary unless that certificate of operation has been revoked. Adult use would be restricted.

Steven Smith, 237 Violet Ct. – I was wondering if there was a similar type of thing, and if there was any study based on the incidents alcohol related fatalities due to drunk driving based on (inaudible).

Motion to send to full Council by Mr. Lang, Second by Mr. Labutis. Passed 5-0.

Economic Development Committee stands adjourned

Bill Cost Jr., Chair