

May 16, 2024

ECONOMIC DEVELOPMENT COMMITTEE

May 20, 2024

Council Chambers

Following Service Committee

Committee and Council Meetings can be viewed by accessing YouTube

AGENDA

1. Consider **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.
2. Other items at the discretion of the chair.

ORDINANCE NO: 24-18

BY _____

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.

WHEREAS, the City of Newark by and through action of Newark City Council adopted a new Zoning Code on May 5, 2009 with the passage of Ordinance 08-33A; and,

WHEREAS, the City of Newark by and through action of Newark City Council amended portions of the Zoning Code on September 5, 2023, with the passage of Ordinance 23-22A; and,

WHEREAS, changed circumstances in the City of Newark have created a need to revise the existing Zoning Code to address issues specific to future development and business regulations for the benefit of all and good zoning practice; and,

WHEREAS, this matter was considered by the Economic Development Committee of Council at a regularly scheduled meeting thereof and was passed on to the Planning Commission for public hearing and recommendation and then to full Council pursuant to Charter Article 4.12.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO THAT THE ZONING CODE OF THE CITY OF NEWARK, OHIO IS HEREBY AMENDED TO READ AS SET FORTH HEREIN

SECTION 1: *Article 46: MB Medium Intensity Business District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 46

MB MEDIUM INTENSITY BUSINESS DISTRICT

46.4 CONDITIONAL USES

2. **ADULT USE DISPENSARIES AS DEFINED AT SECTION 3780.01(A)(5) OF THE OHIO REVISED CODE PROVIDED THAT (A) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OHIO REVISED CODE, THE OHIO ADMINISTRATIVE CODE, AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (B) SUCH FACILITY IS NOT LOCATED WITHIN 1,000 FEET OF A**

PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER R.C. § 5119.01.

A VARIANCE FROM THE 1,000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.

SECTION 2: *Article 48: HB High Intensity Business District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 48
HB HIGH INTENSITY BUSINESS DISTRICT

48.4 CONDITIONAL USES

- 3. Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4.**

SECTION 3: *Article 50: GB General Business District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 50
GB GENERAL BUSINESS DISTRICT

50.4 CONDITIONAL USES

- 3. Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4**

SECTION 4: *Article 54: LC Limited Commercial District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 54
LC LIMITED COMMERCIAL DISTRICT

54.4 CONDITIONAL USES

- 3. Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4**

SECTION 5: *Article 56: GC General Commercial District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 56
GENERAL COMMERCIAL DISTRICT

56.4 CONDITIONAL USES

- 3. Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4**

SECTION 6: *Article 60: DC Downtown District* of the Zoning Code of the City of Newark, Ohio, is hereby amended to include the following:

ARTICLE 60
DC DOWNTOWN DISTRICT

60.3 PROHIBITED USES

- 5. Medical marijuana dispensaries as defined at OAC 3796:1-1-01(13) AND ADULT USE DISPENSARIES AS DEFINED AT ORC 3780.01(A)(5)**
- 6. Medical marijuana cultivators as defined at OAC 3796:1-1-01(9) AND ADULT USE CULTIVATORS AS DEFINED AT ORC 3780.01(A)(4) AND 3780.01(A)(19)-(21).**
- 7. Medical marijuana processors as defined at OAC 3796:1-1-01(39) AND ADULT USE PROCESSORS AS DEFINED AT ORC 3780.01(A)(7).**

SECTION 7: *Article 64: Limited Industrial District* of the Zoning Code of the City of Newark, Ohio, is hereby amended to include the following:

ARTICLE 64
LI LIMITED INDUSTRIAL DISTRICT

64.2 PERMITTED USES

- ~~26. Medical marijuana cultivators as defined at OAC 3796:1-1-01(9) provided that such facility is in full and complete compliance with the requirements and restrictions of all applicable sections of the OAC and Ohio Revised Code as well as all applicable licensing and reporting requirements of the Codified Ordinances of the City of Newark, Ohio.~~
- ~~27. Medical marijuana processors as defined at OAC 3796:1-1-01(39) provided that such facility is in full and complete compliance with the requirements and restrictions of all applicable sections of the OAC and Ohio Revised Code as well as all applicable licensing and reporting requirements of the Codified Ordinances of the City of Newark, Ohio.~~

64.4 CONDITIONAL USES

5. **MEDICAL MARIJUANA DISPENSARIES AS DEFINED AT SECTION 3796:1-1-01 (13) OF THE OHIO ADMINISTRATIVE CODE (OAC) PROVIDED THAT (a) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (b) SUCH FACILITY IS NOT LOCATED WITHIN 1000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER SECTION 5119.01 OF THE REVISED CODE.**

A VARIANCE FROM THE 1000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.

6. **MEDICAL MARIJUANA CULTIVATORS AS DEFINED AT OAC 3796:1-1-01(9) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**
7. **MEDICAL MARIJUANA PROCESSORS AS DEFINED AT OAC 3796:1-1-01(39) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**
8. **ADULT USE DISPENSARIES AS DEFINED AT SECTION 3780.01(A)(5) OF THE OHIO REVISED CODE PROVIDED THAT (A) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OHIO REVISED CODE, THE OHIO ADMINISTRATIVE CODE, AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (B) SUCH FACILITY IS NOT LOCATED WITHIN 1,000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER R.C. § 5119.01.**

A VARIANCE FROM THE 1,000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.

9. **ADULT USE CULTIVATORS AS DEFINED AT ORC 3780.01(A)(4) AND 3780.01(A)(19)-(21) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**
10. **ADULT USE PROCESSORS AS DEFINED AT ORC 3780.01(A)(7) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE**

REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND THE OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.

64.6 DISTRICT STANDARDS

2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than ~~twenty-five~~ **THIRTY-FIVE** percent of the lot area exclusive of any lot area in the floodway.

SECTION 8: *Article 66: GI General Industrial District* of the Zoning Code of the City of Newark, Ohio, is hereby amended to include the following:

ARTICLE 66 GI GENERAL INDUSTRIAL DISTRICT

66.4 CONDITIONAL USES

17. **MEDICAL MARIJUANA DISPENSARIES AS DEFINED AT SECTION 3796:1-1-01 (13) OF THE OHIO ADMINISTRATIVE CODE (OAC) PROVIDED THAT (a) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (b) SUCH FACILITY IS NOT LOCATED WITHIN 1000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER SECTION 5119.01 OF THE REVISED CODE.**

A VARIANCE FROM THE 1000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.

18. **MEDICAL MARIJUANA CULTIVATORS AS DEFINED AT OAC 3796:1-1-01(9) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**
19. **MEDICAL MARIJUANA PROCESSORS AS DEFINED AT OAC 3796:1-1-01(39) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**

20. ADULT USE DISPENSARIES AS DEFINED AT SECTION 3780.01(A)(5) OF THE OHIO REVISED CODE PROVIDED THAT (A) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OHIO REVISED CODE, THE OHIO ADMINISTRATIVE CODE, AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (B) SUCH FACILITY IS NOT LOCATED WITHIN 1,000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER R.C. § 5119.01.

A VARIANCE FROM THE 1,000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.

21. ADULT USE CULTIVATORS AS DEFINED AT ORC 3780.01(A)(4) AND 3780.01(A)(19)-(21) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.

22. ADULT USE PROCESSORS AS DEFINED AT ORC 3780.01(A)(7) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND THE OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.

66.6 DISTRICT STANDARDS

2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than ~~twenty-five~~ **THIRTY-FIVE** percent of the lot area exclusive of any lot area in the floodway.

SECTION 9: The Tables of Content of the Zoning Code of the City of Newark, Ohio, are hereby amended to reflect the modifications made by this Ordinance.

SECTION 10: All other sections of the Zoning Code of the City of Newark, Ohio, not specifically addressed within this Ordinance shall remain in full force and effect as written.

SECTION 11: This Ordinance shall take effect upon full compliance with the procedures set forth at Article 4.12 and then on the earliest date allowed by Article 4.07 of the Charter of the City of Newark and remain in full force and effect thereafter.

Passed this _____ day of _____, _____.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

APPROVED AS TO FORM: _____
TRICIA M. MOORE
DIRECTOR OF LAW

Prepared by the Office of the Director of Law

0 1 2 3 4 5 6 7 8 9 10 11 12 13



City of Newark Proposed Cannabis Exclusion Zone - 750 feet

- Current Dispensary Locations
Cannabis Exclusion Zone 750ft
Permitted Zoning: LB, GB, MB, HB, LC, LI, GI
Municipalities, City Limits, Current Township Borders, Streams

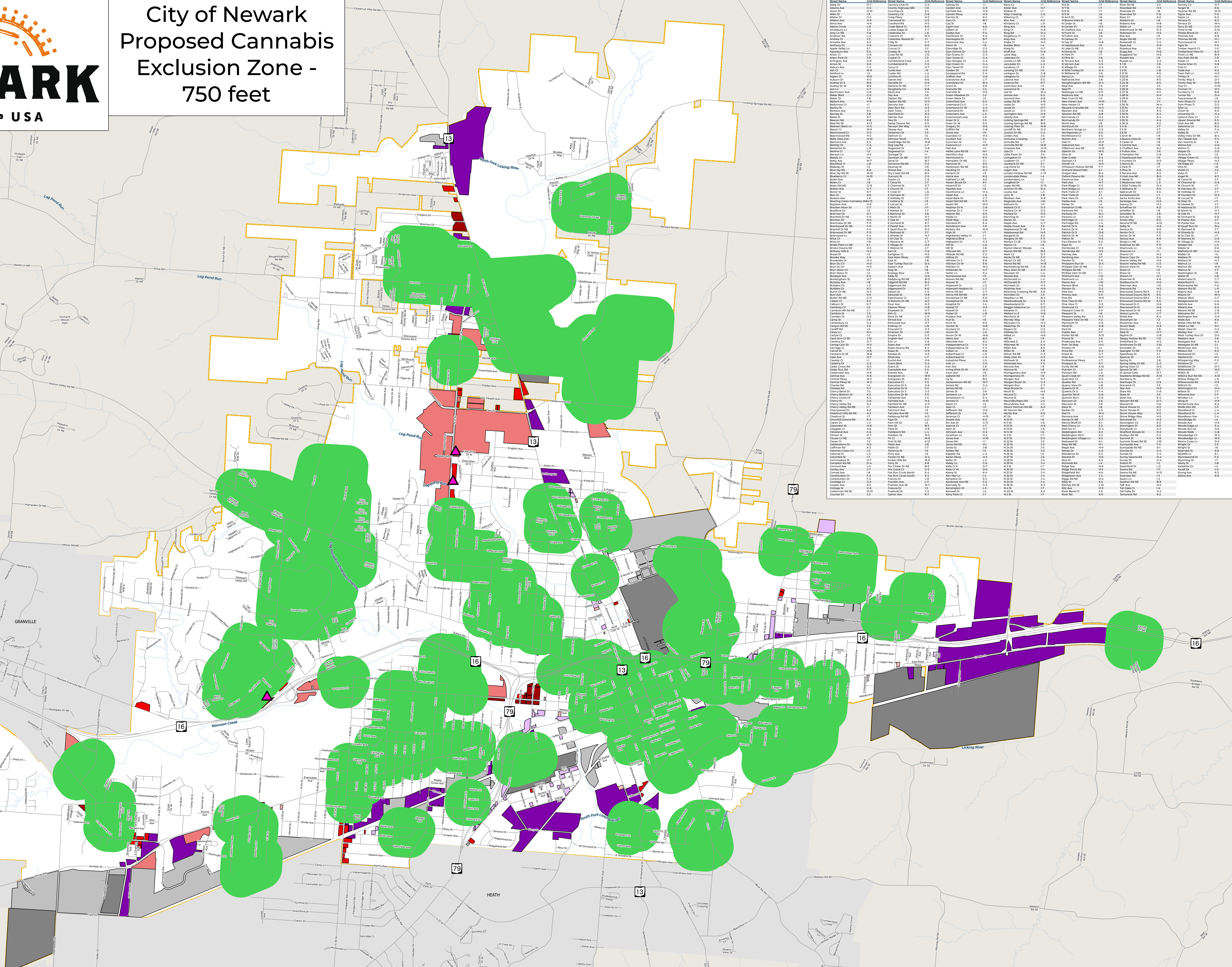
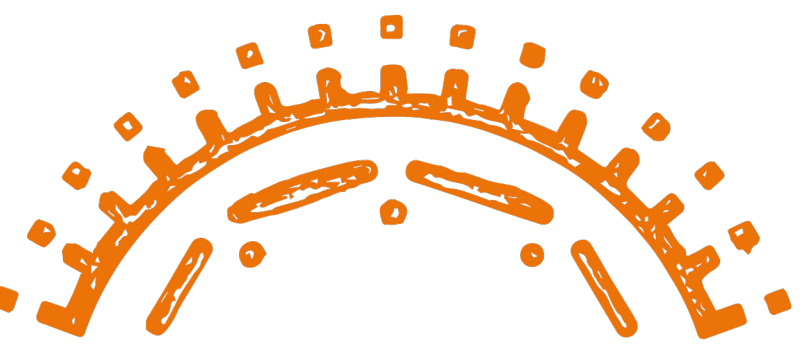


Table with columns for Address, Dispensary Name, and various zoning codes (e.g., LC, LI, GI).

0 1 2 3 4 5 6 7 8 9 10 11 12 13

1 inch equals 1,100 feet

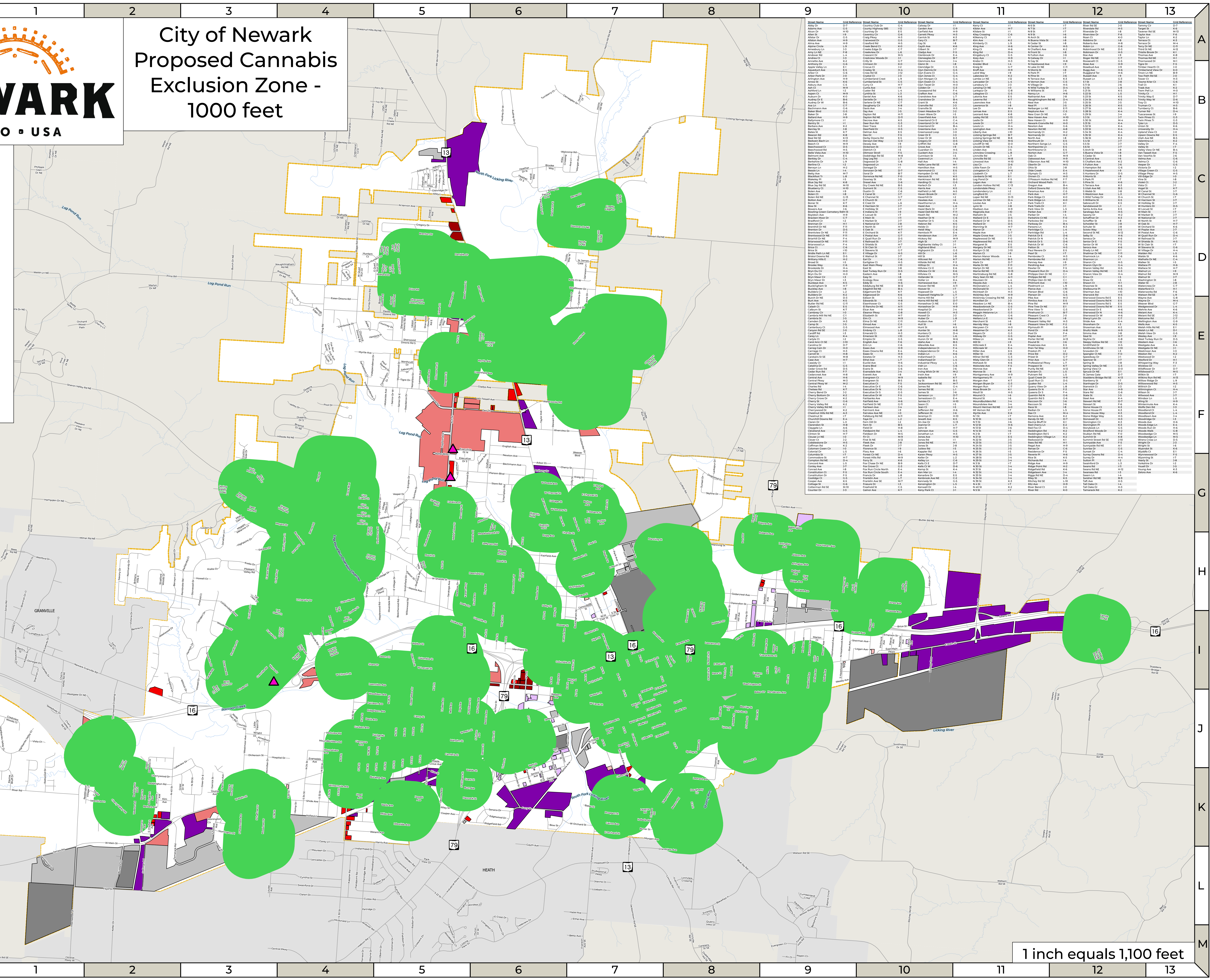


NEWARK

OHIO USA

City of Newark Proposed Cannabis Exclusion Zone - 1000 feet

- Current Dispensary Locations
- Cannabis Exclusion Zone 1000ft
- Permitted Zoning
 - LB
 - GB
 - MB
 - HB
 - LC
 - GC
 - LI
 - GI
- Municipalities
- City Limits
- Current Township Borders
- Streams



Address	City Reference	Street Name	City Reference	Street Name	City Reference	Street Name	City Reference	Street Name	City Reference	Street Name
10000 E	300	COLUMBIA BL	10000 E	300	COLUMBIA BL	10000 E	300	COLUMBIA BL	10000 E	300
10000 E	300	COLUMBIA BL	10000 E	300	COLUMBIA BL	10000 E	300	COLUMBIA BL	10000 E	300
10000 E	300	COLUMBIA BL	10000 E	300	COLUMBIA BL	10000 E	300	COLUMBIA BL	10000 E	300
10000 E	300	COLUMBIA BL	10000 E	300	COLUMBIA BL	10000 E	300	COLUMBIA BL	10000 E	300
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