



# Planning Commission

## Meeting Minutes

November 20, 2017

7:00 p.m.

New Albany Planning Commission met in regular session in the Council Chambers of Village Hall, 99 W Main Street and was called to order by Planning Commission Chair Neil Kirby by at 7:04 p.m.

Neil Kirby	Present
Brad Shockey	Present
David Wallace	Present
Kasey Kist	Absent
Hans Schell	Present
Sloan Spalding (council liaison)	Present (left at 7:37pm)

Staff members present: Stephen Mayer, Planner; Adrienne Joly, Director of Administrative Services; Ed Ferris, City Engineer; Mitch Banchevsky, City Attorney and Pam Hickok, Clerk.

Moved by Mr. Wallace, seconded by Mr. Schell to approve, as corrected, the 10/16/17 minutes. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0

Mr. Kirby asked for any changes or corrections to the agenda.

Ms. Russell stated none.

Mr. Kirby swore to truth those wishing to speak before the Commission.

Mr. Kirby's invited the public to speak on non-agenda related items.

Moved by Mr. Wallace, seconded by Mr. Kirby to accept into the record the staff reports and related documents. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

### ZC-73-2017 Zoning Change

**Rezoning 1.97 +/- acres from Agricultural District (AG) to Limited General Employment (L-GE) for an area known as the Business Park South Expansion Zoning District located at 1451 Beech Road (PID: 082-106914-00.001).**

**Applicant: MBJ Holdings c/o Aaron L Underhill, Esq.**

Ms. Russell presented the staff report.

Mr. Ed Ferris stated that only engineering is a comment regarding the right of way that the applicant will explain.

Mr. Aaron Underhill stated that this property is in the process of being annexed and we expect that to be completed at the second Council meeting in December. There is currently a highway easement on the western part of the property. Until the annexation is complete we are unable to complete the right of way dedication to the city. We agree upon the annexation to deed title over to the city what is now a highway easement. It will not stop any of the current roadwork. This property will be transferred to Facebook to square off the site and we are mirroring the standards that are in the zoning on the surrounding property.

Mr. Kirby asked if they had any conflicts with the staff conditions.

Mr. Underhill stated no concerns.

Mr. Kirby asked if there is a way to revise or remove condition one. Can we make this automatic? I assume that this property will be combined once annexed.

Mr. Mayer stated that in the text it states that the setbacks will go away once combined.

Mr. Kirby asked if this is identical to what's around it.

Mr. Underhill stated yes and showed on the map a few property on the west side of Beech Road that will be annexed in the near future.

Mr. Kirby moved to approve ZC-73-17 subject to the following conditions:

1. Section V(B)(2), regarding the zero building and pavement, of the text is removed.
2. Section VIII(C) – Screening of mechanical equipment – is revised to match current wording used in other recent rezoning applications: “Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building’s façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer attenuate sound generated by such equipment.”
3. The site’s signage is required to match the Master Landscape & Signage Standards Plan that was approved by the Planning Commission on June 5, 2017 for the Beech Road South zoning district.
4. Easement will become right-of-way after annexation is complete, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

**ZC-74-2017 Zoning Change**

**Rezoning 72.25 +/- acres from Comprehensive Planned Unit Development (C-PUD) to Infill Planned Unit Development (I-PUD) for an area known as the Beech/161 Northwest Quad Zoning District located south of Smith's Mill Road and west of Beech Road (PID: 093-107046-00.000 and 093-106512-00.000).**

**Applicant: MBJ Holdings c/o Aaron L Underhill, Esq.**

Mr. Mayer stated that the applicant has requested to table for one month.

Mr. Kirby moved to table ZC-74-2017 until the regularly scheduled December meeting, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

**Amendment to Codified Ordinance Chapter 1105 (Definitions) and Chapter 1127 (General Regulations)**

Mr. Mitch Banchefsky presented the staff report.

Mr. Shockey verified that this is a zoning issue. Does the city have additional code sections to make this illegal or is the city relying on the zoning code.

Mr. Banchefsky stated that it would also fall under the existing drug offenses that we have in code. The existing general zoning violation penalty is, I believe, a maximum \$500 per day of violation. That plus the current drug ordinances for sale and use.

Mr. Wallace asked for clarification of the last point.

Mr. Banchefsky stated that a violation of the zoning code is an unclassified misdemeanor with, I believe, a maximum \$500 per day of violation penalty. The drug violation would be criminal. If it's not legal to sell or cultivate in the city then you would also be violating the criminal code.

Mr. Wallace asked if the State of Ohio approved medical marijuana then doesn't it void city code.

Mr. Banchefsky responded we don't think so, not if it's banned in the municipality. Having it in the zoning code as prohibited can be enforced.

Mr. Wallace stated that reviewing the information provided it appears that the main reason for the zoning regulation is that there is a conflict between state and federal law.

Mr. Banchefsky stated that is correct.

Mr. Wallace stated that it would exist whether we approve this code or not.

Mr. Banchefsky stated that without this provision that application could be submitted to the city and assuming that there is a proper place for this to be located. Adrienne Joly created a map, located in your materials, that shows where these could be located.

Ms. Adrienne Joly stated that Ohio Revised code has prohibitions on location such as distance to schools, daycare, etc. So we identified the parcels that had the protected uses on them and created a buffer to see graphically where they could be. The second map also included the zoning districts. Cultivators are not specifically defined so we would consider it agricultural (AG) use but there is a concern of not addressing it.

Mr. Wallace asked if there is a typical size for cultivating facility.

Ms. Joly stated that the state has two classifications for cultivators. I don't remember the size but they just announced the licenses for the small cultivators. They have to be enclosed and our current code does not allow for greenhouses.

Mr. Wallace asked if there is anywhere that a cultivation facility could be located.

Ms. Joly showed on the map the locations in dark green that an argument could be made for cultivating in these AG zoned areas. Processing could fit into the light manufacturing which may include the GE and LI zoning districts. Dispensing could occur in any zoning districts that allows for retail.

Mr. Wallace stated that there are some areas that could be requested for these uses.

Ms. Joly stated that it could be requested but may not be likely. Our council clerk receives weekly calls regarding the status of the moratorium. We are not sure if these calls are because they are interested in starting a business or just where we stand on the issue. It is a lengthy process through the state and we would like to be proactive and make it clear.

Mr. Wallace stated that he has heard of other states having issues with odors from the cultivating and wonder if you found any information on the similar issues in the processing.

Ms. Joly stated that she didn't run across that issue but it wouldn't surprise me because we know that Personal Care & Beauty Campus smells like Bath & Body scents at certain times of the year.

Mr. Spalding stated that California is having issues with the greenhouses because they are lit 24/7 and they are very bright. Council did have two questions that we were trying to address. What happens if the federal government changes their mind and what if there is a breakthrough with

medical marijuana? We want the flexibility to change the ordinance in the future but with the knowledge we have today we don't want to encourage to come to the community.

Mr. Wallace asked if you had the sense from Council that this is an industry that we don't want to come.

Mr. Spalding stated that and that Johnstown has welcomed the industry. So there is a location for them on this side of town.

Mr. Wallace asked if any studies have been completed on the economics of these facilities.

Ms. Joly stated that many of the studies are just setting a baseline because this is a new industry. Certainly the State tax revenue in Colorado is soaring through the sale of recreational marijuana. It hasn't long enough to know whether that is a onetime bump because of the novelty or if it is sustainable. There is no meaningful data at this time.

Mr. Wallace stated that you cited in the memo in regards to social and health impacts a study by the Colorado Department of Health that said they didn't have enough data to make any meaningful determination of the impact.

Ms. Joly stated that it the conclusion of many of the studies that I found. The other study, that was cited, did not see any difference in health or crime but tax revenue has jumped in Colorado because of it.

Mr. Wallace moved to recommend approval to Council the amendment to Codified Ordinance section 1105.02 (jjj) and 1127.02 (j) per memo dated November 20, 2017 to the Planning Commission, seconded by Mr. Schell. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

### **Western Licking County Accord Presentation**

Ms. Joly provided a presentation for the Western Licking County Accord.

Mr. Shockey asked if this will put into place a panel to review all applications in this area.

Ms. Joly stated that it does not, right now.

Mr. Shockey stated that this is idea based without any review or recommendation to the zoning boards.

Ms. Joly stated that in the survey we asked if they would support having an implementation panel. We received decent support for having a body but we

didn't think that we are ready for a panel yet. There is not a lot of development activity yet and we thought it was a risk to create a panel and not have any applications for them to review. One of the benefits of the Rocky Fork Blacklick Accord (RFBA) was that it started when development was moving fast in the area.

Mr. Shockey stated that Monroe Township and Johnstown are different. Are they both part of this?

Ms. Joly stated that Monroe Township is not a part of this. We asked Johnstown to reach out to Monroe Township and at this time they are not interested in participating.

Mr. Shockey stated that a 200 acre parcel in Monroe Township that wanted to develop would not be subject to this document because Johnstown has water and sewer and has an agreement to provide it to the township residents without the requirement of annexation.

Ms. Joly stated that we deliberately kept this as small as possible. Decades ago MORPC tried to do a large multi-jurisdictional accord in the area. There were too many parties involved. It is in New Albany's interest to collaborate with our neighbors that is the eastern gateway to the community. It's better to start thinking and working together on these issues than to wait.

Mr. Shockey confirmed that this is a beginning step.

Ms. Joly stated that the RFBA was adopted and amended shortly after it was adopted. I think you need to have the initial step to build trust and partners.

Mr. Shockey stated that this will be a reference material / guide for Johnstown and Jersey Township.

Ms. Joly stated that it is a policy document but we have discussed having communities provide formal comments but need to work out the details. Continued with the presentation.

Mr. Shockey stated that he is surprised that Monroe Township is not involved and the Johnstown, which is a municipality is involved. Unless they would annex Monroe Township.

Ms. Joly stated that Johnstown identified that their growth area is to the south.

Mr. Schell asked if Monroe Township wanted to become involved, would we allow that?

Ms. Joly stated yes, that would be our preference.

Mr. Schell asked assuming that the final documents are approved by all parties; when a board/panel may be created.

Ms. Joly stated that it may be somewhat growth/development driven than a specific timeframe. If we noticed more interest in the area I think we would discuss it at a quarterly meeting.

Mr. Kirby asked if New Albany is helping Johnstown and Jersey Township with staff intensive work.

Ms. Joly stated that we will. The zoning officer is fantastic but they don't have the same resources. The development department will attend and help facilitate the quarterly meetings. Jersey Township has been proactive to understand what they need to do with the planning boards and updating the city codes to implement these standards.

Mr. Kirby asked if we are going to share agendas.

Ms. Joly stated that we will probably provide entire packets for each meeting.

Mr. Kirby stated that I think we would like to hear their comments.

Ms. Joly stated that SR 62 is an important corridor for New Albany and keeping it scenic and rural, I believe, is the right thing to do.

Mr. Schell moved to accept final draft of Western Licking County Accord, seconded by Mr. Wallace. Upon roll call vote: Mr. Kirby, yea; Mr. Shockey, yea; Mr. Wallace, yea; Mr. Schell, yea. Yea, 4; Nay, 0; Abstain, 0. Motion passed by a 4-0 vote.

With no further business, Mr. Kirby polled members for comment and hearing none, adjourned the meeting at 8:00 p.m.

Submitted by Pam Hickok

## **APPENDIX**



**Planning Commission Staff Report  
November 20, 2017 Meeting**

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**1451 BEECH ROAD  
ZONING AMENDMENT**

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LOCATION: 1451 Beech Road (PID: 082-106914-00.001)  
APPLICANT: MBJ Holdings, LLC c/o Aaron Underhill  
REQUEST: Zoning Amendment  
ZONING: AG Agricultural to L-GE Limited General Employment  
STRATEGIC PLAN: Office District  
APPLICATION: ZC-73-2017

Review based on: Application materials received October 6, 2017.

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*Staff report completed by Stephen Mayer, Development Services Manager.*

**I. REQUEST AND BACKGROUND**

The applicant requests review and recommendation to rezone 1.97 +/- acres. The applicant proposes to create a new limitation text in the New Albany Business Park. This area will be known as the Business Park South Expansion Zoning District, and will be zoned Limited General Employment (L-GE). The proposed limitation text meets the intent of the Strategic Plan's mixed use office district land use category by providing compatible general employment uses.

This new text contains the same list of permitted, conditional, and prohibited uses as Business Park East Innovation District Subareas, known as the Personal Care and Beauty Campus, where companies such as Anomatic, Accel, Axium, and Veepak are located. Other development standards are almost identical to the surrounding subareas.

**II. SITE DESCRIPTION & USE**

The New Albany City Council is anticipated to hear an ordinance to annex this site on December 19, 2017. The site is located within Licking County, south of Worthington Road, east of Beech Road, and north of Morse Road. The immediate neighboring zoning districts include L-GE.

**III. PLAN REVIEW**

Planning Commission's review authority of the zoning amendment application is found under C.O. Chapters 1107.02 and 1159.09. Upon review of the proposed amendment to the zoning map, the Commission is to make recommendation to City Council. Staff's review is based on city plans and studies, proposed zoning text, and the codified



ordinances. Primary concerns and issues have been indicated below, with needed action or recommended action in underlined text.

Per Codified Ordinance Chapter 1111.06 in deciding on the change, the Planning Commission shall consider, among other things, the following elements of the case:

- (a) Adjacent land use.
- (b) The relationship of topography to the use intended or to its implications.
- (c) Access, traffic flow.
- (d) Adjacent zoning.
- (e) The correctness of the application for the type of change requested.
- (f) The relationship of the use requested to the public health, safety, or general welfare.
- (g) The relationship of the area requested to the area to be used.
- (h) The impact of the proposed use on the local school district(s).

#### **A. New Albany Strategic Plan**

The 2014 New Albany Strategic Plan lists the following development standards for the Office District:

1. Office buildings should not exceed five stories in height.
2. The design of office buildings should include four-sided architecture in order to address multiple frontages when present
3. On-Street parking is discouraged.
4. Primary parking should be located behind buildings and not between the primary street and the buildings.
5. Parking areas should be screened from view.
6. Loading areas should be designed so they are not visible from the public right-of-way, or adjacent properties.
7. Sidewalks/leisure trails should be placed along both sides of all public road frontage and setback 10 feet from the street.
8. Common open spaces or green are encouraged and should be framed by buildings to create a “campus like” environment.
9. Appropriate screening should be installed as a buffer between the office district and adjacent residential. If mounding is necessary to achieve this the “reverse slope” type with a gradual slope side toward the right-of-way is preferred.
10. Street trees should be provided at no greater a distance than 40 feet on center.
11. Individual uses should be limited in size, acreage, and maximum lot coverage.
12. No freeway/pole signs are allowed.
13. Heavy landscaping is necessary to buffer these uses from adjacent residential areas.
14. A 200 foot buffer should be provided along State Route 161.
15. Structures must use high quality building materials and incorporate detailed, four sided architecture.
16. When double fronting sites exist, office buildings should address both frontages.
17. Plan office buildings within the context of the area, not just the site, including building heights within development parcels.
18. Sites with multiple buildings should be well organized and clustered if possible.

19. All office developments should employ shared parking or be designed to accommodate it.
20. All office developments should plan for regional stormwater management.
21. Office developments should provide connections to the regional trail system.
22. Green building and site design practices are encouraged.
23. Innovative an iconic architecture is encouraged for office buildings.

#### **B. Use, Site and Layout**

1. It appears the applicant has used the development standards from the Business Park South District text to create this zoning text.
2. This district has the same list of permitted, conditional, and prohibited uses as Business Park South zoning district and the Business Park East Innovation District Subarea A, known as the Personal Care and Beauty Campus, where companies such as Anomatic, Accel, Axium, and Veepak are located.
3. The proposed zoning text is a limitation text. A limitation text can only establish more restrictive requirements than the zoning code.
4. The limitation text will allow for general office activities, warehouse & distribution, off-premises signs, and research & production uses. Personal service and retail product sales and services are only allowed as accessory uses to a permitted use in this subarea.
5. Conditional uses include car fleet and truck fleet parking, and manufacturing and production.
6. Prohibited uses include industrial product sales and services, mini-warehouses, vehicle services, radio/television broadcast facilities, off-premises signs, and sexually oriented business.
7. The text establishes a 50 foot setback for Beech Road which matches surrounding zoning districts.
8. Section V(B)(2) states “perimeter boundaries shall be a zero minimum building and pavement setback from any perimeter boundary that is not adjacent to a public right-of-way.” The perimeter boundaries of this subarea are also the property lines. C.O. 1153.04 states the side and rear yard setbacks “for any structure or service area within the LI or GE Districts, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.” Since this is a limitation text which can only place additional restrictions on the property, it appears this minimum twenty-five (25) feet must still apply. Therefore staff recommends this section of the text is removed. The elimination of the setback provision in the text will allow for these setbacks to be removed once combined with another lot.
9. The text contains the same setback requirement from residential properties as the Business Park South zoning text, however, this subarea is not adjacent to any residential areas.
10. Due to the proximity of this site to the State Route 161 interchange and its location adjacent to commercially zoned land in the existing Licking County business park to the east, the site appears to be most appropriate for commercial development.

#### **C. Access, Loading, Parking**

1. Detailed traffic access will be determined in consultation with City Staff as the site is developed.
2. Parking will be provided per code requirements (Chapter 1167) and will be evaluated at the time of development for each individual site.
3. The text requires an internal pedestrian circulation system to be created so that a pedestrian using a public sidewalk or leisure trail along a public street can access the adjacent building through their parking lots with markings, crosswalks, etc.

#### **D. Architectural Standards**

1. The proposed rezoning seeks to implement many of the same or improved standards and limitations set forth in the New Albany Architectural Design Guidelines and Requirements (Chapter 1157).
2. The same architectural requirements as surrounding business park zoning districts.
3. The City's Design Guidelines and Requirements do not provide architectural standards for warehouse and distribution type facilities. Due to the inherent size and nature of these facilities careful attention must be paid to their design to ensure they are appropriately integrated into the rest of the business park. This zoning text contains specific design requirements for uses not governed by the DGRs, which will ensure the quality design of these buildings.
4. Staff recommends a condition of approval requiring section VIII(C) – Screening of mechanical equipment – is revised to match current wording used in other recent rezoning applications. Staff recommends using “Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building’s façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer attenuate sound generated by such equipment.”

#### **E. Parkland, Buffering, Landscaping, Open Space, Screening**

1. Maximum lot coverage for this subarea is 75%. This matches the surrounding zoning districts.
2. The proposed zoning text contains the same tree preservation language as the neighboring approved Business Park South zoning text.
3. The text requires the landscape treatment along Beech Road to match the Master Landscape Standards Plan that was approved by the Planning Commission on June 5, 2017 for the Beech Road South zoning district.
4. Street trees will be located an average of 30 feet on center throughout the development.
5. Minimum tree sizes for on-site trees match the standards in the surrounding business districts.

#### **F. Lighting & Signage**

1. Staff recommends the text is revised so the site’s signage is required to match the Master Landscape & Signage Standards Plan that was approved by the

Planning Commission on June 5, 2017 for the Beech Road South zoning district.

2. All lighting shall be cut-off type fixtures and down cast to minimize light spilling beyond the boundaries of the site. The maximum height is 30 feet.
3. The zoning text requires lighting details to be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

#### **IV. ENGINEER'S COMMENTS**

The City Engineer has reviewed the referenced plan in accordance with the engineering related requirements of Code Section 1159.07(b)(3) and provided the following comment(s):

- No comments.

#### **V. RECOMMENDATION**

***Basis for Approval:***

The proposed rezoning is consistent with the principles of commercial development in the Strategic Plan and the existing business park in Licking County. Additional restrictions and commitments have been provided that are above what the base zoning code would require.

1. The rezoning will result in a more comprehensive planned redevelopment of the area and will ensure compatibility between uses (1111.06(a)).
2. The L-GE rezoning application is an appropriate application for the request (1111.06(e)).
3. The overall effect of the development advances and benefits the general welfare of the community (1111.06(f)).
4. The proposed rezoning will allow for the development of businesses that will generate revenue for the school district while eliminating residential units having a positive impact on the school district (1111.06(h)).

Staff recommends approval provided that the Planning Commission finds the proposal meets sufficient basis for approval.

#### **VI. ACTION**

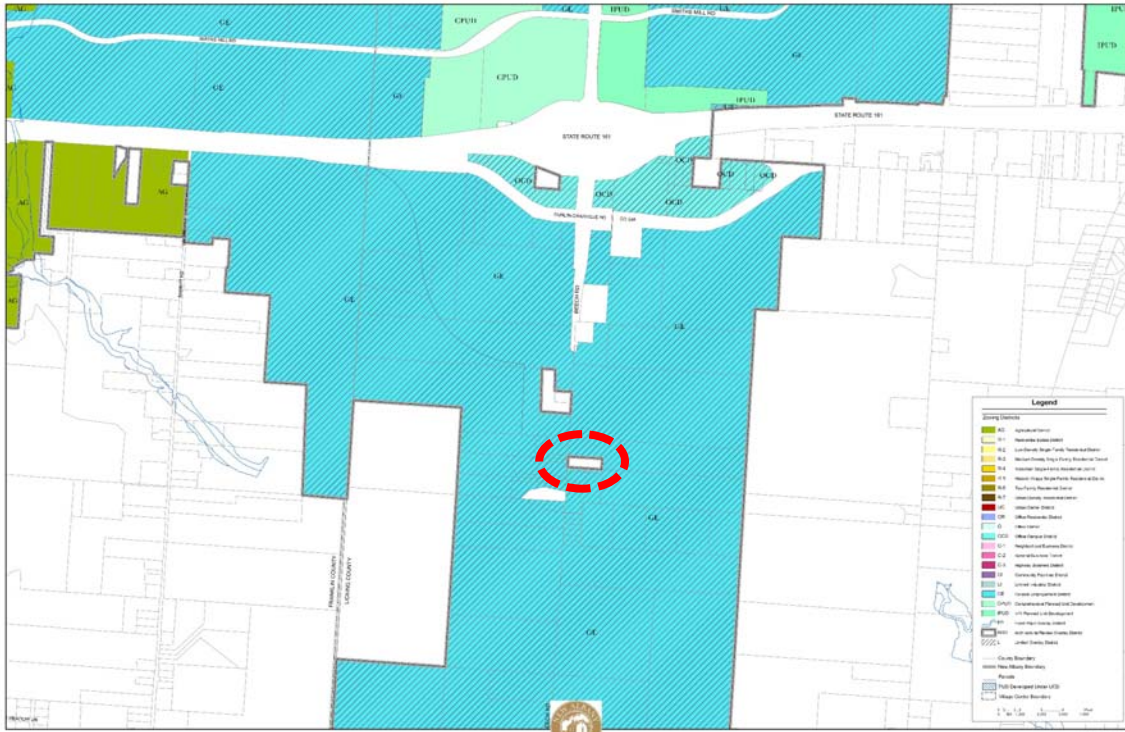
**Suggested Motion for ZC-73-2017:**

To recommend approval to Council of Zoning Change application ZC-73-2017 with the following conditions of approval (conditions may be added):

1. Section V(B)(2), regarding the zero building and pavement, of the text is removed.
2. Section VIII(C) – Screening of mechanical equipment – is revised to match current wording used in other recent rezoning applications: “Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building’s façade and character. Such screening shall be

provided in order to screen the equipment from off-site view and to buffer attenuate sound generated by such equipment.”

3. The site’s signage is required to match the Master Landscape & Signage Standards Plan that was approved by the Planning Commission on June 5, 2017 for the Beech Road South zoning district.





## Memorandum

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TO: Planning Commission

FROM: Community Development Department

DATE: November 20, 2017

RE: ZC-74-2017 Zoning Change Table Request

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Since the publishing of the Planning Commission's agenda, the applicant for the Beech/161 Northwest Quad Zoning District rezoning application has requested this item be tabled until the regularly scheduled December 18, 2017 meeting. Therefore, no staff reports or other material concerning this application will be distributed.



## Memorandum

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TO: Planning Commission

FROM: Community Development Department

DATE: November 20, 2017

RE: Amendment to Codified Ordinance Chapter 1105 (Definitions) and Chapter 1127 (General Regulations)

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Substitute House Bill 523, legalizing the cultivating, processing, and dispensing of medical marijuana in the State of Ohio, became effective September 8, 2016. Ohio Revised Code Section 3796.29 authorizes municipalities to limit the number of, or to entirely prohibit, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Section 3796.29.

Via Ordinance 0-30-2016 Council previously enacted a moratorium on the issuance and processing of permits for retail medical marijuana dispensaries, cultivators and/or processing. (This moratorium was subsequently extended while the State was finalizing marijuana-related rules). The purpose of the moratorium was to allow time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of medical marijuana in the City, or to amend the City's business and/or zoning code and/or implement regulations regarding the location and operation of medical marijuana-related businesses within the city.

Based upon this study, the administration recommends that such marijuana cultivation, processing and retail dispensing be prohibited in all city zoning districts (city-wide). The primary rationale for this position is that marijuana continues to be illegal under federal law. Specifically, marijuana (including medical marijuana) is a Schedule I controlled substance under the Federal Controlled Substance Act which makes it a federal crime to manufacture, distribute, dispense or possess marijuana with the intention to manufacture, distribute, or dispense. As a consequence, banks, financial institutions and credit card companies are unable to transact business with marijuana businesses. As a result, such businesses and their patrons are forced to maintain/carry large amounts of cash, which provides an opportunity for robbery, theft, money laundering, tax evasion and other crimes constituting a threat to the public health, safety and welfare.

Based on all of the foregoing, the administration requests the Planning Commission adopt this ordinance which will operate to define medical marijuana, and serve as a ban on medical marijuana cultivators, dispensaries and processors. Since this Ordinance amends the City's zoning code, before Council takes final action, the Planning Commission is required to review and make a recommendation to Council.

Section 1105.02 (jjj) will be added to the Definitions section of the Codified Ordinances of the city to read as follows:

- (jjj) **"Medical marijuana" means marijuana, as defined in Ohio Revised Code §3719.01, that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose. In accordance with Chapter 1127 of the Codified Ordinances, the cultivation, processing and dispensing of medical marijuana shall not be permitted in any zoning district within the City.**

Additionally, section 1127.02 (j) will be added to the General Regulations section of the Codified Ordinances of the city to read as follows:

- (j) **The cultivation, processing and dispensing of medical marijuana, as defined in Section 1105.02 (jjj), shall not be permitted in any zoning district within the City.**

Enclosed is a review of medical marijuana legalization on New Albany for your records.





## Memorandum

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TO: Planning Commission

FROM: Community Development Department

DATE: November 20, 2017

RE: Western Licking County Accord

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Staff printed and distributed hardcopies of the final draft of the Western Licking County Accord at the Planning Commission's October 16, 2017 meeting so staff has not included a second copy of the plan. Please contact Steve Mayer at 939-2229 or [smayer@newalbanyohio.org](mailto:smayer@newalbanyohio.org) if you would like a hardcopy printed.

You can also find the draft and additional information at the city's website: <https://newalbanyohio.org/answers/western-licking-county-accord/>