

Meeting Date:
April 14, 2025

Request
Text Amendment to the
Land Development Code
relating to prohibition of
marijuana facilities

Applicant
City of Hudson

Case Manager
Nick Sugar

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Project Introduction:

City staff has prepared the following in response to the City Council request to consider LDC amendments to establish a permanent prohibition related to marijuana facilities.

Council discussion has commenced over the following timeline:

- March 11, 2025 City Council Workshop: Proposed amendment was discussed with forwarding for the first reading.
- March 18, 2025 City Council Meeting: First reading and referral to the Planning Commission.

Background

Ohio became the 24th state to legalize cannabis with the passage of Issue 2 in 2023. Marijuana, including cultivation, processing, sale, purchase, possession and home growing, is legal for adults 21 and older. The state regulations do: however, allow individual communities to prohibit recreational marijuana facilities. If such facilities were prohibited in Hudson, residents would have the option to purchase marijuana in other communities where such facilities are available.

In December 2023, the City of Hudson enacted a 12-month moratorium to allow the state time to determine the applicable licensing programs and for the City to establish local zoning regulations. While the moratorium was in place, City Council adopted Land Development Code regulations (ORD 23-154) which would allow recreational marijuana facilities as conditional uses in District 9 and would require specific setback standards including a 500-foot setback from a residentially zoned parcel, school, or use of the same category.

As the 12 month moratorium was nearing expiration, Council further discussed the appropriate long term regulations for Marijuana facilities. At Councils request, community engagement was completed through Lets Talk Hudson, the city's online survey and engagement platform. The page provided background on the state and local regulations and noted Council is seeking resident input to decide between the following options:

1. Allow the moratorium to expire, which will permit marijuana facilities to be established in District 9 of the City of Hudson when required development standards are met.
2. Enact a permanent ban fully prohibiting all marijuana facilities in the City of Hudson.

Over 500 responses were received with 61% noting a preference to enact a permanent ban.

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A majority of Council proceeded to advance legislation to amend the LDC to remove the references to such uses within District 9 and revising the existing LDC prohibition on medical marijuana (from 2016/17) to reference all related marijuana facilities.

Proposed text change to Section 1202.04(b)(3) forwarded by Council

Section 1. That Section 1205.12(c)(1)(N) of the Codified Ordinances of the City of Hudson be amended to provide as follows, with additions in **bold** and deletions being ~~stricken~~:

- N. Pawn shops, vape and smoke shops, tattoo parlors, **and** hookah lounges, ~~and recreational marijuana facilities.~~

Section 2. That Section 1206.01(d) of the Codified Ordinances of the City of Hudson be amended to provide as follows, with deletions being ~~stricken~~:

- (d) ~~Medical Marijuana.~~ The cultivation, processing, dispensing, or sale of ~~medical~~ marijuana, as defined in this Code, shall not be permitted in any zoning district within the City.

Section 3. That Section 1206.02(c)(34) of the Codified Ordinances of the City of Hudson be amended to provide as follows, with additions in **bold** and deletions being ~~stricken~~:

- (34) Special conditions for pawn shops, vape and smoke shops, tattoo parlors, **and** hookah lounges, ~~and recreational marijuana facilities.~~
- A. The use or building housing such use shall be located a minimum of 500 feet from the lot line of any residentially zoned parcel.
 - B. The use or building housing such use shall be located a minimum of 500 feet from the lot line of any school.
 - C. The use or building housing such use shall be located a minimum of 500 feet from the lot line of another use of the same category.

Section 4. That Section 1213.02(245.1) of the Codified Ordinances of the City of Hudson be amended to provide as follows, with additions in **bold**:

- (245.1) “Recreational marijuana facilities” shall mean an establishment engaged in the cultivation, processing, dispensing, or sale of marijuana, cannabis, or related products as defined in R.C. Chapter 3780. **In accordance with Section 1206.01(d), the cultivation, processing, dispensing, or sale of recreational marijuana shall not be permitted in any zoning district within the City.**

Considerations

District Standards (Section 1204.01) Zoning Map and Text Amendments

All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the nine standards set forth within Section 1204.01 of the Land Development Code (LDC).

- a) Whether or not the proposed amendment is in accordance with the basic intent and purpose of the Land Development Code;
Staff Comment: The proposed amendment would be in accordance with the basic intent and purpose of the LDC as the city has the authority to regulate land use and zoning to protect the health, safety, and welfare of its residents.
- b) Whether or not the proposed amendment furthers the long-range planning goals of the City (as outlined in the City's Comprehensive Plan's goals and objectives);
Staff Comment: The proposed amendment would support the plans strong emphasis on public safety and community character. The amendment would remove marijuana facilities from D9, supporting the

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Darrowville Corridor Focus Area intent to progress development that works to create a unique gateway into the community and respects the history and culture of the area.

- c) Whether or not conditions within the City have changed since the Land Development Code was last adopted/amended, or there was a mistake in the Land Development Code, that justifies the amendment;
Staff Comment: Staff notes the recent changes in the state regulations regarding marijuana facilities and the surrounding communities varied levels of regulation justify consideration of the amendment.
- d) Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;
Staff Comment: The amendment would not grant special privileges to a particular property owner or individual.
- e) Whether or not the amendment avoids unlawful exclusionary zoning;
Staff Comment: The amendment avoids unlawful exclusionary zoning
- f) With respect to zoning map amendments, whether the proposed zoning map amendment is consistent with the zoning classifications of the surrounding land;
Staff Comment: Not applicable
- g) With respect to zoning map amendments, whether all of the new requirements attendant to the proposed zoning classification can be complied with on the subject parcel(s);
Staff Comment: Not applicable
- h) Does the amendment affect the City's ability to provide adequate services, facilities, or programs that might be required if the application were approved; and
Staff Comment: The amendment would not affect the City's ability to provide adequate services, facilities, or programs
- i) Whether or not the amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.
Staff Comment: The amendment would align with the public feedback received from residents, which indicate the values of the community.

Required PC Action

The PC shall conduct a public hearing, make specific recommendations to the City Council, and transmit the application to the City Council, together with the text and map amendments pertaining thereto, within 120 days from the date of initiation of the application for text or official zoning map amendments. The initiation of the application was commenced with City Councils referral on March 18, 2025.

The City Council shall hold a public hearing and take final action within twenty days of said public hearing. An amendment before the City Council for consideration shall take effect only if passed or approved by not less than five members of the City Council.

Comment: Staff does recommend the attached minor amendment to incorporate the LDCs existing prohibition regarding medical marijuana into a single regulation capturing both medical and recreational.

Recommendation

Staff recommends the Commission review the proposed text amendments. The Commission should receive testimony at the public hearing then proceed with consideration of a formal recommendation to City Council with the incorporation of the attached recommended modification to the amendment.