

**City of Carson City
Agenda Report**

Date Submitted: June 24, 2014

Agenda Date Requested: July 3, 2014
Time Requested: 30 minutes

To: Mayor and Supervisors

From: Community Development – Planning Division

Subject Title: For Possible Action: To adopt Bill No. 110 on second reading, Ordinance No. _____, an ordinance amending Title 18, Zoning; Chapter 18.03, Definitions; Chapter 18.04, Use Districts; and Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, to adopt regulations to allow medical marijuana dispensaries as a conditional use within the General Commercial and General Industrial zoning districts, and to allow medical marijuana cultivation facilities, production facilities, and testing laboratories as a conditional use in the General Industrial zoning district, and to establish development standards for such facilities, and other matters properly related thereto. (Lee Plemel)

Summary: Senate Bill (SB) 374, commonly referred to as the “Medical Marijuana Act,” was adopted by the Nevada Legislature and signed into law in 2013. The Medical Marijuana Act authorizes MMEs in Nevada, but gives local jurisdictions the right to opt out or, if they opt in, to regulate the location of medical marijuana establishments (MMEs) through zoning and business license requirements. The proposed ordinance would allow MMEs with approval of a Special Use Permit in certain zoning districts and subject to other requirements and limitations as described within the ordinance.

Type of Action Requested:

- | | |
|---|--|
| <input type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Ordinance—Second Reading |
| <input type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Other (No Action) |

Does This Action Require a Business Impact Statement: Yes No

Recommended Board Action: I move to adopt Bill No. 110 on second reading, Ordinance No. _____, an ordinance amending Title 18, Zoning; Chapter 18.03, Definitions; Chapter 18.04, Use Districts; and Chapter 18.16, Development Standards, Division 1, Land Use and Site Design, to adopt regulations to allow medical marijuana dispensaries as a conditional use within the General Commercial and General Industrial zoning districts, and to allow medical marijuana cultivation facilities, production facilities, and testing laboratories as a conditional use in the General Industrial zoning district, and to establish development standards for such facilities, and other matters properly related thereto.

Prior Board Action: Introduced the ordinance on first reading on June 19, 2014, by a 5-0 vote.

Explanation for Recommended Board Action: The Board of Supervisors reviewed a draft ordinance on June 19, 2014, and made modifications to reduce the areas in which certain MMEs would be permitted and modified the development standards to 1) eliminate any limitations on the number of cultivation facilities and production facilities, 2) reduce the proposed setback from

other “community facilities” from 1,000 feet to 300 feet in conformance with State regulations, and 3) eliminate a linear setback of 300 feet from all residentially-zoned properties and implement a revised setback requirement from facilities on the same street as a medical marijuana establishment as originally proposed by City staff to the Planning Commission. The ordinance under consideration for second reading reflects the modifications introduced by the Board of Supervisors.

The Board of Supervisors is required to adopt an ordinance on second reading in order for the ordinance to be implemented.

Applicable Statute, Code, Policy, Rule or Regulation: SB 374 (2013); CCMC 18.02.075 (Zoning Code Amendments).

Fiscal Impact: N/A.

Explanation of Impact: N/A.

Funding Source: N/A.

Alternatives:

1. Direct staff to make further modifications to the proposed ordinance and bring back the new ordinance for first reading.
2. Do not adopt the proposed regulations and direct staff to prepare an ordinance to prohibit MMEs in Carson City.

Supporting Material: 1. Ordinance
2. Maps showing where MMEs would be allowed

Prepared By: Lee Plemel, Community Development Director

Reviewed By:  Date: 6/24/14
 (Community Development Director)

 Date: 6/24/14
 (District Attorney's Office)

 Date: 6/24/14
 (Finance Director)

 Date: 6/24/14
 (City Manager)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
 _____ 2) _____ _____

(Vote Recorded By)

BILL NO. 110

ORDINANCE No. 2014 - __

AN ORDINANCE AMENDING TITLE 18, ZONING; CHAPTER 18.03, DEFINITIONS; CHAPTER 18.04, USE DISTRICTS; AND CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, TO ADOPT REGULATIONS TO ALLOW MEDICAL MARIJUANA DISPENSARIES AS A CONDITIONAL USE WITHIN THE GENERAL COMMERCIAL AND GENERAL INDUSTRIAL ZONING DISTRICTS, AND TO ALLOW MEDICAL MARIJUANA CULTIVATION FACILITIES, PRODUCTION FACILITIES, AND TESTING LABORATORIES AS A CONDITIONAL USE IN THE GENERAL INDUSTRIAL ZONING DISTRICT, AND TO ESTABLISH DEVELOPMENT STANDARDS FOR SUCH FACILITIES, AND OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 (Zoning), Chapter 18.03 (Definitions) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~[stricken]~~ text is deleted), to alphabetically add definitions related to Medical Marijuana Establishments:

Chapter 18.03

Definitions

18.03.005 Definitions Generally. Except where specifically defined herein, all words used in this title shall carry their customary meanings as defined in Webster's dictionary. Words used in the present tense include the future, and the plural includes the singular; the word "shall" or "must" is always mandatory; the word "may" denotes a use of discretion in making a decision.

18.03.010 Words and Terms Defined.

[Definitions added alphabetically:]

Medical Marijuana Cultivation Facility means a business having the meaning ascribed in State law, registered with the State of Nevada, which acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells marijuana and related supplies to Medical Marijuana Dispensaries, Medical Marijuana Production Facilities, or other Medical Marijuana Cultivation Facilities.

Medical Marijuana Dispensary means a business having the meaning ascribed in State law, registered with the State of Nevada, which acquires, possesses, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies and educational materials to the holder of a valid State registry identification card.

Medical Marijuana Establishment means any Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary, Medical Marijuana Production Facility, or Medical Marijuana Testing Laboratory.

Medical Marijuana Production Facility means a business having the meaning ascribed in State law, registered with the State of Nevada, for the production of edible marijuana products or marijuana-infused products and acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells edible marijuana products or marijuana-infused products to Medical Marijuana Dispensaries.

Medical Marijuana Testing Laboratory means a business having the meaning ascribed in State law, registered with the State of Nevada, which tests marijuana, edible marijuana products, and marijuana-infused products.

SECTION II:

That Title 18 (Zoning), Chapter 18.04 (Use Districts), subsection 18.04.135 (General Commercial) is hereby amended, as follows (**bold, underlined** text is added, ~~{stricken}~~ text is deleted), to add Medical Marijuana Dispensaries as a conditional use:

18.04.135 General Commercial (GC). The purpose of the GC District is to preserve a commercial district limited primarily to retail and wholesale sales of new and used material, repair and service facilities, and offices. Temporary unscreened outdoor display and sale of merchandise for a period not to exceed 30 days within a calendar year may be authorized by the Director subject to Title 18.02.115.8 (Outdoor Sales and Activities).

1. The Primary Permitted Uses in the GC District are retail and wholesale uses, listed below, plus other uses of a similar nature. All 18.04.130 Retail Commercial Uses are allowed unless listed as conditional in GC district except those appearing in section 18.04.135.3 General Commercial Conditional uses which require a Special Use Permit:

- Animal Hospital
- Appliance Repair Shop
- Archery Range
- Assayer
- Assembly (of product incidental to sales use and limited to 30% of the primary uses floor area)
- Auction Sales
- Automobile Repair
- Ballroom
- Billiard or Pool Hall
- Bookbinding
- Diaper Service
- Display Designer
- Express Office
- Facial Cosmetic Shading, Permanent
- Lithographer, Screen Printer

Nightclub
Parcel Delivery Service, Branch (off-street loading only)
Pawn Shop
Personal Storage Within An Enclosed Building (no storage of paints or chemicals)
Plumbing and Heating Equipment and Supplies
Second Hand Business
Sign Painting and Lettering
Sport Playing Field
Sports Arena
Taxidermist
Thrift Store
Tire Sales, Repair and Mounting
Upholstery (Wholesale, Retail, Installation and Incidental Manufacturing)
Warehouse

2. The Accessory Permitted Uses incidental to Primary Permitted Uses in the GC District are:

Automobile Pawn (accessory to automobile sales)
Home Occupation
Outside Storage (subject to Division 1 and 1.12 Outside Storage of the Development Standards)
Temporary Outdoor Sales subject to Title 18.02.115.8 (Outdoor Sales and Activities)

3. The Conditional Uses in the GC District which require approval of a Special Use Permit are:

Ambulance Service and Garage
Armored Car Service and Garage
Automobile Body Repair, Painting, Towing Service and Garage (vehicles must be stored within enclosed sight-obscured area). The following conditions shall apply to auto body repair in addition to all other requirements in this Chapter.

- a. Required minimum land area in the GC District for auto body repair shall be 12,000 square feet.
- b. All outside storage containers or other similar enclosures shall be screened to public rights-of-way by a maintained 100% sight obscuring fence or wall permanently installed and maintained at a minimum height of six feet.

Automobile Pawn (not accessory to automobile sales)
Bus Line Office, Service and Storage Garage
Cabinet Shop (manufacturing)
Cemetery, Mausoleum, Sarcophagus, Crypt
Child Care Facility
Community/Regional Commercial or Office Center
Congregate Care Housing/Senior Citizen Home
Crematorium
Equipment Rental (outside storage)
Farmers Market
Flea Market (indoor)

Golf Course and Driving Range

Hospital

Hotel, Residence

Medical Marijuana Dispensary (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments), limited to those areas zoned General Commercial within Sections 29 through 32 of Township 15 N., Range 20 E., south of Moses Street (South Carson Street vicinity) and within Sections 1, 2, 9, 10, 11 and 12 of Township 15 N., Range 20 E., and Section 36 of Township 16 N., Range 20 E., east of the I-580 freeway (Highway 50 East vicinity).

Mobilehome Park

Municipal Well Facility

Permanent Outdoor Sales subject to Title 18.02.115.8 (Outdoor Sales and Activities)

Recreational Vehicle Park

Recycling Collection Center

Schools, K-12, College or University

Single Family Two-Family and Multi-Family Dwelling

Utility Substation

Welding Supplies and Gases (Retail and Wholesale sales) (no filling or repair of cylinders)

Youth Recreation Facility

SECTION III:

That Title 18 (Zoning), Chapter 18.04 (Use Districts), subsection 18.04.150 (General Industrial) is hereby amended, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted), to add Medical Marijuana Cultivation Facilities, Dispensaries, Production Facilities, and Testing Facilities as a conditional use:

18.04.150 General Industrial (GI). The GI District is established to preserve an industrial district for uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Specific uses listed in this section are prohibited in the Limited Industrial and Air Industrial Park districts unless specifically listed as a use in those sections.

1. The Primary Permitted Uses in the GI District are this list plus other uses of a similar nature. Any permitted or conditional uses listed in any commercial or limited industrial zone which are not listed as GI conditional uses, but not outdoor recreational use or facility nor any residential use except as watchman's quarters in conjunction with those uses permitted exclusively in GI District.

Automobile pawn shop

Automobile storage (no dismantling)

Blacksmith shop

Building material (bulk)/lumber storage yard and sales

Butane, propane storage and sales

Cannery
 Cement or direct products sale
 Cesspool cleaner yard
 Contractor's large equipment, sales, repair, supplies, or storage
 Crane storage yard
 Crating and hauling depot or storage
 Crop dusting equipment yard
 Die casting
 Distillation of liquor
 Dog training school
 Dry cleaning plant
 Equipment storage yard
 Farm products storage
 Grain elevator
 House mover
 Industrial service firms
 Laboratories (chemist, veterinarian, and research)
 Machine shop
 Metal working plant, plating, shaping and bending process
 Paving contractor large equipment, sales, service and storage
 Planing mill
 Power plant (electrical or gas)
 Radio studio or TV station with antenna towers
 Recycle center
 Road building equipment sales and storage
 Septic tank service
 Sheet metal shop
 Stone grinding
 Tattoo Parlor (body piercing, accessory)
 Termite or pest control
 Tire rebuilding, retreading
 Tractor service
 Tree service
 Truck depot, parking, repair
 Welding shop
 Wood storage yard screened from view from public right-of-way with six foot sight obscuring fence or wall

2. The Accessory Permitted Uses, incidental to Primary Permitted Uses, in the GI District are:

Mechanical equipment building
 Storage containers subject to the Director's approval and Division 1 and 1.10 Personal Storage of the Development Standards

3. The Conditional Uses in the GI District which require approval of a Special Use Permit are:

Acetylene manufacturing and sale
 Acid manufacturing and sales (including class H products)

Adult entertainment facility (no adult entertainment facility shall be located within 1,000 feet of a park, church, school, residential use district or other adult entertainment facility or in any general industrial district located west of the east boundary of Sections 21, 28 and 33 of T.16 N., R. 20 E. , M.D.B.M., Sections 4, 9, 16, 21, 28 and 33 of T. 15 N., R. 20 E., M.D.B.M. and Sections 4 and 9 of T.14 N., R. 20 E.) No outcall performers are permitted outside of this area

- Ammunition manufacturing
- Asphalt manufacturing
- Auto wrecking yards
- Bulk station (fuel)
- Chemical manufacturing
- Child care facility (accessory use to a business within the main building or within an accessory building)
- Chromium plating
- Coal and coke yard
- Concrete batch plant
- Contractor's wrecking yard
- Creosote manufacturing
- Disinfectant manufacturing
- Dye manufacturing
- Dump refuse or disposal yard
- Electroplating works
- Explosive manufacturing
- Flea market
- Foundry
- Excavation/mining, gravel pit
- Hide and tallow processing
- Incineration of animals and garbage
- Insecticide manufacturing
- Junk dealer's yard
- Leather tanning
- Loading space(s) within 250 feet of a residential zoning district or use
- Lubrication compounds, manufacturing
- Matches, manufacturing
- Meat packer

Medical Marijuana Cultivation Facility (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments), limited to those areas zoned General Industrial east of the I-580 freeway and north of the north boundary of Sections 13 through 18 of Township 15 N, Range 20 E.

Medical Marijuana Dispensary (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments), limited to those areas zoned General Industrial within Sections 1, 2, 11 and 12 of Township 15 N., Range 20 E., and Section 36 of Township 16 N., Range 20 E (Highway 50 East vicinity).

Medical Marijuana Production Facility (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments), limited to those areas zoned General Industrial east of the I-580 freeway and north of the north boundary of Sections 13 through 18 of Township 15 N, Range 20 E.

Medical Marijuana Testing Laboratory (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments), limited to those areas zoned General Industrial east of the I-580 freeway and north of the north boundary of Sections 13 through 18 of Township 15 N, Range 20 E.

Metal ore reduction
Milling company
Motorcycle race track
Ore dump
Oxygen manufacturing
Paint Manufacturing
Plastic products manufacturing
Quarry, stone
Rendering works
Rock crushing and stripping
Scrap metal processing
Sewer service equipment yard
Slaughterhouse
Stockyard
Tannery
Topsoil stripping
Tire manufacturing
Utility Substation
Water, oil, gas or geothermal drilling operations
Other conditional uses requiring a special use permit are those which may produce excessive noise, gaseous byproducts, obnoxious odors, by or of an inflammable or explosive nature, cause dust which may be offensive to adjoining property owners, or which the planning commission may consider to be detrimental to the public's health, safety and welfare.

4. The following uses are prohibited within the GI District:
Churches
Institutions
Outdoor recreational use or facility
Residential uses
Schools (other than vocational)

SECTION IV:

That Title 18 (Zoning), Chapter 18.16 (Development Standards), Division 1 (Land Use and Site Design) is hereby amended, in part, to add new subsection 1.20 (Medical Marijuana Establishments), as follows (underlined text is added):

1.20 Medical Marijuana Establishments.

The following standards are intended to establish minimum standards and Special Use Permit review criteria for Medical Marijuana Establishments, including Cultivation Facilities, Dispensaries, Production Facilities, and Testing Laboratories, as defined in Title 18 and NRS, in addition to other standards for commercial and industrial development.

1. The following standards apply to all Medical Marijuana Establishments.
 - a. All Medical Marijuana Establishments (MMEs) require approval of a Special Use Permit. Special Use Permits for MMEs are only valid at a given location for the operator who obtains the Nevada State certificate for that facility. The Special Use Permit approval shall expire and become null and void if the MME operator loses or otherwise forfeits his or her State certificate to operate that facility. Special Use Permits are non-transferable between operators and locations within Carson City.
 - b. No consumption of Medical Marijuana products shall occur on the premises of any MME.
 - c. All business activities related to MMEs, including cultivation, shall be conducted indoors, within a permanent building. The use of office trailers or other temporary structures is prohibited. All MMEs shall have an appearance, both as to the interior and exterior, which is professional, orderly, dignified, and consistent with the traditional style of pharmacies and medical offices.
 - d. Outside display or sales of MME merchandise shall be prohibited.
 - e. Accessory outside storage for MMEs shall comply with Title 18.16 Development Standards, Division 1.12 Outside Storage.
 - f. Access to the MME shall be restricted in compliance with State regulations.
 - g. No MME-related products shall be visible from outside the building.
 - h. Sign Requirements. All MME signage shall be discreet, professional, and consistent with the traditional style of signage for pharmacies and medical offices. All MMEs shall follow the sign regulations for Office Uses in the Development Standards, Division 4, except that freestanding sign height for Cultivation Facilities, Production Facilities, and Testing Laboratories shall be limited to 10 feet consistent with sign height requirements for industrial uses.
 - i. Parking Requirements. Parking shall be provided for MMEs as follows:
 - (1) Dispensaries. One space per 300 square feet of gross floor area.
 - (2) Cultivation Facilities. One space per 1,000 square feet of gross floor area.

(3) Production Facilities. One space per 500 square feet of gross floor area.

(4) Testing Laboratories. One space per 400 square feet of gross floor area.

j. No more than two Dispensaries shall be permitted in Carson City.

k. A MME shall not be located within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 or within 300 feet of a facility that provides day care to children, a public park, a playground, a public swimming pool, a center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents, that existed on the date on which the application for the proposed MME was submitted to the State Health Division, measured on a straight line from the nearest school or community facility property line to the front door or primary entrance of the MME.

2. The following standards apply to all Medical Marijuana Dispensaries.

a. A single point of secure public entry shall be provided and identified.

b. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m., seven days per week.

c. Drive-through service is prohibited.

d. A Dispensary shall not be located on property or within a shopping center with frontage on the same street on which a residentially-zoned property is located unless the Dispensary is located more than 300 feet from the residential property, measured on a straight line from the nearest residential property line abutting the street right-of-way to the front door of the Dispensary.

3. Special Use Permit review standards. The following shall be considered in the review of any Dispensary located within the General Industrial zoning district in addition to the required Special Use Permit findings:

a. That the proposed Dispensary is located where sufficient, convenient and safe access is provided to the public.

b. That the proposed location has adequate lighting and street improvements for a use providing public access.

SECTION V:

That no other provisions of Title 18 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2014.

PROPOSED by _____.

PASSED _____, 2014.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

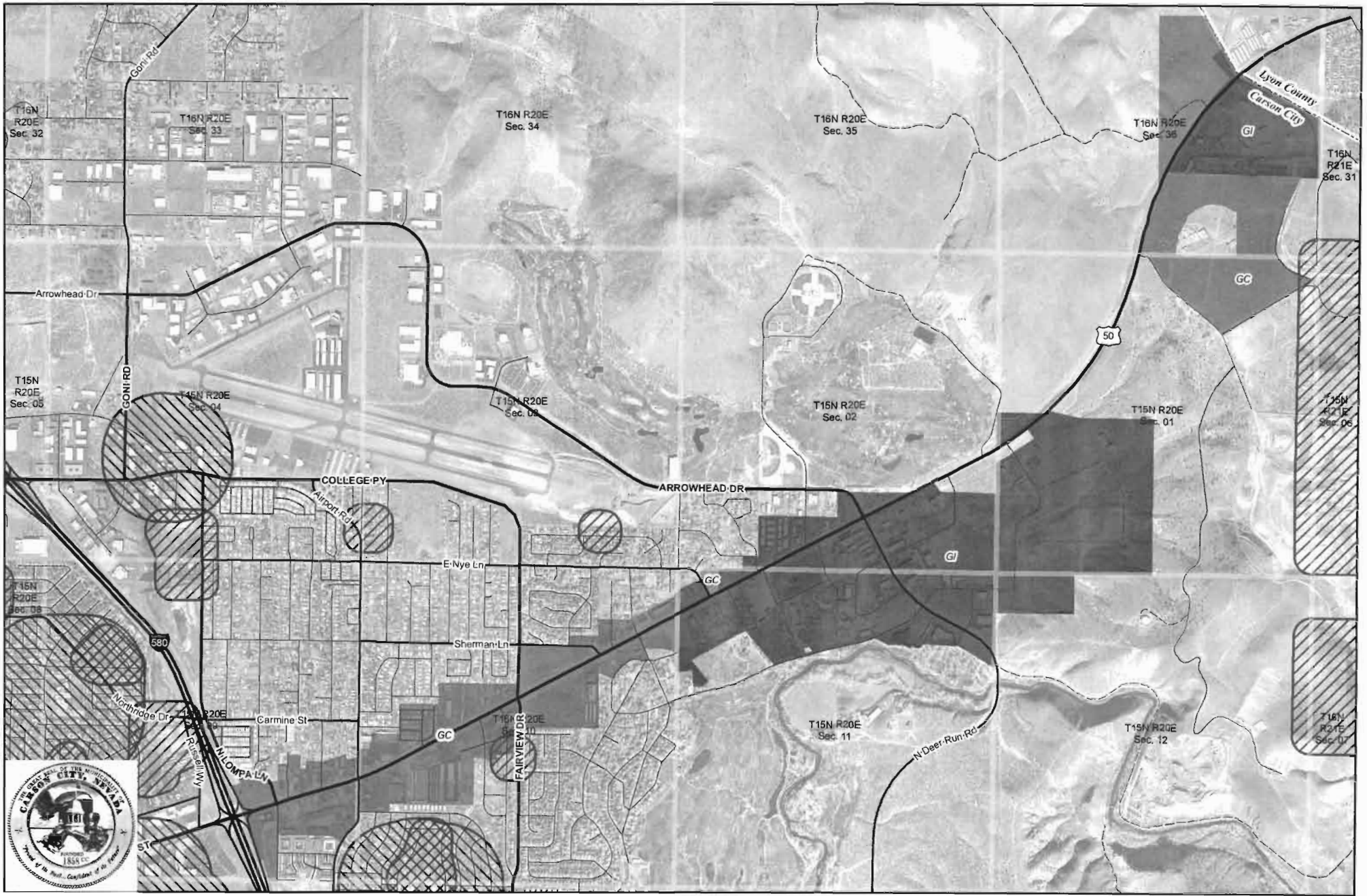
ABSENT: SUPERVISORS: _____






Robert Crowell, Mayor

ATTEST:

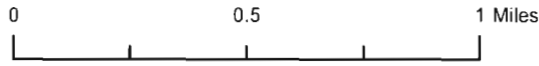
ALAN GLOVER
CLERK/RECORDER

This ordinance shall be in force and effect from and after the ____ day of _____, 2014.

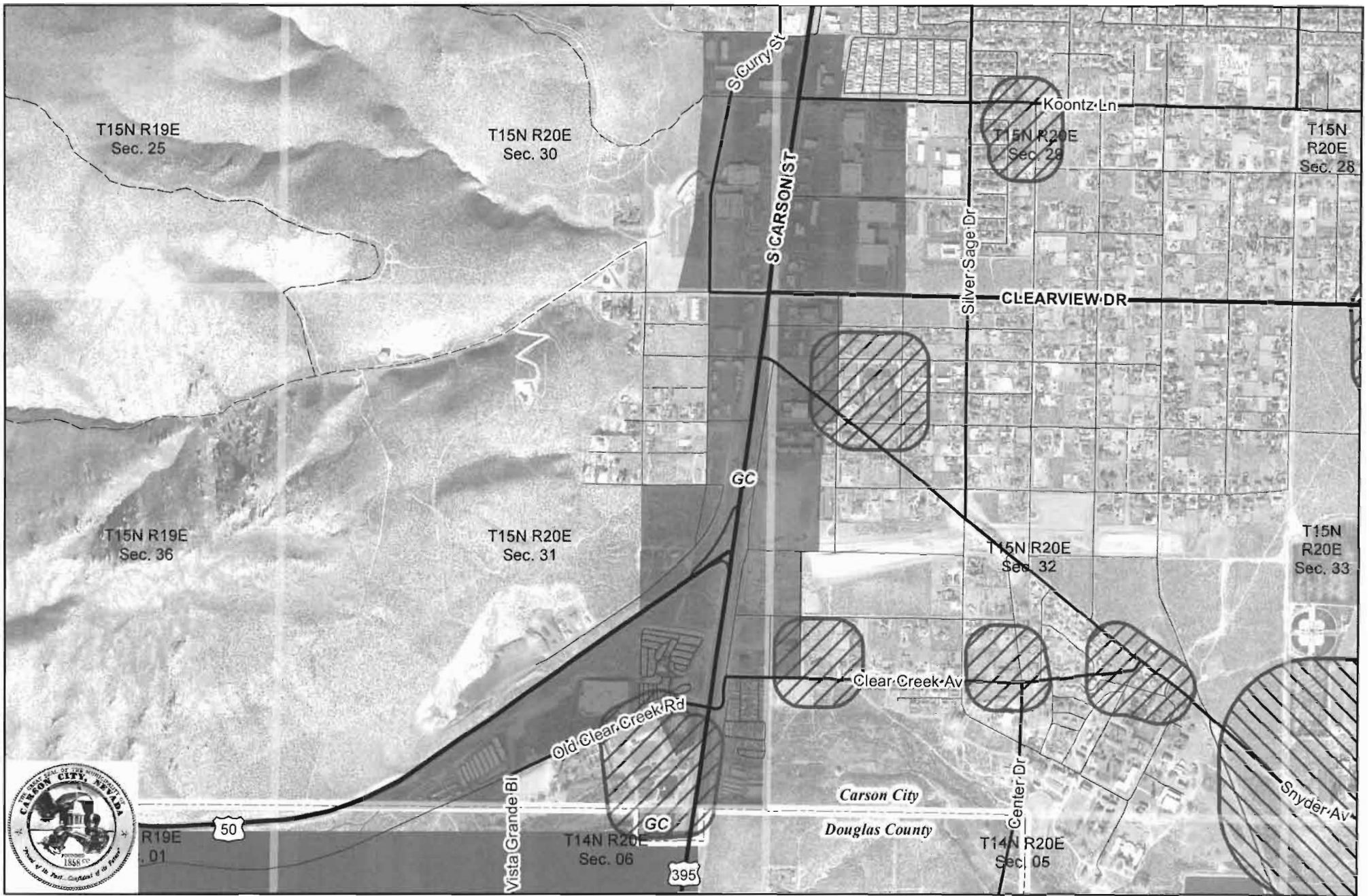


-  300 Ft Buffer - Other Community Facilities
-  1,000 Ft Buffer - Schools
-  Township/Range/Section
-  GI (General Industrial)
-  GC (General Commercial)





MME Dispensary Locations - East

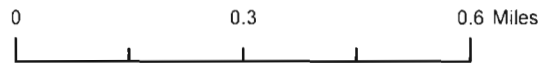


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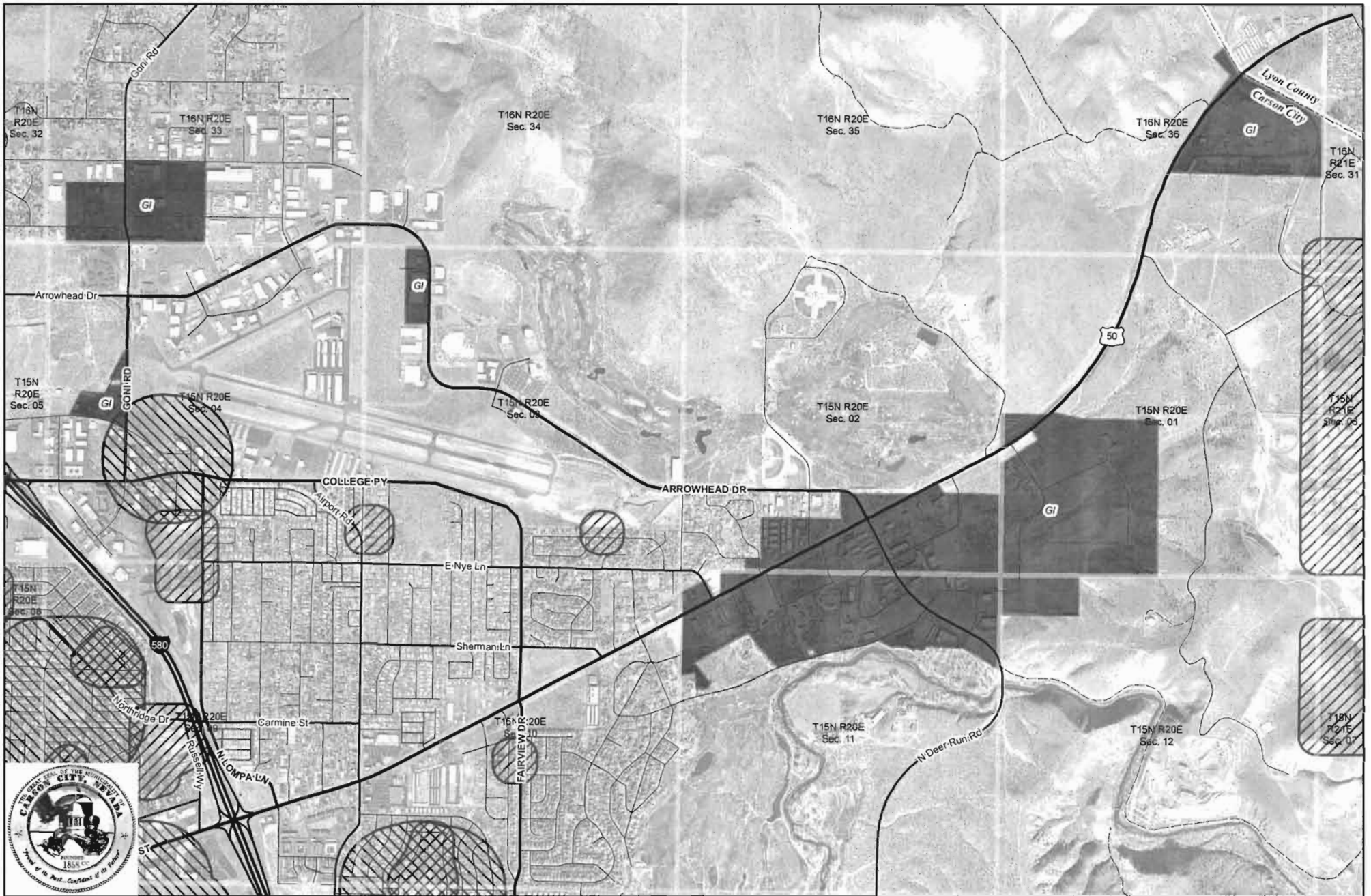


MME Dispensary Locations - East





-  300 Ft Buffer - Other Community Facilities
-  1,000 Ft Buffer - Schools
-  Township/Range/Section
-  GC (General Commercial)

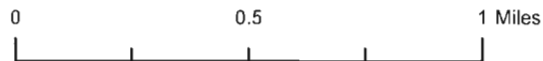


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MME Cultivation, Production and Testing Facilities Locations

-  300 Ft Buffer - Other Community Facilities
-  1,000 Ft Buffer - Schools
-  Township/Range/Section
-  GI (General Industrial)



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