

## STAFF REPORT FOR PLANNING COMMISSION MEETING OF MAY 28, 2014

**FILE NO:** ZCA-14-025

**AGENDA ITEM:** F-5

**STAFF AUTHOR:** Lee Plemel, Community Development Director

**REQUEST:** Action to make a recommendation to the Board of Supervisors regarding 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 Establishments (MMEs) including Dispensaries, Cultivation Facilities, Production Facilities, and Testing Labs as a conditional use in certain zoning districts, and establish development standards for such facilities.

**APPLICANT:** Carson City

**RECOMMENDED MOTION:** "I move to recommend to the Board of Supervisors approval of ZCA-14-025, 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 Establishments including Dispensaries, Cultivation Facilities, Production Facilities, and Testing Labs as a conditional use in certain zoning districts, and establish development standards for such facilities, based on the findings contained in the staff report, as recommended by staff."

**LEGAL REQUIREMENTS:** CCMC 18.02.050 (Review); 18.02.075 (Zoning Map Amendments and Zoning Code Amendments).

**KEY ISSUES:**

- In what zoning districts should the various types of Medical Marijuana Establishments (MMEs) be permitted?
- What development standards should apply to MMEs?

**BACKGROUND:**

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 Medical Marijuana Establishments (MMEs) in Nevada, including dispensaries, cultivation facilities, production facilities, and testing labs, but gives local jurisdictions the right to opt out or, if they opt in, to regulate the location of MMEs through zoning and business license requirements.

On April 17, 2014, the Board of Supervisors reviewed State regulations for MMEs and what other local jurisdictions within Nevada have adopted or are considering with regard to regulating MMEs. The Board provided direction to staff to prepare a draft ordinance for consideration that includes permitting MMEs as a conditional use in various zoning districts, subject to certain criteria (see more detailed discussion below). The Planning Commission is being asked to review the draft ordinance for recommendation to the Board of Supervisors, as with any other zoning ordinance amendment.

It should be noted that permitting medical marijuana has been a controversial issue for numerous jurisdictions across Nevada. Some have adopted ordinances to permit them (e.g. Washoe County, Clark County, City of Las Vegas) while other have prohibited them or are considering prohibiting them altogether (e.g. Lyon County).

Whether or not to permit MMEs in Carson City is a policy decision of the Board of Supervisors. This staff report does not cover these policy issues but focuses on the appropriate regulations should the Board choose to allow MMEs in conformance with State law, which is the direction staff has been given at this time. While Planning Commissioners may have beliefs on whether or not MMEs should be permitted at all in Carson City—and staff can certainly forward such recommendations to the Board of Supervisors—staff recommends that the Planning Commission focus on making recommendations for appropriate land use regulations as discussed further in this staff report.

**DISCUSSION:**

The Nevada Division of Public and Behavioral Health has adopted regulations for licensing MMEs in Nevada and will be the State agency that processes applications for MMEs across Nevada. For the purposes of this discussion, the following are definitions of the various MME terms used in this staff report and the draft ordinance:

**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.

State law establishes a maximum number of Dispensaries per county based on county size. A maximum of two Dispensaries are permitted within Carson City. Other types of MMEs do not have a maximum permitted number in State law. The number of other types of MMEs will be determined through the State application process based upon need.

In addition to obtaining a certificate from the State to operate a MME, a MME operator must comply with local zoning and business license requirements. Based upon discussion with and direction from the Board of Supervisors, the proposed ordinance would allow MMEs as a conditional use, requiring approval of a Special Use Permit, in various zoning districts as identified in the following table:

MME Type	GC	GI	LI	AIP
Dispensaries	SUP	SUP		
Cultivation Facilities		SUP	SUP	SUP
Production Facilities		SUP	SUP	SUP
Testing Laboratories		SUP	SUP	SUP

Legend:

- GC – General Commercial
- GI – General Industrial
- LI – Limited Industrial
- AIP – Airport Industrial Park

The draft ordinance is attached and includes Development Standards specific to MMEs. Following are the proposed development standards from the draft ordinance (Section VI, Development Standards Division 1.20) with staff comment, where applicable.

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.*

Staff comment: A Special Use Permit allows the Planning Commission to consider conditions and requirements based on the specific location of a proposed site. Special Use Permits typically remain valid on a particular property regardless of the business or property ownership. However, staff recommends that any new operator come before the Planning Commission for a new approval should an operator at a given location lose their State certificate to operate the facility for any reason.

- b. *No consumption of Medical Marijuana products shall occur on the premises of any MME.*

Staff comment: This is a requirement per State law but is reiterated.

- 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.*

Staff comment: State law requires all MME activities to be conducted indoors and to have a professional appearance as stated in the above requirement. The proposed standard clarifies that the use of temporary structures, such as office trailers, is prohibited for MMEs in Carson City.

- d. *Outside display or sales of MME merchandise shall be prohibited.*

Staff comment: City staff recommends this condition to maintain the appearance of the facilities.

- e. *Accessory outside storage for MMEs shall comply with Title 18.16 Development Standards, Division 1.12 Outside Storage.*

Staff comment: City staff recommends this condition to maintain the appearance of the facilities and ensures that non-conforming sites will be brought up to standards with the new use.

- f. Access to the MME shall be restricted in compliance with State regulations.*

Staff comment: Restricted access and security is a significant component of the State's review of applications for MMEs and is reiterated to ensure that it is clearly identified and addressed with the Special Use Permit.

- g. No MME-related products shall be visible from outside the building.*

Staff comment: City staff recommends this condition to maintain the appearance of the facilities.

- 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.*

Staff comment: State regulations require MME signs to be "consistent with the traditional style of signage for pharmacies and medical offices." Carson City allows a relatively large amount of sign area for general retail uses, but limits sign area for office uses. Staff recommends implementing office sign standards for all MMEs. This would allow a maximum of 15 square feet of sign area on the building, per street frontage, and a maximum freestanding sign area of 32 square feet. The proposed freestanding sign height limit of 10 feet for MMEs other than dispensaries is consistent with signage requirements for other similar uses for manufacturing and warehousing.

- 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.*

Staff comment: These parking standards are consistent with similar existing uses listed within the Development Standards and with requirements that other counties and cities in Nevada are implementing.

- j. No more than two each of Dispensaries, Cultivation Facilities, or Production Facilities shall be permitted in Carson City.*

Staff comment: This requirement is proposed at the recommendation of a City Supervisor. The State regulations only set a limit on the number of Dispensaries in a county—two in Carson City based on population and other factors—but they do not set a limit on other types of MMEs. However, the State regulations require the Division of Health to consider the need for cultivation, production, and testing facilities to balance the needs of the Dispensaries within Nevada. The reason to limit the number in Carson City would be to prevent Carson City from becoming the regional hub for such facilities while allowing enough of the facilities to accommodate the local dispensaries' needs.

- 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.*

Staff comment: This is a requirement per State law but is reiterated. There was discussion with the Board about increasing the required buffer from all community facilities to 1,000 feet, but such an increase does not significantly modify any of the locations where MMEs would be allowed by zoning. The zoning districts selected for MMEs are generally located away from community facilities.

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

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

Staff comment: This is a requirement of State law but is reiterated to ensure that it is clearly identified and addressed with the Special Use Permit.

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

Staff comment: The limit on hours of operation is intended to allow Dispensaries to be open during regular business hours, giving medical marijuana patients adequate available times before and after typical work hours, while preventing Dispensaries from being open in the late night and early morning hours.

c. *Drive-through service is prohibited.*

Staff comment: It is not clear to City staff whether or not the State regulations would allow drive-through pick up; the regulations do not expressly address it but there are specific access and transactional requirements. This requirement is intended to ensure that those picking up medical marijuana are the persons legally licensed to do so.

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.*

Staff comment: There are varying opinions regarding whether or not setbacks should be required between Dispensaries and residentially-zoned properties. There are areas where the General Commercial zoning district abuts residential properties, and it may not be appropriate for Dispensaries to be immediately adjacent to residential neighborhoods. A required buffer may be appropriate in some instances. On the other hand, a linear setback of 300 feet from all residential neighborhoods would prohibit Dispensaries along much of Highway 50 East because there are residentially-zoned properties at the rear of the General Commercial properties. Requiring a strict linear setback in those instances may require a separation when such a buffer is not necessary.

The proposed setback in the draft ordinance is a compromise between no residential buffer and a strict linear buffer to ensure that Dispensaries are not adjacent to residentially-zoned properties most impacted by the facility, while not unnecessarily prohibiting Dispensaries from otherwise appropriate locations. (See the attached graphic representation of the proposed residential buffer.) It is recommended that the buffer is measured to the front door of the

Dispensary because that is the method the State uses in their regulation to measure required buffers from parks and other community facilities.

State regulations do not require a residential buffer, so it is up to the local jurisdictions to determine whether or not such a requirement is appropriate.

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.*

Staff comment: This standard is largely covered in the State regulations and review of applications for Dispensaries. It primarily relates to concerns that Dispensaries not be mixed with heavy industrial or manufacturing uses. The General Industrial zoning district allows commercial uses and has many commercial uses along Highway 50 East, but there are other areas zoned GI that may not be appropriate for public access to a commercial use. This standard is intended to give the Planning Commission some guidance and flexibility in determining whether or not a Dispensary is appropriately located in each particular instance.

Note that this review standard and the standard below are only applicable to Dispensaries to be located in the General Industrial zoning district because it is assumed that properties within the General Commercial zoning district—where Dispensaries are also allowed—are already in areas with adequate access, lighting, and infrastructure.

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

Staff comment: Similar to the first review standard, this standard is intended to give the Planning Commission some guidance and flexibility in determining whether or not a Dispensary is appropriately located in each particular instance.

In addition to the proposed requirements above, Supervisors and City staff have discussed Special Use Permit and Business License fees for MMEs. Staff is not recommending an increased Special Use Permit fee for processing MME application. However, staff may present and ordinance to the Board of Supervisors regarding Business License fees specific to MMEs. Business License fees are not within the scope of the Planning Commission's duties and, therefore, are not included for discussion and recommendation as part of this action.

#### **PUBLIC COMMENTS:**

Public notices were mailed to 1,123 property owners and 517 mobile home park residents within the zoning districts affected by the proposed ordinance, and 1,935 property owners and 832 mobile home park residents within 300 feet of the individual zoning districts, a total of 4,407 notices, pursuant to the provisions of NRS and CCMC. Comments received prior to the completion of the staff report packet for the Planning Commissioners are attached. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

#### **OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:**

No written comments have been received from other City departments or outside agencies.

**FINDINGS:** The Commission, in forwarding a recommendation to the Board for approval of a Zoning Code Amendment, shall make the findings of fact found in CCMC 18.02.075(5). The following findings are recommended by staff:

**1. That the proposed amendment is in substantial compliance with and supports the goals and policies of the Master Plan.**

*The proposed project is consistent with the following applicable goals of the Master Plan:*

*Goal 2.1 – Encourage diversity in City-wide land use mix.*

*Goal 2.3 – Provide opportunities for a range of retail services.*

*The State has authorized MMEs as a legal use in Nevada and in order to implement those uses in Carson City the City must amend the zoning ordinance to specifically allow them and provide for any applicable regulations. The proposed uses are not in direct conflict with any goals or policies of the Master Plan.*

**2. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.**

*The proposed ordinance, in conjunction with the State regulations for operating MMEs, requires that MMEs have a similar appearance to and operate similar to pharmacies and medical offices. The ordinance would allow for MMEs only in those areas zoned appropriately for higher intensity commercial and industrial uses, so the proposed land uses will be very similar to surrounding uses permitted in those zoning districts. With the required appearance and security standards that will have to be implemented with the development of any MME, the proposed land uses will be compatible with other properties in the vicinity.*

**3. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.**

*The proposed uses will not negatively impact existing or planned public services in that adequate water and sewer services exist to accommodate such uses, such uses will be limited in number, and the uses will be similar to other permitted uses such as pharmacies and manufacturing. The uses will not generate traffic dissimilar from other commercial or manufacturing uses. The proposed standards in the Carson City Municipal Code and the State regulations for MMEs are intended to ensure that the proposed uses do not adversely impact the public health, safety, and welfare, including specific building security measures, registration identification cards, and medical marijuana product inventory controls. The State has authorized the use of medical marijuana for its purported health benefits.*

**Attachments:**

- 1) Draft ordinance
- 2) Proposed residential buffer example graphic
- 3) Exhibit A: Summary of State MME regulations and other city/county ordinances
- 4) Zoning Maps for proposed MME locations

BILL NO. \_\_\_\_

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 ESTABLISHMENTS (MMES) INCLUDING DISPENSARIES, CULTIVATION FACILITIES, PRODUCTION FACILITIES, AND TESTING LABORATORIES AS A CONDITIONAL USE IN CERTAIN ZONING DISTRICTS, AND 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
- Bookbindery
- 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)  
 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 18.04.145 (Limited Industrial) is hereby amended, as follows (**bold, underlined** text is added, ~~[stricken]~~ text is deleted), to add Medical Marijuana Cultivation Facilities, Production Facilities, and Testing Facilities as a conditional use:

**18.04.145 Limited Industrial (LI).** The LI District is established to preserve an industrial district restricted to a use engaged in the assembly or manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. 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). Unless a use is specifically listed in this section, uses listed in the General Industrial district are prohibited in the Limited Industrial district.

1. The Primary Permitted Uses in the LI District are this list plus other uses of a similar nature. All uses permitted in Section 18.04.135 General Commercial which are not listed as LI conditional uses and except for residential uses. Residential uses are not permitted or conditionally permitted in the LI zone. A watchman's quarters is permitted pursuant to the requirements of this title in conjunction with a primary permitted use.

Assembly, fabricating and manufacturing of products and materials in accordance with the purpose of this section.

Bottling plant/brewery facility  
 Grinding and sharpening of tools

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

Machine shop (limited to in house products or internal use)  
Outside Storage (subject to Division 1 and 1.12 Outside Storage of the Development Standards  
Storage containers subject to the Director's approval and Division 1 and 1.10 Personal Storage of the Development Standards  
Temporary Outdoor Sales and Activities subject to Title 18.02.115.8 (Outdoor Sales and Activities)

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

Auto body repair, painting, towing (vehicles must be stored within enclosed sight obscured area)  
Child care facility  
Flea market (indoor only)  
Golf course and/or driving range  
Government facilities  
Loading Space(s) within 250 feet of a residential zoning district or use  
**Medical Marijuana Cultivation Facility (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments)**  
**Medical Marijuana Production Facility (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments)**  
**Medical Marijuana Testing Laboratory (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments)**  
Metallurgical lab  
Municipal well facility  
Outside storage as a primary permitted use subject to Division 1 and 1.12 Outside Storage of the Development Standards  
Permanent Outdoor Sales subject to Title 18.02.115.8 (Outdoor Sales and Activities)  
Storage business (outside storage within enclosed sight obscured area)  
Tattoo parlor (body piercing, accessory)  
Utility Substation  
Welding supplies and gases (retail and wholesale sales)

4. The following uses are prohibited within the LI District:

**Medical Marijuana Dispensary**

Residential Uses (except Watchman's Quarters as described in 18.04.145.1)  
Schools (except vocational), K-12, College or University

**SECTION IV:**

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)**

**Medical Marijuana Dispensary (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments)**

**Medical Marijuana Production Facility (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments)**

**Medical Marijuana Testing Laboratory (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments)**

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 V:

That Title 18 (Zoning), Chapter 18.04 (Use Districts), subsection 18.04.155 (Air Industrial Park) is hereby amended, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted), to add Medical Marijuana Cultivation Facilities, Production Facilities, and Testing Facilities as a conditional use:

**18.04.155 Air Industrial Park (AIP).** The AIP District is established to preserve a highly landscaped industrial district with limited types of industrial uses, providing accessory airport and support services, excluding unscreened outside storage.

1. The following uses and uses of a similar nature are allowed as Primary Permitted Uses in the AIP District:

Airport accessory uses and support services  
Assembly, manufacturing, processing and fabricating of products and materials excluding uses in General Industrial, 18.04.150.3 Conditional Uses, 18.04.150.4 Prohibited Uses, and Air Industrial Park 18.04.155.3 Prohibited Uses  
Machine shop (limited to in-house products or internal use)  
Offices (limited contact with general public)  
Personal storage within an enclosed building (no storage of paints or chemicals), subject to Division 1 and 1.10 Personal Storage of the Development Standards  
Storage containers as an accessory to a Primary Permitted Use, subject to the Director's approval and Division 1 and 1.10 Personal Storage of the Development Standards

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

Outside storage, subject to Development Standards, Division 1 and 1.12 Outside Storage of the Development Standards  
Child care facility (accessory to a business within the main building or within an accessory building)  
**Medical Marijuana Cultivation Facility (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments)**  
**Medical Marijuana Production Facility (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments)**  
**Medical Marijuana Testing Laboratory (subject to the provisions of Title 18.16 Development Standards, Division 1.20 Medical Marijuana Establishments)**  
Other uses not listed in Air Industrial Park 18.04.155.1 which, in the opinion of the planning commission, are in keeping with the purpose of the AIP district  
Utility Substation

3. The following uses are prohibited within the AIP District:

- Automobile body repairs, dismantling or storage
  - Casting foundry
  - Churches
  - Contractors yard
  - Equipment storage yard
  - Extrusion of metals
  - Junkyard
  - Residential (except watchman's quarters incidental to a legal primary use)
  - Schools
  - Truck depot
- Other prohibited uses 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.

SECTION VI:

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 each of Dispensaries, Cultivation Facilities, or Production Facilities 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.

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 VII:

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: \_\_\_\_\_  
 \_\_\_\_\_

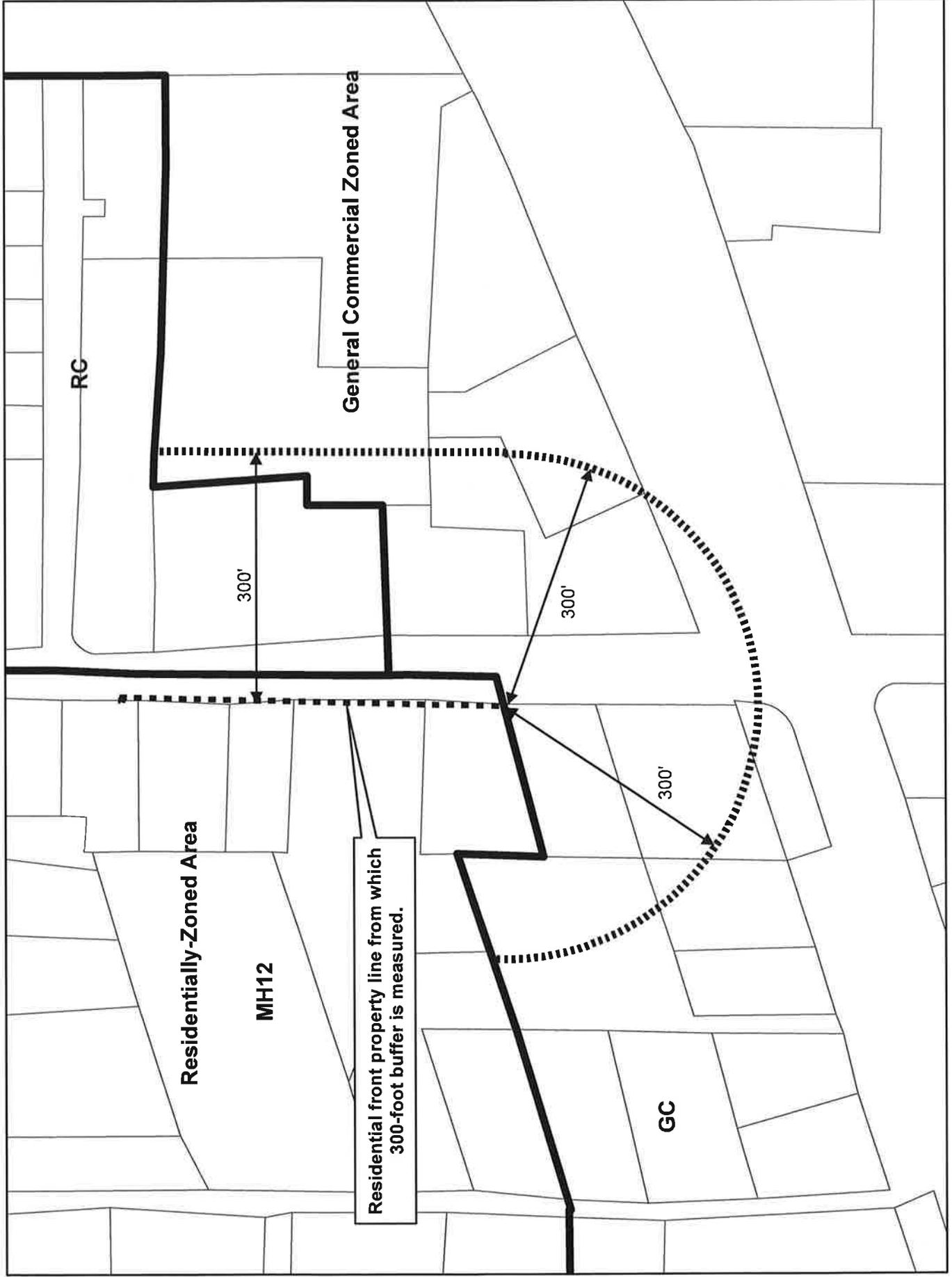
\_\_\_\_\_  
Robert Crowell, Mayor

ATTEST:

\_\_\_\_\_  
ALAN GLOVER  
CLERK/RECORDER

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

# Proposed Residential MME Buffer



## EXHIBIT A

### **SUMMARY OF STATE REGULATIONS ADOPTED APRIL 1, 2014**

*(This summary is specific to what staff feels is applicable when considering local zoning regulations)*

- Dispensaries – A maximum of two allowed in Carson City per SB 374 (two in counties with populations of 55,000 or more).
- Cultivation facilities, production facilities and independent testing laboratories have no specific limit per statute. However, the State will determine the appropriate number of these facilities necessary to serve and supply the dispensaries. The facilities will be ranked and approved up to the capacity determined by the State.
- The State will provide approval of medical marijuana establishments by issuing registration certificates. In the case of Carson City's allocated dispensaries, a certificate will be issued to the two highest ranking applications received by the State. These certificates are non-transferable.
- Medical marijuana establishments may not be located within 1,000 feet of a public or private school.
- Medical marijuana establishments may not be located within 300 feet of a community facility including:
  - 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;
  - A church or synagogue or other building, structure or place used for religious worship or other religious purpose.
- Applications to the State must include the physical address where the proposed medical marijuana establishment will be located.
- Applications to the State must include evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate.
- If the local jurisdiction has enacted zoning restrictions, proof of licensure with that jurisdiction is required as a part of the State application OR a letter from the local jurisdiction certifying that the proposed medical marijuana establishment is in compliance with local restrictions and satisfies all applicable building requirements.
- The State will not accept applications for medical marijuana establishments for more than a total of 10 business days during any one calendar year.
- When ranking applications, the State will consider the following criteria as it potentially relates to local jurisdictions:
  - Whether the proposed location of the medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;

- The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;
- The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana.
- Medical marijuana establishments must:
  - Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;
  - Comply with all local ordinances and rules pertaining to zoning, land use and signage;
  - Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices;
  - Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.
- All cultivation or production of marijuana must be carried out in an enclosed, locked facility that is only accessible by medical marijuana establishment agents who are lawfully associated with the facility.
- Medical marijuana may not be smoked or consumed on the premises or property of any medical marijuana establishment.
- Medical marijuana is allowed to cross county lines within Nevada but is prohibited from crossing State lines.

Complete adopted State regulations may be found at the following link:

[http://health.nv.gov/MedicalMarijuana/R004-14A\\_AdoptRegulations.pdf](http://health.nv.gov/MedicalMarijuana/R004-14A_AdoptRegulations.pdf)

The complete text of NRS Chapter 453A, Medical Use of Marijuana, may be found at the following link:

<http://www.leg.state.nv.us/NRS/NRS-453A.html>

**EXAMPLE MEDICAL MARIJUANA ESTABLISHMENT ORDINANCES – ADOPTED AND PROPOSED**

*(Note these ordinances are specific to zoning only and do not include business licensing, building or criminal code changes)*

**Clark County - Adopted on March 19, 2014:**

- A maximum of 40 dispensaries are allowed in all of Clark County.
- Up to 10 dispensaries are allowed in each municipality but not more than 25% of the total number of dispensaries allowed in the county can be located within any single jurisdiction.
- A Special Use Permit required for all medical marijuana establishments.
- Clark County has set an application filing period on medical marijuana establishments of April 16, 2014 through May 2, 2014.

- No applications for Special Use Permits will be accepted without verification of prior submittal to Business Licensing for review.
- No applications for dispensary Special Use Permits will be accepted if maximum number of dispensaries have been approved and remain active.
- \$5,000 Special Use Permit base fee, \$2,500 Extension base fee.
- Any medical marijuana establishment application or extension application will be considered in a single hearing by the Board of Commissioners (does not go through Planning Commission first).
- Standards for approval:
  - Does crime in the area pose an undue threat to the security of the medical marijuana establishment?
  - Does the medical marijuana establishment have an adequate security and transportation plan?
  - Does the design of the medical marijuana establishment maintain a professional appearance?
  - Shall also consider the following, but is under no obligation to approve the maximum number of dispensaries permitted:
    - Are dispensaries properly dispersed throughout the more populous areas of Clark County for sufficient and convenient access?
    - Is the proposed location proximately located to medical offices, pharmacies, neighborhood services or similar facilities, including by way of public transportation, so patrons may conveniently access other facilities to serve their medical needs?
  - The applicant shall specify a medical marijuana establishment business owner to satisfy preliminary business license review and who is suitable to operate a medical marijuana establishment.
  - Any Special Use Permit issued is specific to the medical marijuana establishment business owner only. A new Special Use Permit will be required when there is a change in ownership.
- Special Use Permit expiration to be determined at time of public hearing.
- Noticing is required for extensions on Special Use Permits for medical marijuana establishments.
- Applications must list the names of all individuals holding any ownership in a medical marijuana establishment.
- Dispensaries:
  - Allowed with Special Use Permit in Office and Professional (C-P), Local Business (C-1), General Commercial (C-2), Designed Manufacturing (M-D) and Light Manufacturing (M-1) zoning districts. Any medical marijuana establishment application or extension application will be considered in a single hearing by the Board of Commissioners (does not go through Planning Commission first);
  - May not be located less than 1,000 feet from a school, 300 feet from a community facility or 330 feet from a residential use unless waived with the approval of a waiver of development standards (must provide evidence certified by a professional land surveyor verifying separations);
  - Not permitted within Las Vegas Boulevard Gaming Corridor;

- Must be conducted within an enclosed building;
- Signage limited to wall signs, monument and freestanding signs subject to the following:
  - When advertising on a freestanding sign, the dispensary cannot be the only sign;
  - Maximum area of wall sign or tenant panel in freestanding sign is 30 square feet;
  - Sign regulations in applicable zoning district also apply.
- Medical marijuana is to be obtained from a cultivation or production facility in Clark County if adequate supply is available;
- Hours of operation are limited to daytime hours;
- Drive through windows are not permitted.
- Cultivation Facilities:
  - Allowed with Special Use Permit in the Designed Manufacturing (M-D) and Light Manufacturing (M-1) zoning districts. Any medical marijuana establishment application or extension application will be considered in a single hearing by the Board of Commissioners (does not go through Planning Commission first);
  - May not be located less than 1,000 feet from a school, 300 feet from a community facility or 660 feet from a residential use unless waived with the approval of a waiver of development standards (must provide evidence certified by a professional land surveyor verifying separations);
  - Not permitted within the Las Vegas Boulevard Gaming Corridor;
  - Outdoor cultivation is not permitted;
  - Retail sales are not permitted;
  - Wall signs only, limited to 30 square feet, sign regulations in applicable zoning district also apply.
- Production Facilities:
  - Allowed with Special Use Permit in Designed Manufacturing (M-D) and Light Manufacturing (M-1) zoning districts. Any medical marijuana establishment application or extension application will be considered in a single hearing by the Board of Commissioners (does not go through Planning Commission first);
  - May not be located less than 1,000 feet from a school, 300 feet from a community facility or 660 feet from a residential use unless waived with the approval of a waiver of development standards (must provide evidence certified by the professional land surveyor verifying separations);
  - Not permitted within Las Vegas Boulevard Gaming Corridor;
  - Must be located within an enclosed building;
  - Retail sales not permitted;
  - Wall signs only, limited to 30 square feet, sign regulations in applicable zoning district also apply.
- Independent Testing Laboratories:
  - Allowed with Special Use Permit in Office and Professional (C-P), Local Business (C-1), General Commercial (C-2), Designed Manufacturing (M-D) and Light Manufacturing (M-1) zoning districts. Any medical

marijuana establishment application or extension application will be considered in a single hearing by the Board of Commissioners (does not go through Planning Commission first);

- May not be located less than 1,000 feet from a school or 300 feet from a community facility (must provide evidence certified a professional land surveyor verifying separations);
- Not permitted within Las Vegas Boulevard Gaming Corridor;
- Must be conducted within an enclosed building;
- Wholesale and retail sales are not permitted;
- Wall signs only, limited to 30 square feet, sign regulations in applicable zoning district also apply.

**City of Las Vegas - Proposed:**

*(City Council approved medical marijuana establishments within city limits on March 19, 2014, public workshops on proposed ordinances held March 26, 2014 and April 1, 2014, ordinances likely to be introduced in May 2014. Moratorium in effect until July 2, 2014)*

- Up to 10 dispensaries are allowed, but not more than 25% of the total number of dispensaries allowed in Clark County.
- Special Use Permit required for medical marijuana dispensaries, cultivation facilities and production facilities.
- No specific location or Special Use Permit requirements for independent testing laboratories.
- Limits number of dispensaries with Las Vegas city limits.
- Dispensaries are not allowed in tourist locations of the City.
- Cessation of use expunges Special Use Permit for all medical marijuana facilities.
- Must obtain State approval to operate prior to Special Use Permit being exercised.
- Dispensaries:
  - Allowed with Special Use Permit in General Commercial (C-2), Commercial/Industrial (C-M) and Industrial (M) zoning districts only;
  - May not be located within 1,000 feet of any other medical marijuana dispensary, medical marijuana cultivation facility or medical marijuana production facility or school, within 200 feet of a residential zoning district or within 300 feet of any church/house of worship, child care center, community recreation facility or City park;
  - No more than one dispensary is permitted per sector of the City of Las Vegas as described in the 2020 Master Plan;
  - No outside storage or use of shipping containers onsite;
  - Access to building from one point of entry and exit. No other access to the internal building is permitted;
  - No drive through facilities are permitted in conjunction with dispensaries;
  - One wall sign at maximum size of 10 feet in area and not more than two feet high;
  - Minimum size of dispensary is 3,500 square feet and designed to have sufficient interior space to provide adequate customer waiting areas, queuing and transaction space;

- Elevations and signage reviewed by Downtown Design Review Committee (DDRC) prior to any public hearing for a Special Use Permit;
- No dispensaries are permitted on Las Vegas Boulevard or Fremont Street;
- No accessory uses are permitted in association with a dispensary;
- One parking space per 175 square feet of gross floor area.
- Cultivation Facilities:
  - Allowed with Special Use Permit in Commercial/Industrial (C-M) and Industrial (M) zoning districts only;
  - May not be located within 1,000 feet of any medical marijuana dispensary or any school, within 200 feet of a residential zoning district or within 300 feet of any church/house of worship, child care center, community recreation facility or City park;
  - No outside storage or use of shipping containers onsite;
  - Air filtration system required prior to Certificate of Occupancy;
  - One wall sign at maximum size of 10 feet in area and not more than two feet high;
  - Minimum size of facility is 5,000 square feet;
  - One parking space per 1,000 square feet of gross floor/yard area.
- Production Facilities:
  - Allowed with Special Use Permit in Commercial/Industrial (C-M) and Industrial (M) zoning districts only;
  - May not be located within 1,000 feet of any medical marijuana dispensary or school, within 200 feet of a residential zoning district or within 300 feet of any church, house of worship, child care center, community recreation facility or City park;
  - No outside storage or use of shipping containers onsite;
  - Air filtration system required prior to issuance of Certificate of Occupancy;
  - One wall sign at maximum size of 10 feet in area and not more than two feet high;
  - Minimum size of facility is 5,000 square feet;
  - One parking space per 500 square feet of gross floor area.

**City of Sparks - Proposed:**

*(Approved by Planning Commission on March 6, 2014, to be heard by City Council on April 28, 2014)*

- Currently proposing local regulations for medical marijuana cultivation facilities, production facilities and independent testing laboratories. All regulations outlined apply to these facilities only. Local regulations on dispensaries anticipated to be heard by City Council in June 2014.
- Allowed in the Industrial (I) zoning district with an administrative review approval.
- Must be located in a standalone building.
- Must comply with Nevada State laws for minimum distance requirements.

- Must be located in a permanent building that meets City of Sparks building and fire codes for a commercial building. Cannot be located in a manufactured or mobile home, trailer, cargo container, motor vehicle or similar personal property.
- Must have restricted access to the site and building (e.g. gated, limited number of driveways, controlled entrance, etc.), subject to City approval.
- Loading and unloading associated with operations shall, if feasible, be within the building of the permitted facility or have a secured area approved by the City.
- Loading or unloading shall only occur between 6:00am and 5:00pm.
- Must comply with Nevada State laws for operating standards.
- Medical marijuana remnants, infused products, bi-products and other waste material shall be disposed of in a safe, sanitary and secure manner, in a location and manner approved by the State and subject to City approval.
- Must provide a written public safety plan, subject to City approval.
- An approved administrative review shall expire 18 months from the date of issuance of the registration certificate issued by the State if it is not fully operational.
- City shall be notified a minimum of 15 days prior to the closure of any facility.
- Emissions must comply with Washoe County Health regulations.
- No medical marijuana may be smoked, eaten or otherwise consumed on the premises of any facility.
- No medical marijuana shall be displayed or kept in a facility where it is visible from the outside of the premises.
- Medical marijuana production facility parking requirement is one space per 1,000 square feet of net usable area devoted to production, processing or manufacturing.
- Medical marijuana independent testing laboratory parking requirement is one space per 250 square feet of gross floor area.
- Medical marijuana cultivation facility parking requirement is one space per 4,500 square feet of net usable area devoted to cultivation operations.

**Washoe County - Proposed:**

*(Approved by Planning Commission on March 4, 2014. First reading at County Commissioners' meeting on March 25, 2014 and second reading scheduled for April 8, 2014)*

- Maximum of 10 dispensaries allowed in all of Washoe County.
- No more than 25% of the total number of dispensaries allowed in the county can be located within any single jurisdiction.
- Washoe County intends to do the bulk of its regulation of medical marijuana establishments through Business Licensing.

- Dispensaries:
  - Allowed in General Commercial (GC), Neighborhood Commercial (NC), Tourist Commercial (TC) and Industrial (I) zoning districts only;
  - Three parking spaces per 1,000 square feet of building space and one parking space per employee during peak employment shift.
- Cultivation Facilities:
  - Allowed in General Commercial (GC) and Industrial (I) zoning districts only;
  - One parking space per employee during peak employment shift.
- Production Facilities:
  - Allowed in General Commercial (GC) and Industrial (I) zoning districts only;
  - One parking space per employee during peak employment shift.
- Independent Testing Laboratories:
  - Allowed in General Commercial (GC) and Industrial (I) zoning districts only;
  - One parking space per employee during peak employment shift.

**City of Reno – Stay on acceptance of land use and business license applications approved on September 25, 2013**

**Douglas County – Moratorium until roughly September 6, 2014**

**Lyon County – Prohibition within unincorporated county approved on October 3, 2013**

**City of Fernley – Moratorium until roughly May 6, 2014**

**City of Yerington – Moratorium until roughly July 13, 2014**

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**From:** Frank Papaiani <jrprp39@sbcglobal.net>  
**Sent:** Tuesday, May 20, 2014 9:16 AM  
**To:** Planning Department  
**Subject:** File # ZCA-14-025

After receiving your letter about allowing a Medical Marijuana Dispensary zone Change within 300 foot of my home.

I live in an area that is close to a grade school, a public playground (used by small children) and in a troubled neighborhood, I believe that this type of Business would be better served in a mall environment, with 24 hour security, and no residential neighborhoods, schools or public playgrounds in close proximity.

There are a few location of this type in Carson City, and should be used to house such a business.

Thank you for allowing me to have a small say on this subject

Frank Papaiani  
3316 Selby Street  
Carson City. Nv. 89701-3447

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**From:** Douglas Teixeira <5683brea0806@sbcglobal.net>  
**Sent:** Monday, May 19, 2014 3:00 PM  
**To:** Planning Department  
**Subject:** Medical Marijuana Act

Medical Marijuana Act  
Today's date May 19, 2014  
Received Letter May 19, 2014

I am writing to let you know that I **can not support** you in any kind of **facilities for Marijuana** plants around business or housing of any kind. Nevada has so much land that is open away from homes and business that they could put the facilities. We do not care if it is for Medical reasons. We feel it will bring a lot of crime near the business and homes.

We are home owners of three properties. 4993 August Dr. Carson City, Nevada

403 Traci Dr. Mound House, Nevada

17 Sandy Lane, Mound House, Nevada

These are family homes with children.

**You are asking for Attack dogs, Guns to protect the Marijuana, Dopers who are going to try steal a little. It is a open door to crime. We do not mind if you put it way out of town in open land that is not close to businesses and homes.**

It is bad enough we have a sewer plant, prisons in the middle of town. **You want to bring families and businesses into Nevada. Let's bring in businesses that we can be proud of; not ones that we have to worry about our children in the future.**

MR.. and MRS. DOUGLAS TEIXEIRA

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**From:** Flip & Loretta Nye <flnye@pyramid.net>  
**Sent:** Tuesday, May 20, 2014 12:09 PM  
**To:** Planning Department  
**Subject:** "Medical Marijuana Act"

To Whom it may concern: We live in the Railroad /Pullman / Trolley area off Saliman and we have talked here in the neighbor hood about the proposal of cultivation ..... Etc. and we are TOTALLY Against it !!!!!!! Not going into a long letter as not sure it would do any good any way . Just wanted you to KNOW- WE DO NOT !!! Want it in our area . We are trying to get this neighborhood property values up here and this will just send them down ward more. Who would want to live in a area with that going on but POT HEADS.!!! PLEASE Reconsider this area and not use it for this purpose. Thanks The neighborhood at Railroad



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

**From:** Robert Reardon <1bobandpatr@att.net>  
**Sent:** Sunday, May 18, 2014 11:07 AM  
**To:** Planning Department  
**Subject:** MMEs

From Robert and Patricia Reardon: 89 Yellow Jacket Lane, CC 89706.  
Comestock Park.

We will have to vote NO on this project for we are not interested in a  
Marijuana facility close to our residence.

Robert Reardon  
Patricia Reardon

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**From:** Roger Harker <rgharker@msn.com>  
**Sent:** Monday, May 19, 2014 11:03 AM  
**To:** Planning Department  
**Subject:** Proposed medical marijuana act. MME zoning change

Our property is 2337 pinebrook. We believe that MME facilities should not be allowed directly adjoining residential zoned areas. We believe there should be a buffer zone between MME facilities and residential areas.

Roger and Sheryl Harker

Sent from my iPad

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**From:** Bob Brown <bob.brown.45@sbcglobal.net>  
**Sent:** Monday, May 19, 2014 3:42 PM  
**To:** Planning Department  
**Subject:** Zoning Code Amendment File NO. ZCA-14-025

To whom it may concern,

As a property owner at 1660 Truckee Drive, Carson City, APN 00228104, I am standing against the amendment allowing MME Dispensaries, Cultivation Facilities, Production Facilities, and Testing Labs relating to Medical Marijuana, within 300 feet of my residential property.

Clear evidence from other states, such as California where I live, indicate there is an increase in crime, and negative effects to private property values (such as blight) when marijuana is allowed to be sold in residential areas.

I will not be able to attend the hearing but, urge the Planning Commission to not approve this Zoning Code Amendment.

Thank you for your consideration,

Robert Brown, Manager  
RBBJ Properties LLC

559-618-1636

Note - This email is confidential and intended solely for the use of the individual, or individuals to whom it is addressed. Any views or opinions presented are solely those of the author. If you are not the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you have received this email in error, please contact me immediately. My Internet Service Provider attempts to sweep email and attachments for viruses; however, it is not guaranteed that either are virus free and as a result, I accept no liability for any damage sustained as a result of viruses.

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**From:** Judith Hallerbach <judimh@gmail.com>  
**Sent:** Sunday, May 18, 2014 11:47 AM  
**To:** Planning Department  
**Subject:** medical marijuana act

I do not want to see medical marijuana facilities, lab, or anything to do with it in my neighborhood. I cannot be at the meeting but wanted to make my comments known. Thank you.

--

Judith Manson-Hallerbach  
1080 Gambrel Dr.  
Carson city, NV 89701  
(Quail Run)  
443-0282

ZCA-14-025

**Walton's Funerals and Cremations  
P.O. 2462  
Reno, NV. 89505**



RE:PCA-14-025

I am opposed to the rezoning due to the fact that my funeral home is located in that area. This type of business is not conducive to the Funeral Business, in fact I feel like families who have lost a loved one to drug addiction may be put off by this type of business located in the vicinity of our funeral home. I am sure there are better locations for this type of use, in a less populated area perhaps. Also, I feel like this type of business would reduce the property value in the area. Thank you for your consideration.

  
Tammy Dermody  
Owner

RECEIVED

MAY 20 2014

CARSON CITY  
PLANNING DIVISION

ECA-14-025

Sirs,

5-19-14

Apparently I reside within 300 ft. of a proposed MME site.

Seeligar School is a scant 2 blocks from my home here on Pinebrook Drive, and this neighborhood is full of children who go to school there.

Does an MME make sense for this area?

Medical Marijuana belongs in a Pharmacy. There is where all of us go for prescriptions. Let the Medical Marijuana "users" go there as well - not to some cubby hole on a back street. If marijuana is really "Medical", then it should be regulated through a Pharmacy where there is professional oversight.

Robert N. Pennington  
2319 Pinebrook Drive  
Carson City NV 89701  
883-3859

R. N. Pennington

**From:** Ed Kirschner <ednercorp1@yahoo.com>  
**Sent:** Tuesday, May 20, 2014 4:49 PM  
**To:** Planning Department  
**Subject:** Zoning Code Amendment File No. ZCA-14-025



To Whom it may concern,

We are the owners of properties in the Airport Industrial Park. We view with great concern the proposed amendment (File No.ZCA-14-025).

When we moved into our facility several years ago, we learned that Carson City had a reputation of being the "Capital of Meth". Over the years, we had to deal with situations related to drug activities. Things got better, the company did grow and provided several jobs for the local community.

At this time, the facility is occupied by a major company who is also providing good jobs. The company has now plans for substantial increase in activities and as a result, additional jobs. Approval of such a request may jeopardize such plans.

Below I have listed some of the reasons for our objections:

1. The kind of activity request in this application will hurt the reputation of the City and will become an attraction point for drug activities.
2. By its nature, it may result in higher criminal activity in the area.
3. It may require more law enforcement resources.
4. It may deter other companies from moving in as they may prefer to move into less controversial area.
5. It probably will reduce the value of existing properties.
5. It may affect the availability of a good work force for existing companies or future companies.
6. Does Carson City, the state capital, really want to be known for cultivation of marijuana, facilities for production of marijuana-infused food proucts and testing labs of marijuana laced food products?

In summary, we hope that the Planning Commission and the Board of Supervisors will consider the detrimental effect which, allowing the Zoning Code Amendment to pass, will have on the local business community as well as the city at large.

It will be better if the City could concentrate on creating conditions that will attract businesses that will provide jobs and benefits to its residents and thus improve the quality of life without getting involved with such enterprise which, in my opinion, will hurt the community. Please, please!! for everyone's sake, reject the "Zoning Code Amendment".

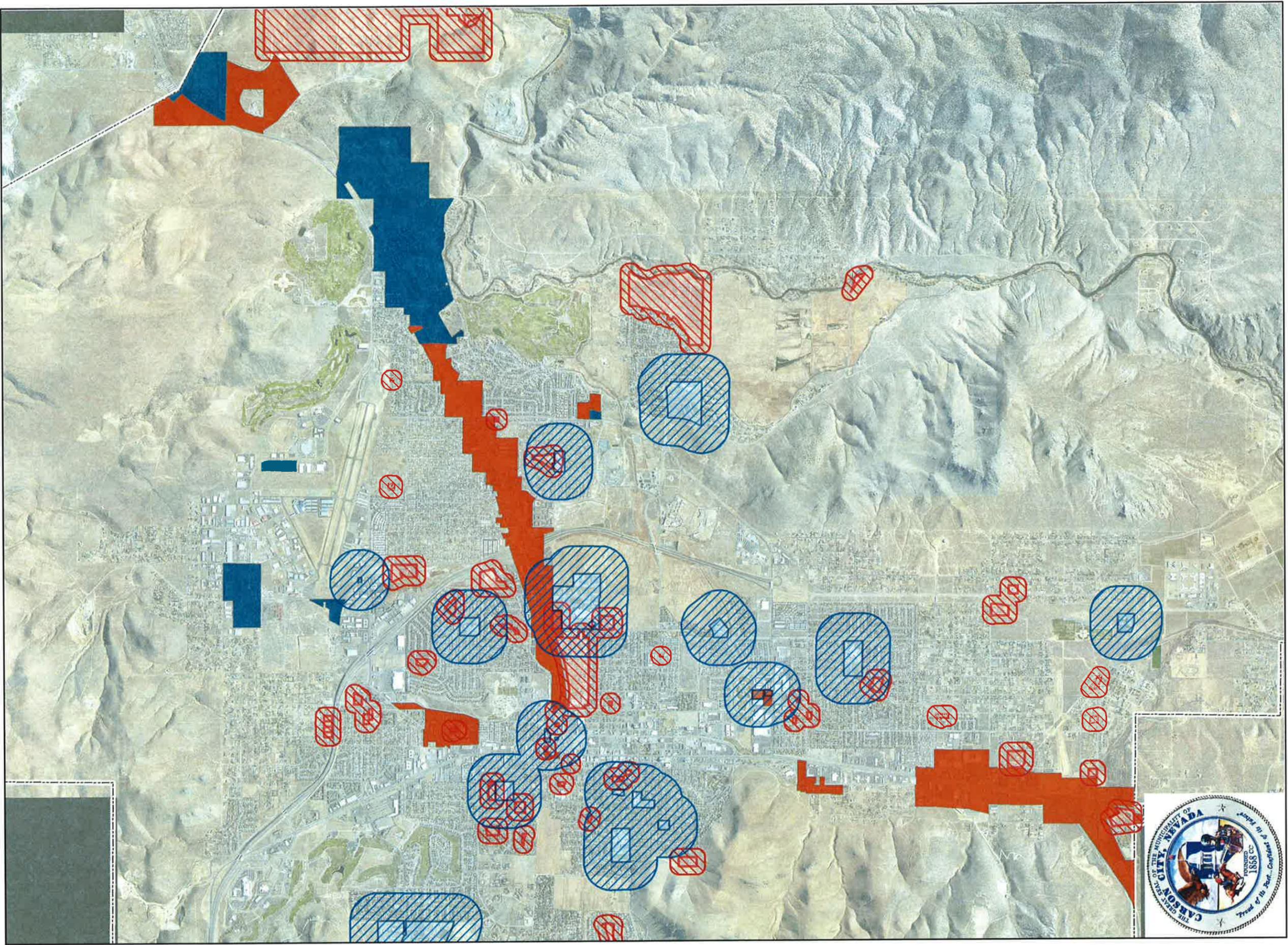
Sincerely,

Ed Kirschner

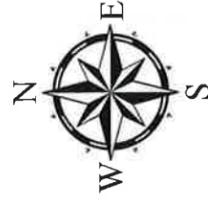
679 Derby Ct.  
Carson City, NV 89703  
[ednercorp1@yahoo.com](mailto:ednercorp1@yahoo.com)

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# Proposed MME Dispensary Locations

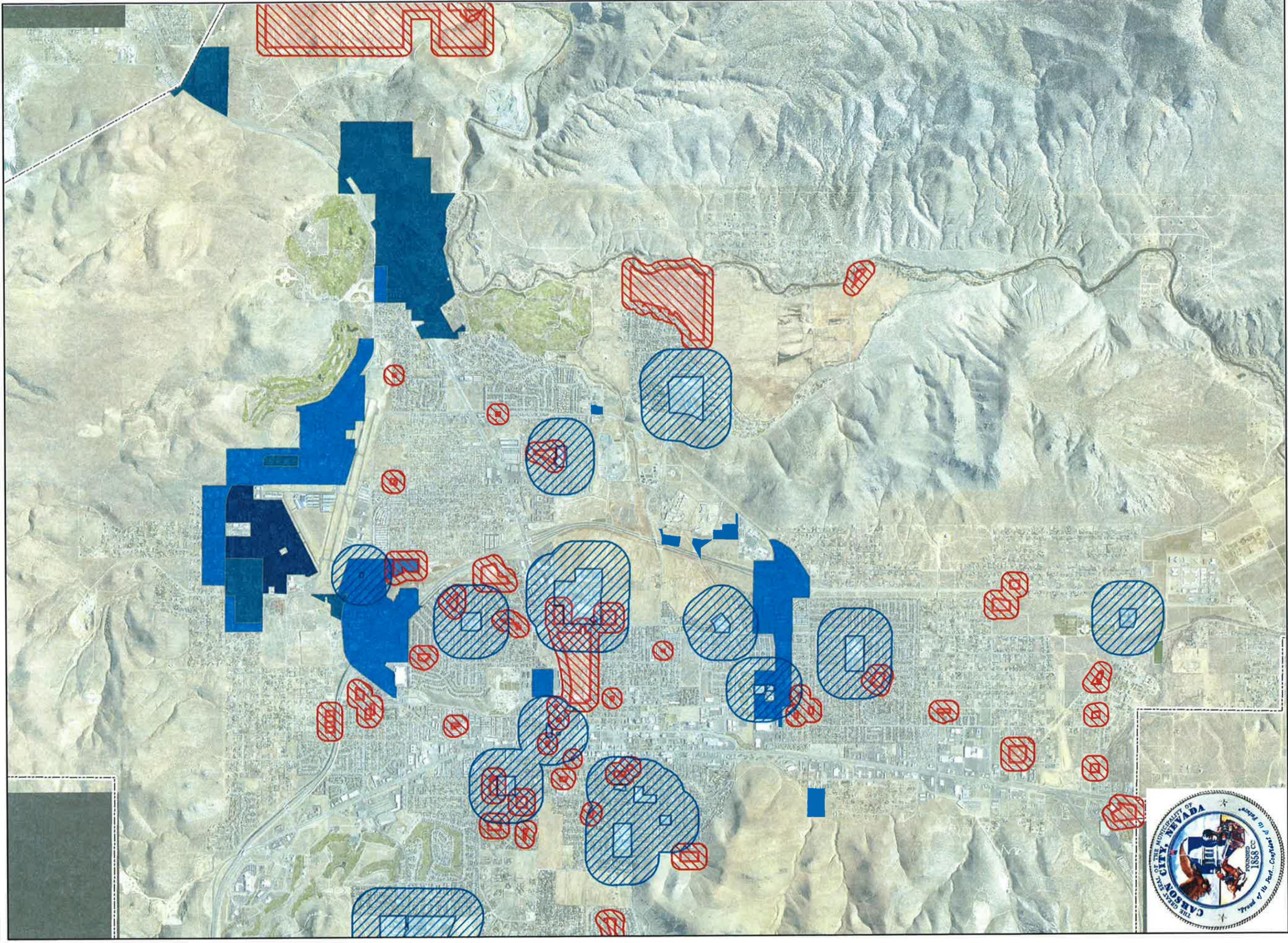


- GC (General Commercial)
- GI (General Industrial)
- 1,000 Ft Buffer - Schools
- 300 Ft Buffer - Other Community Facilities

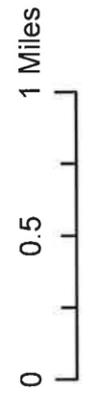


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# Proposed MME Cultivation, Production and Testing Facilities Locations



-  LI (Limited Industrial)
-  GI (General Industrial)
-  AIP (Airport Industrial)
-  1,000 Ft Buffer - Schools
-  300 Ft Buffer - Other Community Facilities



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