

STAFF REPORT FOR PLANNING COMMISSION MEETING OF MARCH 28, 2018

FILE NO: ZCA-18-032

AGENDA ITEM: G.5

STAFF CONTACT: Lee Plemel, Community Development Director

AGENDA TITLE: For Possible Action: To make a recommendation to the Board of Supervisors regarding an ordinance relating to marijuana; amending Title 18 (Zoning), Appendix A (Development Standards), Division 1.20 (Medical Marijuana Establishments and Marijuana Establishments) of the Carson City Municipal Code to amend and clarify regulations governing signage for medical marijuana establishments and marijuana establishments.

STAFF SUMMARY: The proposed ordinance is intended to clarify sign regulations for medical marijuana establishments and marijuana establishments by adding the sign standards directly into the regulations pertaining to such establishments rather than referring to sign standards elsewhere in the city code. The proposed ordinance would continue to limit signs for medical marijuana establishments and marijuana establishments to a size consistent with office uses, which is less than the sign are allowed for other retail uses, and to clarify that each business at a given location is entitled to a certain amount of sign area.

PROPOSED MOTION: "I move to recommend to the Board of Supervisors approval of an ordinance amending Title 18 Appendix, Development Standards Division 1.20 related to signage for marijuana establishments as published on the agenda."

LEGAL REQUIREMENTS: CCMC 18.02.075 (Zoning map amendments and zoning code amendments).

KEY ISSUES:

On October 5, 2017, the Board of Supervisors adopted an ordinance regarding the regulation of marijuana establishment. In the writing of that ordinance, a sentence referring to a specific section of the sign standards in Division 4 for Office Uses was inadvertently deleted as part of the ordinance cleanup verbiage. The purpose of this ordinance is to correct that error and incorporate the sign standards for marijuana establishments into the marijuana establishment section of the Development Standards rather than referencing sign standards in another section of the code.

DISCUSSION:

Through the adoption of Medical Marijuana Establishment standards in 2015-2016, the permitted sign area for each business was limited to wall signs a maximum of 15 square feet in area per building frontage, plus a freestanding sign of no more than 32 square feet in area, consistent with signs allowed for Office Uses per the Development Standards Division 4.7.3 (Office Building Uses). When the newest ordinance was adopted to allow "recreational" marijuana establishments, there was no intent to modify these sign limitations. However, that ordinance included the following amendments to the paragraph applicable to signage:

- h. ~~[Sign Requirements.] All MME signage shall for Medical Marijuana Establishments and Marijuana Establishments must 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 signage for Medical Marijuana Establishments and Marijuana Establishments must satisfy the requirements set forth in Division 4, [Development Standards,~~

~~**Division 4,** except that the height of a freestanding sign [height] for [Cultivation Facilities, Production Facilities, and Testing Laboratories shall be] the following facilities is limited to not more than ten (10) feet, as consistent with sign height requirements for industrial uses[-] :~~

- ~~(1) Medical Marijuana Cultivation Facility and Marijuana Cultivation Facility.~~
- ~~(2) Medical Marijuana Product Manufacturing Facility and Marijuana Product Manufacturing Facility.~~
- ~~(3) Medical Marijuana Testing Facility and Marijuana Testing Facility.~~

The applicable verbiage that limited marijuana establishments to the same signage as office uses is highlighted in bold in the above passage.

In order to contain all the standards related to marijuana establishments in one section for consistency and clarity, staff recommends amending the current ordinance section relating to marijuana signs as follows:

- h. All signage for Medical Marijuana Establishments and Marijuana Establishments must be discreet, professional and consistent with the traditional style of signage for pharmacies and medical offices. All ~~[signage for] Medical Marijuana Establishments and Marijuana Establishments [must satisfy the requirements set forth in Division 4, except that the height of a freestanding sign for the following facilities is limited to not more than ten (10) feet, as consistent with sign height requirements for industrial uses]~~ **are limited to following signage:**

- (1) A maximum of 30 square feet of wall sign area.**
- (2) A maximum of 32 square feet of freestanding sign area.**
- (3) The maximum freestanding sign height for Marijuana Dispensaries and Marijuana Retail Stores shall be determined by the applicable commercial or shopping center regulations of Division 4.**
- (3) The maximum freestanding sign height for all Medical Marijuana Establishments and Marijuana Establishments other than Medical Marijuana Dispensaries and Marijuana Retail Stores shall be 10 feet.**
- (4) Where a Medical Marijuana Establishment and Marijuana Establishment are jointly located on a single property, the maximum permitted sign area applies to the property and not each type of Establishment.**

- ~~[(1) Medical Marijuana Cultivation Facility and Marijuana Cultivation Facility.~~
- ~~(2) Medical Marijuana Product Manufacturing Facility and Marijuana Product Manufacturing Facility.~~
- ~~(3) Medical Marijuana Testing Facility and Marijuana Testing Facility.]~~

The standards are the same as previously adopted except that the proposed wall sign area is changed from 15 square feet per business per building frontage to 30 square feet total, regardless of building frontage. Part of rationale for this change is that there are now two businesses located at each retail location: A Medical Marijuana Dispensary and a Marijuana Retail Store. These two types of businesses must be collocated by the City's regulations. By allowing a total of 30 square feet of wall sign area, each individual business would be allowed 15 square feet, which could be used separately or combined into one 30 square foot sign. This amendment would also make the total sign area permitted for each of the two retail marijuana store locations the same.

For comparison, if the two current dispensaries/retail stores were considered a "commercial" use for the purposes of the Sign Ordinance (Division 4), the store on Clearview Drive would be permitted by right to have approximately 160 square feet of wall sign area and the store on Highway 50 East would be permitted to have approximately 270 square feet of wall sign area (three square feet per one foot of linear building frontage).

Staff believes that the proposed ordinance to allow 30 square feet of wall sign area allows each medical marijuana establishment and marijuana establishment to have reasonable signage while meeting the original intent of the marijuana establishment ordinance to limit each business to signage in accordance with the standards for offices.

If you have questions regarding this item, contact Lee Plemel at lplemel@carson.org or 283-7075.

PUBLIC COMMENTS:

As of the writing of this staff report, no public comments were received. 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.

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.

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

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

The State has authorized MMEs and MEs as a legal use in Nevada, and in order to implement those uses in Carson City the City must provide for any applicable regulations, including sign 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.

Staff response: The proposed ordinance, in conjunction with the State regulations for operating MEs, requires that MEs have a similar appearance to and operate similar to pharmacies and medical offices. The proposed ordinance would allow for signage consistent with signage for office uses and the proposed land uses will be similar to surrounding uses permitted in those zoning districts. With the required appearance standards that will have to be implemented with the development of any MME or ME, 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.

Staff response: The proposed only impacts sign regulations for MMEs and MEs and would not have any impacts on planned public services or the public health, safety and welfare.

Attachments:

- 1) Draft ordinance

Summary: An ordinance amending and clarifying signage regulations for Medical Marijuana Establishments and Marijuana Establishments.

BILL NO. ____

ORDINANCE No. 2018 - ____

AN ORDINANCE RELATING TO MARIJUANA; AMENDING TITLE 18 (ZONING), APPENDIX A (DEVELOPMENT STANDARDS), DIVISION 1.20 (MEDICAL MARIJUANA ESTABLISHMENTS AND MARIJUANA ESTABLISHMENTS) OF THE CARSON CITY MUNICIPAL CODE TO MODIFY AND CLARIFY REGULATIONS GOVERNING SIGNAGE FOR MEDICAL MARIJUANA ESTABLISHMENTS AND MARIJUANA ESTABLISHMENTS; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 (Zoning), Chapter 18.16 (Development Standards), Division 1 (Land Use and Site Design), Section 1.20 (Medical Marijuana Establishments), is hereby amended as (**bold, underlined** text is added, ~~stricken~~ text is deleted) as follows:

1.20 Medical Marijuana Establishments and Marijuana Establishments.

The following standards are intended to establish minimum standards and Special Use Permit review criteria for Medical Marijuana Establishments and Marijuana Establishments, in addition to other standards for commercial and industrial development.

1. The following standards apply to all Medical Marijuana Establishments and Marijuana Establishments:
 - a. All Medical Marijuana Establishments and Marijuana Establishments require the issuance of a Special Use Permit. Special Use Permits for Medical Marijuana Establishments and Marijuana Establishments are only valid at the specific location for which a person has obtained the required approval through the applicable state agency to operate as a Medical Marijuana Establishment or Marijuana Establishment. A Special Use Permit that is issued in accordance with this Division automatically expires and shall be deemed null and void if the Medical Marijuana Establishment or Marijuana Establishment loses or

otherwise forfeits the required state approval to operate. A Special Use Permit issued in accordance with this Division is not transferable between operators and locations within Carson City. Except as otherwise provided in this Division and notwithstanding any other provision of CCMC, a separate Special Use Permit is not required for a Medical Marijuana Establishment or Marijuana Establishment that will be established in an existing location at which a Medical Marijuana Establishment or Marijuana Establishment in good standing already operates. The expansion of any location of a Medical Marijuana Establishment or Marijuana Establishment that will result in an increase of more than ten (10) percent of the space in which the Medical Marijuana Establishment or Marijuana Establishment has been approved to operate requires the issuance of an amended Special Use Permit.

- b. The consumption of marijuana products is prohibited on the premises of any Medical Marijuana Establishment and Marijuana Establishment.
- c. All business activities related to Medical Marijuana Establishments and any marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility or retail marijuana store must be conducted indoors, and within a permanent building. The use of an office trailer or other temporary structure is prohibited. All Medical Marijuana Establishments and Marijuana Establishments must at all times maintain an interior and exterior appearance that is professional, orderly, dignified, and consistent with the traditional style of pharmacies and medical offices.
- d. The outdoor display or sale of any Medical Marijuana Establishment or Marijuana Establishment merchandise or product is prohibited.
- e. Accessory outside storage for Medical Marijuana Establishments and Marijuana Establishments must comply with the provisions of Title 18 Appendix (Carson City Development Standards), Division 1.12 (Outside Storage).
- f. Access to Medical Marijuana Establishment or Marijuana Establishment must comply with all applicable state and federal laws and regulations.
- g. Medical Marijuana Establishment and Marijuana Establishment merchandise and products must not be visible when viewed from outside the building in which the Marijuana Establishment or Marijuana Establishment is located.

- h. All signage for Medical Marijuana Establishments and Marijuana Establishments must be discreet, professional and consistent with the traditional style of signage for pharmacies and medical offices. All ~~[signage for]~~ Medical Marijuana Establishments and Marijuana Establishments ~~[must satisfy the requirements set forth in Division 4, except that the height of a freestanding sign for the following facilities is limited to not more than ten (10) feet, as consistent with sign height requirements for industrial uses]~~ **are limited to following signage:**

(1) A maximum of 30 square feet of wall sign area.

(2) A maximum of 32 square feet of freestanding sign area.

(3) The maximum freestanding sign height for Marijuana Dispensaries and Marijuana Retail Stores shall be determined by the applicable commercial or shopping center regulations of Division 4.

(3) The maximum freestanding sign height for all Medical Marijuana Establishments and Marijuana Establishments other than Medical Marijuana Dispensaries and Marijuana Retail Stores shall be 10 feet.

(4) Where a Medical Marijuana Establishment and Marijuana Establishment are jointly located on a single property, the maximum permitted sign area applies to the property and not each type of Establishment.

~~[(1) Medical Marijuana Cultivation Facility and Marijuana Cultivation Facility.~~

~~(2) Medical Marijuana Product Manufacturing Facility and Marijuana Product Manufacturing Facility.~~

~~(3) Medical Marijuana Testing Facility and Marijuana Testing Facility.]~~

- i. Off-street parking must be provided for Medical Marijuana Establishments and Marijuana Establishments in accordance with the following:

- (1) For Medical Marijuana Dispensaries and Marijuana Retail Stores: A minimum of one space for every 300 square feet of gross floor area.
- (2) For Medical Marijuana Cultivation Facilities and Marijuana Cultivation Facilities: A minimum of one space for every 1,000 square feet of gross floor area.
- (3) For Medical Marijuana Product Manufacturing Facilities and Marijuana Product Manufacturing Facilities: A minimum of one space for every 500 square feet of gross floor area.
- (4) For Medical Marijuana Testing and Marijuana Testing Facilities: A minimum of one space for every 400 square feet of gross floor area.

j. Notwithstanding any other provision of CCMC, not more than two Medical Marijuana Dispensaries are allowed to operate at the same time in Carson City.

k. A Marijuana Retail Store may only be jointly located within the same premises of an existing Medical Marijuana Dispensary that is operating in good standing.

l. A Medical Marijuana Establishment or Marijuana Establishment is prohibited 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, and any other center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents, which already exists on the date the application for the proposed Medical Marijuana Establishment or Marijuana Establishment is submitted to the applicable state agency for approval to operate, as measured on a straight line from the property line of the nearest such school or facility to the front door or primary entrance of the Medical Marijuana Establishment or Marijuana Establishment.

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

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

- b. Hours of operation are limited to between 7:00 a.m. and 8:00 p.m., daily.
- c. Drive-through service is prohibited.
- d. A Medical Marijuana Dispensary or Retail Marijuana Store is prohibited on any property, or within a shopping center with frontage, that is located on the same street on which a residentially-zoned property is also located unless the dispensary or store is located more than 300 feet from the residential property, as measured on a straight line from the nearest residential property line abutting the street right-of-way to the front door of the dispensary or store.

3. In addition to the required findings for a Special Use Permit, the following standards must also be considered in the review of a request for a Special Use Permit for a Medical Marijuana Dispensary or Marijuana Retail Store to be located within the General Industrial zoning district:

- a. That the proposed Medical Marijuana Dispensary or Marijuana Retail Store 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 II:

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

PROPOSED on _____, 2018.

PROPOSED by _____.

PASSED _____, 2018.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

ATTEST:

SUE MERRIWETHER
CLERK/RECORDER

This ordinance shall be in force and effect from and after the _____ day of _____, 2018.

DRAFT