



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** March 19, 2020

Staff Contact: Heather Ferris, Associate Planner

Agenda Title: For Possible Action: Discussion and possible action to adopt, on second reading, Bill No. 102, an ordinance relating to marijuana, amending Title 18 Appendix, Division 1, Section 1.20 of Carson City Municipal Code to revise hours of operation for Medical Marijuana Dispensaries and Retail Marijuana Stores. (Heather Ferris, hferris@carson.org)

Staff Summary: The applicant is proposing to amend Division 1.20.2.b of the Development Standards to allow marijuana dispensaries to expand the permitted hours of operation from 7 AM to 8 PM daily to 8 AM to 11 PM daily.

Agenda Action: Ordinance - Second Reading **Time Requested:** 10 Minutes

Proposed Motion

I move to adopt Bill No. 102, on second reading, Ordinance No. _____.

Board's Strategic Goal

Quality of Life

Previous Action

January 29, 2020: The Planning Commission recommended approval by a vote of 6 - 0, 1 vacant to recommend to the Board of Supervisors approval of the request for the expanded hours of operation.

A motion was also made to recommend approval to the Board of Supervisors to allow for increased signage consistent with other retail uses. The motion failed by a vote of 2-4, 1 vacant, with no further motions from the Planning Commission.

March 5, 2020: The Board of Supervisors introduced the ordinance by a vote of 3-2.

Background/Issues & Analysis

At its meeting of March 5, 2020, the Board considered the proposed Ordinance as recommended by the Planning Commission and introduced the ordinance as recommended.

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 18.02.075 (Zoning Code Amendments); NRS Chapter 244; Article 2 of the Carson City Charter.

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives

Do not introduce the Ordinance and provide alternative direction to staff.

Attachments:

[ZA-2019-0005_Dispensary_hrs \(2nd reading 3-19-20\).docx](#)

[ZA-2019-0005 1-29-20 PC SR.pdf](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

Summary: Revises provisions related to hours of operation for medical marijuana and retail marijuana stores.

BILL NO. 102

ORDINANCE NO. 2020 - _____

AN ORDINANCE RELATING TO MARIJUANA; AMENDING TITLE 18 APPENDIX (CARSON CITY DEVELOPMENT STANDARDS), DIVISION 1 (LAND USE AND SITE DESIGN), SECTION 1.20 (MEDICAL MARIJUANA ESTABLISHMENTS AND MARIJUANA ESTABLISHMENTS) OF THE CARSON CITY MUNICIPAL CODE TO REVISE HOURS OF OPERATION FOR MEDICAL MARIJUANA DISPENSARIES AND RETAIL MARIJUANA STORES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 Appendix (CARSON CITY DEVELOPMENT STANDARDS), Division 1 (LAND USE AND SITE DESIGN), Section 1.20 (MEDICAL MARIJUANA ESTABLISHMENTS AND MARIJUANA ESTABLISHMENTS), is hereby amended (**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.] **(a)** [A#] 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)~~ **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-]~~ **(b)** The consumption of marijuana products is prohibited on the premises of any Medical Marijuana Establishment and Marijuana Establishment.

~~[c-]~~ **(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-]~~ **(d)** The outdoor display or sale of any Medical Marijuana Establishment or Marijuana Establishment merchandise or product is prohibited.

~~[e-]~~ **(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-]~~ **(f)** Access to Medical Marijuana Establishment or Marijuana Establishment must comply with all applicable state and federal laws and regulations.

~~[g-]~~ **(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-]~~ **(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 Medical Marijuana establishments and Marijuana Establishments are limited to following signage:

- (1) A maximum of ~~thirty (30)~~ **30** square feet of wall sign area.
- (2) A maximum of ~~thirty-two (32)~~ **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 **(Signs)**.

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

(5) 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.

~~[i-]~~ **(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]~~ **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]~~ **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]~~ a minimum of one space for every 500 square feet of gross floor area.

(4) For Medical Marijuana Testing and Marijuana Testing Facilities~~[-]~~ , ~~[A]~~ a minimum of one space for every 400 square feet of gross floor area.

~~[j-]~~ (j) Notwithstanding any other provision of CCMC, not more than ~~[two]~~ 2 Medical Marijuana Dispensaries are allowed to operate at the same time in Carson City.

~~[k-]~~ (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-]~~ (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 and Retail Marijuana Stores:

~~[a-]~~ (a) A single point of secure public entry must be provided and identified.

~~[b-]~~ (b) Hours of operation are limited to between ~~[7:00 a.m. and 8:00 p.m.]~~ 8:00 a.m. and 11:00 p.m., daily.

~~[c-]~~ (c) Drive-through service is prohibited.

~~[d-]~~ (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-]~~ (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-]~~ (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.

SECTION III:

This ordinance becomes effective on _____, 2020.

PROPOSED on _____, 2020.

PROPOSED by _____.

PASSED _____, 2020.

VOTE:

AYES: _____

NAYS: _____

ABSENT: _____

ROBERT L. CROWELL, Mayor

ATTEST:

AUBREY ROWLATT, Clerk-Recorder

STAFF REPORT FOR PLANNING COMMISSION MEETING OF JANUARY 29, 2020

FILE NO: ZA-2019-0005

AGENDA ITEM: E.8

STAFF CONTACT: Heather Ferris, Associate Planner

AGENDA TITLE: For Possible Action: Discussion and possible action regarding a recommendation to the Board of Supervisors for an ordinance relating to marijuana dispensaries; amending Title 18 Appendix (Carson City Development Standards), Division 1 (Land Use and Site Design), Section 1.20 (Medical Marijuana Establishments and Marijuana Establishments) of the Carson City Municipal Code to amend regulations governing hours of operation and signage for medical marijuana establishment and marijuana establishments.

STAFF SUMMARY: The applicant is proposing to amend Division 1.20.2.b to allow marijuana dispensaries to expand the permitted hours of operation from 7 AM to 8 PM daily to 8 AM to 11 PM daily; and amend Division 1.20.1.h of the Development Standards to allow for marijuana dispensaries to increase the allowable signage to a maximum of 90 square feet.

PROPOSED MOTION: "I move to recommend to the Board of Supervisors approval of ZA-2019-0005, an ordinance amending Title 18 Appendix, Division 1, Section 1.20 to expand hours of operation for medical marijuana dispensaries and retail marijuana stores. I further move to deny the request to allow for increased signage for these facilities."

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); CCMC 18.02.075 (Zoning map amendments and zoning code amendments); and NRS 278.260.

KEY ISSUES: Is the requested expansion of hours of operation and increase in allowable signage for marijuana dispensaries appropriate?

DISCUSSION:

The applicant is requesting expanded hours of operation for marijuana dispensaries and an increase to the allowable signage. The applicant proposes mimicking the signage limitations of Washoe County and the hours of operation of the City of Reno and Washoe County.

Hours of Operation: Currently, Division 1.20.2.b of the Development Standards limits hours of operations for Marijuana Dispensaries to 7 AM to 8 PM daily. These hours of operation were established in 2014 with the adoption of the City's first Medical Marijuana Establishment ordinance (Ord. 2014-10). At the time, the intent of the hours of operation was to allow dispensaries to be open during regular business hours, giving customers adequate available times before and after typical work hours and preventing dispensaries from being open during the late night and early morning hours. When recreational marijuana was legalized, these hours of operations for dispensaries were carried over into the new ordinance (Ord. 2017-21).

The applicant is requesting an expansion of these hours because the existing dispensaries in Carson City believe they are at a competitive disadvantage with the dispensaries located in the City of Reno and Washoe County which allow dispensaries to be open from 8 AM to 12 midnight daily. Therefore, the requested hours are 8 AM to 11 PM daily.

Staff has consulted with the Sheriff's Office on this matter. The Sheriff's Office has no objections to the expanded hours of operations for dispensaries.

Signage: Through the adoption of Medical Marijuana Establishment standards (Ord. 2014-10), 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 free standing 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 and Nevada Revised Statutes (NRS) 453A.350.1(d) which limits medical marijuana dispensary signage to discreet professional signage consistent with pharmacies and medical offices.

When the State legalized recreational marijuana, the City adopted standards for recreational marijuana establishments and only allow for marijuana retail stores to operate within the same premises as an existing medical marijuana dispensary that is operating in good standing. Moreover, no more than two medical marijuana dispensaries are allowed to operate at the same time in Carson City. When the ordinance (Ord. 2017-21) was adopted to allow for recreational marijuana establishments the signage limitations were inadvertently changed, removing the reference to the sign regulations for Office Uses and instead simply referencing Division 4.

This was corrected in 2018 with the adoption of Ord. 2018-7 which also incorporated 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. This ordinance also increased the maximum allowable square footage of wall signs from 15 square feet to 30 square feet. The rationale for this increase was that there are now two businesses located at each location and must be collocated per the City's regulations. By allowing for 30 square feet of wall sign area, each individual business would be allowed 15 square feet which could be used separate or combined into one 30 square foot sign. This maintains consistency with NRS 453A.350.1 (d) and provides consistency for signage permitted for each of the retail marijuana store locations.

The applicant is now seeking to amend the signage limitations for marijuana dispensaries and marijuana retail stores to be similar to those in Washoe County. The applicant proposes allowing for the same signage allowed for retail uses with a maximum square footage of 90 square feet.

The logic behind the amendments in 2018 is still sound today, and therefore, staff is recommending denial of this portion of the request. Carson City Municipal Code is consistent with NRS in that medical marijuana establishments are required to have signage consistent with office uses. Moreover, Carson City only allows a marijuana retail store on the same premises as a licensed medical marijuana dispensary. Therefore, since the two uses are housed in the same location, the increase in signage from 15 square feet to 30 square feet for wall signage accommodates the retail business as well as the medical marijuana dispensary. Additionally, as noted above the existing sign regulations put each of the existing marijuana store locations on even footing allowing them each to have the same amount of signage.

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.

OTHER CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS:

The application was routed to commenting agencies and the following comments were received:

Sheriff's Office:

The Sheriff's Office has no objections or input on the proposed zoning amendment.

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 expanded hours of operation and proposed increase in allowable signage do not conflict with any goals or policies of the Master Plan. Goal 2.3 of the Master Plan encourages the City to provide opportunities for a range of retail services; and Guiding Principle 5: *A Strong Diversified Economic Base* encourages the City to maintain and enhance the base of primary jobs and provide a broader range of retail services to serve residents of Carson City as well as those in surrounding counties. The state has authorized Medical Marijuana Establishments and Marijuana Establishments as a legal use in Nevada. In order to implement those uses in Carson City, the City must provide for any applicable regulations, including and hours of operation and signage.

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 expansion of hours of operation will not change the type of land use permitted per the Zoning Ordinance, therefore it will not create incompatible land uses. The expanded hours of operation would be consistent with other similar uses.

NRS Section 453A.350.1(d) requires medical marijuana establishment to “have discreet and professional signage consistent with the traditional style of signage for pharmacies and medical offices.” Carson City Municipal Code is consistent with NRS in that medical marijuana establishments are required to have signage consistent with office uses. Moreover, Carson City only allows a marijuana retail store on the same premises as a licensed medical marijuana dispensary. Therefore, since the two uses are housed in the same location, the 2018 increase in signage from 15 square feet to 30 square feet for wall signage accommodates the retail business as well as the medical marijuana dispensary. Additionally the existing sign regulations put each of the existing marijuana store locations on even footing allowing them each to have the same amount of signage. The logic behind the amendments in 2018 is still sound today.

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 requested expansion of hours of operation and increased signage for marijuana dispensaries and retail marijuana stores would not have impacts on public services or the public health, safety and welfare. The Sheriff’s Office has reviewed the proposed expanded hours and has no objections.

Attachments:

- 1) Draft ordinance
- 2) Application packet