

## A19 – Cannabis Additional Restrictions

### LAND USE, PLANNING AND ZONING SUBCOMMITTEE of the CITY COUNCIL

May 12<sup>th</sup>, 2021

COMMITTEE AMENDMENT NO. \_\_\_\_\_ TO O-21-60 and EXHIBIT 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Jones

1. Amend O-21-60, to add a new Section 2 and renumber accordingly:  
[ SECTION 2. On-site cannabis consumption is prohibited in all zones until regulations promulgated by the State become effective, in which case all other City provisions regarding on-site consumption not prohibited by state regulation will become effective.]
2. In Exhibit 1, Page 181, revise Section 4-3(D)(35)(c), Cannabis Retail as follows:  
  
This use is prohibited [in MS areas or within 660 feet of MS areas, or] within [330] [300] feet of any school or child day care facility[, Residential zone district, or lot containing a residential use in any Mixed-use zone district, group home, or religious institution].
3. In Exhibit 1, Page 181, revise Section 4-3(D)(35)(d), Cannabis Retail as follows:  
  
4-3(D)(35)(d) This use is conditional if cannabis will be consumed on-site. If cannabis is consumed on-site, an air filtration plan approved by the City's Environmental Health Department is required. [On-site cannabis consumption is prohibited in the following areas:  
1. In MS areas or within 660 feet of MS areas.]
4. In Exhibit 1, Page 181, Section 4-3(D)(35) Cannabis Retail add the following subsections:  
  
[4-3(D)(35)(e) This use shall not be located within 1,000 feet of a licensed premises containing another Cannabis Retail, Adult Entertainment, or Adult Retail Uses.

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4-3(D)(35)(f) Customer visits and deliveries are prohibited between 10:00 P.M. and 7:00 A.M.

4-3(D)(35)(g) Signage:

- i. Off Premise signs for cannabis retail establishments are prohibited
- ii. On Premise signs:
  - a. For cannabis retail establishments are limited to wall signs, which may only include the business or tradename, the business location, the days and hours of operation the establishment and the identifying nature of the business.
  - b. Signs must contain text stating that cannabis products may be purchased or possessed only by persons 21 years of age or older.
  - c. Signs cannot contain depictions or plants or products (e.g. marijuana leaf=plant, joint=product).
  - d. Signs may not use movie or cartoon characters, or mimic any other product brand.
  - e. Signs may not be targeted at minors.

4-3(D)(35)(h) On-site consumption areas are limited to no more than 500 sqft]

5. In Exhibit 1, Page 190, Section 4-3(E)(2) Cannabis Cultivation add the following subsections:

[4-3(E)(2)(f) Customer visits and deliveries are prohibited between 10:00 P.M. and 7:00 A.M.

4-3(E)(2)(g) Signage:

- i. Off Premise signs for cannabis cultivation establishments are prohibited
- ii. On Premise signs:
  - a. For cannabis cultivation establishments are limited to wall signs, which may only include the business or tradename, the business location, the days and hours of operation the establishment and the identifying nature of the business.
  - b. Signs must contain text stating that cannabis products may be purchased or possessed only by persons 21 years of age or older.
  - c. Signs cannot contain depictions or plants or products (e.g. marijuana leaf=plant, joint=product).
  - d. Signs may not use movie or cartoon characters, or mimic any other product brand.

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e. Signs may not be targeted at minors.]

6. In Exhibit 1, Page 191, revise Section 4-3(E)(3) (Cannabis-derived Products Manufacturing add the following subsections:

[4-3(E)(3)(f) Customer visits and deliveries are prohibited between 10:00 P.M. and 7:00 A.M.]

4-3(E)(3)(g) Signage:

- i. Off Premise signs for cannabis-derived product manufacturing establishments are prohibited
- ii. On Premise signs:
  - a. For cannabis cannabis-derived product manufacturing establishments are limited to wall signs, which may only include the business or tradename, the business location, the days and hours of operation the establishment and the identifying nature of the business.
  - b. Signs must contain text stating that cannabis products may be purchased or possessed only by persons 21 years of age or older.
  - c. Signs cannot contain depictions or plants or products (e.g. marijuana leaf=plant, joint=product).
  - d. Signs may not use movie or cartoon characters, or mimic any other product brand.
  - e. Signs may not be targeted at minors.]

7. In Exhibit 1, Page 546, Section 7-1 Definitions, add the following to the Cannabis Definitions:

[On-site Consumption On-site consumption of cannabis includes the smoking, vaporizing, and ingesting of cannabis or cannabis products on a licensed premise. On-site consumption is considered part of Cannabis Retail.]

**Explanation:** This amendment adds additional restrictions to the three cannabis uses in the IDO. During the 2019 IDO Annual Update, the IDO created 3 cannabis related uses in anticipation of the legalization of recreational cannabis. Those three uses are, plus definitions:

- Cannabis Retail: A retail sales establishment licensed by the State to sell cannabis for recreational consumption. Retail establishments selling cannabis solely for consumption by users with a medical card issued by the State are considered general retail and are not regulated by this definition. See also *General Retail*.
- Cannabis Cultivation: A facility in which cannabis is grown, harvested, dried, cured, or trimmed.

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- Cannabis-derived Product Manufacturing: The processing, including but not limited to extraction, refinement, isolation, or packaging of a product other than cannabis itself, which contains or is derived from cannabis, including but not limited to concentrates, cannabis infusions, edible products, ointments, and tinctures, but excluding hemp. See also *Hemp*.

The IDO anticipates that a business may have one or more of these uses on the same site. For example a site may include both cultivation and manufacturing. Or manufacturing and retail. The IDO limits these three uses to the following zone districts:

- Cannabis Retail:
  - Permissive: MX-L, MX-M, MX-H, NR-C, NR-BP
  - Accessory: NR-LM, and NR-GM
- Cannabis Cultivation
  - Permissive: NR-C, NR-BP, NR-LM, and NR-GM
- Cannabis-derived Product Manufacturing
  - Permissive: NR-C, NR-BP, NR-LM, and NR-GM

This amendment adds additional restrictions in terms of requiring distances between cannabis retail businesses, prohibits on-site consumption in certain areas of the city, limits hours of on-site activity, and limits signage for cannabis establishments.

This amendment was drafted and sponsored at the request of the Mayor and the Administration.