



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: December 9, 2016 **REPORT NO. PC-16-100**

HEARING DATE: December 15, 2016

SUBJECT: An Amendment to the City's Municipal Code and Local Coastal Program to Address the Adult Use of Marijuana Act and the Medical Marijuana Consumer Cooperative Regulations. Process 5

SUMMARY

Issue:

Should the Planning Commission recommend to the City Council approval of amendments to the Land Development Code and the City's Local Coastal Program to address the Adult Use of Marijuana Act amendments and medical marijuana consumer cooperatives?

Staff Recommendation:

Recommend approval to the City Council of amendments addressing the Adult Use of Marijuana Act and the medical marijuana consumer cooperative regulations.

City Strategic Plan Goal and Objectives:

Goal #3: Create and sustain a resilient and economically prosperous City.

Objective #3: Diversify and grow the local economy.

Environmental Review:

The project is exempt from CEQA, Section 15061(b)(3) which states that CEQA only applies to projects which have the potential for causing a significant effect on the environment.

Housing Impact Statement:

The proposed regulations would have no impact on the provision of housing in the City of San Diego. Marijuana outlets would not be permitted in a zone that allows residential use and would be required to be at least 100 feet from a residential zone.

BACKGROUND

In March of 2014 the City of San Diego amended the Land Development Code to include regulations for medical marijuana consumer cooperatives. On November 8, 2016 the citizens of California voted to approve Proposition 64, the Adult Use of Marijuana Act (AUMA). As it relates to land use, the AUMA allows, at the discretion of local jurisdictions, the agricultural cultivation and processing of marijuana as well as the transportation, distribution, testing, and retail sale of marijuana and marijuana by-products.

DISCUSSION

A. When will the AUMA take effect?

While the AUMA took effect the day after the election (November 9th), it requires a state license to engage in commercial nonmedical marijuana activities. The State Department of Food and Agriculture (cultivation), Department of Consumer Affairs (retail sales, transportation, and storage and distribution), and Department of Public Health (manufacturing and testing) will each be responsible for developing regulations and licensing requirements by no later than January 2018.

Pursuant to the AUMA, a local jurisdiction may adopt and enforce local ordinances that regulate local zoning and land use requirements, business license requirements, and other requirements it deems necessary in order to reduce potential impacts associated with retail marijuana use, including the complete prohibition of commercial nonmedical marijuana activities. Once local regulations are adopted, it is up to the individual jurisdictions to notify the State Departments of their regulations or bans for each licensed activity. The Departments are not to issue licenses that are inconsistent with a local jurisdiction's regulations.

B. How does the City propose to regulate marijuana activities?

The proposed amendments address the land use provisions of the AUMA as well as address long-standing processing frustrations related to the regulations for medical marijuana consumer cooperatives. The proposed regulations appropriately balance the will of the voters with the concerns related to the potential impacts associated with commercial marijuana use.

First, a new retail sales use, *marijuana outlets*, has been created. In addition to allowing retail sales, the new use encompasses medical marijuana consumer cooperatives.¹ As a result, regulations specific to medical marijuana consumer cooperatives have been deleted. A currently approved medical marijuana consumer cooperative will be permitted to operate until the expiration of its Conditional Use Permit. A marijuana outlet is defined as follows:

Marijuana Outlet means a retail establishment operating with a Conditional Use Permit in accordance with Section 141.0504, where marijuana, marijuana products, and marijuana accessories, as defined in California Health and Safety Code sections 11018, 11018.1, and 11018.2, are sold to the public in accordance with dispensary or retailer licensing requirements pursuant to California Business and Professions Code sections. A *marijuana outlet* shall not include clinics licensed by the State of California pursuant to Chapters 1, 2, 3.01, 3.2, or 8 of Division 2 of the California Health and Safety Code.

¹ A Marijuana Outlet may sell marijuana and marijuana products to the public as a medicinal dispensary, commercial retail establishment or combination of the two.

Marijuana outlets will generally be regulated in the same manner as were medical marijuana consumer cooperatives. They will be permitted in the same zones, require a Conditional Use Permit (Process 3), and be required to maintain similar security requirements and separation distances. They also will be limited to no more than 4 per City Council district.

The following are modifications to the regulations that previously applied to medical marijuana consumer cooperatives that will apply to marijuana outlets.

- The intent of the separation from public parks has been clarified. "Public parks" has been replaced with "resource-based parks" (regional, shoreline, and beach parks) and "population-based parks" (major, community, neighborhood, mini, and special activity parks).
- The intent of the sign regulations has been clarified. Business signs were limited to the name of the business only, with the intent to prohibit graphics. However, business were proposing to include graphics within the name of the business. The proposed regulations would limit the business name to alphabetic characters.
- The regulations now clarify that delivery services for marijuana and marijuana by-products shall be permitted from only marijuana outlets with a valid Conditional Use Permit, unless otherwise allowed by the Compassionate Use Act of 1996.
- The regulations are amended to require facilities to maintain the area free of litter and graffiti, and require any graffiti to be removed within 24 hours.

Other activities addressed in the AUMA that trigger land use issues are cultivation and processing of marijuana and marijuana by-products (agricultural uses), distribution and storage of marijuana and marijuana by-products (distribution and storage uses), and production of goods from marijuana and testing of marijuana and marijuana by-products (industrial uses). Except as otherwise specifically allowed, these activities will be prohibited in all zones.

This ordinance will be drafted to become effective when the state is prepared to issue licenses.

ALTERNATIVES

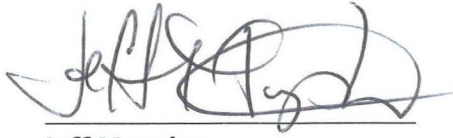
The Planning Commission may recommend to the City Council that it not adopt the ordinance or that it adopt the ordinance with modifications.

CONCLUSION

In regards to land use, the Adult Use of Marijuana Act provides jurisdictions with the ability to cultivate and process, retail, transport, distribute and store, and test marijuana and marijuana by-products.

The amendment to the Land Development Code and the City's Local Coastal Program would allow, with a Conditional Use Permit, a limited number of marijuana outlets and prohibit cultivation and processing, transportation, distribution and storage, and testing of marijuana and marijuana by-products.

Respectfully submitted,



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Director
Planning Department



Dan Normandin
Project Manager III
Planning Department

MURPHY/DN

Attachment:

Adult Use of Marijuana Act Amendment

§42.0709 Fowl, Rabbits, Racing or Homing Pigeons or Fancy Pigeons, Maintenance— Regulations and Exceptions

(a) through (d) [No change in text.]

(e) Keeping or maintaining chickens located on a premises zoned for a single dwelling unit, developed with a single dwelling unit, developed with a community garden in accordance with section 141.0203, or developed with a retail farm in accordance with section 141.0505~~6~~, is subject to the following requirements, except that section 42.0709(e) shall not apply to single dwelling units located in agriculture base zones.

(1) through (4) [No change in text.]

(f) [No change in text.]

§113.0103 Definitions

Abutting property through Map, tentative [No change in text.]

Marijuana Outlet means a retail establishment operating with a Conditional Use Permit in accordance with Section 141.0504, where marijuana, marijuana products, and marijuana accessories, as defined in California Health and Safety Code sections 11018, 11018.1, and 11018.2, are sold to the public in accordance with dispensary or retailer licensing requirements pursuant to California Business and Professions Code sections. A *marijuana outlet* shall not include clinics licensed by the State of California pursuant to Chapters 1, 2, 3.01, 3.2, or 8 of Division 2 of the California Health and Safety Code.

Market value through Marquee [No change in text.]

~~*Medical marijuana consumer cooperative* means a facility where marijuana is transferred to qualified patients or primary caregivers in accordance with the Compassionate Use Act of 1996 and the Medical Marijuana Program Act, set forth in California Health and Safety Code sections 11362.5 through 11362.83. A *medical marijuana consumer cooperative* shall not include clinics licensed by the State of California pursuant to Chapters 1, 2, 3.01, 3.2, or 8 of Division 2 of the California Health and Safety Code.~~

MHPA through Yard [No change in text.]

§113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. (See Diagram 113-02E).

Diagram 113-02E
Distance Between Uses [No change in text.]

(a) and (b) [No change in text.]

(c) When measuring distance for separation requirements for ~~medical marijuana consumer cooperatives~~ or marijuana outlets, the measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

§126.0303 When a Conditional Use Permit is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three
Agricultural equipment repair shops through Major transmission, relay, or communication switching station [No change in text.]
Marijuana Outlets
~~Medical marijuana consumer cooperatives~~
Museums through Wireless communication facilities (under circumstances described in Section [No change in text.]

(b) and (c) [No change in text.]

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110.

A description of separately regulated uses is located in Section 131.0112(b).

(1) Open Space Use Category [No change in text]

(2) Agriculture Use Category

This category includes uses that involve the raising and harvesting of crops, the raising of animals, and the processing of plant and animal by-products, except that the raising, harvesting, and processing of marijuana and marijuana by-products is prohibited. The agriculture subcategories are:

(A) through (F) [No change in text.]

(3) through (8) [No change in text.]

(9) Distribution and Storage Use Category

This category includes uses that distribute and store goods. Long-term and short-term storage of commercial goods and personal items is included, except that distribution and storage of marijuana and marijuana by-products, unless otherwise specifically allowed, is prohibited. The subcategories are:

(A) through (C) [No change in text.]

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced, except that production of goods from marijuana and marijuana by-products and testing of marijuana and marijuana by-products is prohibited. The subcategories are:

(A) through (E) [No change in text.]

(11) *Signs* Use Category [No change in text.]

(b) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

**Table 131-02B
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories	Zone Designator	Zones				
		[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	OP-	OC-	OR ⁽¹⁾ -
3rd >>	1-		2-	1-	1-	1-
4th >>	1		1	1	1	2
Open Space through Separately Regulated Retail Sales Uses		[No change in text.]				
Farmers' Markets [No change in text.]						
<u>Marijuana Outlets</u>		=	=	=	=	=

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-	OC-	OR ⁽¹⁾ -	OF ⁽¹¹⁾ -	
3rd >>	1-	2-	1-	1-	1-	
4th >>	1	1	1	1	2	1
Separately Regulated Retail Sales Uses Plant Nurseries through Separately Regulated Commercial Services Massage Establishments [No change in text.]		[No change in text.]				
Medical Marijuana Consumer Cooperatives	-	-	-	-	-	
Separately Regulated Commercial Services Mobile Food Trucks through Separately Regulated Signs Uses Theater <i>Marquees</i> [No change in text.]		[No change in text.]				

Footnotes for Table 131-02B [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

**Table 131-03B
Use Regulations Table of Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG	AR		
3rd >>	1-	1-			
4th >>	1	2	1	2	
Open Space through Separately Regulated Retail Sales Uses Farmers' Markets [No change in text.]		[No change in text.]			
Marijuana Outlets	=	=			
Separately Regulated Retail Sales Uses Plant Nurseries through Separately Regulated Commercial Services Massage Establishments [No change in text.]		[No change in text.]			
Medical Marijuana Consumer Cooperatives	-	-			
Separately Regulated Commercial Services Mobile Food Trucks through Separately Regulated Signs Uses Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

§131.0323 Additional Use Regulations of Agricultural Zones

The additional use regulations identified in this section are applicable to uses where indicated in Table 131-03B.

- (a) [No change in text.]
- (b) Horticulture nurseries are permitted subject to the following:
 - (1) Only plants are permitted to be sold on the *premises*. The sale of nonplant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.05045;
 - (2) and (3) [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

Table 131-04B

Use Regulations Table of Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1 st & 2nd >>	RE-	RS-												RX-		RT-							
	3rd >>	1-	1-												1-		1-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Open Space through Separately Regulated Commercial Services Uses Retail Sales Uses Farmers' Markets		[No change in text.]																						
<i>Marijuana Outlets</i>	=	=												=	=									
Separately Regulated Retail Sales Uses Plant Nurseries through Separately Regulated Commercial Services Massage Establishments [No change in text.]		[No change in text.]																						
<i>Medical Marijuana Consumer Cooperatives</i>	-	-												-	-									
Separately Regulated Commercial Services Mobile Food Trucks through Separately Regulated Signs Uses Theater Marquees [No change in text.]		[No change in text.]																						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Separately Regulated Commercial Services Uses Retail Sales Uses Farmers' Markets		[No change in text.]												
<i>Marijuana Outlets</i>		=	=	=	=	=	=	=	=	=	=	=	=	
Separately Regulated Retail Sales Uses Plant Nurseries through Separately Regulated Commercial Services Massage Establishments [No change in text.]		[No change in text.]												
<i>Medical Marijuana Consumer Cooperatives</i>		-	-	-	-	-	-	-	-	-	-	-	-	
Separately Regulated Commercial Services Mobile Food Trucks through Separately Regulated Signs Uses Theater Marquees [No change in text.]		[No change in text.]												

Footnotes for Table 131-04B [No change in text.]

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in the Table 131-05B.

Legend for Table 131-05B

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones														
	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-				CV-		CP-	
	3rd >>	1-					1-	2-	1-	2-	3-		1-	1-		
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2
Open Space through Separately Regulated Commercial Services Uses Retail Sales Uses Farmers' Markets		[No change in text.]														
<i>Marijuana Outlets</i>		=	=	<u>C</u>	=	=	=	=	=	=	=	=	=			
Separately Regulated Retail Sales Uses Plant Nurseries through Separately Regulated		[No change in text.]														

Commercial Services Massage Establishments [No change in text.]	
<i>Medical Marijuana Consumer Cooperatives</i>	- - € - - - - -
Separately Regulated Commercial Services Mobile Food Trucks through Separately Regulated Signs Uses Theater <i>Marquees</i> [No change in text.]	[No change in text.]

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zone																													
	1 st & 2 nd >>	CC-																													
	3 rd >>	1-	2-	3-	4-	5-																									
	4 th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6				
Open Space through Separately Regulated Commercial Services Uses Retail Sales Uses Farmers' Markets		[No change in text.]																													
<i>Marijuana Outlets</i>		=	C	=	=	=																									
Separately Regulated Retail Sales Uses Plant Nurseries through Separately Regulated Commercial Services Massage Establishments [No change in text.]		[No change in text.]																													
<i>Medical Marijuana Consumer Cooperatives</i>		-	€	-	-	-																									
Separately Regulated Commercial Services Mobile Food Trucks through Separately Regulated Signs Uses Theater <i>Marquees</i> [No change in text.]		[No change in text.]																													

Footnotes to Table 131-05B [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in the Table 131-06B.

Legend for Table 131-06B

[No change in text.]

**Table 131-06B
Use Regulations Table for Industrial Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1 st & 2 nd >>	IP-			II-			III-		IS-	IBT-
	3 rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4 th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Separately Regulated Retail Sales Uses Farmers' Markets [No change in text.]	[No change in text.]										
<i>Marijuana Outlets</i>	=	=	=	=	=	=	C	=	=	C	C
Separately Regulated Retail Sales Uses Plant Nurseries through Separately Regulated Commercial Services Massage Establishments [No change in text.]	[No change in text.]										
<i>Medical Marijuana Consumer Cooperatives</i>	-	-	-	-	-	-	€	-	-	€	€
Separately Regulated Commercial Services Mobile Food Trucks through Separately Regulated Signs Uses Theater Marquees [No change in text.]	[No change in text.]										

Footnotes to Table 131-06B [No change in text.]

§141.0504 Marijuana Outlets

Marijuana outlets, consistent with the requirements for retailer or dispensary license requirements for the adult use of marijuana in the California Business and Professions Code in section 26070, may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than four marijuana outlets are permitted in each City Council District. Marijuana outlets are subject to the following regulations.

(a) Marijuana outlets shall maintain the following minimum separation between uses, as measured between property lines, in accordance with Section 113.0225:

(1) 1,000 feet from resource and population-based city parks, other marijuana outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, or schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(2) 100 feet from a residential zone.

- (b) Lighting shall be provided to illuminate the interior of the *marijuana outlet*, facade, and the immediate surrounding area, including any *accessory uses*, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- (c) Security shall be provided at the *marijuana outlet* which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the *premises* during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.
- (d) Primary *signs* shall be posted on the outside of the *marijuana outlet* and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors.
- (e) The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the *marijuana outlet* in character size at least two inches in height.
- (f) The *marijuana outlet* shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
- (g) The use of vending machines which allow access to marijuana and marijuana by-products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to marijuana and marijuana by-products without a human intermediary.
- (h) A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
- (i) A Conditional Use Permit for a *marijuana outlet* shall expire no later than five (5) years from the date of issuance.
- (j) Deliveries shall be permitted as an *accessory use* only from *marijuana outlets* with a valid Conditional Use Permit unless otherwise allowed pursuant to the Compassionate Use Act of 1996.
- (k) The *marijuana outlet*, adjacent public sidewalks, and areas under the control of the *marijuana outlet*, shall be maintained free of litter and graffiti at all times.
- (l) The *marijuana outlet* shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the *premises* within 24 hours.

§141.05045 **Plant Nurseries**
[No change in text.]

§141.05056 Retail Farms

[No change in text.]

§141.05067 Swap Meets and Other Large Outdoor Retail Facilities

[No change in text.]

§141.05078 Retail Tasting Stores

[No change in text.]

§141.0614 ~~Medical Marijuana Consumer Cooperatives~~

~~Medical marijuana consumer cooperatives may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than four medical marijuana consumer cooperatives are permitted in each City Council District. Medical marijuana consumer cooperatives are subject to the following regulations.~~

- (a) ~~Medical marijuana consumer cooperatives shall maintain the following minimum separation between uses, as measured between property lines, in accordance with Section 113.0225:~~
- (1) ~~1,000 feet from public parks, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, or schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.~~
 - (2) ~~100 feet from a residential zone.~~
- (b) ~~Consultations by medical professionals shall not be a permitted accessory use at a medical marijuana consumer cooperative.~~
- (c) ~~Lighting shall be provided to illuminate the interior of the medical marijuana consumer cooperative, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.~~
- (d) ~~Security shall be provided at the medical marijuana consumer cooperative which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.~~
- (e) ~~Signs shall be posted on the outside of the medical marijuana consumer cooperative and shall only contain the name of the business, limited to two colors.~~

- (f) ~~The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the *medical marijuana consumer cooperative* in character size at least two inches in height.~~
- (g) ~~The *medical marijuana consumer cooperative* shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.~~
- (h) ~~The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to medical marijuana without a human intermediary.~~
- (i) ~~A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.~~
- (j) ~~A Conditional Use Permit for a *medical marijuana consumer cooperative* shall expire no later than five (5) years from the date of issuance.~~

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
- (1) through (8) [No change in text.]
- (9) Marijuana outlet regulations contained in Section 141.0504~~Medical marijuana consumer cooperative regulations contained in Section 141.0614,~~ when that the use is specifically allowed by the Planned District Ordinance.
- (10) Processing, raising, harvesting, retailing, distributing, storing, or manufacturing, as described in Section 131.0112, of marijuana or marijuana by-products when the use is specifically allowed by the Planned District Ordinance.

§152.0312 Subdistrict D Permitted Uses

- (a) through (d) [No change in text.]
- (e) Marijuana outlets are permitted in accordance with Section 141.0504.

§153.0309 Employment Center (EC)

- (a) Permitted Uses
No building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged; nor shall any lot or premises be used except for one or more of the following purposes:
- (1) through (10) [No change in text.]

(11) ~~Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614. Marijuana outlets are permitted in accordance with Section 141.0504.~~

(12) through 14 [No change in text.]

(b) through (c) [No change in text.]

§153.0310 Special Use Area (SP)

(a) [No change in text.]

(b) Permitted Uses
The following uses are permitted in the Special Use Area:

(1) through (11) [No change in text.]

(12) ~~Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614. Marijuana outlets are permitted in accordance with Section 141.0504.~~

(13) [No change in text.]

(c) through (d) [No change in text.]

§156.0308 Base District Use Regulations

(a) Permitted Land Uses
The uses allowed and level of review required in the Centre City Planned District base districts and overlay districts are shown in Table 156-0308-A, below. The “Additional Regulations” column references additional regulations applicable to certain uses, which are found in this Article or in the Land Development Code.

(b) [No change in text.]

Table 156-0308-A: CENTRE PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Separately Regulated Retail Sales [No change in text.]	[No change in text.]														

Table 156-0308-A: CENTRE PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Separately Regulated Retail Sales Uses															
<i>Marijuana Outlets</i>	-	-	-	-	C	-	-	C	C	-	-	-	C	\$141.0504	
Commercial Services Animal Grooming & Veterinary Offices through Maintenance & Repair	[No change in text.]														
<i>Medical Marijuana Consumer Cooperatives</i>	-	-	-	-	E	-	-	E	E	-	-	-	-	\$141.0504	
Commercial Services Off-Site Services through Other Use Requirements, Temporary Uses and Structures [No change in text.]	[No change in text.]														

Footnotes to Table 156-0308-A [No change in text.]

§1514.0305 Commercial Zones (MV-CO, MV-CV, MV-CR)

- (a) [No change in text.]
- (b) Permitted Uses
 - (1) No building or improvement, or portion there of, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the uses listed for applicable zones in Table 1514-03I. The predominant land use shall be consistent with the community plan land use designation.

Legend for Table 1514-03J

Symbol in Table 1514-03I Description of Symbol

- Not Permitted
- P Permitted
- L Subject to Limitations
- CUP Conditional Use Permit

Table 1514-03J

Commercial Zones Use Table

Commercial	MV-CO	MV-CV	MV-CR
Accessory Uses through Locksmith Shops [No change in text.]			
Marijuana outlets	CUP ³	CUP ³	CUP ³

Medical, dental, biological, and X-ray laboratories			
Medical appliance sales			
Medical Marijuana Consumer Cooperatives	CUP ³	CUP ³	CUP ³
Music stores through Any other use which the Planning Commission may find, in accordance with Process four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk. [No change in text.]			

Footnote Table 1514-03J

¹ through ² [No change in text.]

³ When the multiple use option is utilized, ~~medical marijuana consumer cooperatives~~ marijuana outlets are prohibited.

(2) through (4) [No change in text.]

(c) through (l) [No change in text.]