

**PLANNING COMMISSION
STAFF REPORT**

Date: September 7, 2022

To: Reno City Planning Commission

Subject: Staff Report (For Possible Action - Recommendation to City Council): Case No. TXT23-00001 (Title 18 – Cannabis, Package Alcohol, Live Entertainment, Adult Business) – A request has been made to amend Reno Municipal Code Title 18, “Annexation and Land Development”, specifically in Chapter 18.03 “Use Regulations” Section 18.03.206 “Table of Allowed Uses”, Section 18.03.304 “Commercial Uses”, Section 18.03.306 “Industrial Uses”, Section 18.03.405 “Standards for Specific Accessory Uses”, and Chapter 18.09 “Rules of Construction and Definitions” Section 18.09.303 “Commercial Uses”, and Section 18.09.306 “Accessory Uses”, in order to revise locational requirements for cannabis uses, amend regulations for package alcohol sales for general retail and accessory uses, to amend standards for daytime and live entertainment uses and to add the locational criteria for adult businesses in the Mixed Employment zoning district; together with matters which pertain to or are necessarily connected therewith.

From: Angela Fuss, Assistant Director – Development Services

Ward #: All

Case No.: TXT23-00001 (Title 18 – Cannabis, Package Alcohol, Live Entertainment, Adult Business)

Applicant: City of Reno

APN: N/A

Request: **Text Amendment:** Amending Reno Municipal Code Title 18 Annexation and Land Development, in order to revise locational requirements for cannabis uses, amend regulations for package alcohol sales for general retail and accessory uses, amend standards for daytime and live entertainment uses, and to add the locational criteria for adult businesses in the Mixed Employment zoning district.

Location: City-wide

Proposed Motion: Based upon compliance with the applicable findings, I move to recommend that City Council approve the text amendment by ordinance.

Summary: On June 8, 2022, the City Council initiated a text amendment to the Title 18 Annexation and Land Development Code to address outstanding clean-up items including grammatical errors, inconsistencies with regulations, and unintended deletions or insertions. This is the first in a series of text amendments that will address the Code clean-up. This text amendment is specific to use regulations and definitions pertaining to cannabis spacing, package alcohol, live entertainment, and adult businesses. The proposed changes clarify the use-standards and better align with the intent of the Code provisions.

Background: The adoption of the Zoning Code RENOVation - Title 18 Annexation and Land Development Code took place after several years of drafting and involved dozens of stakeholder and public outreach meetings. The culmination of that process was an updated zoning code that implemented the City's Master Plan, which was adopted in December 2017. The key objectives with the Code update focused on the following areas:

- Conformance to the Master Plan and the community's vision for Reno
- Creation of a document that is easier to use and implement
- Development of standards that are more predictable and transparent

During the adoption process, staff acknowledged that Code clean-ups would be needed and a follow up process was to take place approximately six months after the Code was adopted. The intent was for staff and the general public to start using the Code and then to identify areas that needed to be amended. These clean-ups were to include grammatical errors, inconsistencies with verbiage and/or standards within the Code, and to catch broader discrepancies within the code.

This text amendment addresses four areas of the Code specific to cannabis spacing, package alcohol, live entertainment, and adult business uses. The current Code is written in a manner that has created some unintended consequences, resulting in difficulty in both interpreting and administering the Code. This text amendment will address those specific areas within the Code.

Discussion: Since adoption of the Title 18 Annexation and Land Development Code in January of 2021, staff has been tracking areas within the Code that need to be amended. While the overall tracking of Code clean-ups is much longer and broader, these four areas (cannabis, package alcohol, live entertainment, and adult business uses) have been addressed first because they impose challenges in administering the Code that has slowed the ability for businesses to be able to operate and has created unintended consequences with adjacent sensitive uses (i.e. in the case of where adult businesses are permitted to locate).

Cannabis: The previous Title 18 had a requirement that cannabis retail stores be spaced a minimum of 2,500 feet apart. This was not part of State law and was specific to Title 18. This spacing requirement was removed during the Code update to align with Nevada Revised Statutes (NRS), which does not impose minimum spacing requirements between cannabis retail establishments. The 2,500 foot spacing requirement is proposed to be added back into Title 18 to be consistent with the original intent of not creating a cluster of cannabis retail stores in one area. The existing eight cannabis retail stores conform to the 2,500 foot spacing requirement.

The previous Title 18 had no spacing requirements from the Gaming Overlay districts. The current Title 18 restricts cannabis facilities from being located within 1,500 feet of the Gaming Overlay 1, 2, 3 and 5 boundaries. It is unclear why this spacing requirement was added into Code, and is proposed to be removed so it does not create any new nonconforming uses with the existing approved cannabis facilities. It should be noted that NRS 678B.210 and 678B.250 requires a 1,500 foot spacing between licensed non-restricted gaming establishments and all types of cannabis facilities. This requirement is already included in the current Title 18 and is not proposed to be modified with this text amendment. The proposed change to remove the 1,500 foot spacing requirement is specific to the Gaming Overlay boundary (not the non-restricted gaming license establishment boundary), is not part of any other regulations, nor was it previously part of the zoning code.

Cannabis Spacing Summary:

Issue to be Addressed	Solution
Previous zoning code required a minimum spacing requirement of 2,500 feet between cannabis retail facilities. This spacing requirement is not part of the existing code and opens the potential for cannabis retail establishments to be clustered in one area.	Add back the requirement for a minimum spacing of 2,500 feet between cannabis retail facilities.
The previous zoning code had no spacing limitations on cannabis facilities from the Gaming Overlay boundaries. The new zoning code added a requirement that cannabis facilities be spaced 1,500 feet from the Gaming Overlay 1, 2, 3, and 5 district boundaries. These are areas where non-restricted gaming is potentially allowed (with an approved CUP) rather than areas with existing licensed non-restricted gaming operations.	Remove the requirement that restricts cannabis facilities from being within 1,500 feet of the Gaming Overlay 1, 2, 3, and 5 district boundaries. This does not change the spacing requirement that cannabis facilities cannot be within 1,500 feet from a facility with a non-restricted gaming license, as described in NRS 463.0177.

Package Alcohol:

The Package Alcohol ordinance (TXT20-00002) was adopted on December 8, 2021. The ordinance addressed several key areas of concern including:

- Mitigating impacts of packaged alcohol sales on neighborhoods and in Downtown Reno.
- Implementing ReImagine Reno Master Plan goals and policies.
- Improving safety, welfare, and quality of life for Reno residents and visitors.
- Improving availability of fresh food produce/fresh foods in areas where resources are limited.
- Providing business owners and the community easy to find and easy to understand standards and operational expectations.

Since adoption of the ordinance, a number of business have triggered the need for a discretionary review creating lengthy review processes and added expenses. The Title 18 regulations and standards are written in such a way that the code conflicts with itself and clarification is needed to better address what types of businesses trigger additional discretionary review for package alcohol related uses. The proposed text amendment will better define which accessory uses require additional discretionary review and the use-standards that regulate those standards.

The existing Title 18 allows for package alcohol to be sold as an accessory use with “food processing facilities,” but does not clearly define a “food processing facility”. Proposed changes will eliminate the term “food processing facility” and replace it with a list of actual uses that are defined within the zoning code, including bakery and commercial kitchen.

The existing Title 18 allows for package alcohol to be sold as an accessory use to bars, lounges and taverns, but is silent on allowing package alcohol as an accessory use to microbreweries, distilleries, or wineries, which customarily sell package alcohol. The proposed changes will update the list of allowed accessory uses to better align with the uses and definitions listed in the zoning code.

The current zoning code requires that certain types of uses provide fresh or frozen perishable food when also selling package alcohol. However, the existing language is unclear on which types of uses are exempt from this standard. The proposed Title 18 modifications will better clarify which uses are required to provide fresh/frozen food versus which uses are exempt from this requirement. Specifically, uses including commercial kitchens, restaurants, bars and microbreweries, etc., are proposed to be exempt from providing fresh or frozen perishable foods. Other uses including general retail stores, hotels, and convenience stores are still required to provide a minimum of ten percent of the retail floor space to the sale of fresh or frozen perishable foods.

Outside of the Downtown area, the current Title 18 requires approval of a discretionary review if an accessory package alcohol use is within a certain distance of a sensitive use. However, Title 18

provides conflicting requirements for uses such as bars, restaurants, and food processing facilities that are within 500 feet of sensitive areas. The proposed changes would clarify which uses trigger a discretionary approval when located within close proximity to the sensitive uses. Uses, such as a hotels, convenience stores or general retail stores will still require the additional discretionary review (i.e. minor conditional use permit), if located in any of these locational criteria:

1. Within 500 feet of residentially zoned property
2. Within 500 feet of primary or secondary schools
3. Within 500 feet of public parks
4. Within 500 feet of a facility licensed by the State of Nevada for the treatment of alcohol or drug abuse as outlined by NRS 449.00455, as amended.
5. A minor conditional use permit is required when the subject is either within the boundaries of the Downtown Safe Scape Buffer Area or within 500 feet of the Downtown Safe Scape Buffer Area boundary (See Figure 3-2)
6. A minor conditional use permit is required when the subject is either within the boundaries of the East 4th Street Corridor Buffer Area or within 500 feet of the East 4th Street Corridor Buffer Area boundary (See Figure 3-3)

Requirements for discretionary review for package alcohol sales that are accessory to a primary use is proposed to be modified from a conditional use permit to a minor conditional use permit. Minor conditional use permits are a 30-day review process and still require public noticing and conditions of approval. While a minor conditional use permit does not require a public hearing, the final decision can be appealed to City Council. For a package alcohol discretionary review, staff completes the same level of review and adds the same conditions of approval, regardless of the type of application. Typical conditions of approval are generally taken from the Safe Scape Standards, so the reduction in time to process the minor conditional use permit versus the conditional use permit would result in the same project, but save the applicant two months of processing the application.

Package Alcohol Summary:

Issue to be Addressed	Solution
Provide clarity in use-standard regulations related to package alcohol to align with typical zoning code verbiage.	No changes proposed to package alcohol as a primary use, other than wordsmithing to better explain the use-standards.
Need to expand the zoning districts that allow package alcohol as an accessory use to allow for uses that would otherwise be allowed within that zoning district (i.e. restaurants, bakeries, etc.).	Modify where package alcohol sales accessory to a primary use are permitted by-right and where they trigger additional discretionary review. This includes adding accessory package alcohol to MF21, MF-30, NC, PO, and MU-RES zoning districts, where uses such as restaurants, bars and breweries are permitted.
The current code is unclear on which types of uses are required to provide	Modify the use-standards to exempt certain types of businesses from having to provide fresh or frozen

Issue to be Addressed	Solution
fresh or frozen perishable foods and uses. The term “food processing facility,” which is not clearly defined in the zoning code. Need to clarify what a “food processing facility” includes and exempt certain types of uses from having to provide fresh or frozen perishable food that are not intended to provide food, but are not clearly identified.	perishable food. All uses that already serve food (i.e. restaurants, commercial kitchens, bakeries, etc.) are exempt because they already serve food as a primary use. Other uses, such as bars and microbreweries, are not intended to provide food to the general public and are proposed to be exempt from the food requirement. Uses including hotels, general retail stores, and convenience stores would still be subject to the food requirement.
The current code requires approval of a conditional use permit when the requirement should be reduced to require a minor conditional use permit. This will help stream line the process, but still requires public noticing for public input and allows staff to add conditions of approval that are in alignment with the Safe Scape Standards.	Modify the discretionary review requirements from a conditional use permit to a minor conditional use permit where package alcohol sales accessory to a primary use requires additional review.
The current code has conflicting requirements when a discretionary review is triggered. Modify the use-standards to better define which uses trigger discretionary reviews.	Modify the use-standards to specify uses (bars, restaurants, microbreweries, etc.) to allow accessory package alcohol by-right, without any discretionary review.
The current code defines package alcohol accessory to a primary use, but does not address when a primary use has multiple accessory uses, such as a hotel with a retail store that sells package alcohol.	Update definition of package alcohol sales accessory to a primary use.

Live Entertainment: The previous Title 18 did not address Live Entertainment as a specific use or through the use-standards. Under the current Title 18, Live Entertainment and Daytime Entertainment Venue were created as a separate use category in the Use Table and include use-specific standards. The original intent for adding Live Entertainment was to create use-standards that commercial uses, such as restaurants and bars, would have to follow in order to mitigate negative impacts on adjacent properties. However, the current Title 18 is very restrictive and requires approval of minor conditional use permits and conditional use permits for activities such as dancing, singing, musical entertainment, DJ Trivia, karaoke, etc., creating undue hardships on businesses that typically engage in entertainment activities, but have little to no impact on adjacent uses. For example, many bars throughout Reno engage in DJ Trivia where customers meet at the bar for several hours for trivia. Under the current Title 18, this is considered Live Entertainment and requires approval of a discretionary review.

The proposed text amendment allows Live Entertainment in all nonresidential zoning districts as an accessory use (as opposed to a primary use), and includes a list of specific use-standards. Approval of a conditional use permit is required if any live entertainment use exceeds the use-standards.

1. Outdoor Live Entertainment activities shall be limited to the hours of 10:00 a.m. to 10:00 p.m.
2. Indoor Live Entertainment activities shall be limited to the hours of 10:00 a.m. to 11:00 p.m.
3. Indoor Live Entertainment activities shall require doors and windows to be kept closed after 9 p.m.
4. Exits and entrances to the establishment shall be oriented away from residentially zoned property immediately adjoining the site, except for emergency entrances and exits.
5. Outdoor Live Entertainment shall not be located within 150 feet of any residentially zoned property. Indoor Live Entertainment is permitted by-right.
6. Any pedestrian queuing that overflows into the public right-of-way shall require a queuing plan, subject to the satisfaction of the Administrator.
7. Exceeding any of the Live Entertainment use standards may be approved through a conditional use permit process to ensure compatibility with surrounding uses and zone districts.

The Daytime Entertainment Venue use and definition is proposed to be deleted and all uses that trigger any type of entertainment activity will follow the same set of standards. A separate use category of Event Center/Banquet Hall has also been added to the use table, which will address daytime and evening event centers that would have otherwise been categorized as either primary Daytime or Live Entertainment uses.

Live Entertainment Summary:

Issue to be Addressed	Solution
Live Entertainment was not addressed in the previous Title 18. Under the new Title 18, Live Entertainment is very limited and requires a discretionary approval for activities that are very minor and otherwise accessory to a business. New regulations should be added that allow Live Entertainment as an accessory use, but with use-standards.	Remove Live Entertainment and Daytime Entertainment Venue as a separate use category and instead, allow Live Entertainment as an accessory use, including specific use-standards based on location, hours of operation and pedestrian queuing.
Additional discretionary review should be added to allow a business to exceed the use-standards and go through a public hearing process, where conditions of approval can be added based on site specific needs.	Require approval of a conditional use permit for any establishment that wants to exceed the Live Entertainment use-standards.

Issue to be Addressed	Solution
The current Title 18 definition of Live Entertainment is too broad and needs to better define what is included.	Expand the definition of Live Entertainment to include singing, dancing, floor show and musical entertainment.
The current Title 18 definition of Inside and Outside Amusement or Recreation exempts the uses from triggering Live Entertainment use-standards. Modify the definition to add those uses back in and require that they follow the new Live Entertainment use-standards.	Modify the definition of Inside and Outside Amusement or Recreation so they have to follow Live Entertainment use-standards.
With the proposed removal of a primary use for Daytime Entertainment and Live Entertainment use, a new definition needs to be added for an event center.	Add a new definition and use category for Event Center/Banquet Hall.

Adult Business: The previous Title 18 allowed adult businesses within three different zoning districts, including Industrial (I), Industrial Business (IB) and Industrial Commercial (IC). The new Title 18 deleted the Industrial Business zoning category and replaced it with Mixed Employment (ME). The use-standards specify that adult businesses must also follow locational requirements, which limits them from being located within certain sensitive areas such as Redevelopment Areas, major roadways, schools, residential zoning, childcare facilities, parks/playgrounds and within 500 feet of other adult businesses. The current Title 18 allows adult businesses within the Mixed Employment zoning districts, however, it does not restrict them from the sensitive uses. This was an oversight and the use-standards are proposed to be modified to require the same locational criteria for all adult businesses within the I, IC, and ME zoning districts.

Adult Business Summary:

Issue to be Addressed	Solution
The previous Title 18 required all adult businesses to maintain certain distances from sensitive uses. The current Title 18 allows adult businesses anywhere in the Mixed Employment zoning district, with no specific location criteria or use-standards. This needs to be modified to ensure adult businesses maintain a consistent distance from sensitive uses.	Modify the use-standards and require that all adult businesses follow the same locational criteria within the Industrial, Industrial Commercial and Mixed Employment zoning districts.

Legal Requirements:

RMC 18.08.304(e) Approval Criteria Applicable to all Applications
RMC 18.08.501 Code Text Amendment

Findings:

General Review Criteria: The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
 - a. Shall weigh competing plan goals, policies, and strategies; and
 - b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.
- 2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.
- 4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
- 5) Rational Phasing Plan. If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

Amendments to Text of Title 18: Text amendments shall be in substantial conformance with the statement of purpose and intent for this Title, as set forth in Chapter 18.01 Article 2, *Purpose*, and the Master Plan:

- The general purpose of this Title is to promote the public health, safety, and welfare by providing appropriate and reasonable controls for the development and use of lands in Reno, while also protecting the rights of property owners. This Title also is intended to:
 - (a) Implement the policies, goals, and strategies adopted by the City of Reno, including those set forth in the Reno Master Plan and other adopted plans;
 - (b) Promote, preserve, and protect environmental quality as a critical element in Reno's quality of life and encourage the wise use of natural resources;
 - (c) Conserve and enhance the architecture, history, pedestrian-orientation, mixed-use, and urban character of Downtown Reno, and promote its role as regional government, civic, entertainment, and tourist center;
 - (d) Promote economic development and the improvement of property, with priority given to adaptive reuse and redevelopment projects in Downtown Reno and urban mixed-use areas;

- (e) Conserve and enhance the character of Reno's established residential neighborhoods through mitigation of adverse factors, promotion of a balanced mix of housing types, and through appropriately scaled and planned infill development;
- (f) Encourage innovative, affordable, and quality residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by conservation and more efficient use of open space ancillary to such dwellings;
- (g) Encourage quality, nonresidential development that preserves and protects the character of the community, including its natural landscape, and that minimizes objectionable noise, glare, odor, traffic, and other impacts of such development, especially when adjacent to residential uses;
- (h) Facilitate adequate provision of transportation, water, wastewater, electricity, gas, communications, schools, parks, trails, stormwater management, and other public requirements; and
- (i) Provide the economic and social advantages gained from a comprehensively planned use of land resources.

Attachments:

TXT23-00001 Ordinance



MINUTES

Regular Meeting

Reno City Planning Commission

Wednesday, September 07, 2022 • 6:00 PM

Reno City Council Chamber, One East First Street, Reno, NV 89501

Commissioners			
Alex Velto, Chair 326-8858			
J.D. Drakulich, Vice Chair	326-8861	Arthur Munoz	326-8862
Peter Gower	326-8860	Kathleen Taylor	326-8859
Mark Johnson	326-8864	Silvia Villanueva	326-8863

1 Pledge of Allegiance

Commissioner Drakulich led the Pledge of Allegiance.

2 Roll Call

Members Present

Chair Alex Velto, Commissioner Mark Johnson, Vice Chair J.D. Drakulich, Commissioner Arthur Munoz, Commissioner Silvia Villanueva

3 Public Comment (This item is for either public comment on any action item or for any general public comment.)

Art Rangel provided public comment via zoom.

Voicemail from Brandon Kearney was played.

Commissioner Villanueva requested a moment of silence for Jeff German.

4 Planning Commission Training Series: American Planning Association (APA) Video presentation on Staff Reports and discussion

It was moved by Mark Johnson, seconded by J.D. Drakulich, to continue. Motion Pass.

RESULT:	Continued [5 TO 0]
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MOVER:	Mark Johnson, Commissioner
SECONDER:	J.D. Drakulich, Vice Chair
AYES:	Velto, Johnson, Drakulich, Munoz, Villanueva
NAYS:	
ABSENT:	

Chair Velto called for a motion to continue this item to a date in the future when the newest member of the Planning Commission is present.

5 Public Hearings – Any person who has chosen to provide his or her public comment when a Public Hearing is heard will need to so indicate on the Request to Speak form provided to the Secretary. Alternatively, you may provide your comment when Item 3, Public Comment, is heard at the beginning of this meeting.

- 5.1 Staff Report (For Possible Action - Recommendation to City Council):
Case No. **LDC23-00001 (Panther Valley Flex Park Master Plan and Zoning Map Amendments)** – A request has been made for: 1) a Master Plan amendment from Suburban-Mixed Use (SMU) to Mixed-Employment (ME), and; 2) a zoning map amendment from General Commercial (GC) to Industrial Commercial (IC). The ±4.41 acre site consists of three parcels, and is located directly north of the intersection of Panther Drive and U.S. Highway 395. **[Ward 4]**

It was moved by Mark Johnson, seconded by Silvia Villanueva, to continue. Motion Pass.

RESULT:	Continued [5 TO 0]
MOVER:	Mark Johnson, Commissioner
SECONDER:	Silvia Villanueva, Commissioner
AYES:	Velto, Johnson, Drakulich, Munoz, Villanueva
NAYS:	
ABSENT:	

Joey Winter, Associate Planner, stated te applicant requested this item be continued to a future date.

Public Comment:
Jim Mueller

- 5.2 Staff Report (For Possible Action - Recommendation to City Council):
Case No. **TXT23-00001 (Title 18 – Cannabis, Package Alcohol, Live Entertainment, Adult Business)** – A request has been made to amend Reno Municipal Code Title 18, “Annexation and Land Development”, specifically in Chapter 18.03 “Use Regulations” Section 18.03.206 “Table of Allowed Uses”, Section 18.03.304 “Commercial Uses”, Section 18.03.306 “Industrial Uses”, Section 18.03.405 “Standards for Specific

Accessory Uses”, and Chapter 18.09 “Rules of Construction and Definitions” Section 18.09.303 “Commercial Uses”, and Section 18.09.306 “Accessory Uses”, in order to revise locational requirements for cannabis uses, amend regulations for package alcohol sales for general retail and accessory uses, to amend standards for daytime and live entertainment uses and to add the locational criteria for adult businesses in the Mixed Employment zoning district; together with matters which pertain to or are necessarily connected therewith. **[Ward All]**

Angela Fuss, Assistant Director of Development Services, gave an overview of the changes proposed and answered clarifying questions from commissioners. Any concerns with the proposed changes will be forwarded to City Council.

Commissioner Villanueva stated she does not like the change from conditional to minor conditional, eliminating the public hearing. Transparency is a big deal and if you have package liquor going into your neighborhood, the public should be able to comment on it.

Commissioner Drakulich expressed concern regarding impacts to small businesses due to the length of the process to get approval for indoor live entertainment.

Public Comment:

Will Adler

Correspondence received was forwarded to the Planning Commission and is part of the record.

Commissioner Villanueva suggested that the requirement for outdoor live entertainment to not be located within 150 feet of residentially zoned property be looked at further.

Ms. Fuss confirmed for Chair Velto that the feedback received tonight will be presented to City Council.

It was moved by J.D. Drakulich, seconded by Arthur Munoz, based upon compliance with the applicable findings, to recommend that City Council approve the text amendment by ordinance. Motion Pass.

RESULT:	Approved [5 TO 0]
MOVER:	J.D. Drakulich, Vice Chair
SECONDER:	Arthur Munoz, Commissioner
AYES:	Velto, Johnson, Drakulich, Munoz, Villanueva

NAYS: ABSENT:

6 Truckee Meadows Regional Planning Liaison Report

Commissioner Johnson reported there was a meeting two weeks ago and the Ormat Solar Field was on the agenda.

7 Staff Announcements

- 7.1 Report on status of Planning Division projects.
- 7.2 Announcement of upcoming training opportunities.
- 7.3 Report on status of responses to staff direction received at previous meetings.
- 7.4 Report on actions taken by City Council on previous Planning Commission items.

Nathan Gilbert, Senior Planner, reported that Commissioner Taylor has been appointed to the Reno City Council representing Ward 5.

8 Commissioner's Suggestions for Future Agenda Items (For Possible Action)

Mr. Gilbert reported that the September 21st meeting is canceled. The next meeting will be October 5th.

9 Public Comment (This item is for either public comment on any action item or for any general public comment.)

None

10 Adjournment (For Possible Action)

The meeting was adjourned at 7:18 p.m.

RENO CITY PLANNING COMMISSION

REQUEST TO SPEAK/PUBLIC COMMENT FORM

THE FORM MUST BE FILLED OUT COMPLETELY

DATE: 9-7-22

CASE NO. LDC 5.2

Please Print:

NAME: Will Adler

ADDRESS: _____

I REPRESENT: Silver State Government Relations

I DO NOT WISH TO MAKE A STATEMENT BUT I AM:

☒ IN FAVOR

☐ IN OPPOSITION

I WISH TO MAKE A STATEMENT:

☒ IN FAVOR

☐ IN OPPOSITION

COMMENTS: _____

SIGNATURE: Will Adler

Title 18 Text Amendment – TXT23-00001

(Cannabis, Package Alcohol, Live Entertainment, Adult Business)

*Planning Commission
September 7, 2022*



Title 18 - Zoning Code Clean-Up



Title 18 –
Zoning
Code

Adopted
January
2021

Zoning
Code
Clean-Up

Title 18 - Zoning Code Clean-Up



- Grammatical
- Inconsistencies
- Unintended Changes



Title 18 - Zoning Code Clean-Up



- ✓ Cannabis
- ✓ Package Alcohol
- ✓ Live Entertainment
- ✓ Adult Business

Chapter 18.03 Use Regulations

Commentary

This chapter contains the standards related to land uses in Reno and is intended to be reviewed with Chapter 18.02: Zoning Districts and with the use definitions in Chapter 18.08: Definitions of Use Categories and Use Types. This chapter includes a table of allowed uses as recommended in the Code Targeted Assessment Report and Annotated Outline. Further discussion precedes that table.

Following the table of allowed uses are several use-specific standards applicable to specific land uses. Some of those standards were carried forward from the current Code and other standards are new to address issues raised by staff, identified in the Code Targeted Assessment Report, or based on Clarion's knowledge of planning trends and best practices. The standards follow the same organization as the table of allowed uses (beginning with residential and ending with industrial uses).

The final sections of this chapter address accessory and temporary uses and structures. Commentary is provided in each of those sections later in this document.

Article 1: Purpose and Organization of this Article¹

18.03.101 Purpose

The article identifies the land uses allowed in Reno's zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

18.03.102 Organization

- (a) Article 2: *Table of Allowed Uses*, lists uses allowed by district and provides cross-references to applicable use-specific standards.
- (b) Article 3: *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.
- (c) Article 4: *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.
- (d) Article 5: *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

Article 2: Table of Allowed Uses²

Table 1.1 lists the uses allowed within each base zoning district. Each listed use is defined in Article 2: *Definitions of Use Categories and Use Types*.

18.03.201 Explanation of Table Abbreviations

(a) Permitted Uses by Right

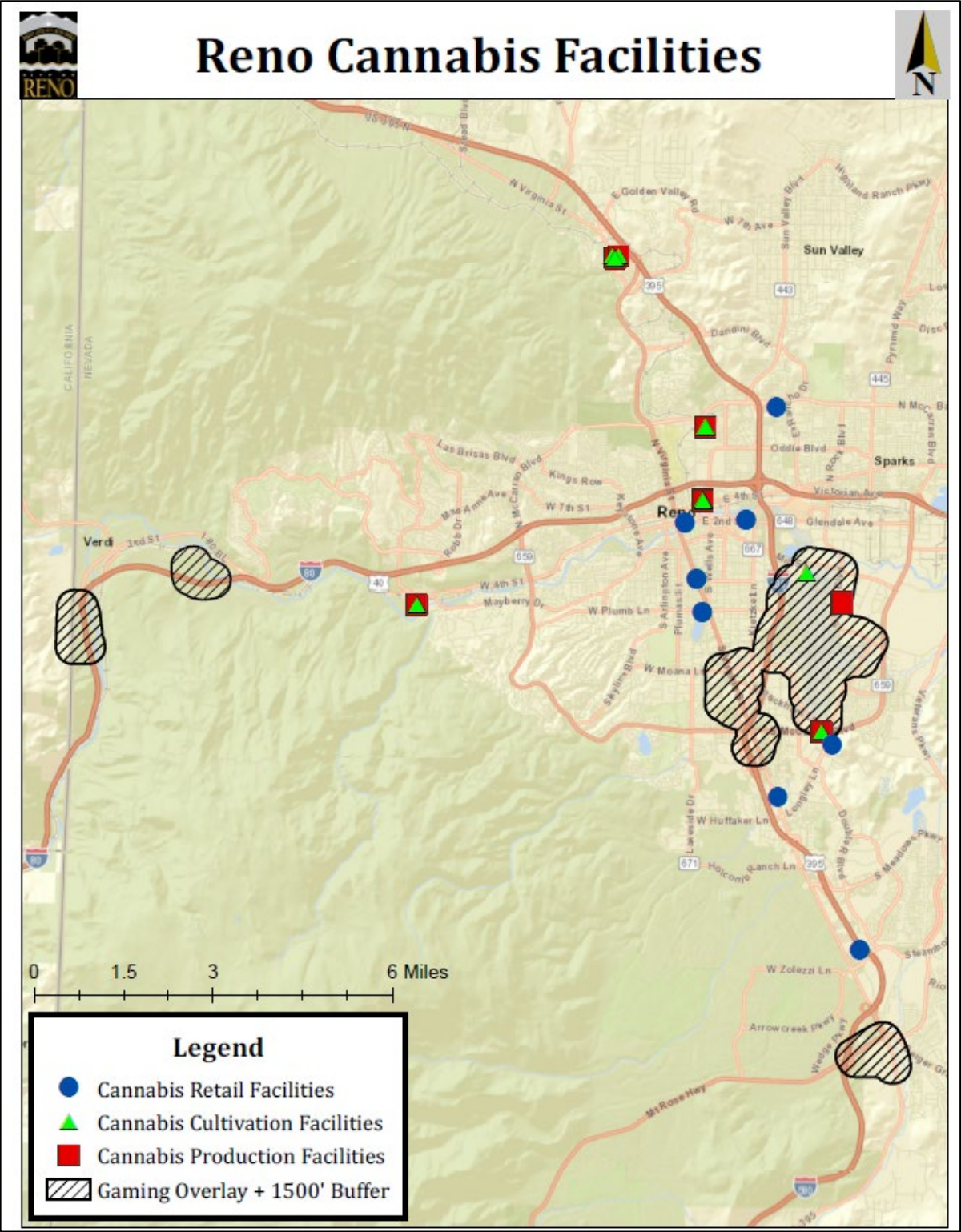
A "P" designation in a cell within Table 1.1 indicates that the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable standards in this Code.

¹ New content.
² New content.



Cannabis Spacing

Issue to be Addressed	Solution
2,500' spacing requirement between cannabis retail.	Add back the requirement for a minimum spacing of 2,500 feet between cannabis retail facilities.
1,500' spacing requirement for all cannabis uses from the Gaming Overlay 1, 2, 3 and 5 boundaries.	Remove the requirement that restricts cannabis facilities from being within 1,500 feet of the Gaming Overlay 1, 2, 3, and 5 district boundaries. This does not change the spacing requirement that <u>cannabis facilities cannot be within 1,500 feet from a facility with a non-restricted gaming license</u> , as described in NRS 463.0177.



Package Alcohol



Issue to be Addressed	Solution
Clean up wording to align with zoning code verbiage.	No changes proposed to package alcohol as a primary use, other than wordsmithing to better explain the use-standards.
Expand the zoning districts that allow accessory package alcohol zoning district (i.e. restaurants, bakeries, etc.).	Expand accessory package alcohol to MF21, MF-30, NC, PO, and MU-RES zoning districts, where uses such as restaurants, bars and breweries are permitted.
Clarify what a “food processing facility” includes and exempt certain types of uses from having to provide fresh or frozen perishable food that are not intended to provide food, but are not clearly identified.	Modify the use-standards to exempt certain types of businesses from having to provide fresh or frozen perishable food. All uses that already serve food: <ul style="list-style-type: none">• Restaurants• commercial kitchens• Bakeries• Bars• microbreweries Uses that will require fresh food: <ul style="list-style-type: none">• Hotels• General retail stores• Convenience stores
Modify the discretionary review from a Conditional Use Permit to a Minor Conditional Use Permit.	Modify the discretionary review requirements where package alcohol sales accessory to a primary use requires additional review. This will help stream line the process, but still requires public noticing for public input and allows staff to add conditions of approval that are in alignment with the Safe Scape Standards.
Conflicting requirements when a discretionary review is triggered.	Modify the use-standards to specify uses (bars, restaurants, microbreweries, etc.) to allow accessory package alcohol by-right, without any discretionary review.
The current code defines package alcohol accessory to a primary use, but does not address when a primary use has multiple accessory uses, such as a hotel with a retail store that sells package alcohol.	Update definition of package alcohol sales accessory to a primary use.



Live Entertainment



Issue to be Addressed	Solution
Live Entertainment is very limited and requires a discretionary approval for activities that are very minor and otherwise accessory to a business.	Allow Live Entertainment as an accessory use, including specific use-standards based on location, hours of operation and pedestrian queuing.
Additional discretionary review should be added to allow a business to exceed the use-standards and go through a public hearing process, where conditions of approval can be added based on site specific needs.	Require approval of a Conditional Use Permit for any establishment that wants to exceed the Live Entertainment use-standards.
The current Title 18 definition of Live Entertainment is too broad and needs to better define what is included.	Expand the definition of Live Entertainment to include singing, dancing, floor show and musical entertainment.
The current Title 18 definition of Inside and Outside Amusement or Recreation exempts the uses from triggering Live Entertainment use-standards.	Modify the definition of Inside and Outside Amusement or Recreation so they have to follow Live Entertainment use-standards.
With the proposed removal of a primary use for Daytime Entertainment and Live Entertainment use, a new definition needs to be added for an event center.	Add a new definition and use category for Event Center/Banquet Hall.



Live Entertainment Standards



1. Outdoor Live Entertainment activities shall be limited to the hours of 10:00 a.m. to 10:00 p.m.
2. Indoor Live Entertainment activities shall be limited to the hours of 10:00 a.m. to 11:00 p.m.
3. Indoor Live Entertainment activities shall require doors and windows to be kept closed after 9 p.m.
4. Exits and entrances to the establishment shall be oriented away from residentially zoned property immediately adjoining the site, except for emergency entrances and exits.
5. Outdoor Live Entertainment shall not be located within 150 feet of any residentially zoned property. Indoor Live Entertainment is permitted by-right.
6. Any pedestrian queuing that overflows into the public right-of-way shall require a queuing plan, subject to the satisfaction of the Administrator.
7. Exceeding any of the Live Entertainment use standards may be approved through a conditional use permit process to ensure compatibility with surrounding uses and zone districts.



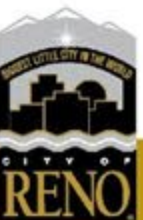
Adult Business



Issue to be Addressed	Solution
Spacing requirements from sensitive uses need to be updated to include Mixed Employment zoning.	Modify the use-standards and require that all adult businesses follow the same locational criteria within the Industrial, Industrial Commercial and Mixed Employment zoning districts.

Locational Criteria

1. No adult business may be located within Redevelopment Areas 1 and/or 2 (RDA 1 and/or RDA 2) as measured from the building footprint of the adult business to the property line of the nearest parcel within the prohibited area.
2. No adult business may be located on a parcel which abuts a freeway, expressway, or major or minor arterial roadway.
3. No adult business may be located within 750 feet of any:
 - [a] Residentially zoned district;
 - [b] Public or private university, college, or school;
 - [c] Preschool or childcare facility licensed by the Washoe County Social Services Department; or
 - [d] Park or playground as measured from the building footprint of the adult business to the property line of the park or playground.
4. No adult business may be located within 500 feet of any other adult business.



Recommended Motion



Based upon compliance with the applicable findings, I move to recommend that City Council approve the text amendment by ordinance.