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PROPOSED FIRST AMENDMENT

BILL NO. 2017-21

ORDINANCE NO. _____

AN ORDINANCE TO REVISE AND BROADEN THE CURRENT ZONING REGULATIONS PERTAINING TO MEDICAL MARIJUANA CULTIVATION FACILITIES, DISPENSARIES AND PRODUCTION FACILITIES TO INCLUDE SIMILAR FACILITIES ENGAGED IN "RETAIL" OPERATIONS PURSUANT TO NRS CHAPTER 453D, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin
(by request)

Summary: Revises and broadens the current zoning regulations pertaining to medical marijuana cultivation facilities, dispensaries and production facilities to include similar facilities engaged in "retail" operations pursuant to NRS Chapter 453D.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Sections 2 to 12, inclusive, of this Ordinance. The amendments are deemed to be amendments to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section 10, is hereby amended by amending the Description for the "Crop Production" so that it reads as follows:
Description: An area for raising or harvesting agricultural crops, generally operated on a large-scale commercial basis with accompanying wholesale and retail sales. This use does not include a [medical marijuana establishment,] marijuana cultivation facility, a community garden, a garden that is incidental to a residential use whose products are intended for the use of those residing on the parcel, or any other use involving the production of plant material that is specifically defined in this Title.

SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section 10, is hereby amended by amending the entry for the use "Medical Marijuana Cultivation Facility" so that it reads "Marijuana Cultivation Facility."

Submitted At Meeting

Date Item

6/5/17

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SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section 10, is hereby amended by amending the entry for the use "Medical Marijuana Dispensary" so that it reads "Marijuana Dispensary."

SECTION 5: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section 10, is hereby amended by amending the entry for the use "Medical Marijuana Production Facility" so that it reads "Marijuana Production Facility."

SECTION 6: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Medical Marijuana Cultivation Facility" so that it reads as follows:

[Medical] Marijuana Cultivation Facility

Description: An enclosed structure which cultivates, delivers, transfers, transports, supplies, or sells marijuana to [medical] marijuana dispensaries or [medical] marijuana production facilities. This use includes a "cultivation facility," as defined in NRS 453A.056[.] and a "marijuana cultivation facility" as defined in NRS 453D.030.

Minimum Special Use Permit Requirements:

* 1. Pursuant to its general authority to regulate the cultivation, production, dispensing, and sale of [medical] marijuana, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum separation between [medical] marijuana cultivation facilities and certain other uses that should be protected from the impacts associated with a [medical] marijuana cultivation facility. Therefore, except as otherwise provided below, no [medical] marijuana cultivation facility may be located within 1000 feet of any school[;], or within 300 feet of any [individual care center licensed for more than 12 children, community recreational facility (public), City park, or church/house of worship.] of the following uses:

- a. City park;
- b. Church/house of worship;
- c. Individual care - family home, individual care - group home, or individual care center (in each case licensed for the care of children);

1 d. Community recreational facility (public); or

2 e. Any use whose primary function is to provide recreational opportunities to minors. Such

3 uses include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery

4 or museum (public); teen dance center; and martial arts studio that provides instruction to minors.

5 * 2. The distance separation referred to in Requirement 1 shall be measured with reference to the
6 shortest distance between two property lines, one being the property line of the proposed [medical]
7 marijuana cultivation facility which is closest to the existing use to which the measurement pertains, and
8 the other being the property line of that existing use which is closest to the proposed [medical] marijuana
9 cultivation facility. The distance shall be measured in a straight line without regard to intervening
10 obstacles.

11 * 3. For the purpose of Requirement 2, and for that purpose only:

12 a. The “property line” of a protected use refers to the property line of a fee interest parcel that
13 has been created by an approved and recorded parcel map or subdivision map, and does not include the
14 property line of a leasehold parcel; and

15 b. The “property line” of a [medical] marijuana cultivation facility refers to:

16 i. The property line of a parcel that has been created by an approved and recorded
17 parcel map or commercial subdivision map; or

18 ii. The property line of a parcel that is located within an approved and recorded
19 commercial subdivision and that has been created by a record of survey or legal description, if:

20 A. Using the property line of that parcel for the purpose of measuring the
21 distance separation referred to in Requirement 1 would qualify the parcel under the distance separation
22 requirement; and

23 B. The proposed [medical] marijuana cultivation facility will have direct
24 access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The
25 required access may be shared with a larger development but must be located within the property lines of
26 the parcel on which the proposed [medical] marijuana cultivation facility will be located[;].

* 4. When a marijuana cultivation facility authorized pursuant to NRS Chapter 453D (the "Chapter 453D facility") is proposed to be located within a cultivation facility that is authorized pursuant to NRS Chapter 453A (the "Chapter 453A facility"), and the Chapter 453A facility has obtained special use permit approval as of July 1, 2017, the applicable distance separation requirements under Requirement 1 for the proposed Chapter 453D facility shall be those that were in effect at the time of special use permit approval for the Chapter 453A facility. A Chapter 453D facility that has received special use permit approval, either pursuant to a new special use permit or by means of a review of conditions under an existing special use permit, shall be deemed a conforming use for purposes of this Title.

[* 4.] * 5. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently exist and may be hereafter amended.

[* 5.] * 6. No outside storage shall be permitted, including the use of shipping containers for on-site storage.

[* 6.] * 7. An air filtration system to be designed by a Nevada licensed engineer shall be provided prior to the issuance of a certificate of occupancy.

[7.] 8. Signage for the establishment shall be limited to one wall sign per street frontage, the face of the sign not to exceed thirty square feet in area and not to exceed two feet in height. Such a sign shall be internally illuminated, with the use of neon prohibited.

[* 8.] * 9. The Special Use Permit shall be void without further action if the uses ceases for a period exceeding 90 days.

[* 9.] * 10. A [medical] marijuana cultivation facility shall obtain all required approvals from the State of Nevada to operate such a facility prior to the Special Use Permit being exercised pursuant to LVMC 19.16.110.

[10.] 11. The use may not be located under the same roof as another use, except a [medical] marijuana cultivation facility, [medical] marijuana dispensary or marijuana production facility.

On-site Parking Requirement: One space for each 1000 square feet of gross floor/yard area identified for cultivation.

SECTION 7: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Medical Marijuana Dispensary" so that it reads as follows:

[Medical] Marijuana Dispensary

Description: An establishment which acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials, [to the holder of a valid registry identification card.] This use includes a "medical marijuana dispensary," as defined in NRS 453A.115[.] and a "retail marijuana store" as defined in NRS 453D.030.

Minimum Special Use Permit Requirements:

* 1. Pursuant to its general authority to regulate the cultivation, production, dispensing, and sale of [medical] marijuana, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum separation between a [medical] marijuana dispensary and certain other uses that should be protected from the impacts associated with a [medical] marijuana dispensary. Therefore, except as otherwise provided below, no [medical] marijuana dispensary may be located within 1000 feet of any school[;], or within 300 feet of any [individual care center licensed for more than 12 children, community recreational facility (public), City park, or church/house of worship.] of the following uses:

a. City park;

b. Church/house of worship;

c. Individual care - family home, individual care - group home, or individual care center (in each case licensed for the care of children);

d. Community recreational facility (public); or

e. Any use whose primary function is to provide recreational opportunities to minors. Such uses include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery or museum (public); teen dance center; and martial arts studio that provides instruction to minors.

* 2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed [medical]

1 marijuana dispensary which is closest to the existing use to which the measurement pertains, and the other
2 being the property line of that existing use which is closest to the proposed [medical] marijuana dispensary.

3 The distance shall be measured in a straight line without regard to intervening obstacles.

4 * 3. For the purpose of Requirement 2, and for that purpose only:

5 a. The “property line” of a protected use refers to the property line of a fee interest parcel that
6 has been created by an approved and recorded parcel map or subdivision map, and does not include the
7 property line of a leasehold parcel; and

8 b. The “property line” of a [medical] marijuana dispensary refers to:

9 i. The property line of a parcel that has been created by an approved and recorded
10 parcel map or commercial subdivision map; or

11 ii. The property line of a parcel that is located within an approved and recorded
12 commercial subdivision and that has been created by a record of survey or legal description, if:

13 A. Using the property line of that parcel for the purpose of measuring the
14 distance separation referred to in Requirement 1 would qualify the parcel under the distance separation
15 requirement;

16 B. The proposed [medical] marijuana dispensary will have direct access (both
17 ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access
18 may be shared with a larger development but must be located within the property lines of the parcel on
19 which the proposed [medical] marijuana dispensary will be located;

20 C. All parking spaces required by this Section 19.12.070 for the [medical]
21 marijuana dispensary use will be located on the same parcel as the use; and

22 D. The owners of all parcels within the commercial subdivision, including the
23 owner of agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access,
24 ingress and egress throughout the commercial subdivision.

25 * 4. When a retail marijuana store authorized pursuant to NRS Chapter 453D (the “Chapter 453D
26 facility”) is proposed to be located within a medical marijuana dispensary that is authorized pursuant to

1 NRS Chapter 453A (the "Chapter 453A facility"), and the Chapter 453A facility has obtained special use
2 permit approval as of July 1, 2017, the applicable distance separation requirements under Requirement 1
3 for the proposed Chapter 453D facility shall be those that were in effect at the time of special use permit
4 approval for the Chapter 453A facility. A Chapter 453D facility that has received special use permit
5 approval, either pursuant to a new special use permit or by means of a review of conditions under an
6 existing special use permit, shall be deemed a conforming use for purposes of this Title.

7 [* 4.] * 5. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently
8 exist and may be hereafter amended.

9 [* 5.] * 6. No outside storage shall be permitted, including the use of shipping containers for on-site
10 storage.

11 [* 6.] * 7. Subject to the requirements of applicable building and fire codes, public access to the building
12 shall be from one point of entry and exit, with no other access to the interior of the building permitted.

13 [* 7.] * 8. No drive-through facilities shall be permitted in conjunction with a [medical] marijuana
14 dispensary.

15 [8.] 9. Signage for the establishment shall be limited to one wall sign per street frontage, the face of
16 the sign not to exceed thirty square feet in area and not to exceed two feet in height. Such a sign shall be
17 internally illuminated, with the use of neon prohibited.

18 [* 9.] * 10. The Special Use Permit shall be void without further action if the uses ceases for a period
19 exceeding 90 days.

20 [*10.] *11. A [medical] marijuana dispensary shall obtain all required approvals from the State of Nevada
21 to operate such a facility prior to the Special Use Permit being exercised pursuant to LVMC 19.16.110.

22 [*11. Elevations and signage must first be reviewed by the Downtown Design Review Committee
23 established pursuant to LVMC 19.10.100(D)(1) prior to any public hearing for a Special Use Permit. The
24 review will be performed in accordance with the procedures set forth in LVMC 19.10.100(D), as in the
25 case of reviews normally performed by that Committee, but measuring compliance instead with the
26 substantive standards for elevations and signage pertaining to dispensaries that are set forth in this Title or

that have been established administratively by the Director.]

*12. No [medical] marijuana dispensary shall be located on any property which abuts Fremont Street west of 8th Street.

*13. No accessory uses are permitted in association with a [medical] marijuana dispensary[.] unless such a use relates to providing education regarding the use of marijuana.

On-site Parking Requirement: One space for each 175 square feet of gross floor area.

SECTION 8: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use “Medical Marijuana Production Facility” so that it reads as follows:

[Medical] Marijuana Production Facility

Description: An enclosed structure which acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells edible marijuana products or marijuana-infused products to [medical] marijuana dispensaries. This use includes a “facility for the production of edible marijuana products or marijuana-infused products,” as defined in NRS 453A.105[.] and a “marijuana product manufacturing facility” as defined in NRS 453D.030.

Minimum Special Use Permit Requirements:

* 1. Pursuant to its general authority to regulate the cultivation, production, dispensing, and sale of [medical] marijuana, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum separation between a [medical] marijuana production facility and certain other uses that should be protected from the impacts associated with a [medical] marijuana production facility. Therefore, except as otherwise provided below, no [medical] marijuana production facility may be located within 1000 feet of any school[;], or within 300 feet of any [individual care center licensed for more than 12 children, community recreational facility (public), City park, or church/house of worship.] of the following uses:

a. City park;

b. Church/house of worship;

c. Individual care - family home, individual care - group home, or individual care center (in

each case licensed for the care of children);

d. Community recreational facility (public); or

e. Any use whose primary function is to provide recreational opportunities to minors. Such uses include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery or museum (public); teen dance center; and martial arts studio that provides instruction to minors.

* 2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed [medical] marijuana production facility which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed [medical] marijuana production facility. The distance shall be measured in a straight line without regard to intervening obstacles.

* 3. For the purpose of Requirement 2, and for that purpose only:

a. The “property line” of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and

b. The “property line” of a [medical] marijuana production facility refers to:

i. The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or

ii. The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:

A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;

B. The proposed [medical] marijuana production facility will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of

the parcel on which the proposed [medical] marijuana production facility will be located;

* 4. When a marijuana product manufacturing facility authorized pursuant to NRS Chapter 453D (the “Chapter 453D facility”) is proposed to be located within a medical marijuana production facility that is authorized pursuant to NRS Chapter 453A (the “Chapter 453A facility”), and the Chapter 453A facility has obtained special use permit approval as of July 1, 2017, the applicable distance separation requirements under Requirement 1 for the proposed Chapter 453D facility shall be those that were in effect at the time of special use permit approval for the Chapter 453A facility. A Chapter 453D facility that has received special use permit approval, either pursuant to a new special use permit or by means of a review of conditions under an existing special use permit, shall be deemed a conforming use for purposes of this Title.

[* 4.] * 5. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently exist and may be hereafter amended.

[* 5.] * 6. No outside storage shall be permitted, including the use of shipping containers for on-site storage.

[* 6.] * 7. An air filtration system to be designed by a Nevada licensed engineer shall be provided prior to the issuance of a certificate of occupancy.

[* 7.] * 8. Distillation or extraction by combustible solvent is prohibited.

[8.] 9. Signage for the establishment shall be limited to one wall sign per street frontage, the face of the sign not to exceed thirty square feet in area and not to exceed two feet in height. Such a sign shall be internally illuminated, with the use of neon prohibited.

[* 9.] * 10. The Special Use Permit shall be void without further action if the uses ceases for a period exceeding 90 days.

[*10.] * 11. A [medical] marijuana production facility shall obtain all required approvals from the State of Nevada to operate such a facility prior to the Special Use Permit being exercised pursuant to LVMC 19.16.110.

[11.] 12. The use may not be located under the same roof as another use, except a [medical] marijuana

1 cultivation facility, [medical] marijuana dispensary or marijuana production facility.

2 On-site Parking Requirement: One space for each 500 square feet of gross floor area.

3 SECTION 9: Title 19, Chapter 18, Section 20, is hereby amended by amending the
4 definition of the term “Crop Production” to read as follows:

5 Crop Production. An area for raising or harvesting agricultural crops, generally operated on a large-scale
6 commercial basis with accompanying wholesale and retail sales. The term does not include a [medical
7 marijuana establishment,] marijuana cultivation facility, a community garden, a garden that is incidental to
8 a residential use and whose products are intended for the use of those residing on the parcel, or any other
9 use involving the production of plant material that is specifically defined in this Title.

10 SECTION 10: Title 19, Chapter 18, Section 20, is hereby amended by amending the
11 definition of the term “Medical Marijuana Cultivation Facility” to read as follows:

12 [Medical] Marijuana Cultivation Facility. An enclosed structure which cultivates, delivers, transfers,
13 transports, supplies, or sells marijuana to [medical] marijuana dispensaries or [medical] marijuana
14 production facilities. The term includes a “cultivation facility,” as defined in NRS 453.A.056[.] and a
15 “marijuana cultivation facility” as defined in NRS 453D.030.

16 SECTION 11: Title 19, Chapter 18, Section 20, is hereby amended by amending the
17 definition of the term “Medical Marijuana Dispensary” to read as follows:

18 [Medical] Marijuana Dispensary. An establishment which acquires, possesses, delivers, transfers,
19 transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder
20 of a valid registry identification card. The term includes a “[medical] marijuana dispensary,” as defined in
21 NRS 453A.115[.] and a “retail marijuana store” as defined in NRS 453D.030.

22 SECTION 12: Title 19, Chapter 18, Section 20, is hereby amended by amending the
23 definition of the term “Medical Marijuana Production Facility” to read as follows:

24 [Medical] Marijuana Production Facility. An enclosed structure which acquires, possesses, manufactures,
25 delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to
26 [medical] marijuana dispensaries. The term includes a “facility for the production of edible marijuana

1 products or marijuana-infused products,” as defined in NRS 453A.105[.] and a “marijuana product
2 manufacturing facility” as defined in NRS 453D.030.

3 SECTION 13: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010,
4 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

5 SECTION 14: The Department of Planning is authorized and directed to incorporate into
6 the Unified Development Code the amendments set forth in Sections 2 to 12, inclusive, of this Ordinance.

7 SECTION 15: The Department of Planning and City Council are authorized to require
8 existing medical marijuana cultivation facilities, existing medical marijuana dispensaries, and existing
9 medical marijuana production facilities that are proposing to engage in non-medical or retail operations to
10 apply for discretionary land use approvals to do so, including without limitation reviews of existing special
11 use permits and conditions thereof, or new special use permits.

12 SECTION 16: If any section, subsection, subdivision, paragraph, sentence, clause or
13 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
14 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
15 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
16 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
17 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
18 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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SECTION 17: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2017.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed, Deputy City Attorney	Date
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____
2 day of _____, 2017, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2017, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

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13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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