

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.”

SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section

1 10, is hereby amended by amending the entry for the use “Medical Marijuana Dispensary” so that it reads
2 “Marijuana Dispensary.”

3 SECTION 5: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
4 10, is hereby amended by amending the entry for the use “Medical Marijuana Production Facility” so that it
5 reads “Marijuana Production Facility.”

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

8 [Medical] Marijuana Cultivation Facility

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

13 Minimum Special Use Permit Requirements:

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

22 a. City park;

23 b. Church/house of worship;

24 c. Community recreational facility (public);

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

- e. Commercial recreation/amusement (indoor);
- f. Commercial recreation/amusement (outdoor);
- g. Library, art gallery or museum (public);
- h. Teen dance center;
- i. Martial arts studio that provides instruction to minors;
- j. General personal service that provides a significant portion of its services to minors; or
- k. Any other use whose primary function is to provide recreational opportunities 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 cultivation 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 cultivation 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 cultivation 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 cultivation 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

1 which the proposed [medical] marijuana cultivation facility will be located;

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

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

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

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

10 * 8. The Special Use Permit shall be void without further action if the uses ceases for a period exceeding
11 90 days.

12 * 9. A [medical] marijuana cultivation facility shall obtain all required approvals from the State of
13 Nevada to operate such a facility prior to the Special Use Permit being exercised pursuant to LVMC
14 19.16.110.

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

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

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

21 [Medical] Marijuana Dispensary

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

26 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. Community recreational facility (public);
- d. Individual care - family home, individual care - group home, or individual care center (in each case licensed for the care of children);
- e. Commercial recreation/amusement (indoor);
- f. Commercial recreation/amusement (outdoor);
- g. Library, art gallery or museum (public);
- h. Teen dance center;
- i. Martial arts studio that provides instruction to minors;
- j. General personal service that provides a significant portion of its services to minors; or
- k. Any other use whose primary function is to provide recreational opportunities 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 dispensary 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 dispensary. 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:

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

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

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

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

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

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

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

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

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

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

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

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

26 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.

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

*10. A [medical] marijuana dispensary 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. [Elevations and signage must first be reviewed by the Downtown Design Review Committee established pursuant to LVMC 19.10.100(D)(1) prior to any public hearing for a Special Use Permit. The review will be performed in accordance with the procedures set forth in LVMC 19.10.100(D), as in the case of reviews normally performed by that Committee, but measuring compliance instead with the 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.] *12. 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. Community recreational facility (public);
- d. Individual care - family home, individual care - group home, or individual care center (in each case licensed for the care of children);
- e. Commercial recreation/amusement (indoor);
- f. Commercial recreation/amusement (outdoor);
- g. Library, art gallery or museum (public);
- h. Teen dance center;
- i. Martial arts studio that provides instruction to minors;
- j. General personal service that provides a significant portion of its services to minors; or
- k. Any other use whose primary function is to provide recreational opportunities 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:

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

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

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

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

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

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

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

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

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

20 * 7. Distillation or extraction by combustible solvent is prohibited.

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

24 * 9. The Special Use Permit shall be void without further action if the uses ceases for a period exceeding
25 90 days.

26 *10. A [medical] marijuana production facility shall obtain all required approvals from the State of

1 Nevada to operate such a facility prior to the Special Use Permit being exercised pursuant to LVMC
2 19.16.110.

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

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

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

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

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

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

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

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

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

1 [Medical] Marijuana Production Facility. An enclosed structure which acquires, possesses, manufactures,
2 delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to
3 [medical] marijuana dispensaries. The term includes a “facility for the production of edible marijuana
4 products or marijuana-infused products,” as defined in NRS 453A.105[.] and a “marijuana product
5 manufacturing facility” as defined in NRS 453D.030.

6 SECTION 13: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010,
7 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

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

10 SECTION 15: The Department of Planning and City Council are authorized to:

11 (A) Requires existing medical marijuana cultivation facilities, existing medical
12 marijuana dispensaries, and existing medical marijuana production facilities that are proposing to engage in
13 non-medical or retail operations to apply for discretionary land use approvals to do so, including without
14 limitation reviews of existing special use permits and conditions thereof, and new special use permits. In
15 addition, such proposals shall be subject to the distance limitations set forth in state law as well as in this
16 Ordinance; and

17 (B) Treat existing uses described in Subsection (A) as nonconforming uses as to their
18 existing medical marijuana-related operations and approvals.

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

26 ...

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

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

5 APPROVED:

6
7 By _____
CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 _____
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 Val Steed
13 Val Steed,
Deputy City Attorney

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26 Date
5-8-17

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 first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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