

1 **BILL NO. 2017-43**

2 **ORDINANCE NO. 6606**

3 AN ORDINANCE TO AMEND LVMC 19.12.070 TO ELIMINATE THE ON-SITE SIGNAGE
4 LIMITATIONS SPECIFICALLY APPLICABLE TO MARIJUANA CULTIVATION FACILITIES,
5 MARIJUANA DISPENSARIES AND MARIJUANA PRODUCTION FACILITIES, SO THAT ON-SITE
6 SIGNAGE FOR THOSE USES IS GOVERNED BY GENERALLY-APPLICABLE PROVISIONS
7 ADOPTED BY OR PURSUANT TO LVMC TITLE 19, AND TO PROVIDE FOR OTHER RELATED
8 MATTERS.

9 Sponsored by: Councilman Bob Coffin
10 (by request)

Summary: Amends LVMC 19.12.070 to
eliminate the on-site signage limitations
specifically applicable to marijuana cultivation
facilities, marijuana dispensaries and marijuana
production facilities, so that on-site signage for
those uses is governed by generally-applicable
provisions adopted by or pursuant to LVMC Title
19.

11
12 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
13 FOLLOWS:

14 SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title
15 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth
16 in Sections 2 to 4, inclusive, of this Ordinance. The amendments are deemed to be amendments to both
17 Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

18 SECTION 2: Title 19, Chapter 12, Section 70, is hereby amended by amending the
19 Minimum Special Use Permit Requirements for the use "Marijuana Cultivation Facility" to read as follows:

20 **Minimum Special Use Permit Requirements:**

21 *1. Pursuant to its general authority to regulate the cultivation, production, dispensing, and sale of
22 marijuana, the City Council declares that the public health, safety and general welfare of the City are best
23 promoted and protected by generally requiring a minimum separation between marijuana cultivation
24 facilities and certain other uses that should be protected from the impacts associated with a marijuana
25 cultivation facility. Therefore, except as otherwise provided below, no marijuana cultivation facility may
26 be located within 1000 feet of any school, or within 300 feet of any of the following uses:

- 1 a. City park;
- 2 b. Church/house of worship;
- 3 c. Individual care - family home, individual care - group home, or individual care center (in each
- 4 case licensed for the care of children);
- 5 d. Community recreational facility (public); or
- 6 e. Any use whose primary function is to provide recreational opportunities to minors. Such uses
- 7 include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery or
- 8 museum (public); teen dance center; and martial arts studio that provides instruction to minors.
- 9 *2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest
- 10 distance between two property lines, one being the property line of the proposed marijuana cultivation
- 11 facility which is closest to the existing use to which the measurement pertains, and the other being the
- 12 property line of that existing use which is closest to the proposed marijuana cultivation facility. The
- 13 distance shall be measured in a straight line without regard to intervening obstacles.
- 14 *3. For the purpose of Requirement 2, and for that purpose only:
- 15 a. The “property line” of a protected use refers to the property line of a fee interest parcel that has
- 16 been created by an approved and recorded parcel map or subdivision map, and does not include the
- 17 property line of a leasehold parcel; and
- 18 b. The “property line” of a marijuana cultivation facility refers to:
- 19 i. The property line of a parcel that has been created by an approved and recorded parcel
- 20 map or commercial subdivision map; or
- 21 ii. The property line of a parcel that is located within an approved and recorded commercial
- 22 subdivision and that has been created by a record of survey or legal description, if:
- 23 A. Using the property line of that parcel for the purpose of measuring the distance
- 24 separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;
- 25 and
- 26 B. The proposed 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 which the proposed 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.

*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.

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

*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.

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

[*10.] *9. A 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.

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

SECTION 3: Title 19, Chapter 12, Section 70, is hereby amended by amending the

1 Minimum Special Use Permit Requirements for the use "Marijuana Dispensary" to read as follows:

2 **Minimum Special Use Permit Requirements:**

3 *1. Pursuant to its general authority to regulate the cultivation, production, dispensing, and sale of
4 marijuana, the City Council declares that the public health, safety and general welfare of the City are best
5 promoted and protected by generally requiring a minimum separation between a marijuana dispensary and
6 certain other uses that should be protected from the impacts associated with a marijuana dispensary.
7 Therefore, except as otherwise provided below, no marijuana dispensary may be located within 1000 feet
8 of any school, or within 300 feet of any of the following uses:

9 a. City park;

10 b. Church/house of worship;

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

13 d. Community recreational facility (public); or

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

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

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

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

26 b. The "property line" of a marijuana dispensary refers to:

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

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

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

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

11 C. All parking spaces required by this Section 19.12.070 for the marijuana dispensary
12 use will be located on the same parcel as the use; and

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

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

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

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

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

3 *8. No drive-through facilities shall be permitted in conjunction with a marijuana dispensary.

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

7 [*10.] *9. The Special Use Permit shall be void without further action if the uses ceases for a period
8 exceeding 90 days.

9 [*11.] *10. A marijuana dispensary shall obtain all required approvals from the State of Nevada to operate
10 such a facility prior to the Special Use Permit being exercised pursuant to LVMC 19.16.110.

11 [*12.] *11. No marijuana dispensary shall be located on any property which abuts Fremont Street west of
12 8th Street.

13 [*13.] *12. No accessory uses are permitted in association with a marijuana dispensary unless such a use
14 relates to providing education regarding the use of marijuana.

15 SECTION 4: Title 19, Chapter 12, Section 70, is hereby amended by amending
16 Minimum Special Use Permit Requirements for the use "Marijuana Production Facility" to read as follows:

17 **Minimum Special Use Permit Requirements:**

18 *1. Pursuant to its general authority to regulate the cultivation, production, dispensing, and sale of
19 marijuana, the City Council declares that the public health, safety and general welfare of the City are best
20 promoted and protected by generally requiring a minimum separation between a marijuana production
21 facility and certain other uses that should be protected from the impacts associated with a marijuana
22 production facility. Therefore, except as otherwise provided below, no marijuana production facility may
23 be located within 1000 feet of any school, or within 300 feet of any of the following uses:

24 a. City park;

25 b. Church/house of worship;

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

1 case licensed for the care of children);

2 d. Community recreational facility (public); or

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

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

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

18 ii. The property line of a parcel that is located within an approved and recorded commercial
19 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 distance
21 separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;

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

26 *4. When a marijuana product manufacturing facility authorized pursuant to NRS Chapter 453D (the

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

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

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

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

14 *8. Distillation or extraction by combustible solvent is prohibited.

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

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

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

22 [12.] 11. The use may not be located under the same roof as another use, except a marijuana cultivation
23 facility, marijuana dispensary or marijuana production facility.

24 SECTION 5: For purposes of Section 2.100(3) of the City Charter, Section 19.12.070 is
25 deemed to be a subchapter rather than a section.

26 SECTION 6: The Department of Planning is authorized and directed to incorporate into

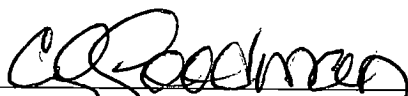
1 the Unified Development Code the amendments set forth in Sections 2 to 4, inclusive, of this Ordinance.

2 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
3 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
4 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
5 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
6 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
7 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
8 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

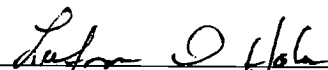
9 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
10 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, in conflict herewith are hereby repealed.

12 PASSED, ADOPTED and APPROVED this 6th day of December, 2017.

13 APPROVED:

14 By 
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 
18 LUANN D. HOLMES, MMC
City Clerk

19 APPROVED AS TO FORM:

20  10-30-17
21 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 15th day of November, 2017, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 6th day of December,
4 2017, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as first introduced and adopted by
6 the following vote:

7 VOTING "AYE": Councilmembers, Tarkanian, Barlow, Anthony, Coffin, Fiore and
8 Seroka

9 VOTING "NAY": Tarkanian

10 EXCUSED: None

11 ABSTAINED: Mayor Goodman

12
13
14 APPROVED:

15 
16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 
19 LUANN D. HOLMES, MMC City Clerk

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2017 NOV 27 A 11: 36

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000950758

Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/22/2017 to 11/22/2017, on the following days:

11 / 22 / 17

BILL NO. 2017-43

AN ORDINANCE TO AMEND
LVMC 19.12.070 TO ELIMINATE
THE ON-SITE SIGNAGE
LIMITATIONS SPECIFICALLY
APPLICABLE TO MARIJUANA
CULTIVATION FACILITIES,
MARIJUANA DISPENSARIES AND
MARIJUANA PRODUCTION
FACILITIES, SO THAT ON-SITE
SIGNAGE FOR THOSE USES IS
GOVERNED BY GENERALLY-
APPLICABLE PROVISIONS
ADOPTED BY OR PURSUANT TO
LVMC TITLE 19, AND TO
PROVIDE FOR OTHER RELATED
MATTERS.

Sponsored by: Councilman Bob Coffin

Summary: Amends LVMC 19.12.070 to eliminate the on-site signage limitations specifically applicable to marijuana cultivation facilities, marijuana dispensaries and marijuana production facilities, so that on-site signage for those uses is governed by generally-applicable provisions adopted by or pursuant to LVMC Title 19.

At the City Council meeting of
November 15, 2017

BILL NO. 2017-43 WAS READ BY
TITLE AND REFERRED TO A
RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: November 22, 2017
LV Review-Journal

/5/

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 22nd day of November, 2017

Notary



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000954150

RECEIVED
CITY CLERK

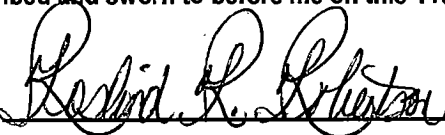
2017 DEC 18 P. 12: 47

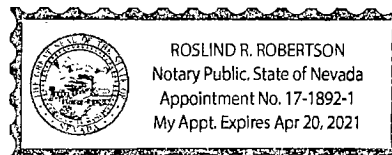
Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/09/2017 to 12/09/2017, on the following days:

12 / 09 / 17


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 11th day of December, 2017

Notary 



BILL NO. 2017-43
ORDINANCE NO. 6606

AN ORDINANCE TO AMEND LVMC 19.12.070 TO ELIMINATE THE ON-SITE SIGNAGE LIMITATIONS SPECIFICALLY APPLICABLE TO MARIJUANA CULTIVATION FACILITIES, MARIJUANA DISPENSARIES AND MARIJUANA PRODUCTION FACILITIES, SO THAT ON-SITE SIGNAGE FOR THOSE USES IS GOVERNED BY GENERALLY-APPLICABLE PROVISIONS ADOPTED BY OR PURSUANT TO LVMC TITLE 19, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Bob Coffin
(by request)

Summary: Amends LVMC 19.12.070 to eliminate the on-site signage limitations specifically applicable to marijuana cultivation facilities, marijuana dispensaries and marijuana production facilities, so that on-site signage for those uses is governed by generally-applicable provisions adopted by or pursuant to LVMC Title 19.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of November, 2017, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 6th day of December, 2017, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Councilmembers Barlow, Anthony, Coffin, Seroka and Fiore

ABSTAINED: Mayor Goodman

VOTING "NAY": Councilwoman Tarkanian

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: December 9, 2017
LV Review-Journal