

1 **FIRST AMENDMENT**

2 **BILL NO. 2014-30**

3 **ORDINANCE NO. ~~6321~~**

4 AN ORDINANCE TO ESTABLISH ZONING REGULATIONS AND STANDARDS FOR MEDICAL
5 MARIJUANA ESTABLISHMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Bob Coffin

Summary: Establishes zoning regulations and
standards for medical marijuana establishments.

7
8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
9 FOLLOWS:

10 SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title
11 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth
12 in Sections 2 to 5, inclusive, of this Ordinance. The amendments are deemed to be amendments to both
13 Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

14 SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
15 10, is hereby amended by adding, at the appropriate locations, entries for the uses "Medical Marijuana
16 Cultivation Facility" and "Medical Marijuana Production Facility," indicating by the letter "S" that each of
17 those uses is allowed by means of Special Use Permit in the C-M and M Zoning Districts.

18 SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
19 10, is hereby amended by adding, at the appropriate location, an entry for the use "Medical Marijuana
20 Dispensary," indicating by the letter "S" that the use is allowed by means of Special Use Permit in the C-1,
21 C-2, C-M and M Zoning Districts.

22 SECTION 4: Title 19, Chapter 12, Section 70, is hereby amended by adding thereto, at
23 the appropriate locations, entries for the uses "Medical Marijuana Cultivation Facility," "Medical
24 Marijuana Dispensary" and "Medical Marijuana Production Facility," reading respectively as follows:

25 **Medical Marijuana Cultivation Facility**

26 **Description:** A fully stand-alone detached enclosed structure which cultivates, delivers, transfers, transports,

1 supplies, or sells marijuana to medical marijuana dispensaries or medical marijuana production facilities. This
2 use includes a “cultivation facility,” as defined in NRS 453A.056.

3 **Minimum Special Use Permit Requirements:**

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

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

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

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

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

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

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

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

1 requirement;

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

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

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

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

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

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

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

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

20 **Medical Marijuana Dispensary**

21 **Description:** An establishment which acquires, possesses, delivers, transfers, transports, supplies, sells or
22 dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification
23 card. This use includes a “medical marijuana dispensary,” as defined in NRS 453A.115.

24 **Minimum Special Use Permit Requirements:**

25 *1. Pursuant to its general authority to regulate the cultivation, production, dispensing and sale of medical
26 marijuana, the City Council declares that the public health, safety and general welfare of the City are best promoted

1 and protected by generally requiring a minimum separation between a medical marijuana dispensary and certain
2 other uses that should be protected from the impacts associated with a medical marijuana dispensary. Therefore,
3 except as otherwise provided below, no medical marijuana dispensary may be located within 1000 feet of any
4 school; or within 300 feet of any individual care center licensed for more than 12 children, community recreational
5 facility (public), City park, or church/house of worship.

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 medical marijuana dispensary
8 which is closest to the existing use to which the measurement pertains, and the other being the property line of that
9 existing use which is closest to the proposed medical marijuana dispensary. The distance shall be measured in a
10 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
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 dispensary 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;

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

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

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

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

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

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

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

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

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

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

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

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

1 *13. No accessory uses are permitted in association with a medical marijuana dispensary.

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

3 **Medical Marijuana Production Facility**

4 **Description:** A fully stand-alone detached enclosed structure which acquires, possesses, manufactures,
5 delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to
6 medical marijuana dispensaries. This use includes a “facility for the production of edible marijuana products or
7 marijuana-infused products,” as defined in NRS 453A.105.

8 **Minimum Special Use Permit Requirements:**

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

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

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

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

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

26 i. The property line of a parcel that has been created by an approved and recorded

1 parcel map or commercial subdivision map; or

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

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

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

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

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

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

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

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

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

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

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

25 SECTION 5: Title 19, Chapter 18, Section 20, is hereby amended by adding thereto, at
26 the appropriate locations, the following terms and their corresponding definitions:

1 **Medical Marijuana Cultivation Facility.** A fully stand-alone detached enclosed structure which cultivates,
2 delivers, transfers, transports, supplies, or sells marijuana to medical marijuana dispensaries or medical
3 marijuana production facilities. The term includes a “cultivation facility,” as defined in NRS 453A.056.

4 **Medical Marijuana Dispensary.** An establishment which acquires, possesses, delivers, transfers, transports,
5 supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid
6 registry identification card. The term includes a “medical marijuana dispensary,” as defined in NRS 453A.115.

7 **Medical Marijuana Production Facility.** A fully stand-alone detached enclosed structure which acquires,
8 possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or
9 marijuana-infused products to medical marijuana dispensaries. The term includes a “facility for the production
10 of edible marijuana products or marijuana-infused products,” as defined in NRS 453A.105.

11 SECTION 6: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010,
12 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

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

20 SECTION 8: Whenever in this ordinance any act is prohibited or is made or declared to
21 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
22 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
23 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
24 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
25 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
26 of this ordinance shall constitute a separate offense.

1 SECTION 9: 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 21st day of May, 2014.

5 APPROVED:

6 By 
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 
10 BEVERLY K. BRIDGES, MMC
City Clerk

11
12 APPROVED AS TO FORM:

13  5-22-14
14 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 7th day of May, 2014, and referred to a committee for recommendation; thereafter
3 the said committee reported favorably on said ordinance on the 21st day of May, 2014,
4 which was a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as amended and adopted by the following
6 vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Ross,
Barlow, Coffin and Beers

8 VOTING "NAY": None

9 EXCUSED: None

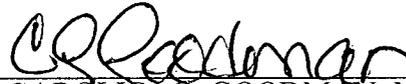
10 ABSTAINED: None

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12

APPROVED:

13


CAROLYN G. GOODMAN, Mayor

14

15

ATTEST:

16


BEVERLY K. BRIDGES, MMC City Clerk

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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 0000198097**

Stacey M. Lewis, 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 05/24/2014 to 05/24/2014, on the following days:

05 / 24 / 14

FIRST AMENDMENT
BILL NO. 2014-30
ORDINANCE NO. 6321

AN ORDINANCE TO ESTABLISH ZONING REGULATIONS AND STANDARDS FOR MEDICAL MARIJUANA ESTABLISHMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin
Summary: Establishes zoning regulations and standards for medical marijuana establishments.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of May 2014 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of May 2014, 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 introduced and was adopted by the following vote:

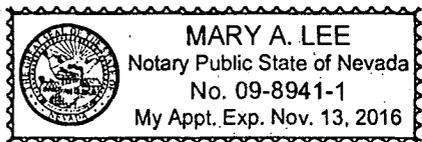
VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Ross, Barlow, Coffin, and Beers
VOTING "NAY": NONE
EXCUSED: NONE

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: May 24, 2014
LV Review-Journal

Stacey M. Lewis
SI _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 27th day of May, 2014

Notary *Mary Lee*



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 0000181059**

Stacey M. Lewis, 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 05/08/2014 to 05/08/2014, on the following days:

05 / 08 / 14

BILL NO. 2014-30

AN ORDINANCE TO ESTABLISH ZONING REGULATIONS AND STANDARDS FOR MEDICAL MARIJUANA ESTABLISHMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin
Summary: Establishes zoning regulations and standards for medical marijuana establishments.

At the City Council meeting of May 7, 2014
BILL NO. 2014-30 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: May 8, 2014
LV Review-Journal

Stacey M. Lewis

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 8th day of May, 2014

Notary *Mary Lee*

