

ORDINANCE NO. 2849

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-05-17); BY AMENDING TITLE 17 (ZONING ORDINANCE), AMENDING THE MEDICAL MARIJUANA ESTABLISHMENTS PROVISIONS AND ADDING PROVISIONS FOR RETAIL MARIJUANA, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the amendment is consistent with the Comprehensive Plan; and

WHEREAS, the Council determines that the amendment will not adversely affect the health and general welfare; and,

NOW THEREFORE, the City Council of the City of North Las Vegas does ordain:

SECTION 1: Chapter 16, Section 050, Subsection F, Subsection 3, Subsection e, Table 17.16-3 of Title 17 of the North Las Vegas Municipal Code is hereby amended by replacing the existing table in its entirety with the following:

Table 17.16-3: I-A Overlay District Permitted Uses				
P = Permitted C = Conditional S = Special /O = Subject to occupancy limits in subsection 17.16.050.F.3 Blank = Prohibited		Transition Area (TA), as shown on Map 1		
Use Category	Use Type	Outside TA	Within TA	Additional Requirements
PUBLIC AND INSTITUTIONAL USES				
Institutions	School: Technical and Trade only	P		
Public and Civic Uses	Electrical Power Transmission Poles and Lines, as identified in the Comprehensive Plan.	P	P	If poles and lines are not identified in the Comprehensive Plan, they are Special Uses
	Essential Public Service or Utility Installation	P	P/O	
	Public Utility Building, Structure, or Equipment	P	P/O	
	Public Utility Service Yard	P	P/O	
	Public, Quasi-Public Use or Building	P	P/O	Limited to Police, Fire, and EMS facilities in TA
	Radio and Television Studio, Without Transmission Towers	P	P/O	
	Radio and Television Transmission Towers Telecommunication Towers and Facilities	P P	P P/O	
Transportation	Automobile Parking Lot or Parking Garage	P	P/O	
	Bus Terminal	P		
	Motor Freight Terminal	P	P/O	

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Use Category	Use Type	Outside TA	Within TA	Additional Requirements
COMMERCIAL AND OFFICE USES				
Animal care	Animal Hospital or Clinic	P	P/O	
Eating and Drinking Establishments	Restaurant, Excluding Fast Food Restaurants	C	S/O	Max. of 5,000 sq ft outside TA Max. of 2,500 sq ft inside TA
	Restaurant, Fast Food	C	C/O	Shall comply with standards in 17.20.020.C Max. of 5,000 sq ft outside TA Max. of 3,000 sq ft inside TA
	Restaurant Holding a "Full Liquor On-Sale License"	S	S/O	Max. of 5,000 sq ft outside TA Max. of 2,500 sq ft inside TA
Offices	Bank or Financial Institution	C		Maximum size 3,000 sf
	Deferred deposit loans or short term loans	S		Maximum size 3,000 sf
	Medical, Dental, or Health Clinic	C		Maximum size 3,000 sf
	Professional Office	C	S/O	Maximum size 10, 000 sq ft/acre
Retail Sales and Service	Convenience Food Store	P	S/O	Shall comply with standards in 17.20.020.C
	Convenience Food Store with Gas Pumps	S	S/O	Shall comply with standards in 17.20.020.C
	Exterior Storage of Goods and Materials	P	P/O	
	Funeral Home or Mortuary	C	C/O	Chapel only allowed outside TA Max. size 3,000 sq ft
	Greenhouse	P	P/O	Limited to Wholesale Sales
	Heavy Equipment Rental Facility	P	P/O	
	Light Equipment Rental with Exterior Storage and Display	P	P/O	
	Light Equipment Rental with No Exterior Storage and Display	P	P/O	
	Wholesale Sales Establishment	P	P/O	
	Other Retail Sales and Service Not Listed			
Vehicle Sales and Service	Automobile Impound Yard	P	P/O	Shall comply with standards in 17.20.020.C
	Automotive Repair Facility	P	S/O	Shall comply with standards in 17.20.020.C
	Auto service	C	S/O	Max. of 5,000 sq ft outside TA Max. of 3,000 sq ft inside TA
	Automobile Washing Establishment	P	S/O	Shall comply with standards in 17.20.020.C
	Fuel Sales	P	S/O	Shall comply with standards in 17.20.020.C

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Use Category	Use Type	Outside TA	Within TA	Additional Requirements			
	Tire Sales, Repair, and Mounting	P	S/O				
	Truck or Heavy Equipment Sales and Service	P	S/O				
	Truck Stop	P	S/O				
	Truck Wash	P	P/O				
INDUSTRIAL AND RELATED USES							
Industrial Services	Any production, testing, processing of goods or products that does not conform with the performance standards set forth in Section 17.24.160	S	S/O				
	Batch Plant (Concrete or Asphalt)	P	P/O				
	Building Material Sales, Wholesale	P	P/O				
	Cultivation Facility for Marijuana	S	S / O	Shall comply with standards in 17.20.020.C			
	Contractors Office and Storage	P	P/O				
	Distribution Center	P	P/O				
	Frozen Food Storage, Commercial	P	P/O				
	Independent Testing Laboratory for Marijuana	S	S / O	Shall comply with standards in 17.20.020.C			
	Industrial and Business Support Service Establishment	P	P/O				
	Junkyard or Salvage Yard/Center	C	C/O	Eight foot buffer wall required when located within 500' of I-15, US 93 or SR 604 and an eight foot opaque CMU screen wall when located between 501' and 1200' of I-15, US 93 or SR 604.			
	Laundry or Dry Cleaning, Commercial Plant	S	S/O				
	Manufacturing and Production, Indoors	P	P/O				
	Manufacturing and Production, Outdoors	P	P/O				
	Manufacturing of Chemicals	S	S/O				
	Manufacturing and/ or Storage of Hazardous Materials	S	S/O				
	Manufacturing computer chip / components	S	S/O				
Materials Recovery Facility	S	S/O	Shall comply with standards in 17.20.020.D				
Mini-Warehousing Establishment	P	P/O	Shall comply with standards in				

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Use Category	Use Type	Outside TA	Within TA	Additional Requirements			
				17.20.020.D			
	Mining and Mineral Operations	S	S/O				
	Monument Engraving and Sales	P	P/O				
	Livestock and Poultry Slaughtering and Processing	S	S/O				
	Production of Edible Marijuana Products or Marijuana-Infused Products	S	S / O	Shall comply with standards in 17.20.020.C			
	Refineries	S	S/O				
	Research Laboratory	P	P/O				
	Recycling Center (Indoor)	P	P/O				
	Recycling Center (Outdoor)	P	P/O	Shall comply with standards in 17.20.020.D			
	Warehouse	P	P/O				
ACCESSORY AND TEMPORARY USES AND STRUCTURES							
Accessory Dwellings	Accessory Dwelling Units for watchmen required to provide security for Permitted and Special Uses listed as primary uses	P	C/O	Maximum of 10 beds			
Accessory Structures	Accessory Structures for Nonresidential Uses (including solar panels and wind energy generators)	P	P/O				
Eating and Drinking Establishments	All Permitted and Special uses listed as primary uses in this category	C	C/O	Limited to 10% of gross floor area of primary structure(s); no business signs visible from I-15 or US 93 permitted. No sale of alcohol for on-site consumption			
Retail Sales and Service	All Permitted and Special uses listed as primary uses in this category, plus fitness class/wellness center	C	C/O	Limited to 10% of gross floor area of primary structure(s); no business signs visible from I-15 or US 93 permitted			
Transportation	Helipad / Heliport	C		Approval from Nellis AFB and FAA Required			
Vehicle Sales and Service Uses	All Permitted and Special uses listed as principal uses in this category	C	C/O	:Limited to service – Limited to 10% of gross floor area of primary structure(s); no business signs visible from I-15 or US 93 permitted. Sales limited to 5 vehicle sales per month; maximum of 2 vehicles may be displayed outdoors.			

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Use Category	Use Type	Outside TA	Within TA	Additional Requirements			
Temporary	Temporary buildings as permitted in the M-2 zone district	P	P	Shall comply with standards in 17.20.040 and M-2 conditions and procedures			

TABLE 17.20-1: PERMITTED USE TABLE

Use Category	Use Type	Residential										Business				Redevelopment						Special Purpose						Obsolete		Additional Requirements		
		O-1	R-E	R-EL	R-1	R-CL	R-2	R-3	R-4	C-P	C-1	C-2	M-1	M-2	R-A/R-2	R-A/R-3	R-A/R-4	R-A/DC	R-A/PSP	PSP	PUD/PID	PCD	MUD-N	MUD-C	MUD-E	P	C	S	C-3	M-3		
	Establishment Requiring an "On-Sale" Liquor License									S	S	S	S				S				P	P	C	C	C						17.20.020 C.14	
	Restaurant								S	P	P	C	C				P	C			P	P	P	P	P						17.20.020 C.28	
	Restaurant, Fast Food								S	P	P	C	C				S	C			P	P	P	P	P						17.20.020 C.17	
	Private Club or Lodge											P	P								A	A	S	P	P	P						
Indoor Recreation and Entertainment	Athletic Club (Indoor only)									C	C	C									P	P	P	P	P	C						
	Bowling Alley										P	P									P	P	S	P	P	P						
	Dancing or Theatrical Studio									P	P										P	P	S	P	P	P						
	Game Rooms or Pool Hall									P	P										P	P	S	P	P	P						
	Health and Fitness Center									S																						Not to exceed 3,000 sq. ft.
	Recreation Center									S	S	P	S								P	P	S	P	P	P						
	Skating Rink (Ice or Roller)										S		S								P	P	S	P	P	P						
Offices	Theater, Movie									P											P	P	S	P	P	P						
	Video Arcade									S	S										P	P	P	P	P	P						
	Auto Title Loan Establishment									S	S	S									P	P	P	P	P	S					17.20.020 C.4	
	Bank or Financial Institution									S	S	S									P	P	P	P	P	S					17.20.020 C.6	
	Deferred Deposit Loan or Short Term Loan Establishment									S	S	S									P	P	P	P	P	S					17.20.020 C.10	
	Medical, Dental, or Health Clinic									P	P	P									P	P	P	P	P	P						
	Professional Office									P	P	P	P								P	P	P	P	P	P						
	Amusement Park or Water Park										S	S									P	P		S	P							
	Athletic Clubs (Outdoors)									S	S	S												S	P	S						17.20.020 C.3
	Golf Course									S	S	S	S	S							P	P	P	S	P							17.20.020 C.12
Outdoor Recreation and Entertainment	Golf Driving Range or Miniature Golf Course										P	P									P	P	S	P	P							
	Recreational Use									S											P	P	S	S	S							

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		O-1	R-E	R-EL	R-1	R-CL	R-2	R-3	R-4	C-P	C-1	C-2	M-1	M-2	R-A/R-2	R-A/R-3	R-A/R-4	R-A/DC	R-A/PSP	PSP	PUD/PID	PCD	MUD-N	MUD-C	MUD-E	C-3	M-3	
Vehicle Sales and Services	Hotel or Motel										S	S	S								S	S	S	S	S			
	Racetracks (Dog, Horse, or Vehicle)												S														S	
	Recreational Vehicle Park and Overnight Campground									S			S								P	P		S	S			17.20.020 C.16
	Vehicle, Boat, or Recreational Vehicles Sales, and Rental Lot									S			S								P	P		S	S			17.20.020 C.22
	Vehicle Impound Yard/Automobile Impound Yard												S														S	17.20.020 C.23
	Vehicle, Boat, and RV Repair Facility										S	S	S								P	P				S	P	17.20.020 C.24
	Vehicle, Boat and RV Service Facility									S	S	S	P					S			P	P				S	P	17.20.020 C.25
	Vehicle Washing Establishment										S	S	S	S							P	P				S	S	17.20.020 C.26
	Fuel Sales										S	S	S						S					S	S			
	Tire Sales, Repair, and Mounting										S	S	S	P							P	P				P		
Truck Stop/Truck Wash												P								S	S					S		
INDUSTRIAL AND RELATED USES																												
Industrial Services	Any production, testing, processing of goods or products that does not conform with the performance standards set forth in Section 17.24.130												S														S	
	Batch Plant (Concrete or Asphalt)												S														S	
	Building Material Sales, Wholesale											P	P							P						P	P	17.20.020 D.1

TABLE 17.20-1: PERMITTED USE TABLE

Use Category	Use Type	Residential										Business				Redevelopment						Special Purpose						Obsolete		Additional Requirements	
		O-1	R-E	R-EL	R-1	R-CL	R-2	R-3	R-4	C-P	C-1	C-2	M-1	M-2	R-A/R-2	R-A/R-3	R-A/R-4	R-A/DC	R-A/PSP	PSP	PUD/PID	PCD	MUD-N	MUD-C	MUD-E	C-3	M-3				
OTHER USES																															
Other Uses	Interim Uses Established after July 1, 1991														S	S		S													
	Interim Uses Established after August 2, 1995																S														
	Live/Work Units																							P	P	P				17.20.020 E.1	
	Vertical Mixed Use									S	P						P					P	P	P	P				17.20.020 E.2		

SECTION 3: Chapter 20, Section 020, Subsection C, subsection 29, of Title 17 of the North Las Vegas Municipal Code is hereby amended as follows:

29. Marijuana Establishments

a. Purpose and Intent

In 2013 the Nevada Legislature passed, and the Governor signed into law, Senate Bill 374, now codified in NRS 453A, which allows medical marijuana establishments within the state of Nevada; and requires such establishments to comply with all local business licensing requirements and local land use and code requirements. Furthermore, with the passage of Question 2 in 2016, a voter initiative to legalize cannabis, known as the “Initiative to Regulate and Tax Marijuana”, the sale of recreational marijuana became legal;

Federal law and related regulations classify marijuana as a Schedule I controlled substance and prohibit its cultivation, possession, dispensing and use, among other things, for medical reasons, recreational use or otherwise. This Ordinance is intended to implement NRS 453A and NRS 453D, and to establish criteria for land use entitlements that are a prerequisite for the exemption from state prosecution provided for in NRS 453A and NRS 453D;

This section is to provide a procedure for the regulations of marijuana establishments as they relate to land uses within the City. These regulations are related to the licensing requirements in Title 5 of the North Las Vegas Municipal Code and provide all land use regulations for marijuana establishments.

b. Permit Required

All marijuana establishments within the City of North Las Vegas require a special use permit. Requests for a marijuana establishment may only be filed with the City when the applicant submits verification that an application for a license has been accepted by the Department of Taxation for the particular marijuana establishment and location.

c. Distance Separation Requirements

(i) Proximity Distance Requirements

Table 17.20-2.1 establishes minimum separation distances between marijuana establishments and other specified uses.

TABLE 17.20-2.1: PROXIMITY DISTANCE REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS

Marijuana Establishments	Separation from Schools (feet) [1]	Separation from a Community Facility (feet) [2]	Separation Between Marijuana Establishments (feet)	Separation from Developed Residential (feet) [3]
Independent Testing Laboratory	1,000	300		300
Cultivation Facility	1,000	300		300
Facility for the Production of Edible Marijuana Products or Marijuana-Infused Products	1,000	300		300
Marijuana Dispensary or Retail Marijuana Store	1,000	300	1,000 [4]	

NOTES:

[1] For the purposes of this section, “schools” shall be defined as preschool, or kindergarten through 12th grade.

[2] For the purposes of this section, “community facility” shall have the meaning ascribed to it in NRS Chapter 453A and NRS Chapter 453D.

[3] For the purposes of this section, “developed residential” shall be defined as a parcel of land zoned for residential use in which construction for at least one residential unit has begun on the date the applicant applied for the special use permit.

[4] A waiver of the 1,000 foot separation requirement may be considered with approval of a special use permit from the appropriate governing body for the proposed use.

d. Proof of Proximity Distance Compliance Required

(i) The City shall not accept, nor set for hearing any request unless the applicant provides to the City a survey plat prepared by a Nevada Licensed Professional Land Surveyor showing that the proposed location complies with the proximity distance requirements above.

(ii) Such distances shall be measured utilizing the shortest direct line distance between two property lines, one being the property line of the proposed marijuana establishment and the other being the nearest property line of property to which it must be separated.

e. Marijuana Establishments

(i) Generally

(1) Approval of a special use permit for any marijuana establishment does not constitute or imply approval of any privileged license that may be otherwise required by this Code.

- (2) Any change in land use, location, or license type as defined in Title 5 shall necessitate application for and approval of a new special use permit for the new land use, location, or license type.
- (3) The special use permit shall expire by operation of law and be deemed null and void if the applicant fails to fulfill any and all conditions, stipulations, and limitations within one year from the public meeting date upon which the special use permit was approved, unless an extension of time is granted by the appropriate governing body.
- (4) The special use permit shall expire by operation of law and be deemed null and void at 12:01 AM the calendar day after the applicant's registration certificate issued by the Department of Taxation expires.

ii) **Marijuana Establishment License**

In addition to any other requirements as provided by this Code or any other relevant law, Marijuana Establishments must fulfill any and all conditions, stipulations and limitations and commence operations as prescribed by the State.

f. **Standards for Marijuana Establishments**

- (i) The following development standards shall apply to all marijuana establishments:
 - (1) Must be located in a separate, stand alone building or facility.
 - (2) Must be located in an appropriate zoned district.
 - (3) In addition to complying with Sections 17.24.120(E) and 17.24.150, every establishment shall have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.
 - (4) With the exception of the specific marijuana establishment approved as part of any special use permit, no other activity may occur within the facility.

- (5) A single entrance shall be provided for the marijuana establishment, except for additional exits that may be required to comply with life safety requirements, or as otherwise allowed by the Department of Taxation.
 - (6) No outside storage on-site shall be permitted, including the use of shipping containers for on-site storage.
- (ii) In addition to all conditions in (i) above, the following development standards shall apply to all marijuana dispensaries or retail marijuana stores:
- (1) No drive-through facilities shall be permitted.
 - (2) The minimum size of a marijuana dispensary or retail marijuana store shall be 1,500 square feet and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space.
 - (3) Must have an appearance, both as to the interior and exterior that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices.
 - (4) The establishment shall ensure there is no emission of dust, fumes, vapors, or odors into the environment or adjacent suites from the facility.
 - (5) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals or signage of any kind shall be strictly prohibited.
 - (6) Dispensaries or retail marijuana **stores** located within M-1, Business Park Industrial District or M-2 General Industrial District may only be permitted within the same building and in conjunction with a cultivation and/or production establishment under the same ownership and management.
- (iii) In addition to all conditions in (i) above, the following development standards shall apply to all marijuana production facilities, or marijuana cultivation facilities:
- (1) The minimum size of the marijuana cultivation establishment shall be 3,500 square feet. A marijuana production establishment is exempt from this requirement
 - (2) The establishment shall ensure there is no emission of dust, fumes, vapors, or odors into the environment from the facility.
 - (3) There shall be no retail sales.

(iv) In addition to all conditions in (i) above, the following development standards shall apply to all testing laboratories:

(1) There shall be no retail sales.

(2) The establishment shall ensure there is no emission of dust, fumes, vapors, or odors into the environment from the facility.

g. Dual Licensee of a Marijuana Establishments

When a marijuana establishment authorized pursuant to NRS Chapter 453D is proposed to be located within the same type establishment that is authorized pursuant to NRS Chapter 453A (e.g. marijuana dispensary or marijuana retail store), and the same type establishment has obtained a special use permit approved as of July 1, 2017, the applicable distance separation requirements shall be those that were in effect at the time the special use permit was approved by the City pursuant to NRS 453A.

SECTION 4: Chapter 32, Section 030, of Title 17 of the North Las Vegas Municipal Code is hereby amending the definition as follows:

Community Facility

Shall have the meaning ascribed to it in NRS Chapters 453A and NRS 453D.

Marijuana Establishment – Medical or Retail

Means one *or more* of the following:

“Cultivation Facility” shall have the meaning ascribed to it in NRS Chapters 453A, and NRS 453D.

“Marijuana Dispensary or “Dispensary” shall have the meaning ascribed to a “medical marijuana dispensary” as defined in NRS Chapter 453A.

“Dual Licensee” shall have the meaning ascribed to a “dual licensee” as defined in NRS Chapter 453D.

“Independent Testing Laboratory” shall have the meaning ascribed to it in NRS Chapters 453A, and NRS 453D.

“Production Facility” shall have the meaning ascribed to a “facility for the production of edible marijuana products and marijuana-infused products” as defined in NRS Chapters 453A, and NRS 453D.

“Retail Marijuana Store” shall have the meaning ascribed to in in NRS Chapter 453D.

SECTION 5: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 6: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 7: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas. Publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 8: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS _____ day of _____, 2017.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

JOHN J. LEE, MAYOR

ATTEST:

CATHERINE A. RAYNOR, MMC, CITY CLERK