

## **ORDINANCE NO. 3018**

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-000001-2020); BY AMENDING TITLE 17 (ZONING ORDINANCE), AMENDING VARIOUS 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 20, Section 020, Subsection C, subsection 29, subsection b of Title 17 of the North Las Vegas Municipal Code is hereby amended as follows:

### **29. 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. In addition, the applicant must provide evidence that the applicant owns the property on which a marijuana establishment is proposed or has written permission of the property owner to operate the proposed marijuana establishment.

**SECTION 2:** Chapter 20, Section 020, Subsection C, subsection 29, subsection c, subsection (i) Table 17.20-2.1 of Title 17 of the North Las Vegas Municipal Code is hereby amended as follows:

#### **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 an Establishment holding a nonrestricted gaming license	Separation from Developed Residential (feet) [3]
Independent Testing Laboratory	1,000	300		1,500	300
Cultivation Facility	1,000	300		1,500	300
Facility for the Production of Edible Marijuana Products or Marijuana-Infused Products	1,000	300		1,500	300
Marijuana Dispensary or Retail Marijuana Store	1,000	300	1,000 [4]	1,500	

**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.

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

- (ii) Such distances shall be measured utilizing the shortest direct line distance between the front door of the proposed marijuana establishment to the nearest property line of property to which it must be separated.

**SECTION 4:** Chapter 20, Section 020, Subsection C, subsection 29, subsection f, subsection (ii), subsection 1 of Title 17 is hereby stricken and the subsection is renumbered as appropriate.

**SECTION 5:** Chapter 20, Section 020, Subsection C, subsection 29, subsection f, subsection (ii), subsection 6 of Title 17 of the North Las Vegas Municipal Code is hereby amended as follows:

- (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 or upon the same property where a cultivation and/or production establishment have been approved and are currently licensed.

**SECTION 6: 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 7: 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 8: 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 9: 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 BY THE COUNCIL OF THE CITY OF NORTH LAS VEGAS** this 20<sup>th</sup> day of May, 2020 by the following vote:

AYES: Mayor Lee, Mayor Pro Tempore Black, Council Members Goynes-Brown, Barron and Cherchio

NAYS: None

ABSTAIN: None

ABSENT: None

APPROVED:



JOHN J. LEE, MAYOR

ATTEST:



CATHERINE A. Raynor, MMC  
CTIY CLERK