

ORDINANCE NO. 3186
(ZOA-14-500194 – Amend Henderson Municipal Code Title 19)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 19 – DEVELOPMENT CODE - OF THE HENDERSON MUNICIPAL CODE AND MATTERS PROPERLY RELATED THERETO.

WHEREAS, the Nevada State Legislature adopted Bill No. SB374 of the Nevada Revised Statutes to allow for Medical Marijuana Establishments subject to standards; and

WHEREAS, the City of Henderson understands that marijuana in any form is prohibited by Federal Law, though the State of Nevada has approved legislation to allow for Medical Marijuana; and

WHEREAS, the City of Henderson hereby revises Title 19 to allow and regulate Medical Marijuana Establishments pursuant to NRS453A and subject to the Title 19 Development Code and Title 4 Business Regulations and Licenses compliance; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Title 19 Development Code is hereby amended as stated in Exhibit A, consisting of 15 pages, hereto attached.

SECTION 2. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 3. All ordinances, or parts of ordinances, sections, subsection, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 4. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on July 4, 2014, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 1ST DAY OF JULY, 2014.



Andy Hafen

Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on June 17, 2014, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on July 1, 2014, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held July 1, 2014, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Andy Hafen, Mayor
Councilmembers:
Sam Bateman
John F. Marz
Gerri Schroder

Those voting nay: None
Those abstaining: None
Those absent: Debra March



Andy Hafen

Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante

Sabrina Mercadante, MMC, City Clerk

Exhibit A
Amendments to Title 19
(ZOA-14-500194)

19.5.5 COMMERCIAL USES

Y. MEDICAL MARIJUANA ESTABLISHMENTS

1. Purpose and Intent

The purpose and intent of this section is to provide a procedure for the regulations of medical marijuana establishments within the City of Henderson. These regulations are in addition to the regulations of Title 4 of the Henderson Municipal Code and provide all land use regulations for medical marijuana establishments.

2. Distance Limitations for Medical Marijuana Establishments

Table 19.5.5-2 Minimum Separation [1]

Medical Marijuana Establishment	Protected Uses				Separation between Medical Marijuana Dispensaries (feet) [5] <u>[3]</u>
	Separation to School (feet) [2]	Separation to Community Facility (feet) [3]	Separation to public park or public playground (feet)	Separation to Residential (feet) [4]	
Cultivation Facility	1,000	1,000 300	1,000	300	
Dispensary	1,000	1,000 300	1,000	300	5,280
Infusion or Manufacturing	1,000	1,000 300	1,000	300	
Independent Testing Laboratory	1,000	1,000 300	1,000	300	

Note: The separation from a medical marijuana establishment to a protected use, is for a protected use that existed or occupied on the date on which the application for the proposed medical marijuana establishment was submitted to the State Health Division.

[1] Distance shall be measured as the shortest straight line between the exterior walls of the building or portion thereof of the proposed medical marijuana establishment to the property line of the protected use.

[2] Means a public or private school that provides formal education traditionally associated with preschool through grade 12.

[3] As defined by NRS 453A.

~~[4] This distance may be reduced through the conditional use permit process, if shown that the proposed facility is not within 100 feet of a private community facility.~~

[5] [3] Distance separation between medical marijuana dispensaries shall be measured as the shortest straight line between the exterior walls of the building or portion thereof of the proposed medical marijuana dispensary to the property line of the established medical marijuana dispensary. This distance may be waived by City Council, if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such separation requirements will not compromise the general intent of this Code to protect the public health, safety and general welfare of the citizens of the City.

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3. Medical Marijuana, Cultivation Facility

RESIDENTIAL										OTHER				
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS			
COMMERCIAL					INDUSTRIAL				MIXED-USE					
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR			
						<u>C</u>	<u>C</u>	<u>C</u>						

(a) Definition

Means an enclosed facility that acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells medical marijuana and related supplies to medical marijuana dispensaries; facilities for the production of edible marijuana products or marijuana-infused products; or other medical marijuana cultivation facilities, as defined in NRS Chapter 453A, as may be amended or renumbered.

(b) Standards

- (1) Shall comply with all H.M.C. Title 4 regulations.
- (2) Shall comply with the distance separation requirements of 19.5.5.Y
- (3) There shall be no emission of dust, fumes or vapors into the environments from the facility. The air filtration system shall be designed by a Nevada licensed engineer and shall be installed prior to certificate of occupancy.
- (4) Shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.
- (5) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.
- (6) There shall be no retail sales at the cultivation facility.
- (7) Shall be a minimum of ~~[+5,000]~~ 5,000 gross square feet.
- (8) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.
- (9) Signs shall meet the following regulations:
 - a. Shall be limited to wall signs only.
 - b. Maximum sign area shall be 25 square feet.
 - c. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs)
 - d. Wall signs shall be internally illuminated. No exposed lighting sources are permitted.

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- e. No animation or electronic message unit signs are permitted.
 - f. Color and design, including lettering shall complement the architecture of the building.
 - g. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
 - h. Signage shall be ~~discreet and~~ professional, and be consistent with the traditional style of signage for pharmacies and medical offices.
- (10) Approval of a conditional use permit does not guarantee approval of a business license.
- (11) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.
- (c) Off-Street Parking Requirement
- (1) Schedule "B" (Section 19.7.4.C.2)
- (d) Off-Street Loading Group
- (1) Group Two (Section 19.7.4.D.)

4. Medical Marijuana, Dispensary

RESIDENTIAL						OTHER								
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS			
COMMERCIAL					INDUSTRIAL			MIXED-USE						
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR			
<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>					

- (a) Definition
- Means a business that is registered with the State of Nevada Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 453A.322, as may be amended or renumbered; and acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.
- (b) Standards
- (1) Shall comply with all H.M.C. Title 4 regulations.
 - (2) Shall comply with the distance separation requirements of 19.5.5.Y
 - (3) Shall have operating hours between the hours of 8:00am and 8:00pm.

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- (4) Drive-through services are prohibited.
- (5) There shall be no emission of dust, fumes or vapors into the environment from the facility.
- (6) Shall be a minimum of ~~4,000~~ 1,400 gross square feet.
- (7) Shall not provide outdoor seating.
- (8) There shall be no outdoor display of merchandise or merchandise visible from the outside of the establishment.
- (9) Shall be located in a permanent building, and shall not be located in a trailer, cargo/shipping container or motor vehicle.
- (10) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.
- (11) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.
- (12) Signs shall meet the following regulations:
- a. Shall be limited to wall signs, monument or freestanding signs.
 - b. Maximum sign area shall be 25 square feet.
 - c. A maximum of 25% of the wall sign or tenant panel of a freestanding sign may include a logo.
 - d. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs)
 - e. Wall signs shall be internally illuminated. No exposed lighting sources are permitted.
 - f. No animation or electronic message unit signs are permitted.
 - g. Color and design, including lettering shall complement the architecture of the building.
 - h. Signage shall be ~~discreet and~~ professional, and be consistent with the traditional style of signage for pharmacies and medical offices.
 - i. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
- (13) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.
- (14) Approval of a conditional use permit does not guarantee approval of a business license.

(c) Industrial Districts

Dispensaries may only be permitted in the same building in conjunction with a cultivation site under the same ownership or management.

(d) Off-Street Parking Requirement

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(1) 1 space per 250 square feet.

(e) Off-Street Loading Group

(1) Group Two (Section 19.7.4.D.)

5. Medical Marijuana, Infusion or Manufacturing Facility

RESIDENTIAL										OTHER				
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS			
COMMERCIAL					INDUSTRIAL			MIXED-USE						
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR			
						<u>C</u>	<u>C</u>	<u>C</u>						

(a) Definition

Means an enclosed facility that produces products that are infused with marijuana or an extract thereof; and are intended for use or consumption by humans through means other than inhalation or oral ingestion. The term includes, without limitation, topical products, ointments, oils and tinctures, defined in NRS Chapter 453A, as may be amended or renumbered.

(b) Standards

- (1) Shall comply with all H.M.C. Title 4 regulations.
- (2) Shall comply with the distance separation requirements of 19.5.5.Y
- (3) Shall be a minimum of ~~[5,000]~~ 1,400 gross square feet.
- (4) There shall be no retail sales at the facility.
- (5) Shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.
- (6) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.
- (7) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.
- (8) Signs shall meet the following regulations:
 - a. Shall be limited to wall signs only.
 - b. Maximum sign area shall be 25 square feet.
 - c. A maximum of 25% of the wall sign may include a logo.
 - d. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs)
 - e. Wall signs shall be internally illuminated. No exposed lighting sources are permitted.

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- f. No animation or electronic message unit signs are permitted.
- g. Color and design, including lettering shall complement the architecture of the building.
- h. Signage shall be ~~discreet and~~ professional, and be consistent with the traditional style of signage for pharmacies and medical offices.
- i. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.

(9) Approval of a conditional use permit does not guarantee approval of a business license.

(10) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.

(c) Off-Street Parking Requirement

(1) 1 space per 500 square feet.

(d) Off-Street Loading Group

(1) Group Two (Section 19.7.4.D.)

6. Medical Marijuana, Independent Testing Laboratory

RESIDENTIAL										OTHER				
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS			
COMMERCIAL					INDUSTRIAL				MIXED-USE					
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR			
						<u>S</u>	<u>S</u>	<u>S</u>						

(a) Definition

Means a facility that tests marijuana, edible marijuana products and marijuana-infused products that are to be sold in the State of Nevada, as defined in NRS 453A, as may be amended or renumbered.

(b) Standards

- (1) Shall comply with all H.M.C. Title 4 regulations.
- (2) Shall comply with the distance separation requirements of 19.5.5.Y
- (3) There shall be no emission of dust, fumes or vapors into the environments from the facility.
- ~~(4) Shall be a maximum of 10,000 gross square feet.~~
- (5) There shall be no retail sales at the facility.

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- (6) Shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.
- (7) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.
- (8) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.
- (9) Signs shall meet the following regulations:
- a. Shall be limited to wall signs only.
 - b. Maximum sign area shall be 25 square feet.
 - c. A maximum of 25% of the wall sign may include a logo.
 - d. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs)
 - e. Wall signs shall be internally illuminated. No exposed lighting sources are permitted.
 - f. No animation or electronic message unit signs are permitted.
 - g. Color and design, including lettering shall complement the architecture of the building.
 - h. Signage shall be ~~discreet and~~ professional, and be consistent with the traditional style of signage for pharmacies and medical offices.
 - i. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
- (10) Approval of a conditional use permit does not guarantee approval of a business license.
- (11) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.
- (d) Off-Street Parking Requirement
- (1) 1 space per 500 square feet.
- (e) Off-Street Loading Group
- (1) Group Two (Section 19.7.4.D.)

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- ~~[Y]~~Z. MINI-STORAGE FACILITY
- ~~[Z]~~AA. OFFICE
- ~~[AA]~~BB. PAWNSHOP
- ~~[BB]~~CC. PERSONAL IMPROVEMENT SERVICE
- ~~[CC]~~DD. PERSONAL SERVICE
- ~~[DD]~~EE. PLANT NURSERY
- ~~[EE]~~FF. RECREATIONAL VEHICLE RESORT
- ~~[FF]~~GG. RETAIL SALES AND SERVICE
- ~~[GG]~~HH. SEXUALLY ORIENTED BUSINESS
- ~~[HH]~~II. VEHICLE/EQUIPMENT SALES AND SERVICE
- ~~[H]~~JJ. VISITOR ACCOMMODATION
- ~~[JJ]~~KK. WEDDING CHAPEL

19.6.6 ENTITLEMENTS

A. CONDITIONAL USE PERMITS

1. Purpose/Description

The conditional use permit review and approval procedure provides a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure encourages public review and evaluation of a use's operating characteristics and site development features and is intended to ensure proposed conditional uses will not have a significant adverse impact on surrounding uses or on the community-at-large.

2. Application Filing

Applications for conditional use permits shall be submitted to the Community Development Director.

3. Public Hearing Notice

Notice of public hearings on conditional use permits shall be posted and mailed in accordance with Section 19.6.3.B.4, *Public Notice*.

4. Community Development Director Review and Report

The Community Development Director shall review each proposed conditional use permit application in light of the approval criteria of Section 19.6.6.A.~~6~~⁷, *Conditional Use Permit Approval Criteria*, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development Director shall provide a report to the Planning Commission.

For medical marijuana establishments, the Community Development Director shall provide a report to the City Council.

5. Planning Commission Review and Decision

(a) Within 50 days of receipt of a complete application, the Planning Commission shall hold a public hearing on the proposed conditional use permit. At the close of the public hearing, the Planning Commission shall act to approve, approve with conditions, or deny the application, based on the approval criteria of Section 19.6.6.A.~~6~~⁷, *Conditional Use Permit Approval Criteria*. However, the Planning Commission's vote shall be a recommendation only when the application is being processed concurrently with an application that requires a final decision by the City Council.

(b) Design review applications that are being processed concurrently with conditional use permits shall be reviewed and approved concurrently by the Planning Commission.

6. City Council Review and Decision

Within 50 days of receipt of a complete application, the City Council shall hold a public hearing on the proposed medical marijuana establishment conditional use permit. At the close of the public hearing, the City Council shall act to approve, approved with conditions, or deny the application based on the approval criteria for Section 19.6.6.A.7, *Conditional Use Permit Approval Criteria*.

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[6.] 7. Conditional Use Permit Approval Criteria**(a) General Criteria**

Conditional use permits may be approved by the Planning Commission only if they find that all of the following criteria are met:

- (1) The proposed use complies with all applicable provisions of this Development Code unless otherwise expressly stated;
- (2) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- (3) Any significant adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent;
- (4) The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;
- (5) Public safety, transportation, and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;
- (6) Adequate assurances of continuing maintenance have been provided; and
- (7) Any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent.

(b) Liquor Licenses

Conditional use permits for liquor licenses may be approved by the Planning Commission only if they find that all of the "General" approval criteria of Section 19.6.6.A.~~[6.]~~7(a) and the following criteria have been met:

- (1) The proposed use, its site design and conditions applied thereto, are intended to result in a facility where littering, loitering, and outdoor disturbance or excessive noise are not likely to occur.
- (2) The proposed use will not adversely affect the welfare of the neighborhood residents because on-site consumption occurs in designated and properly designed areas indoors or outdoors and that, for package sales locations, adequate measures are proposed that on-site consumption is not likely to occur.
- (3) The proposed project, based upon its physical positioning on the site and its architectural and design features, is compatible with the surrounding neighborhood. Considerations to ensure compatibility may include, but are not limited to, an evaluation of security, noise, light and glare, parking location and availability, and service area locations.

(c) Medical Marijuana Establishments

Conditional use permit applications for Medical Marijuana establishments shall not require Planning Commission approval. Applications receiving approval from the State of Nevada will be scheduled for final action at City Council. Conditional

use permits for Medical Marijuana establishments shall be heard in conjunction with a City of Henderson business license application for the proposed location at the same meeting.

All Medical Marijuana Establishments require approval of a conditional use permit. Conditional use permits for medical marijuana establishments are only valid at a given location for the operator who obtains the Nevada State certificate for the facility. The conditional use permit approval shall expire and become null and void if the medical marijuana establishment operator loses or otherwise forfeits his or her State certificate to operate that facility. Conditional use permits for medical marijuana establishments are non-transferable between operators and locations within the City of Henderson.

Conditional use permits for medical marijuana establishments may only be submitted to Community Development in conjunction with an application to the City of Henderson Business License Department. A conditional use permit application is not deemed complete and will not be scheduled for a public hearing until the City of Henderson Business License application has been reviewed and approved in accordance with Business License medical marijuana establishment suitability criteria. Once deemed approved, a conditional use permit will be scheduled for a public hearing meeting.

Conditional use permits for medical marijuana establishments may be approved, only if they meet all of the "General" approval criteria of Section 19.6.6.A.7.(a) and the standards of 19.5.5.Y.

~~[7.]~~ **8. Findings of Fact**

The decision of the Planning Commission and/or City Council shall be accompanied by written findings of fact specifying the reasons for the decision.

~~[8.]~~ **9. Notice of Decision**

Within five days of the Planning Commission's and/or City Council decision on a conditional use permit, the Community Development Director shall mail notice of the decision to the applicant and all other parties who have made a written request for notification.

FIGURE 19.6.6-A: SUMMARY OF THE CONDITIONAL USE PERMIT PROCESS

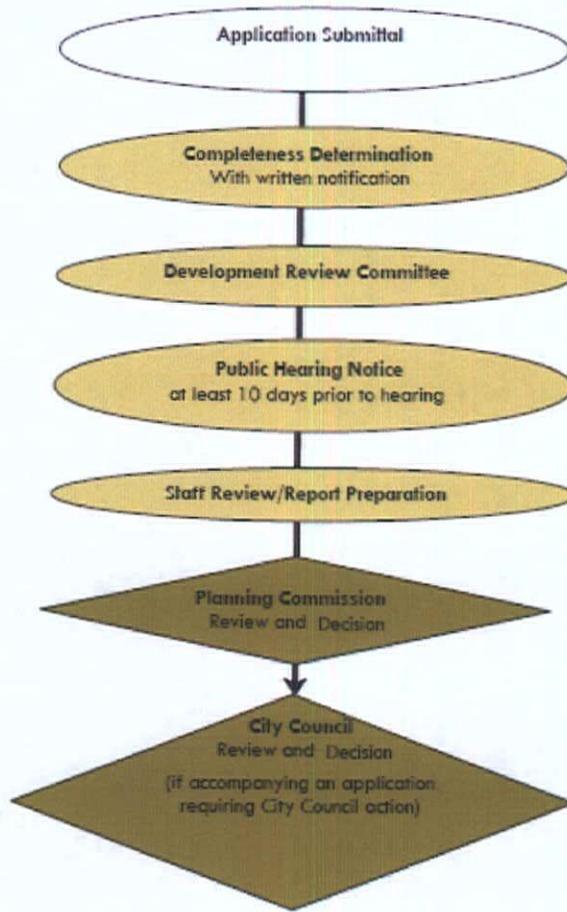
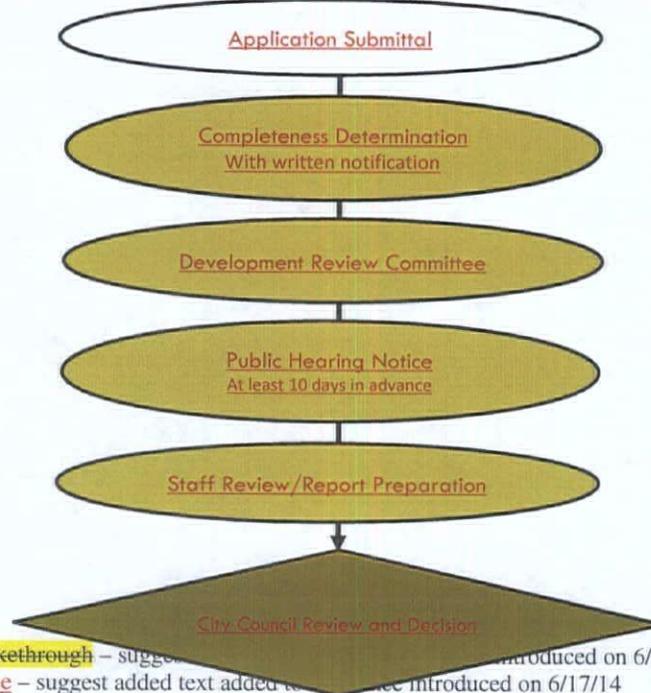


Figure 19.6.6-B Summary of a Conditional Use Permit – Medical Marijuana Establishment



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[9-] 10. Appeals

Appeals of the Planning Commission's decision on conditional use permits shall be taken to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

Appeals of the City Council decision on medical marijuana establishment conditional use permits shall be processed through the court system.

[10-] 11. Effective Date

Decisions of the Planning Commission on a conditional use permit shall become effective ten days after the date that the City Clerk received written notice of the Planning Commission's approval of the conditional use permit, unless a valid appeal is filed in accordance with Section 19.6.9.E, *Appeals*.

Decisions of the City Council on a medical marijuana establishment conditional use permit shall become effective upon posting of the decision with the City Clerk's office, unless a valid appeal is filed in accordance with 19.6.9.E, *Appeals*.

[11-] 12. Lapse of Approval

(c) Except as otherwise provided herein, a [A] conditional use permit shall lapse and have no further effect one year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:

- (1) A building permit has been issued and construction diligently pursued.
- (2) A certificate of occupancy has been issued.
- (3) The use is established.
- (4) The conditional use permit is renewed.

(d) A conditional use permit shall lapse upon termination of a project or expiration of a building permit.

(e) Except as otherwise provided herein, a [A] conditional use permit shall lapse if the rights granted by it are discontinued for 180 consecutive days or other period of time as specified by the City Council as part of a closure plan.

(f) A conditional use permit for a casino project shall also lapse upon termination of the project or expiration of the building permit.

(e) A conditional use permit for a medical marijuana establishment shall not be effective until the licensee has received State of Nevada approval and approval of a business license from the City of Henderson.

[12-] 13. Extensions of Time

The Community Development Director may renew or extend the time of a conditional use permit when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Community Development Director. Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

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[13.] 14. Transferability

The status of a conditional use permit is not affected by changes of tenancy, ownership, or management.

A conditional use permit for a medical marijuana establishment shall not be transferable to another location, tenant, ownership or management per NRS 453A.

[14.] 15. Amendments

A request for changes in conditions of approval of a conditional use permit or a change to development plans that would affect a condition of approval shall be processed in the same manner as the original application. The Community Development Director shall be authorized to approve minor modifications that have no potential for significant offsite impacts, provided that they do not involve any of the following:

- (g) A five percent or greater increase in building height;
- (h) A five percent or greater increase in floor area or building coverage when calculated on a total, aggregate project basis; or
- (i) A five percent decrease in common open space.

[15.] 16. Successive Applications

Following denial of a conditional use permit request, no new application for the same or substantially the same use shall be accepted within one year of the date of denial, unless denial is made without prejudice.

[16.] 17. Complaints Regarding Approved Conditional Use Permits

Complaints regarding approved conditional use permits shall be processed in accordance with the provisions of Chapter 19.11: *Enforcement*.

[17.] 18. Business Licenses

Approval of conditional use permits does not guarantee the issuance or approval of a business license. Licensure must be sought, reviewed, and approved separately in accordance with all applicable Title 4 regulations for said license.

19.12.4 DEFINED TERMS

COMMUNITY DEVELOPMENT DIRECTOR

The Community Development Director for the City of Henderson, Nevada.

COMMUNITY FACILITY:

Means, as defined in NRS 453A as may be amended or renumbered, which includes:

- (1) A facility that provides day care to children;
- ~~(2) A public park;~~
- ~~(3) A playground;~~
- ~~(4) A public swimming pool;~~
- ~~(5)~~(2) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents;
- ~~(6)~~(3) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

MANUFACTURED HOME

MARIJUANA

Means any of the following, or as defined in NRS 453A, as may be amended or renumbered:

- (1) The dried leaves and flowers of any plant of the genus Cannabis, and any mixture or preparation thereof that are appropriate for the medical use of marijuana; and
- (2) The seeds of a plant of the genus Cannabis;
- (3) The resin extracted from any part of the plant;
- (4) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
- (5) "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted there from), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

MAXIMUM PRACTICAL EXTENT

MEDICAL USE OF MARIJUANA

Means (a) the possession, delivery, production or use of marijuana; (b) the possession, delivery or use of paraphernalia used to administer marijuana; or (c) any combination of the acts described in subsections a and b, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition.

MEDICAL MARIJUANA, CULTIVATION FACILITY

Means a business that is registered with the State of Nevada Department of Health and Human Services – Health Division pursuant NRS453A.322; and which acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to: (a) medical marijuana dispensaries; (b) facilities for the production of edible marijuana products or marijuana-infused products; or (c) other cultivation facilities.

Yellow highlights with strikethrough – suggest text to remove from ordinance introduced on 6/17/14

Deep red text with underline – suggest added text added to ordinance introduced on 6/17/14

MEDICAL MARIJUANA, DISPENSARY FACILITY

Means a facility that is registered with the State of Nevada Department of Health and Human Services – Health Division pursuant to Title 10 of Senate Bill 374; acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card as defined by NRS 453A.410.

MEDICAL MARIJUANA, EDIBLE MARIJUANA PRODUCTS

Means products that contain marijuana or an extract thereof; which are intended for human consumption by oral ingestion; are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

MEDICAL MARIJUANA, ESTABLISHMENT

Means an independent testing laboratory; a cultivation facility; a facility for the production of edible marijuana products or marijuana-infused products; a medical marijuana dispensary; or a business that has registered with the State of Nevada Department of Health and Human Services – Health Division and paid the requisite fees to act as more than one of the types of businesses listed.

MEDICAL MARIJUANA, INDEPENDENT TESTING LABORATORY

Means a laboratory certified by the State of Nevada to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in the State of Nevada.

MEDICAL MARIJUANA, MARIJUANA-INFUSED PRODUCTS

Means marijuana products that are infused with marijuana or an extract thereof; and are intended for use or consumption by humans through means other than inhalation or oral ingestion. This term includes, without limitation, topical products, ointments, oils and tinctures.

PROTECTED USE**PUBLIC PARK**

Means any land area dedicated to and/or maintained by the city for public purposes generally consisting of landscaped areas, picnic shelters, small play structures, or the like; and which may include programmable facilities such as ball fields, multi-purpose fields, swimming or aquatic facilities, facilities for other recreational purposes, sports complexes, plazas, water features, and other specific site furnishings, but shall not include:

- a. Privately-owned amusement parks; or
- b. Privately-owned or privately-managed golf courses.

PUBLIC PLAYGROUND

Means any outdoor facility (including the parking lot); intended for recreation; open to the public and any portion of the playground that has three or more separate apparatus intended for recreation of children (slides, swings, see-saws, etc.)

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