

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 OF THE SPARKS MUNICIPAL CODE; TO PROVIDE ZONING AUTHORIZATION (SECTION 20.41.075) FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA CULTIVATION FACILITIES, INDEPENDENT TESTING LABORATORIES AND FACILITIES FOR THE PRODUCTION OF EDIBLE MARIJUANA PRODUCTS OR MARIJUANA-INFUSED PRODUCTS AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. Section 20.05.815: “Community facility ” is hereby added as follows:

Section 20.05.815 Community facility.

“Community Facility” means:

- A. *A facility licensed by Washoe County to provide day care to children.*
- B. *A public park.*
- C. *A playground.*
- D. *A public swimming pool as defined in NRS 444.065.*
- E. *A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.*
- F. *A church, synagogue or other building, structure or place used for religious worship or other religious purpose.*

Section 2. Section 20.05.835: “Cultivation facility” is hereby added as follows:

Section 20.05.835 Cultivation facility.

“Cultivation Facility” means:

- A. *Is registered with the Division pursuant to Nevada State laws and*
- B. *Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:*
 1. *Medical marijuana dispensaries;*
 2. *Facilities for the production of edible marijuana products or marijuana-infused products; or*
 3. *Other cultivation facilities.*

Section 3. Section 20.05.837: “Division” is hereby added as follows:

Section 20.05.837 Division.

“Division” means The Nevada Division of Public and Behavioral Health of the Department of Health and Human Services

Section 4. Section 20.05.842: “Facility for the production of edible marijuana products or marijuana-infused products” is hereby added as follows:

Section 20.05.842 Facility for the production of edible marijuana products or

marijuana-infused products.

“Facility for the production of edible marijuana products or marijuana-infused products” means a business that:

- A. Is registered with the Division pursuant to Nevada State laws*
- B. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana projects or marijuana-infused products to medical marijuana dispensaries.*

Section 5. Section 20.05.1005: “Independent testing laboratory” is hereby added as follows:

Section 20.05.1005 Independent testing laboratory.

“Independent testing laboratory” means a facility certified by the Division to operate as an independent testing laboratory to test marijuana, edible marijuana products and marijuana-infused products that are sold in the state of Nevada pursuant to Nevada State laws.

Section 6. Section 20.05.1085: “Marijuana” is hereby added as follows:

Section 20.05.1085 Marijuana.

“Marijuana” means:

- A. 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*
- B. The seeds of a plant of the genus Cannabis;*
- C. The resin extracted from any part of the plant; and*
- D. Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.*
- E. “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.*

Section 7. Section 20.05.1087: “Marijuana-infused products” is hereby added as follows:

Section 20.05.1087 Marijuana-infused products.

“Marijuana-infused products” means products that:

- A. Are infused with marijuana or an extract thereof; and*
- B. Are intended for use or consumption by humans through means other than inhalation or oral ingestion.*
- C. The term includes, without limitation, topical products, ointments, oils and tinctures.*

Section 8. Section 20.05.1095: “Medical marijuana dispensary” is hereby added as follows:

Section 20.05.1095 Medical Marijuana dispensary.

“Medical marijuana dispensary” means a business that:

- A. Is registered with the Division pursuant to Nevada State laws and*
- B. Acquires, possesses, delivers, transfers, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.*

Section 9. Section 20.05.1096: “Medical marijuana establishment” is hereby added as follows:

Section 20.05.1096 Medical marijuana establishment.

“Medical marijuana establishment” means:

- A. *An independent testing laboratory;*
- B. *A cultivation facility;*
- C. *A facility for the production of edible marijuana products or marijuana-infused products;*
- D. *A medical marijuana dispensary; or*
- E. *A business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2, 3 and 4.*

Section 10. Section 20.05.1097: “Medical marijuana establishment registration certificate” is hereby added as follows:

Section 20.05.1097 Medical marijuana establishment registration certificate.

“Medical marijuana establishment registration certificate” means a registration certificate that is issued by the Division pursuant to Nevada State laws to authorize the operation of a medical marijuana establishment. The permit was granted on the basis of false statements or a fraudulent application.

Section 11. Section 20.41.075: “Mobile vendors” is hereby amended as follows:

Section 20.41.075 ~~Mobile vendors~~ Medical marijuana cultivation facility, independent testing laboratory and facility for the production of edible marijuana products or marijuana-infused products.

A medical marijuana cultivation facility, testing laboratory and production facility of edible marijuana or marijuana-infused products may be allowed in the I (Industrial) District by administrative review and shall comply with the following standards:

- A. *The applicant must receive administrative review approval for this use prior to establishment.*
- B. *In the case a medical marijuana establishment loses their state of Nevada certification or registration the administrative review shall be revoked.*
- C. *The medical marijuana cultivation facility, testing laboratory and production facility of edible marijuana or marijuana-infused products shall be located within a standalone building complying with regulations in Nevada State laws and Regulations of the Division.*
- D. *The medical marijuana cultivation facility, testing laboratory and production facility of edible marijuana or marijuana-infused products must comply with the location criteria listed in Nevada State laws.*
- E. *The medical marijuana cultivation facility, testing laboratory and production facility of edible marijuana or marijuana-infused products shall be located in a permanent building that meets City of Sparks building and fire codes for a commercial building, and shall not be located in a manufactured or mobile home, trailer, cargo container, motor vehicle or similar personal property.*
- F. *The medical marijuana cultivation facility, testing laboratory and production facility of edible marijuana or marijuana-infused products must have restricted access to the site and building .e.g. gated, limited number of driveways, controlled entrance, etc.), subject to City approval.*

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- G. *The loading or unloading of medical marijuana or items associated with operations shall, if feasible, be within the building of the permitted medical marijuana cultivation facility, testing laboratory and production facility of edible marijuana or marijuana-infused products or have a secured area to the approval of City.*
- H. *Loading and unloading of medical marijuana or items associated with operations shall only occur between the hours of 6:00 A.M. and 5:00 P.M.*
- I. *Medical marijuana cultivation facility, testing laboratory and production facility of edible marijuana or marijuana-infused products must comply with the operating standards in Nevada State laws and Regulations of the Division.*
- J. *Medical marijuana remnants, medical marijuana-infused products, bi-products, and other waste material shall be disposed of in a safe, sanitary and secure manner, in a location and manner approved by the Division and subject to City approval.*
- K. *The applicant must provide a written public safety plan, subject to City approval.*
- L. *An approved administrative review shall expire in eighteen (18) months from the date of issuance of the registration certificate issued by the Division if it is not fully operational.*
- M. *If a marijuana cultivation facility, independent testing laboratory and facility for the production of edible marijuana products or marijuana-infused products is closing, the manager of the establishment must notify the City of Sparks of the closing at least fifteen (15) days before the closure.*
- N. *Emission of dust, fumes, vapors or odors into the environment from the premise must comply with Washoe County District Health regulations.*
- O. *No medical marijuana shall be smoked, eaten or otherwise consumed on the premises of the medical marijuana cultivation facility, testing laboratory and production facility of edible marijuana or marijuana-infused products.*
- P. *No medical marijuana shall be displayed or kept in a medical marijuana cultivation facility, testing laboratory and production facility of edible marijuana or marijuana-infused products so as to be visible from the outside of the premises.*
(Ord. 2417, Add, 11/10/2008)

Section 12. Section 20.49.020: “Off –street parking spaces – Number required” is hereby amended as follows:

Section 20.49.020 Off-street parking spaces—Number required.

This section specifies the required number of off-street parking spaces related to various land uses. For any use not specifically covered by one of the following categories, the requirement shall be determined by the administrator based on actual parking demand associated with that use. If the administrator determines that special circumstances exist, he may require spaces in addition to those specified in this section.

| Type of Use | | Parking Spaces Required |
|---------------------|--|--|
| A. Residential Uses | | |
| 1. | Single-family residence, mobile home, duplex | One per bedroom, but not less than two per dwelling unit. |
| 2. | Multiple residence | 1.5 per efficiency, studio or one-bedroom unit; one per bedroom for two-bedroom or larger units. |

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| 3. | Group homes | *0.75 per bed plus one per employee for the largest shift, except by special use permits. |
| 4. | Senior citizen housing | *0.5 per bedroom plus one per employee for the largest shift, except by special use permit. |
| <u>5</u> | Rest Homes, convalescent hospital | *0.25 per bed plus one per employee for the largest shift. |
| B. Commercial Uses: | | |
| 1. | General retail and service | *One per 250 square feet of net leasable floor area. |
| 2. | Personal service shop | *One per 150 square feet of net leasable floor area. |
| 3. | Office, financial institution | *One per 250 square feet of net leasable floor area. |
| 4. | Medical, dental office or clinic | *One per 150 feet of net leasable floor area. |
| <u>5</u> | Casino, gaming facility | *One per 100 square feet of gaming floor, plus parking for shops, bars, restaurants, showrooms, meeting rooms, hotel rooms or other associated uses. |
| 6. | Hotel or motel | *One per room if less than 50 rooms, 0.8 per room if 50 rooms or more, plus parking for restaurants, bars, meeting rooms or other associated uses. |
| <u>7</u> | Bar, restaurant, meeting room, | *One per 100 square feet of floor area, including service areas, showroom. |
| 8. | Theater, auditorium | *One per three seats. |
| <u>9</u> | Child care facility | One per required employee, plus one per each eight children. |
| 10. | Auto repair and service | Three spaces outside the work area for each 300 square feet of work area. |
| <u>11</u> | Retail sales of building materials, furniture, major appliances, etc. | One per 500 square feet of net leasable floor area. |
| 12. | Health club and/or recreation facility | One per 200 square feet of building area. |
| <u>13</u> | Adult Day Care | One per employee plus one per each 8 clients (or fraction of) the facility is licensed to serve. |
| C. Industrial uses: | | |
| 1. | Manufacturing, processing, | To be determined by the administrator based on specific use, but not less than one per 1,000 square feet of net usable area devoted to |

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| | research and development | manufacturing, processing, or research and development. |
| 2. | Facility for the production of edible or infused marijuana products | <i>1 per 1,000 square feet of net usable area devoted to production, processing or manufacturing.</i> |
| 3. | Independent testing laboratory | <i>1 per 250 square feet of gross floor area.</i> |
| 4. | Medical marijuana cultivation facility | <i>1 per 4,500 square feet of net usable area devoted to cultivation operations.</i> |
| 25. | Warehousing, distribution | To be determined by the administrator based on specific use, but not less than one per 6,000 square feet of net usable area devoted to warehousing or distribution. |
| 36. | General Industrial | To be determined by the administrator based on specific use, but not less than one per 4,500 square feet of net usable area. |
| 47. | Vehicle sales and services | To be determined by the administrator based on specific use, but not less than one of each 300 square feet of sales or services operations plus three spaces outside of work areas. |
| 58. | Mini-warehouse, self-storage | One per 7,000 square feet of net useable area devoted to storage units plus one per 300 square feet of office space or service operations. |
| 69. | Vehicle towing and storage, auto dismantling | Two per acre of vehicle storage area plus one per 300 square feet of office space or service operations. |
| 710. | Accessory retail office or recreation uses subsidiary to the primary use | One-third (1/3) of the spaces required for the equivalent commercial use, calculated for the net useable area devoted to the accessory use. |
| 811. | Campus-style business park | The lesser of one per 250 square feet of net useable floor area or 1 per employee during peak employment shift. |
| D. Other Uses: | | |
| 1. | Churches | One per three seats or 72 lineal inches of pew space, plus one per 300 square feet of additional usable area. |
| 2. | Hospitals | 1.25 per bed. |
| 3. | High School | One space for each 1.5 students, faculty and staff based on design capacity. |
| 4. | Junior High/Middle School | Two spaces per classroom plus one space per 100 students based on design capacity. |
| 5 | Elementary School (K through Sixth Grade) | One space per classroom and one space per 100 students based on design capacity. |

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| 6. | Technical School | To be determined by the administrator based on specific use, but not less than one every four persons in the total school population (including all students, faculty and employees). |
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(Ord. 1074 § 1 (part), 1976; Ord. 1325 § 45, 1981; Ord. 1398 § 2, 1983; Ord. 1615 § 2, 1988; Ord. 1687, 1991; Ord. 2033, Amended, 08/09/1999; Ord. 2298, Amended, 09/12/2005; Ord. 2342, Amended, 10/09/2006; Ord. 2388, Amended, 02/11/2008; Ord. 2417, Amended, 11/10/2008; Ord. 2436, Amended, 03/22/2010)

Section 13. Section 20.91.010: “Explanation of industrial use table” is hereby amended as follows:

Section 20.91.010 Explanation of industrial use table.

- A. Purpose. The purpose of the Industrial Use Table is to set forth the uses permitted within the various industrial districts within the City of Sparks.
- B. Explanation of Industrial Use Table Abbreviations.
 - 1. Permitted Uses. "P" in a cell indicates that, in the respective zoning district, the use is allowed by right as a primary use. Permitted uses are subject to all other applicable regulations of this municipal code, including use standards and required development standards.
 - 2. Special Uses. "S" in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as a special use in accordance with the procedures set forth in this code. Special uses are subject to all other applicable regulations of this municipal code, including use standards and required development standards.
 - 3. *Administrative Review. “A” in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as an administrative review in accordance with the procedures set forth in this code. Administrative Reviews are subject to all other applicable regulations of this municipal code, including use standards and required development standards.*
 - 34. Prohibited Uses. A blank cell indicates that the use is prohibited in the respective zoning district.
 - 45. Use-Specific Standards. Regardless of whether a use is allowed by right or requires a permit as a special use, there may be additional standards that are applicable to the use. Where use-specific standards exist for a use, the chapter containing those standards has been referenced in the last column of the table.
 - 56. Locational Standards. All Commercial Sales and Service uses and Public, Civic, and Institutional uses in the industrial district are subject to the locational standards of [Section 20.87.020](#). An "L" in the cell after the "S" or "P" designation references this requirement.
- C. Table Organization. In the use tables contained in this chapter, land uses and activities are classified into general "use categories" and specific "use types based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories.
- D. Use for Other Purposes Prohibited. Approval of a use listed, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use

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of a property for any other use not specifically allowed and approved under the appropriate process is prohibited.

(Ord. 1325 § 57, 1981: Ord. 1074 § 1 (part), 1976.) (Ord. 2417, Amended, 11/10/2008)

Section 14. Section 20.91.020: “Permitted uses” is hereby amended as follows:

Section 20.91.020 Permitted uses.

Table 20.91.020 Industrial Use Table

| Uses | Districts | | Additional Regulations |
|--|-----------|----|-------------------------------|
| | I | IR | |
| P=permitted, S=special, A=Administrative Review L=locational requirements of <u>20.87.020</u> apply | | | |
| INDUSTRIAL USES | | | |
| Auto and truck repair shop | P | | S.M.C. 20.42 |
| Auto dismantling | S | | S.M.C. 20.41 |
| Indoor manufacturing, fabricating or processing | P | S | |
| Building and landscaping materials supplier | P | | S.M.C. 20.42 |
| Co-generation facility | P | | S.M.C. 20.42 |
| Concrete or asphalt production | | | |
| Contractor shop | P | | |
| <i>Facility for the production of edible marijuana products or marijuana-infused products</i> | A | | <i>S.M.C. 20.41</i> |
| Fleet services | P | | S.M.C. 20.42 |
| Fuel Distribution | S | | S.M.C. 20.41 |
| Fuel recycling | S | | S.M.C. 20.41 |
| Freight terminal or brokerage | P | | S.M.C. 20.42 |
| <i>Independent testing laboratory for medical marijuana and marijuana products</i> | A | | <i>S.M.C. 20.41</i> |
| Machinery and heavy equipment sales and service | P | | |
| <i>Medical Marijuana cultivation facility</i> | A | | <i>S.M.C. 20.41</i> |
| Mini-warehouse, self-storage | P | | S.M.C. 20.42 |
| Outdoor storage | P | | S.M.C. 20.41 |
| Parking lot, parking garage | P | | |
| Public utility and installations | P | | |
| Recycling plant, outdoor operations or storage | P | | S.M.C. 20.42 |
| Renewable energy production - utility | S | | S.M.C. 20.103 |
| Renewable energy production - private | P | | S.M.C. 20.103 |

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| Research and development, indoor | P | P | |
| Rock and concrete crushing and processing | S | | S.M.C. 20.41 |
| Sewage treatment facility | S | | |
| Transfer station | P | | S.M.C. 20.42 |
| Truck stop | P | | S.M.C. 20.42 |
| Uses occupying sites of five acres or more | S | | |
| Vehicle towing and storage facility | P | | S.M.C. 20.42 |
| Wholesale distribution, warehousing and storage | P | | |
| COMMERCIAL SALES AND SERVICE USES | | | |
| Adult business | S/L | | S.M.C. 20.51 |
| Animal hospital or kennel | P/L | | S.M.C. 20.42 |
| Auto service station | P/L | | S.M.C. 20.42 |
| Automated teller machine (ATM) | | | S.M.C. 20.42 |
| Bar | P/L | | S.M.C. 20.42 |
| Clinic | P/L | P | |
| Club | P/L | P | S.M.C. 20.42 |
| Commercial uses | | P | |
| Drive-through business | P/L | | S.M.C. 20.42 |
| Financial institution | P/L | P | |
| Large format retail | P/L | | |
| Massage establishment | P/L | | S.M.C. 5.65 |
| Minor vehicle testing, service and repair | P/L | | S.M.C. 20.42 |
| Office uses | P/L | P | |
| Pawnbroker, autopawn | S/L | | S.M.C. 20.41 |
| Payday loan establishment | S/L | | |
| Personal service shop | P/L | | |
| Retail sales | P/L | S | |
| Restaurant | P/L | | S.M.C. 20.42 |
| Tool and equipment rental and sales | P/L | | |
| Vehicle sales and rentals | P/L | | S.M.C. 20.42 |
| Veterinary clinic | P/L | | S.M.C. 20.42 |
| PUBLIC CIVIC AND INSTITUTIONAL USES | | | |
| Care facility for children or adults | | P | |

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| Church | S/L | | S.M.C. 20.41 |
| College, technical school | S/L | P | S.M.C. 20.41 |
| Health club, recreation facility, public or private | S/L | S | |
| Hospital | | P | |
| Public facility | S/L | P | S.M.C. 20.42 |
| ACCESSORY USES | | | |
| Accessory retail, office or recreational use | P | S | |
| Residential quarters for a guard or caretaker | P | P | S.M.C. 20.42 |

(Ord. 1832, 1994; Ord. 1780, 1993; Ord. 1753, 1992; Ord. 1663 § 6, 1990; Ord. 1487 § 48, 1985; Ord. 1394 § 2, 1983; Ord. 1325 § 58, 1981; Ord. 1213 § 5, 1979; Ord. 1191 § 1, 1978; Ord. 1134 § 2, 1977; Ord. 1074 § 1 (part), 1976.) (Ord. 2437, Amended, 03/22/2010; Ord. 2417, Amended, 11/10/2008; Ord. 2033, Amended, 08/09/1999; 1982, Amended, 04/13/1998)

SECTION 15: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 16 The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 17: This ordinance shall become effective upon passage, approval and publication.

SECTION 18: The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 19: If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 20: The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 20__, by:

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GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

**APPROVED AS TO FORM AND
LEGALITY:**

CHESTER H. ADAMS, City Attorney