

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 OF THE SPARKS MUNICIPAL CODE; **MEDICAL MARIJUANA DISPENSARIES AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.**

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. Section 20.41.080: “Medical marijuana dispensary” is hereby added as follows:

Section 20.41.080 Medical marijuana dispensary.

The Nevada State law governing medical marijuana dispensaries limits the number permitted to operate in the City of Sparks. The City’s intent is to maintain sufficient distance between dispensaries to facilitate access for patients. If the City should receive multiple applications for dispensaries, it will take into account the respective locations of the proposed facilities. A medical marijuana dispensary may be allowed by special use permit and shall comply with the following standards:

- A. Medical marijuana dispensaries are permitted with the issuance of a major special use permit in C2 (General Commercial), TOD (Transit Oriented District – Mixed-Use Commercial) and I (Industrial) zoning districts with locational criteria.*
- B. Medical marijuana dispensaries shall only be located in the Industrial zoning district in buildings for which the public access point to be used in conjunction with the medical marijuana dispensary is readily visible from the arterial upon which it is situated. Some portion of the parcel on which the medical marijuana dispensary is to be located must be within 1,000 feet measured from the center of the following intersections: McCarran Boulevard and Glendale Boulevard; McCarran Boulevard and Greg Street; and Rock Boulevard and Glendale Avenue.*
- C. The applicant must receive a major special use permit approval for this use prior to establishment and issuance of a business license.*
- D. Medical marijuana dispensaries shall not be located within 1,000 feet of a Nevada licensed substance abuse treatment center measured from the front door of the dispensary to the closest property line.*
- E. The medical marijuana dispensary must comply with the location criteria listed in Nevada State laws.*
- F. A medical marijuana dispensary may not apply for major deviation to reduce the minimum separation distances.*
- G. The maximum size of patient access area of a medical marijuana dispensary shall be 2,500 square feet. Patient access area is defined as the portion of the dispensary building accessible to persons with a medical marijuana card.*
- H. The medical marijuana dispensary must comply with the operating standards in Nevada State laws and Regulations of the Division.*
- I. The medical marijuana dispensary shall be located within a standalone building complying with regulations in Nevada State laws and Regulations of the Division.*
- J. The medical marijuana dispensary 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*

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- manufactured or mobile home, trailer, cargo container, motor vehicle or similar personal property.*
- K. The dispensary must provide for secure delivery of medical marijuana and products to the establishment, to the approval of City.*
 - L. Loading and unloading of medical marijuana or items associated with operations shall only occur between the hours of 7:00 A.M. and 6:00 P.M.*
 - M. A medical marijuana dispensary shall not be open to the public before or after the hours of:

 - 1. Located in C2 or TOD zoning – 8:00 am to 9:00 pm*
 - 2. Located in I zoning – 8:00 am to 7:00 pm**
 - N. Drive through windows shall not be permitted.*
 - O. The medical marijuana dispensary shall have a single secure customer entrance to the approval of City.*
 - P. 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.*
 - Q. The applicant must provide a written public safety plan, subject to City approval.*
 - R. No medical marijuana shall be smoked, eaten or otherwise consumed on the premises of the medical marijuana dispensary. There shall be no outdoor seating area, vending machines nor loitering on the property.*
 - S. No medical marijuana shall be displayed or kept in a medical dispensary so as to be visible from the outside of the premises.*
 - T. A major special use permit approved by the Planning Commission and/or City Council shall expire in eighteen (18) months from the date of approval if it is not fully operational.*
 - U. In the event, a medical marijuana dispensary loses their state of Nevada certification or registration, the major special use permit shall become null and void.*
 - V. If a marijuana dispensary is closing, the manager of the establishment must notify the City of Sparks of the closing at least fifteen (15) days before the closure.*

Section 2. 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.

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2.	Multiple residence	1.5 per efficiency, studio or one-bedroom unit; one per bedroom for two-bedroom or larger units.
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.
5.	<i>Medical marijuana dispensary</i>	<i>1 per 200 square feet of net leasable area.</i>
5-6.	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.
6-7.	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.
7-8.	Bar, restaurant, meeting room,	*One per 100 square feet of floor area, including service areas, showroom.
8-9.	Theater, auditorium	*One per three seats.
9-10.	Child care facility	One per required employee, plus one per each eight children.
10-11.	Auto repair and service	Three spaces outside the work area for each 300 square feet of work area.
11-12.	Retail sales of building materials, furniture, major appliances, etc.	One per 500 square feet of net leasable floor area.
12-13.	Health club	One per 200 square feet of building area.

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	and/or recreation facility	
13-14.	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, research and development	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 manufacturing, processing, or research and development.
2.	Facility for the production of edible or infused marijuana products	1 per 1,000 square feet of net usable area devoted to production, processing or manufacturing.
3.	Independent testing laboratory	1 per 250 square feet of gross floor area.
4.	Medical marijuana cultivation facility	1 per 4,500 square feet of net usable area devoted to cultivation operations.
2-5.	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.
3-6.	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.
4-7.	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.
5-8.	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.
6-9.	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.
7-10.	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.
8-11.	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.

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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.
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).

Section 3. Section 20.85.020: “Permitted Uses” is hereby amended as follows:

Section 20.85.020 Permitted Uses.

- A. Uses permitted without a special use permit are as follows:
Comparison goods, shopping facilities, offices and clinics, retail and wholesale stores and personal service shops conducted wholly within a building, renewable energy production - private, in-home child care for the number of children one care giver may care for in accordance with the rules and regulations for child care facilities, accessory uses, entertainment facilities, restaurants, bars and health clubs.
- B. Uses Permitted in compliance with standards in S.M.C. [20.42](#)
Drive-through businesses that do not exceed 17 hours of operation in any 24 hour period, Adult Day Care.
- C. Uses requiring a special use permit are as follows:
Boarding or rooming houses, single family or multi-family residential dwellings (must conform to requirements for R4 districts); public utility structures; automotive service stations and repair shops; outdoor sales and service operations; mortuaries; drive-through businesses; developments over 20,000 square feet gross floor area; churches; mini-warehouses; child care facilities requiring more than one care giver; schools; outdoor storage accessory to retail stores; assisted living facilities; *medical marijuana dispensary*.

Section 4. 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
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			Regulations
P=permitted, S=special, A= Administrative Review L=locational requirements of <u>20.87.020</u> apply, MJL= locational requirements of 20.41.080	I	IR	
INDUSTRIAL USES			
Auto and truck repair shop	P		S.M.C. <u>20.42</u>
Auto dismantling	S		S.M.C. <u>20.41</u>
Indoor manufacturing, fabricating or processing	P	S	
Building and landscaping materials supplier	P		S.M.C. <u>20.42</u>
Co-generation facility	P		S.M.C. <u>20.42</u>
Concrete or asphalt production	P		
Contractor shop	P		
Facility for the production of edible marijuana products or marijuana-infused products	A		S.M.C. 20.41
Fleet services	P		S.M.C. <u>20.42</u>
Fuel Distribution	S		S.M.C. <u>20.41</u>
Fuel recycling	S		S.M.C. <u>20.41</u>
Freight terminal or brokerage	P		S.M.C. <u>20.42</u>
Independent testing laboratory for medical marijuana and marijuana products	A		S.M.C. 20.41
Machinery and heavy equipment sales and service	P		
Medical Marijuana cultivation facility	A		S.M.C. 20.41
Mini-warehouse, self-storage	P		S.M.C. <u>20.42</u>
Outdoor storage	P		S.M.C. <u>20.41</u>
Parking lot, parking garage	P		
Public utility and installations	P		
Recycling plant, outdoor operations or storage	P		S.M.C. <u>20.42</u>
Renewable energy production - utility	S		S.M.C. <u>20.103</u>
Renewable energy production - private	P		S.M.C. <u>20.103</u>

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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
<i>Medical marijuana dispensary</i>	<i>S/MJL</i>		<i>S.M.C. 20.41</i>
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

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PUBLIC CIVIC AND INSTITUTIONAL USES			
Care facility for children or adults		P	
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

Amend Table 2 in TOD

P=Permitted; X= Not allowed; S= Special Use Permit Required				
	Land Use Category			
	MU-C	MR	DT/VS	RN
Commercial/Service/Retail				
Medical marijuana dispensary	S	X	X	X

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6 The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 7: This ordinance shall become effective upon passage, approval and publication.

SECTION 8: 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 9: 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.

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SECTION 10: 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:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

APPROVED AS TO FORM AND LEGALITY:

CHESTER H. ADAMS, City Attorney