

CLARK COUNTY BOARD OF COMMISSIONERS

ZONING / SUBDIVISIONS / LAND USE

AGENDA ITEM

Petitioner: Nancy A. Amundsen, Director, Department of Comprehensive Planning

Recommendation: ORD-22-900670: Conduct a public hearing on an ordinance to amend Title 30 to add regulations for cannabis consumption lounges and make corrections and clarifications as appropriate, and direct staff accordingly. (For possible action)

FISCAL IMPACT:

None by this action.

BACKGROUND:

AB341 in the 81st Session of the Nevada State Legislature authorized the Nevada Cannabis Compliance Board (CCB) to license and regulate cannabis consumption lounges and earlier this year the CCB adopted regulations for the application and licensing of cannabis consumption lounges. More recently, on September 20, 2022, the Board of County Commissioners (Board) directed staff to prepare an ordinance to add regulations to Title 30 for cannabis consumption lounges. This ordinance adds consumption lounge to the definition of cannabis establishment, requires a special use permit for cannabis consumption lounges, includes separation distances for specified uses with limitations on waivers, and allows for outside consumption. Lastly, applications for consumption lounges will require an Impaired Driver Prevention Plan to have received concurrence from the Clark County Office of Traffic Safety.

Staff recommends the Board conduct a public hearing.

[Bracketed] and/or ~~strikethrough~~ material is that portion being deleted or amended
Underlined material is that portion being added

BILL NO. 10-19-22-4

SUMMARY - An Ordinance to amend Title 30 to add regulations for cannabis consumption lounges and make corrections and clarifications as appropriate. (T30-22-900670)

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 30, CHAPTERS 30.08, 30.16, 30.44, 30.80, AND APPENDIX F, SECTION 30.08.030, TABLES 30.16-4, 30.16-17, 30.16-17.25, 30.44-1, 30.80-1 AND APPENDIX F, TO ADD REGULATIONS FOR CANNABIS CONSUMPTION LOUNGES AND MAKE CORRECTIONS AND CLARIFICATIONS AS APPROPRIATE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 30, Chapter 30.08, Section 30.08.030 of the Clark County Code is amended to read as follows:

**Cannabis
Establishment,
Medical or Retail**

“Cannabis Establishment, Medical or Retail” means one of the following cannabis related uses as defined and regulated per NRS Chapter 678A:

1. “Cultivation Facility” shall have the meaning ascribed to “Cannabis Cultivation Facility”.
2. “Dispensary” shall have the meaning ascribed to a “Medical Cannabis Dispensary”.
3. “Independent Testing Laboratory” shall have the meaning ascribed to “Cannabis Testing Facility”.
4. “Production Facility” shall have the meaning ascribed to a “Cannabis Production Facility”.
5. “Cannabis Retail Store” shall have the meaning ascribed to “Adult-use Cannabis Retail Store”.
6. “Distributor” shall have the meaning ascribed to “Adult-use Cannabis Distributor”.
7. “Consumption Lounge” shall have the meaning ascribed to “Cannabis Consumption Lounge”.

SECTION 2. Title 30, Chapter 30.16, Tables 30.16-4, 30.16-17, and 30.16-17.25 of the Clark County Code are amended to read as follows:

Table 30.16-4 <i>SPECIAL USE PERMIT - AUTHORITY AND CONSIDERATION TABLE</i> <i>SEE ALSO 30.16.210 for general process information and standards</i>	
c. Base Fee	\$500 Except as required below, plus Notice Fee, plus \$200 Sign Fee if applicable \$250 plus \$200 Notice Fee - Project of Regional Significance \$350 plus \$500 Notice Fee - High Impact Projects \$5,000 plus \$175 Notice Fee - Cannabis Establishment, <u>excluding Consumption Lounge</u> \$8,875 plus \$1,000 Notice Fee plus \$200 Sign Fee - Expansion of Gaming Enterprise District Plus \$500 - Pre-submittal Conference Fee if applicable
i. Standards for Approval	Continued from previous page C. Regarding Cannabis Establishments: the following additional factors shall apply in determining which, if any, proposed location for a Cannabis Establishment is appropriate and best suited to serve the needs of the residents of Clark County: i. Whether crime in the area poses an undue threat to the security of the proposed Cannabis Establishment, its products, employees or prospective patrons; ii. Whether the design of the proposed Cannabis Establishment maintains a professional appearance; iii. Whether the proposed Dispensaries are properly dispersed throughout the more populous area of Clark County so that those authorized to use medical cannabis will have convenient access to a sufficient distribution of cannabis for medical use, while also considering whether the locations that are approved, if any, do not adversely impact any one area by being located too closely to another Dispensary. iv. Whether the Dispensary is proximately located to medical offices, pharmacies, neighborhood services or similar facilities, including by way of public transportation, such that patrons of a Dispensary may conveniently access other facilities serving their medical needs. v. Whether the Cannabis Retail Store is adequately separated from other Cannabis Retail Stores to prevent a high concentration of stores within close proximity. vi. Any Cannabis Establishment that obtains a Cannabis Establishment Certificate/License from the State without obtaining the appropriate land use approval from Clark County shall not be considered a legal use and a business license shall not be issued unless all required land use approvals for the Cannabis Establishment have been obtained. vii. Whether the <u>proposed Cannabis Consumption Lounge has received concurrence on an Impaired Driver Prevention Plan from the Clark County Office of Traffic Safety.</u> D. Applications for aboveground transmission lines 200kv or greater, which are located outside the corridors identified in the Public Facilities and Services Element of the Clark County Comprehensive Master Plan shall demonstrate that: i. the construction of the aboveground transmission line does not conflict with any existing or planned infrastructure or other utility projects; ii. the proximity of the proposed site does not negatively impact any school, hospital, or urban residential area with a density greater than 2 dwelling units per acre. 4. FAA and other additional requirements and standards are established in 30.16.210.

Table 30.16-17 <i>EXTENSIONS OF TIME - AUTHORITY AND CONSIDERATION TABLE</i> <i>SEE ALSO 30.16.210 for general process information and standards</i>	
c. Base Fee	\$300 - Extension of Time \$150 - Administrative Extension of Time \$2,500 - Cannabis Establishment, plus \$175 Notice Fee, if original application is a Special Use Permit, <u>excluding Consumption Lounge</u> \$2,500 - Administrative Extension of Time for Cannabis Establishment Administrative Design Review If public hearing, Notice Fees required by the original application shall be added

Table 30.16-17.25 APPLICATION FOR REVIEW TABLE - AUTHORITY AND CONSIDERATION TABLE <i>SEE ALSO 30.16.210 for general process information and standards</i>	
c. Base Fee	\$300 \$2,500 if original application is a Special Use Permit for a Cannabis Establishment plus \$175 Notice Fee, <u>excluding Consumption Lounge.</u> If public hearing, Notice Fees required by the original application shall be added

Table 30.44-1 Global Use Table	
Uses	SLUCM CODE
Cannabis Establishment, Medical or Retail	
<i>Lounge</i>	5800 5900
<p>Residential Districts</p> <p>R-U R-A RE R-D R-1 R-T R-2 RUD R-3 R-4 R-5 CRT C-P C-1 C-2 M-D M-1 M-2 O-S H-2 P-F RVP U-V H-1</p>	
<p>Commercial Districts</p> <p>S S S S S S</p>	
<p>Manufacturing/Industrial Districts</p> <p>S S S S S S</p>	
<p>Miscellaneous Districts</p> <p>S S S S S S</p>	
<p>Special Use Subject to:</p> <p>1. Must maintain the following minimum separations. (Separations shall be measured from the front door of the proposed establishment to the nearest property line of the respective use):</p> <p>A. 1,500 feet from a school.</p> <p>B. 1,500 feet from a community facility.</p> <p>Waivers to reduce these separations may be requested to the minimum distance established pursuant to NRS 678B.</p> <p>2. Must maintain a 1,500 foot separation from a nonrestricted gaming property as measured from the front door of the proposed establishment to the nearest property line. Waivers to reduce these separations may only be requested for Retail Cannabis Consumption Lounges as defined by NRS 678A to the minimum distance established pursuant to NRS 678B.</p> <p>3. Shall not be located within the Las Vegas Boulevard Gaming Corridor. This condition cannot be waived or varied.</p> <p>3. Outside cannabis consumption must have a minimum separation of 200 feet from any residential use unless separated by a collector or arterial street or buffered from the residential use by a building.</p> <p>NOTE: The applicant shall provide evidence certified by a professional land surveyor licensed in the State of Nevada that demonstrates conformity with the separation requirements.</p>	

SECTION 4. Title 30, Chapter 30.80, Table 30.80-1 of the Clark County Code is amended to read as follows:

Table 30.80-1 Fee Schedule for Land Use and Comprehensive Master Plan Amendment Applications

Application Type	Base Fee	Notice Fee	Sign Fee	Additional Information
Administrative Design Review	\$300			1. Pre-submittal Conference Required: <ul style="list-style-type: none">• Hazardous Materials Per NRS and NAC• Neighborhood Casinos• High Impact Project• Resort Hotel Notice Fees: Abutting Property - \$100 100' - \$100 300' - \$150 500' - \$175 750' - \$200 1,000' - \$350 1,500' - \$500 2,500' - \$1,000 Plus \$1/notice over 1,000 notices any radius VS Delivery Confirmation Fee - \$200 Sign Fee - \$200 2. Manufactured Home Park Redevelopment Manufactured home parks proposing redevelopment to a different use shall post one additional sign at the on-site manager's office entrance. 3. DR to establish Mixed Use Development or PUD – Additional \$500 (unless a HIP or companion with an NZC)
ADR – Off-Premises Digital Sign Conversion	\$10,000			
ADR – Re-designation of Cannabis Establishment	\$5,000			
Administrative Minor Deviation	\$100			
Administrative Street Naming	\$100			
Administrative Temporary Use	\$100			
Annexation Request	\$1,000			
Application for Review	\$300	If Required, Same as Original		
AR – Cannabis	\$2,500	\$175		
Comprehensive Master Plan Amendment	\$500	\$200		
Concept Plan	\$825 plus \$2/acre	\$1000		
Design Review – unless noted below ^{1,2}	\$500	Table 30.16-9(e)		
DR - High Impact Project	\$2,000			
DR - Project of Regional Significance	\$300	\$200		
DR – Mixed Use Development	\$500	\$500	\$200	
Development Agreement – Negotiated	\$2,000 Plus: \$2/acre; \$2/parcel over 1 parcel; \$25 for less than 20 acres; \$50 for 20 – 100 acres; and \$100 for more than 100 acres			
Total of all fee items				
Extension of Time	\$300	If Required, Same as Original		
Administrative Extension of Time	\$150			
ET – Cannabis	\$2,500	\$175		
ADET – Cannabis ADR	\$2,500			
Land Use Plan or Land Use Plan Update Amendment	\$500	\$500		
Pre-submittal Conference ¹	\$500			
Public Facilities Needs Assessment Plan	\$2,000 Plus: \$4/acre for each acre over 300 gross acres plus; \$4/parcel over 1 parcel; \$25 for less than 20 acres; \$50 for 20 – 100 acres; and \$100 for more than 100 acres			
Total of all fee items				
Review Revised Plans	\$100			
Special Use Permit – unless noted below ^{1,2}	\$500	\$175		
UC- Alcohol as a Principal Use outside a GED	\$500	\$500	\$200	
UC- Mixed Use Development	\$500	\$500	\$200	
UC- GED Expansion	\$8,875	\$1,000	\$200	
UC- Hazardous Materials Per NRS and NAC	\$500	\$350 x 2	\$200	
UC- High Impact Project	\$350	\$500		
UC- Cannabis Establishment, <u>excluding</u>	\$5,000	\$175		
<u>Consumption Lounge</u>				
UC- Project of Regional Significance	\$250	\$200		
Specific Plan	\$1,425	\$1,000	\$200	
Total of all fee items	Plus: \$2/acre for each acre over 300 gross acres plus; \$2/parcel over 1 parcel; \$25 for less than 20 acres; \$50 for 20-100 acres; and \$100 for more than 100 acres			
Street Name or Numbering Change	\$300	\$100		
Text Amendment	\$400			
TA- Mixed Use Development	\$400	\$1,000	\$200	
Vacation and Abandonment	\$500	\$175 + \$200 Delivery Confirmation		
Vacation and Abandonment – Administrative	\$200			
Variance – unless noted below	\$300	\$175		
VC- less than 30% deviation	\$300	\$100		
VC- High Impact Project/PRS	\$250	\$175		
VC- Mixed Use Development	\$300	\$500		
Waiver of Conditions	\$300	If Required, Same as Original		
Waiver Development Standard – unless noted below	\$300	\$175		
WS- non-public hearing	\$300			
WS- less than 30% deviation	\$300	\$100		
WS- High Impact Project/PRS	\$250	\$175		
Zone Boundary Amendment [3 , <u>Conforming</u> ^{1,2]}	\$500	\$350	\$200	
Zoning Compliance	\$150			

SECTION 5. Title 30, APPENDIX F of the Clark County Code is amended to read as follows:

APPENDIX F: C-P, C-1, C-2, M-D, M-1	
Cannabis Establishment	
Consumption Lounge	S

SECTION 6. If any section of this ordinance or portion of thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 7. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks and shall be effective on and from the fifteenth day after passage. A land use application approved prior to the effective date of this ordinance may be developed per the plans approved with the application.

PROPOSED on the _____ day of _____, 2022

INTRODUCED By : _____

PASSED on the day of _____, 2022

VOTE:

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By _____
JAMES B. GIBSON Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____, 2022.