

ORDINANCE NO. 3557  
(ZOA-2018001969 – Development Code Update  
Amend Henderson Municipal Code Section 19.5.5.YY.4 and 19.5.5.YY.5  
Use Regulations – Marijuana Establishments – Medical Dispensary and Retail Dispensary)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 19 OF THE HENDERSON MUNICIPAL CODE – HENDERSON DEVELOPMENT CODE - BY AMENDING PORTIONS OF SECTIONS OF CHAPTERS 19.5.5.YY TO ADDRESS MARIJUANA ESTABLISHMENTS – MEDICAL DISPENSARY AND RETAIL DISPENSARY IN THE MC AND MR ZONING DISTRICTS.

WHEREAS, it is the intent of the City of Henderson to maintain a zoning ordinance for the safe and orderly development of property; and

WHEREAS, the City of Henderson adopted a new zoning ordinance on January 19, 2010; and

WHEREAS, a zoning ordinance is considered a “living document” and will invariably need amending to make minor corrections, revisions, and updates as necessary; and

WHEREAS, the City wishes to allow marijuana establishments – dispensaries to be located within the MC and MR zoning districts subject to conditional use permit approval and zoning district standards; and

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

SECTION 1. Henderson Development Code, Section 19.5.5.YY.4 and 19.5.5.YY.5 - Use Regulations – Marijuana Establishments – Medical Dispensary and Retail Dispensary, are hereby amended as depicted in Exhibit A, attached hereto, consisting of four (4) pages.

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, subsections, 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clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.



ZOA-2018001969 – Development Code Update, Amend Henderson  
Municipal Code Section 19.5.5.YY.4 and 19.5.5.YY.5 Use Regulations –  
Marijuana Establishments – Medical Dispensary and Retail Dispensary

PASSED, ADOPTED, AND APPROVED THIS 8<sup>TH</sup> DAY OF JANUARY, 2019.



*Debra March*  
Debra March, 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 December 18, 2018, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on January 8, 2019, 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 January 8, 2019, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Debra March, Mayor  
Councilmembers:  
John F. Marz  
Gerri Schroder  
Dan K. Shaw  
Dan H. Stewart

Those voting nay: None

Those abstaining: None

Those absent: None

*Debra March*  
Debra March, Mayor



ATTEST:

*Sabrina Mercadante*  
Sabrina Mercadante, MMC, City Clerk

Exhibit A  
19.5.5YY – Marijuana Dispensary  
(Attached)

4. Medical Marijuana, Dispensary

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

(a) Definition

A business that is registered with the State of Nevada Department of Taxation 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 or to another medical marijuana dispensary.

(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 8:00 am and 11:00 pm, unless extended through the conditional use permit approval.
- (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 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 in common customer space must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.
- (12) If signage is installed, signs shall meet the following regulations:
  - i. Shall be limited to wall signs, monument or freestanding signs;
  - ii. Maximum sign area shall be 25 square feet;
  - iii. A maximum of 25% of the wall sign or tenant panel of a freestanding sign may include a logo;

19.5.5.YY.4 and 19.5.5.YY.5 – Marijuana, Dispensary

- iv. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs);
- v. Wall signs shall be internally illuminated. No exposed lighting sources are permitted;
- vi. No animation or electronic message unit signs are permitted;
- vii. Color and design, including lettering shall complement the architecture of the building;
- viii. Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices; and
- ix. 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) MC and MR Districts

(1) Dispensary shall be located in a freestanding building or in a building with attached lease space on one or more sides, and without a residential unit.

~~(c)~~ (d) Industrial Districts

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

(2) Stand-alone medical dispensaries shall only be permitted within buildings that contain multiple tenant spaces designed with retail/office storefronts, located on arterial roadways as designated by the Master Transportation Plan.

~~(d)~~ (e) Off-Street Parking Requirement

One space per 250 square feet.

~~(e)~~ (f) Off-Street Loading Group

Group Two (Section 19.7.4.D.)

**5. Retail Marijuana, Dispensary**

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

**(a) Definition**

A business that is registered with the State of Nevada Department of Taxation pursuant to [NRS 453D, as may be amended or renumbered](#); to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

**(b) Standards**

- (1) A retail dispensary shall only be in conjunction with a medical marijuana dispensary at the same location.
- (2) Shall comply with all H.M.C. Title 4 regulations.
- (3) Shall comply with the distance separation requirements of 19.5.5.Y.2.
- (4) Shall have operating hours between the hours of 8:00 am and 11:00 pm, unless extended through the conditional use permit approval.
- (5) Drive-through services are prohibited.
- (6) There shall be no emission of dust, fumes or vapors into the environment from the facility.
- (7) Shall be a minimum of 1,400 gross square feet of combined dispensary area.
- (8) Shall not provide outdoor seating.
- (9) There shall be no outdoor display of merchandise or merchandise visible from the outside of the establishment.
- (10) Shall be located in a permanent building, and shall not be located in a trailer, cargo/shipping container or motor vehicle.
- (11) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.
- (12) Windows in common customer space must remain unobstructed, allowing visibility into the facility. Window tint, decals, and signage of any kind shall be strictly prohibited.
- (13) If signage is installed, signs shall meet the following regulations:
  - i. Shall be limited to wall signs, monument or freestanding signs;
  - ii. Maximum sign area shall be 25 square feet;

19.5.5.YY.4 and 19.5.5.YY.5 – Marijuana, Dispensary

- iii. A maximum of 25% of the wall sign or tenant panel of freestanding sign may include a logo;
- iv. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs);
- v. Wall signs shall be internally illuminated. No exposed lighting sources are permitted;
- vi. No animation or electronic message unit signs are permitted;
- vii. Color and design, including lettering, shall complement the architecture of the building;
- viii. Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices; and
- ix. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.

- (14) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.
- (15) Approval of a conditional use permit does not guarantee approval of a business license.

(c) MC and MR Districts

- (1) Dispensary shall be located in a freestanding building or in a building with attached lease space on one or more sides, and without a residential unit.

~~(c)~~ (d) Industrial Districts

- (1) Dispensaries may be permitted in the same building in conjunction with a cultivation site under the same ownership or management.
- (2) Stand-alone medical dispensaries shall only be permitted within buildings that contain multiple tenant spaces designed with retail/office storefronts, located on arterial roadways as designated by the Master Transportation Plan.

~~(d)~~ (e) Off-Street Parking Requirement

One space per 250 square feet.

~~(e)~~ (f) Off-Street Loading Group

Group Two (Section 19.7.4.D.)