

Chapter 23

RECREATIONAL AND MEDICAL MARIJUANA

10.23.01: PURPOSE:

The purpose of this chapter is to establish procedures for the review and permitting of recreational and medical marijuana establishments within Lyon County. (Ord. 597, 3-1-2018)

10.23.02: APPLICABILITY:

All recreational and medical marijuana establishments proposed for location within the unincorporated portions of Lyon County are subject to the provisions of this chapter. (Ord. 597, 3-1-2018)

10.23.03: PERMIT FOR CONSTRUCTION OF A MEDICAL OR RECREATIONAL MARIJUANA CULTIVATION, PROCESSING OR TESTING LABORATORY FACILITY IN THE M-E (INDUSTRIAL ESTATES) OR M-1 (GENERAL INDUSTRIAL) ZONING DISTRICT:

A. Any medical or recreational marijuana cultivation, processing or testing laboratory facility proposing to be located within an M-E (Industrial Estates) or M-1 (General Industrial) Zoning District as identified in the Lyon County Zoning Maps shall submit an application for a marijuana cultivation, processing and/or laboratory testing facility permit to the Planning Department for review. The applicant must receive approval of the use prior to establishment. The application shall be in the form specified by the department and contain sufficient information to demonstrate:

1. Location within either an M-E or M-1 Zoning District provided the zoning is in conformance with the Master Plan land use designation of industrial;
2. Documentation of compliance with the operating standards contained in the State of Nevada regulations, including locational criteria;
3. Location within a building complying with the regulations in State law (including emission of pollutants, dust, fumes, vapors, and odors);
4. Location in a permanent building that complies with Lyon County Building Codes and with the appropriate fire protection district's Fire Codes for an industrial building (not permitted within manufactured homes, trailers, cargo containers, motor vehicles or similar personal property);
5. A safety plan approved by the Lyon County Sheriff's Office, the appropriate fire protection district and the Planning Department that includes as a minimum installation and maintenance of a video monitoring system which must at a minimum:

- a. Allow for the transmission and storage, by digital or analog means of a video feed which displays the interior and exterior of the facility, and
 - b. Be capable of being accessed remotely by the Lyon County Sheriff's Office in real time upon request;
6. Compliance with parking requirements (to be determined through the uses occurring within the building);
 7. Have restricted access to the site and building (e.g., gated, limited number of driveways, controlled entrances, etc.) to the approval of the County;
 8. That all loading/unloading of marijuana, product or any other items associated with the operations shall if feasible, be located within the building or have a secured area for that purpose to the approval of the County and be limited to between the hours of eight o'clock (8:00) A.M. through six o'clock (6:00) P.M.;
 9. Compliance with County building lighting and site lighting requirements;
 10. Sufficient and adequate water service;
 11. Sufficient and adequate sewage disposal;
 12. Refuse, including marijuana remnants, marijuana-infused products, bi-products and other waste materials shall be disposed of in a safe, sanitary and secure manner in a location and method approved by both the State of Nevada and Lyon County;
 13. No marijuana shall be smoked, ingested or otherwise consumed on the premises of the cultivation, production, and/or testing facilities;
 14. No marijuana shall be displayed or kept in cultivation, processing and/or testing laboratory so as to be visible from the outside of the premises; and
 15. Such other information determined to be necessary to ensure that the project will not negatively impact abutting properties and the public health, safety and general welfare.

Upon review and a determination that the project is located within a designated utility corridor and in conformance with the goals and policies of this Code, the Director shall issue an administrative review permit authorizing the project. The permit shall reference the specific plans contained in the application (or modifications thereto).

An approved administrative review permit shall expire within eighteen (18) months from the date of issuance of the registration or certification by the State of Nevada if the facility is not fully operational.

In the event a facility loses its registration or certification by the State of Nevada, the administrative review permit approval is revoked. (Ord. 597, 3-1-2018)

10.23.04: SPECIAL USE PERMIT FOR CONSTRUCTION OF A RECREATIONAL MARIJUANA RETAIL SALES FACILITY OR A MEDICAL MARIJUANA DISPENSARY LOCATED IN A C-2 (GENERAL COMMERCIAL) ZONING DISTRICT:

- A. A special use permit shall be required for a medical marijuana dispensary or a recreational marijuana retail sales facility that is on a property located in a C-2 (General Commercial) Zoning District as identified on the Zoning Maps of the Lyon County Planning Department. In addition to the requirements of section [10.12.01](#), "Special Use Permit", of this title, the applicant for a medical marijuana dispensary or a recreational marijuana retail sales facility shall demonstrate that the proposed project meets the following criteria:
1. The medical marijuana dispensaries and recreational marijuana retail sales facilities shall provide documentation that the site shall:
 - a. Comply with the locational criteria listed in State law for distance separation from public schools, private schools and public facilities as defined in Nevada Revised Statutes 453A and 453D; and
 - b. Not be located within one thousand feet (1,000') of a Nevada licensed substance abuse treatment center as measured from the front door of the dispensary/retail sales facility to the closest property line;
 2. No variance shall be granted to reduce the minimum separation distances in subsections A1a and A1b of this section;
 3. Applications for a medical marijuana dispensary shall include documentation that the facility will be able to operate in compliance with the standards in Nevada Revised Statutes 453A and State Department of Taxation regulations;
 4. Applications for recreational marijuana retail sales facilities shall include documentation that the facility will be able to comply with the standards in Nevada Revised Statutes 453D and State Department of Taxation regulations;
 5. Location within a building complying with the regulations in State law (including emission of pollutants, dust, fumes, vapors, and odors);
 6. Location in a permanent building that complies with Lyon County Building Codes and with the appropriate fire protection district's Fire Codes for an industrial building (not permitted within manufactured homes, trailers, cargo containers, motor vehicles or similar personal property);
 7. A safety plan approved by the Lyon County Sheriff's Office, the appropriate fire protection district and the Planning Department that includes as a minimum installation and maintenance of a video monitoring system which must at a minimum:
 - a. Allow for the transmission and storage, by digital or analog means of a video feed which displays the interior and exterior of the facility, and
 - b. Be capable of being accessed remotely by the Lyon County Sheriff's Department in real time upon request;
 8. Safe and secure delivery system and delivery area of marijuana, marijuana products and any other items associated with the operation of the facility;
 9. Loading and unloading of marijuana, marijuana products or any other items associated with the operation of the facility shall only occur between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.;

10. The facility shall not be open to the public before or after the hours of eight o'clock (8:00) A.M. to nine o'clock (9:00) P.M.;
11. The facility is prohibited from having drive-through service operations;
12. The facility shall have a single secure customer entrance to the approval of the County;
13. Compliance with County building lighting and site lighting requirements;
14. Compliance with parking requirements (to be determined through the uses occurring within the building);
15. Sufficient and adequate water service;
16. Sufficient and adequate sewage disposal;
17. Refuse, including marijuana remnants, marijuana-infused products, bi-products and other waste materials shall be disposed of in a safe, sanitary and secure manner in a location and method approved by both the State of Nevada and Lyon County;
18. No marijuana shall be smoked, ingested or otherwise consumed on the premises of the cultivation, production, and/or testing facilities;
19. No marijuana shall be displayed or kept in cultivation, processing and/or testing laboratory so as to be visible from the outside of the premises; and
20. Such other information determined to be necessary to ensure that the project will not negatively impact abutting properties and the public health, safety and general welfare.

An approved special use permit for a medical marijuana dispensary or a recreational marijuana retail sales facility shall expire within eighteen (18) months from the date of issuance of the registration or certification by the State of Nevada if the dispensary or retail sales facility is not fully operational.

In the event a medical marijuana dispensary or recreational marijuana retail sales facility loses its registration or certification by the State of Nevada, the special use permit approval is revoked. (Ord. 597, 3-1-2018)