

BILL NO. 2014-38

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO DESCRIBE THE CIRCUMSTANCES UNDER WHICH A FARMERS' MARKET MAY OPERATE AS AN OPEN AIR VENDING/TRANSIENT SALES LOT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Flinn Fagg, Director of Planning

Summary: Amends the Unified Development Code to describe the circumstances under which a farmers' market may operate as an open air vending/transient sales lot.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Sections 2 to 4, inclusive, of this Ordinance. The amendments are deemed to be amendments to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Open Air Vending/Transient Sales Lot" to read as follows:

Open Air Vending/Transient Sales Lot

Description: An outdoor area or lot that is used exclusively, or on a regular or periodic basis, for the sale or taking of orders for any merchandise, including food items, where[:

1. Such merchandise is displayed or sold within or upon the area or lot; and
2. No permanent physical structures or facilities are used as integral parts of the sales or order taking operations. This use includes the display or sale of merchandise by means of Open Air Vending and Mobile Food Vending.] such merchandise is displayed or sold within or upon the area or lot. This use includes the display or sale of merchandise by means of Open Air Vending, Mobile Food Vending and a Farmers' Market.

Conditional Use Regulations:

1. [No signage, including temporary signage, is allowed, except that, in the case of Open Air Vending or

1 Mobile Food Vending, the vehicle or portable unit may include signage which is affixed thereto but only to
2 the extent such signage is not prohibited by LVMC 19.08.120(E)(3).] Except as provided in this
3 Conditional Use Regulation 1, no signage is allowed, including temporary signage. Signage that is allowed
4 by this Conditional Use Regulation 1 is not subject to the sign regulations and processes of Title 19 that
5 otherwise would apply, except as specifically provided. The limited signage allowed by this Conditional
6 Use Regulation 1 is as follows:

7 a. In the case of Open Air Vending or Mobile Food Vending, the vehicle or portable unit may include
8 signage which is affixed thereto but only to the extent such signage is not prohibited by LVMC
9 19.08.120(E)(3).

10 b. In the case of a Farmers' Market, on-premises market event signage is permitted, but shall be
11 limited to a single sign of no more than 32 square feet. Individual vendor signage is permitted, but is
12 limited to one sign per vendor, and not to exceed 15 square feet per vendor space. All signage is prohibited
13 at any time other than during a market event.

14 2. The site must be kept free of any litter or debris at all times.

15 3. No structures shall be allowed within the public right-of-way.

16 4. [The installation of permanent or temporary tables, chairs, tents, or coverings for dining areas
17 (including tarps and umbrellas) is prohibited, except when the use of such facilities has been approved by
18 means of a Site Development Plan Review or is within the plaza area of a commercial lot.] The installation
19 of permanent or temporary tables, chairs, tents, or coverings for dining areas (including tarps and
20 umbrellas) is prohibited, except when the use of such facilities:

21 a. Has been approved by means of a Site Development Plan Review;

22 b. Is within the plaza area of a commercial lot; or

23 c. Is in accordance with Conditional Use Regulation 9 below.

24 5. Vehicles or portable units used in the operation may not occupy:

25 a. Required parking spaces or required drive aisles; or

26 b. Required loading zones, unless otherwise permitted under Conditional Use Regulation 8.

6. The vending/sales activity must be located at least 150 feet from residential development, except where the location is part of a mixed-use development.

7. For Open Air Vending, in addition to Conditional Use Regulations 1 through 6:

a. No such vending is permitted in the O (Office) Zoning District;

b. No such vending is permitted on undeveloped lots or developed lots with unoccupied structures or unpaved surfaces;

c. No such vending is permitted within landscaped areas;

d. No more than one vendor is permitted on any one lot, and the vending area shall be limited to a maximum of 500 square feet; provided, however, that ~~[those]~~ these limitations do not apply:

i. In connection with a Special Event Permit that allows a greater level of vending activity by means of Open Air Vending;

ii. On a parcel whose development approval or approvals contemplate a greater level of vending activity by means of Open Air Vending; or

iii. Within the plaza area of a commercial lot;

e. At a location other than the plaza area of a commercial lot, vending operations shall comply with required building setbacks for that location;

f. On any lot that is adjacent to a residentially zoned lot, the hours of operation shall be limited to the period between 10 a.m. and 8 p.m.; and

g. No supply or drainage pipes or power supply cords that pertain to the vending operation may be placed on or across surface parking or unimproved areas, or be attached to adjoining or nearby buildings, unless the vending operation is located immediately adjacent to the building so that the attached pipes or power cords have minimal exposure and do not present a potential hazard for passersby.

8. For Mobile Food Vending, in addition to Conditional Use Regulations 1 through 6:

a. No vendor may operate on any one parcel, lot or commercial subdivision for more than 4 hours within any 24-hour period;

b. No more than two vendors are permitted on one parcel, lot or commercial subdivision within any

24-period;

c. No vendor may operate within a required loading zone except as approved in conjunction with a Special Event Permit;

d. Such vending is permissible on undeveloped lots, or developed lots with unoccupied structures or unpaved surfaces, but only to the extent that such vending complies with all applicable air quality standards adopted by the Clark County Department of Air Quality; [and Environmental Management;] and

e. On unpaved lots, such vending is limited to a maximum disturbance area (including vehicles, parking and customer areas) of 5,000 square feet, regardless of the overall lot size, unless a greater disturbance area is approved in connection with a dust mitigation permit from the Clark County Department of Air Quality. [and Environmental Management.]

9. For Farmers' Markets, in addition to Conditional Use Regulations 1 through 6:

a. The use is not permitted in the O (Office) Zoning District;

b. The use is not permitted on undeveloped lots or developed lots with unoccupied structures or unpaved surfaces;

c. The use is not permitted within landscaped areas;

d. At a location other than the plaza area of a commercial lot, the use shall comply with required building setbacks for that location;

e. On any lot that is adjacent to a residentially zoned lot, the hours of operation of the use shall be limited to the period between 10 a.m. and 8 p.m.; and

f. No supply or drainage pipes or power supply cords that pertain to the use may be placed on or across surface parking or unimproved areas, or be attached to adjoining or nearby buildings, unless the use is located immediately adjacent to the building so that the attached pipes or power cords have minimal exposure and do not present a potential hazard for passersby.

g. The use may include the installation or use of temporary booths, tables, chairs and similar structures.

On-site Parking Requirement: No additional parking required beyond that which is required for the

principal use(s) on the site.

SECTION 3: Title 19, Chapter 18, Section 20, is hereby amended by amending the definition of the term “Open Air Vending/Transient Sales Lot” to read as follows:

Open Air Vending/Transient Sales Lot. An outdoor area or lot that is used exclusively, or on a regular or periodic basis, for the sale or taking of orders for any merchandise, including food items, where[:

1. Such merchandise is displayed or sold within or upon the area or lot; and

2. No permanent physical structures or facilities are used as integral parts of the sales or order taking operations. The term includes the display or sale of merchandise by means of Open Air Vending and Mobile Food Vending.] such merchandise is displayed or sold within or upon the area or lot. This use includes the display or sale of merchandise by means of Open Air Vending, Mobile Food Vending and a Farmers’ Market.

SECTION 4: Title 19, Chapter 18, Section 20, is hereby amended by adding thereto, at the appropriate location, the following term and its corresponding definition:

Farmers’ Market. An outdoor area that is used exclusively, or on a regular or temporary basis, for the retail sale of items that are:

1. Limited to seasonal produce, freshly baked goods, other food items, handmade crafts and art; and

2. Sold directly to consumers by the producers of those items.

A business that may be licensed as a farmers’ market under Title 6 but whose activities are broader in scope than those listed above will be classified as a Swap Meet or under another applicable Title 19 category.

SECTION 5: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,

1 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
2 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

3 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
5 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this ____ day of _____, 2014.

7 APPROVED:

8
9 By _____
CAROLYN G. GOODMAN, Mayor

10 ATTEST:

11 _____
12 BEVERLY K. BRIDGES, MMC
City Clerk

13 APPROVED AS TO FORM:

14 Val Steed 5-20-14
15 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

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