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BILL NO. 2018-51

ORDINANCE NO. 6656

AN ORDINANCE TO AMEND LVMC 19.12.070 PERTAINING TO THE MINIMUM SPECIAL USE PERMIT REQUIREMENTS FOR MARIJUANA DISPENSARIES TO REMOVE THE REQUIREMENT LIMITING ACCESSORY USES TO THOSE RELATING TO MARIJUANA-RELATED EDUCATION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin

Summary: Amends LVMC 19.12.070 pertaining to the minimum special use permit requirements for marijuana dispensaries to remove the requirement limiting accessory uses to those relating to marijuana-related education.

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

SECTION 1: Title 19, Chapter 12, Section 70, is hereby amended by amending the Minimum Special Use Permit Requirements for the use "Marijuana Dispensary" to read as follows:

Minimum Special Use Permit Requirements:

*1. Pursuant to its general authority to regulate the cultivation, production, dispensing, and sale of marijuana, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum separation between a marijuana dispensary and certain other uses that should be protected from the impacts associated with a marijuana dispensary. Therefore, except as otherwise provided below, no marijuana dispensary may be located within 1000 feet of any school, or within 300 feet of any of the following uses:

- a. City park;
- b. Church/house of worship;
- c. Individual care - family home, individual care - group home, or individual care center (in each case licensed for the care of children);
- d. Community recreational facility (public); or
- e. Any use whose primary function is to provide recreational opportunities to minors. Such uses include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery or

1 museum (public); teen dance center; and martial arts studio that provides instruction to minors.

2 *2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest
3 distance between two property lines, one being the property line of the proposed marijuana dispensary which
4 is closest to the existing use to which the measurement pertains, and the other being the property line of that
5 existing use which is closest to the proposed marijuana dispensary. The distance shall be measured in a
6 straight line without regard to intervening obstacles.

7 *3. For the purpose of Requirement 2, and for that purpose only:

8 a. The “property line” of a protected use refers to the property line of a fee interest parcel that has
9 been created by an approved and recorded parcel map or subdivision map, and does not include the property
10 line of a leasehold parcel; and

11 b. The “property line” of a marijuana dispensary refers to:

12 i. The property line of a parcel that has been created by an approved and recorded parcel
13 map or commercial subdivision map; or

14 ii. The property line of a parcel that is located within an approved and recorded commercial
15 subdivision and that has been created by a record of survey or legal description, if:

16 A. Using the property line of that parcel for the purpose of measuring the distance
17 separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;

18 B. The proposed marijuana dispensary will have direct access (both ingress and egress)
19 from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a
20 larger development but must be located within the property lines of the parcel on which the proposed
21 marijuana dispensary will be located;

22 C. All parking spaces required by this Section 19.12.070 for the marijuana dispensary
23 use will be located on the same parcel as the use; and

24 D. The owners of all parcels within the commercial subdivision, including the owner
25 of agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress
26 and egress throughout the commercial subdivision.

1 *4. When a retail marijuana store authorized pursuant to NRS Chapter 453D (the "Chapter 453D facility")
2 is proposed to be located within a medical marijuana dispensary that is authorized pursuant to NRS Chapter
3 453A (the "Chapter 453A facility"), and the Chapter 453A facility has obtained special use permit approval
4 as of July 1, 2017, the applicable distance separation requirements under Requirement 1 for the proposed
5 Chapter 453D facility shall be those that were in effect at the time of special use permit approval for the
6 Chapter 453A facility. A Chapter 453D facility that has received special use permit approval, either pursuant
7 to a new special use permit or by means of a review of conditions under an existing special use permit, shall
8 be deemed a conforming use for purposes of this Title.

9 *5. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently exist and
10 may be hereafter amended.

11 *6. No outside storage shall be permitted, including the use of shipping containers for on-site storage.

12 *7. Subject to the requirements of applicable building and fire codes, public access to the building shall be
13 from one point of entry and exit, with no other access to the interior of the building permitted.

14 *8. No drive-through facilities shall be permitted in conjunction with a marijuana dispensary.

15 *9. The Special Use Permit shall be void without further action if the uses ceases for a period exceeding
16 90 days.

17 *10. A marijuana dispensary shall obtain all required approvals from the State of Nevada to operate such a
18 facility prior to the Special Use Permit being exercised pursuant to LVMC 19.16.110.

19 *11. No marijuana dispensary shall be located on any property which abuts Fremont Street west of 8th
20 Street.

21 [*12. No accessory uses are permitted in association with a marijuana dispensary unless such a use relates to
22 providing education regarding the use of marijuana.]

23 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
24 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
25 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
26 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby

1 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
2 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
3 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.


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

7 PASSED, ADOPTED and APPROVED this 21st day of November, 2018.


8 APPROVED:

9
10 By 
CAROLYN G. GOODMAN, Mayor

11 ATTEST:

12 
13 LUANN D. HOLMES, MMC
City Clerk

14 APPROVED AS TO FORM:

15  10-3-18
16 Val Steed, Date
Deputy City Attorney

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1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 17th day of October, 2018, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 21st day of November,
4 2018, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as first introduced and adopted by
6 the following vote:

7 VOTING "AYE": Councilmembers, Tarkanian, Anthony, Coffin, Fiore, Seroka and
8 Crear
9 VOTING "NAY": None
10 EXCUSED: None
11 ABSTAINED: Mayor Goodman

14 APPROVED:

15 
16 _____
CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 
19 _____
LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

**LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101**

**Account # 22515
Ad Number 0001016718**

**RECEIVED
CITY CLERK**

2018 NOV 14 P 12: 14

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/08/2018 to 11/08/2018, on the following days:

11 / 08 / 18

BILL NO. 2018-51

AN ORDINANCE TO AMEND LVMC 19.12.070 PERTAINING TO THE MINIMUM SPECIAL USE PERMIT REQUIREMENTS FOR MARIJUANA DISPENSARIES TO REMOVE THE REQUIREMENT LIMITING ACCESSORY USES TO THOSE RELATING TO MARIJUANA-RELATED EDUCATION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin

Summary: Amends LVMC 19.12.070 pertaining to the minimum special use permit requirements for marijuana dispensaries to remove the requirement limiting accessory uses to those relating to marijuana-related education.

At the City Council meeting of October 17, 2018

BILL NO. 2018-51 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

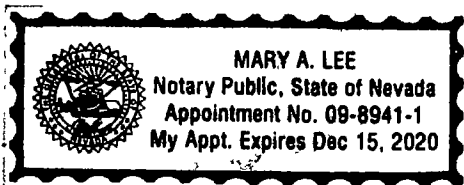
**PUB: November 8, 2018
LV Review-Journal**

Leslie McCormick

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 8th day of November, 2018

Notary *Mary Lee*



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

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CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515

Ad Number 0001019449

2018 NOV 29 P 12:00

Leslie McCormick, being 1st duly sworn, deposes and says That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/24/2018 to 11/24/2018, on the following days:

11 / 24 / 18

**BILL NO. 2018-51
ORDINANCE NO. 6656**

AN ORDINANCE TO AMEND LVMC 19.12.070 PERTAINING TO THE MINIMUM SPECIAL USE PERMIT REQUIREMENTS FOR MARIJUANA DISPENSARIES TO REMOVE THE REQUIREMENT LIMITING ACCESSORY USES TO THOSE RELATING TO MARIJUANA-RELATED EDUCATION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin

Summary: Amends LVMC 19.12.070 pertaining to the minimum special use permit requirements for marijuana dispensaries to remove the requirement limiting accessory uses to those relating to marijuana-related education

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of October, 2018, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of November, 2018, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Councilmembers Tarkanian, Anthony, Coffin, Seroka, Fiore and Crear

ABSTAINED: Mayor Goodman
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: November 24, 2018
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 26th day of November, 2018

Notary 

