

1 **BILL NO. 2019-12**

2 **ORDINANCE NO. 6686**

3 AN ORDINANCE TO AMEND THE TOWN CENTER DEVELOPMENT STANDARDS MANUAL TO
4 ALLOW THE USE "MARIJUANA DISPENSARY" IN SPECIFIED LAND USE DISTRICTS BY MEANS
5 OF SPECIAL USE PERMIT, ADOPT CLARIFYING LANGUAGE REGARDING THE WAIVABILITY
6 OF CERTAIN SPECIAL USE PERMIT REQUIREMENTS; AND PROVIDE FOR OTHER RELATED
7 MATTERS

8 Sponsored by: Councilwoman Michele Fiore

Summary: Amends the Town Center
Development Standards Manual to allow the use
"Marijuana Dispensary" in specified land use
districts by means of special use permit, and
adopts clarifying language regarding the
waivability of certain special use permit
requirements.

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

12 SECTION 1: The Town Center Development Standards Manual, adopted under Section
13 19.10 060(B) of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, hereafter the "Manual,"
14 is hereby amended as set forth in Sections 2 to 6, inclusive, of this Ordinance Deleted matter is shown by
15 bracketing. New material added to existing language is shown by underlining, while entirely new provisions
16 are so identified without particular markings

17 SECTION 2: Section A.4.D of the Manual is amended to read as follows:

18 **D. Waiver – Development Standards**

19 The standards set forth in the Town Center Development Standards Manual are minimum requirements
20 Except as otherwise provided in Section B 4 A.4 with respect to Special Use Permit requirements, [A] a
21 waiver of any of these standards may be approved upon the request of an applicant if the applicant can show
22 through convincing and substantial evidence that the waiver will not be contrary to the overall purpose and
23 intent of the standards or the Town Center Land Use Plan. An applicant may request a waiver by following
24 the procedures outlined in LVMC 19.16.130.

25 SECTION 3: Section B.2.D of the Manual is amended to read as follows:

26 D. Special Use Permits (S)

1 Certain uses may be permitted in the designated Land Use district only after obtaining a Special Use Permit
2 in accordance with LVMC 19.16.110 and compliance with specific conditions. These conditions are listed as
3 “Minimum Requirements” following the Permitted Uses Matrix in Section B.4 of these standards, labeled
4 “Special Use Permits”. Notwithstanding the previous two sentences, uses within the Montecito District (with
5 the exception of “Marijuana Dispensary”) are exempt from the automatic application of the minimum
6 requirements set forth in Section B.4.B. However, in connection with the consideration of a special use permit
7 application for a particular use within that District, the approval of the special use permit may be conditioned
8 on compliance with any of the listed minimum requirements, as well as compliance with any other conditions
9 deemed appropriate to mitigate the impact of the use.

10 SECTION 4: Section B.2 of the Manual, in particular Table 1 at the end of that Section
11 representing the matrix of permitted uses, is amended by adding thereto an entry for the use “Marijuana
12 Dispensary” to indicate that the use is allowable by means of Special Use Permit in the GC-TC, SC-TC, UC-
13 TC, SX-TC, MS-TC, EC-TC and MC-TC Land Use Districts. In order to reflect the amendment, the use
14 “Marijuana Dispensary” shall be added at the appropriate location, and the letter “S” shall be entered in the
15 boxes that represent the intersection of that use with the column for each of the following Land Use Districts:
16 GC, SC, UC, SX, MS, EC and MC.

17 SECTION 5: Section B.4.A of the Manual is amended to read as follows:

18 **A. GENERAL**

19 Uses requiring a Special Use Permit are deemed as being potentially incompatible with the Town Center
20 concept and those uses will therefore[,] be conditioned to ensure compatibility

21 1) The uses in [this section] Section B.4.B require a Special Use Permit and have base requirements
22 which [shall] must be met prior to approval of the Special Use Permit[.] , to the extent those requirements do
23 not represent ongoing or post-approval requirements. In the Permitted Uses Table, these uses may be
24 indicated by an “S ”

25 2) [The following conditions are the minimum conditions for approval of a Special Use Permit for
26 this use.] For each use listed in Section B.4.B, the conditions and requirements listed below the use are the

1 minimum conditions and requirements for the approval (and continued exercise) of a Special Use Permit for
2 that use. Additional conditions may also be required during the public hearing process to ensure compatibility
3 of that use in relation to surrounding uses and the pattern of development

4 3) Special Use Permits [which] for uses that do not have minimum requirements listed in [the
5 following section] Section B.4.B may have conditions placed on the proposed use during the public hearing
6 process.

7 4) [The following requirements are minimum standards that must be satisfied.] Whenever the
8 conditions and requirements for a particular use listed in Section B.4.B include a condition that the use shall
9 comply with all minimum conditions, standards and requirements applicable to that use, as that use is
10 permitted by means of a Special Use Permit under LVMC Chapter 19.12, that particular requirement by itself
11 is not waivable under this Manual or pursuant to LVMC Title 19. However, individual and particular
12 minimum special use permit requirements established under LVMC Chapter 19.12 may be waived if
13 waivable under that Chapter.

14 5) The [following uses, with minimum Special Use Permit requirements, are listed below] uses that
15 are permitted by means of Special Use Permit, together with their corresponding minimum conditions and
16 requirements, are set forth in Section B 4.B alphabetically.

17 SECTION 6: Section B.4.B of the Manual is amended by adding thereto, at the
18 appropriate location, a new Paragraph 32 to read as follows:

19 **32) MARIJUANA DISPENSARY**

20 a. The use shall comply with all minimum conditions, standards and requirements applicable to the
21 use "Marijuana Dispensary," as that use is permitted by means of a Special Use Permit under LVMC Chapter
22 19.12.

23 SECTION 7: The Department of Planning is authorized and directed to incorporate into
24 the Town Center Development Standards Manual the amendments set forth in Sections 2 to 6 inclusive, of
25 this Ordinance, including, as deemed necessary or appropriate, the renumbering of paragraphs in Section
26 B.4.B, any other required numbering or renumbering of provisions, parallel reference changes, and

1 corresponding changes to the table of contents.

2 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
3 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
4 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
5 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
6 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
7 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
8 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

9 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared to
10 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
11 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
12 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
13 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
14 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
15 of this ordinance shall constitute a separate offense.

16 SECTION 10. All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
18 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this 1st day of May, 2019

20 APPROVED:

21 By 
CAROLYN G. GOODMAN, Mayor

22 ATTEST:

23 
LUANN D HOLMES, MMC
City Clerk

24 APPROVED AS TO FORM:

25  3-20-19
Val Steed, Date
26 Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 3rd day of April, 2019, and referred to a committee for recommendation; hereafter
3 the committee reported favorably on said ordinance on the 1st day of May, 2019, which as
4 a regular meeting of said Council; that at said regular meeting, the proposed ordinance was
5 read by title to the City Council and adopted by the following vote:

6 VOTING "AYE": Mayor Pro Tem Anthony and Councilmembers Tarkanian, Coffin,
7 Fiore and Crear

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: Mayor Goodman

11
12
13 APPROVED:

14 
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 
18 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS.

RECEIVED
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2019 APR 22 A 11: 16

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001044682

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 04/18/2019 to 04/18/2019, on the following days

04 / 18 / 19

BILL NO. 2019-12

AN ORDINANCE TO AMEND THE TOWN CENTER DEVELOPMENT STANDARDS MANUAL TO ALLOW THE USE "MARIJUANA DISPENSARY" IN SPECIFIED LAND USE DISTRICTS BY MEANS OF SPECIAL USE PERMIT; ADOPT CLARIFYING LANGUAGE REGARDING THE WAIVABILITY OF CERTAIN SPECIAL USE PERMIT REQUIREMENTS; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilwoman Michele Fiore

Summary: Amends the Town Center Development Standards Manual to allow the use "Marijuana Dispensary" in specified land use districts by means of special use permit, and adopts clarifying language regarding the waivability of certain special use permit requirements.

At the City Council meeting of
April 3, 2019

BILL NO. 2019-12 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: April 18, 2019
LV Review-Journal

[Signature]
/s/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 18th day of April, 2019

Notary *[Signature]*



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 0001047550

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2019 MAY 13 P 12:27

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 05/04/2019 to 05/04/2019, on the following days

05 / 04 / 19

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of April, 2019, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 1st day of May, 2019, 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, 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: May 4, 2019
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 6th day of May, 2019

Notary 

