FIRST AMENDMENT

BILL NO. 2019-31

ORDINANCE NO. 6708

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF THE UNIFIED DEVELOPMENT CODE (LVMC TITLE 19) TO PROVIDE CLARIFICATION AND STANDARDIZATION RELATING TO DISTANCE SEPARATION STANDARDS AND MEASUREMENTS, CLARIFY WHEN ACCESS-RELATED STANDARDS REFER TO VEHICULAR ACCESS OR PEDESTRIAN ACCESS (OR BOTH); ESTABLISH ADDITIONAL STANDARDS REGARDING THE INTERPRETATION OF TERMS; AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert Summerfield, Director of Planning

Summary: Amends various provisions of the Unified Development Code (LVMC Title 19) to provide clarification and standardization relating to distance separation standards and measurements, clarify when access-related standards refer to vehicular access or pedestrian access (or both), and establish additional standards regarding the interpretation of terms.

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 48, inclusive, of this Ordinance. The amendments in those sections are deemed to be amendments to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 00, Section 80, Subsection (G), is hereby amended to read as follows:

G. Other Clarifications

1. Headings

a. Levels of headings used in this Title include Chapters (for example "Chapter 19.00"), Sections (for example "19.00.010"), Subsections (for example "A."), Paragraphs (for example "1.") and Subparagraphs (for example "a.").

b. The headings contained in this Title are for convenience only and do not limit or modify

the intent or meaning of the provisions.

2. Tense. Unless clearly indicated to the contrary, words used in the present tense shall include the future, words used in the plural shall include the singular, words used in the singular shall include the plural, and words of one gender shall include the other.

3. Use of Certain Words. The words "shall," "must," and "will" are always mandatory. The words "may" and "should" are discretionary. Words and phrases shall be construed according to the common and approved usage in the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that meaning.

4. Written Information. References to "written" information shall mean any representation of words, letters or figures whether by printing or other form or method of writing.

5. Conjunctions. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

"And" indicates that all connected items or provisions apply; and

"Or" indicates that the connected items or provisions may apply singularly or in any combination. The use of the conjunction "or" in the drafting of ordinances is always and inherently capable of differing interpretations, all of which are dependent on context and intent. The word "or" is often used in the definition of a term so as to allow the term's use to cover or be used in connection with more than one alternative. In cases of uncertainty or ambiguity regarding the use of "or," the context and the intent of the provision employing that term shall be used to determine whether the word "or" is 1) intended to enable the term's definition, for the sake of convenience, to apply to various circumstances, or 2) represents a free choice permission, namely, an alternative whose choice is entirely up to an applicant or developer. That determination will be made in accordance with LVMC 19.18.010.

SECTION 3: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Animal Keeping & Husbandry" so that the Conditional Use Regulations for that use read as follows:

. . .

Conditional Use Regulations:

1. With respect to domestic animals:

a. The applicant must submit to the Department, for administrative review and approval, a site plan with notes indicating the number and types of animals to be kept or reproduced on the premises.

b. No more than three sheep or goats may be kept for each 20,000 square feet of land included in the building site.

c. All operations and activities shall be in accordance with LVMC Title 7.

d. No more than one horse or cow is permitted for each 7,500 square feet of lot area.

e. In the R-D Zoning District, no more than two horses may be stabled on the building site, and the site must have a minimum net lot size of 18,000 square feet.

f. No cattle may be kept at any location south of Cheyenne Avenue.

g. Crowing roosters are prohibited.

h. In the R-1 and R-MH Zoning Districts, the use is limited to the keeping of chickens, in each case subject to the following limitations and requirements:

i. The lot must be developed with a single family residence.

ii. No more than ten chickens (hens) may be kept, and they must be kept solely for the production of eggs for personal consumption by the residents of the property. Chickens shall not be bred for sale or raised for slaughter.

iii. Chickens must be contained at all times within a coop with a fenced-in run that is easily cleaned, well ventilated and large enough to provide for the free movement of the chickens.

iv. Coop structures shall not be located closer than 20 feet to any primary structure on an adjacent lot.

v. Except as otherwise approved by means of a Variance, coop structures shall comply with all requirements of LVMC Chapters 19.06 and 19.12 for an Accessory Structure (Class II) other than the requirement of aesthetic compatibility.

vi. The property shall be maintained free of animal waste at all times, and shall

comply with applicable requirements of LVMC Chapter 9.40 regarding odor nuisances.

2. With respect to non-domestic animals:

a. Animals shall be confined at all times within a secured, enclosed or fenced area.

b. [Animals which are] For animals kept outdoors, the secured, enclosed or fenced area must be located at least [1,500] 1500 feet from any residential dwelling, school, individual care center licensed for more than 12 children or public park.

c. The site must have a minimum area of two acres.

d. All operations and activities shall be in accordance with LVMC Title 7.

e. Non-domestic animals are prohibited in the [R4] R-1 and R-MH Zoning Districts.

3. Whether animals are domestic or non-domestic:

a. All structures must comply with applicable building and fire code requirements.

b. In the C-PB, C-M and M Zoning Districts, the use shall be conducted entirely within an enclosed space, except that up to one quarter of the area containing the use may be located in the open air for ancillary educational purposes.

SECTION 4: Title 19, Chapter 12, Section 70, is hereby amending the entry for the use "Assisted Living Apartments" so that the Description of that use reads as follows:

Description: An apartment or apartment complex which provides personal care services to senior citizens for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, monitoring of medication, or assistance with bathing. This use includes commercial uses that are ancillary to an apartment complex as long as the total amount of floor space dedicated to such uses does not exceed [five percent] 5% of the total gross floor area of the apartment complex, [and] there is no external signage for [, nor external access to,] the commercial uses[.], and those uses are not accessible other than internally and only to persons residing within the apartment or apartment complex. This use does not include a convalescent care facility, nursing home or other medical facility that is specifically defined in LVMC Chapter 19.18.

SECTION 5: Title 19, Chapter 12, Section 70, is hereby amending the entry for the

use "Auto Dealer Inventory Storage" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. All loading and unloading of vehicles shall occur on site.

2. Loading and unloading of vehicles shall occur between the hours of 7:00 am and 10:00 pm.

3. All areas used for the parking or storage of vehicles shall be paved.

4. Stored vehicles shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.

5. The parcel must be located on a primary or secondary thoroughfare, or on a parcel that is adjacent to and [accessed] <u>has vehicular access</u> through a parcel located on a primary or secondary thoroughfare.

6. Lighting shall be shielded from adjacent properties.

7. The use shall not occupy or interfere with any parking spaces that are required for the dealership use or any other existing or proposed use for which required parking is or will be provided on the site. For commercial or industrial sites 15 acres or greater in size, the use may occupy up to 50 percent of the parking area that is provided in excess of the parking that is required by this Section for other uses.

8. The use shall not be located adjacent to any property zoned R-E, R-D, R-1, R-SL or R-CL unless that property has been developed with a nonresidential use.

SECTION 6: Title 19, Chapter 12, Section 70, is hereby amending the entry for the use "Auto Dealer Inventory Storage" so that the Minimum Special Use Permit Requirements for that use read as follows:

*1. All loading and unloading of vehicles shall occur on site.

*2. Loading and unloading of vehicles shall occur between the hours of 7:00 am and 10:00 pm.

3. All areas used for the parking or storage of vehicles shall be paved.

4. Stored vehicles shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.

5. The parcel must be located on a primary or secondary thoroughfare, or on a parcel that is adjacent to and [accessed] <u>has vehicular access</u> through a parcel located on a primary or secondary thoroughfare.

6. Lighting shall be shielded from adjacent properties.

7. The use shall not occupy or interfere with any parking spaces that are required for the dealership use or any other existing or proposed use for which required parking is or will be provided on the site. For commercial or industrial sites 15 acres or greater in size, the use may occupy up to 50 percent of the parking area that is provided in excess of the parking that is required by this Section for other uses.

SECTION 7: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Auto Title Loan" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. The use shall comply with all applicable requirements of LVMC Title 6.

2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs [(as described in LVMC 19.14.090)] (as described in LVMC 19.08.120(G)), such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed 30 days.

4. Window signs shall not:

a. Cover more than 20 percent of the area of all exterior windows;

b. Include flashing lights or neon lighting; or

c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.

5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

7. No auto title loan use may be located: [closer than 200 feet from any parcel used or zoned for

residential use. In addition, no auto title loan use may be located closer than 1000 feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this Regulation 7, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.]

a. Closer than 200 feet from any parcel used or zoned for residential use; or

b. Closer than 1000 feet from any other auto title loan use, auto pawn use, or specified financial institution use.

SECTION 8: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Auto Title Loan" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. The use shall comply with all applicable requirements of LVMC Title 6.

*2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs as described in LVMC 19.08.120(G), such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed 30 days.

4. Window signs shall not:

a. Cover more than 20 percent of the area of all exterior windows;

b. Include flashing lights or neon lighting; or

c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.

5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas,

customer queuing, and transaction space (such as "teller" windows or desks).

7. No auto title loan use may be located: [closer than 200 feet from any parcel used or zoned for residential use. In addition, no auto title loan use may be located closer than 1000 feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this Regulation 7, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.]

a. Closer than 200 feet from any parcel used or zoned for residential use; or

b. Closer than 1000 feet from any other auto title loan use, auto pawn use, or specified financial institution use.

SECTION 9: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Beer/Wine/Cooler Off-Sale Establishment" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. Except as otherwise provided, no beer/wine/cooler off-sale establishment (hereinafter "establishment") shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

[*2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

*3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.]

[4.] 2. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance [limitation] separation requirement in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance separation requirement should be waived and the reasons in support of the decision.

[5.] 3. The minimum distance separation requirements in Requirement 1 do not apply to:

a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or

b. A proposed establishment having more than 50,000 square feet of retail floor space.

[*6] *4. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

[7.] 5. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:

a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS- TC (Main Street Mixed Use) in the Town Center Land Use Plan;

c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or

d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

[8.] 6. No beer/wine/cooler off-sale establishment shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

SECTION 10: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Beer/Wine/Cooler On- and Off-Sale Establishment" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. Except as otherwise provided, no beer/wine/cooler on- and off-sale establishment (hereinafter "establishment") shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

[*2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

*3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the

minimum distances referred to in Requirement 1 shall be measured in a straight line:

a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.]

[4.] 2. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance [limitation] separation requirement in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance separation requirement should be waived and the reasons in support of the decision.

[5.] 3. The minimum distance separation requirements in Requirement 1 do not apply to:

a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or

b. A proposed establishment having more than 50,000 square feet of retail floor space.

[*6] *4. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

[7] 5. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:

a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;

c. In connection with a proposed establishment having between 20,000 square feet and 50,000

square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or

d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

[8] 6. Except for a grocery store as defined by LVMC 6.50.020 that contains not less than twelve thousand square feet of gross internal floor area, no establishment shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

SECTION 11: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Beer/Wine/Cooler On-Sale Establishment" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. Except as otherwise provided, [any] no beer/wine/cooler on-sale establishment (hereinafter "establishment") [must be more than] shall be located within 400 feet from any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

[2. Except as otherwise provided in Regulation 3 below, the distances referred to in Regulation 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Regulation 1.

3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the

minimum distances referred to in Regulation 1 shall be measured in a straight line:

a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.]

2. The minimum distance separation requirements in Regulation 1 do not apply to:

a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or

b. A proposed establishment having more than 50,000 square feet of retail floor space.

[5.] 3. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

SECTION 12: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Car Wash, Self Service" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

1. The hours of operation shall be limited to the period between 7:00 a.m. and 10:00 p.m.

2. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel.

3. No retail sale of vehicles is allowed.

4. No repair or servicing of vehicles is allowed.

5. The use must not be located within 200 feet of a residential property unless the use is separated from the residential property by a street with a minimum right-of-way width of 80 feet.

6. The applicant must demonstrate that the use can be made inoperable and inaccessible to [the public]

vehicular traffic after business hours.

7. Vacuum bays are permitted as part of this use if their operation is in compliance with the other Minimum Special Use Permit Requirements for this use.

8. An attendant must be on the premises during all times the equipment is operational.

9. Each stall shall have a stacking lane that will accommodate at least 2 cars.

SECTION 13: Title 19, Chapter 12, Section 70, is hereby amending the entry for the use "Cemetery/Mausoleum" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. A decorative masonry and/or wrought iron fence with a minimum height of 6 feet shall be constructed around the perimeter of the cemetery site. The wall along the primary street frontage shall be set back a minimum of 35 feet from the front property line. The front yard area shall not be used for interment and shall be landscaped.

2. Cemeteries shall only be allowed on parcels abutting and having vehicular access to collector streets or larger.

SECTION 14: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Cleaners, Commercial/Industrial" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

1. The plant operation shall be within a fully enclosed building.

2. The use shall [be at least] not be located closer than 50 feet from any property which is zoned P-O, O, DC-O, C-1, or is zoned for any residential use. The minimum distance separation requirement with respect to a nearby commercially-zoned property may be waived if the applicant demonstrates that the use is compatible with the area.

SECTION 15: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Community Residence (including Family Community Residence and Transitional Community Residence)" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. Except as otherwise provided in Regulations 2 and 3, a Community Residence may not be located closer than 660 feet to any other Community Residence. [(measured from property line to property line).]

2. Where there is a street, freeway or drainage channel at least 100 feet wide between the proposed Community Residence and an existing Community Residence, the minimum distance separation requirement is reduced to 100 feet. [from property line to property line.]

3. When the population of proposed Community Residence is of such a nature that its location must be kept confidential for it to function successfully, such as a Community Residence for victims of domestic abuse, the minimum distance separation requirements set forth in Regulations 1 and 2 above shall not apply.

4. A maximum of 2 persons who function as facility operator or support staff may reside in a Community Residence without being counted toward the 10-resident limit established for that use. Resident operator/support staff in excess of 2 shall be counter toward the 10-person limit.

5. A Community Residence shall comply with all public health and safety requirements including all Building and Fire Code requirements for the dwelling type in question.

6. In Federal or State law or regulations require the proposed Community Residence to be licensed or certified, then the applicant must obtain that required license or certification before commencing operation of the Community Residence.

7. When located in an O, C-1 or C-2 Zoning District, a Community Residence may not be established unless it is part of a mixed-use development.

8. The operator of the Transitional Community Residence:

a. Must require residents to be actively and continuously enrolled in an offsite support program, including without limitation Alcoholics Anonymous or an equivalent program [, or];

b. Must prohibit the use of alcohol and illegal drugs by residents; and

c. Upon request and with reasonable notice, must produce evidence satisfactory to the Director or the Code Enforcement Manager that residents are in compliance with this Regulation.

9. Occupancy within a Community Residence shall not be made available to any individual whose

tenancy would constitute a direct threat to the health and safety of individuals or would result in substantial physical damage to the property of others. The fact that a person is sentenced or referred to a Transitional Community Residence by a judge does not, without other evidence of a person's actual danger to other persons or property, establish that the person is a direct threat to the health and safety of others.

10. The Community Residence must be consistent with the scale and architectural character of the neighborhood.

11. The Special Use Permit provisions of LVMC 19.12.040(B) shall not apply to Regulations 5 through 10 above.

12. In case of a Special Use Permit application that is filed as a consequence of not qualifying for conditional use treatment under Regulations 1 and 2 above, the application must be approved unless the Planning Commission or City Council determines that one or more of the following conditions would occur:

a. The building to be occupied as a Community Residence would be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.

b. The proposed Community Residence, together with existing Community Residences, would alter the residential character of the neighborhood by creating an institutional atmosphere due to the concentration of the Community Residences on a block or adjoining blocks; or

c. The application or Community Residence does not or would not comply with Regulations 5 through 10 above.

SECTION 16: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Crematory" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. All operations shall be within a completely enclosed building.

2. There shall be no audible or noticeable indication of the use outside of the building.

3. All crematory structures shall be set back a minimum distance of 100 feet from any lot containing a residential use.

SECTION 17: Title 19, Chapter 12, Section 70, is hereby amended by amending the

entry for the use "Facility for Transitional Living for Released Offenders" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. The facility must comply on an ongoing basis with all governmental licensing requirements.

2. The facility must be located on a parcel with a minimum size of [six thousand five hundred] 6500 square feet.

3. The facility must be located on a parcel that is within [one thousand five hundred] 1500 feet of an existing bus stop served by a regional bus system.

4. Off-street parking shall be provided on the basis of at least one space per [five] 5 residents, plus an additional space for the administrator.

5. Indoor common area shall be provided on the basis of a minimum of [fifteen] 15 square feet per resident.

6. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.

7. No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify to facility as a Facility for Transitional Living for Released Offenders.

8. A facility may not be located closer than [one thousand five hundred feet (measured by means of the shortest distance from property line to property line)] 1500 feet from another Facility for Transitional Living for Released Offenders, a Community Residence, church/house of worship, school, individual care center licensed for more than twelve children, or City park.

9. The number of occupants within a Facility for Transitional Living for Released Offenders shall not exceed the following occupancy standards:

a. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older).

b. For each bedroom thereafter:

i. A maximum of one adult, for bedrooms less than one hundred square feet in area;

and

ii. A maximum of two adults, for bedrooms one hundred square feet in area or greater.

SECTION 18: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Financial Institution, Specified" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. The use shall comply with all applicable requirements of LVMC Title 6.

2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs (as described in LVMC 19.08.120(G)), such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed 30 days.

4. Window signs shall not:

a. Cover more than 20 percent of the area of all exterior windows;

b. Include flashing lights or neon lighting; or

c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.

5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

7. No specified financial institution use may be located: [closer than 200 feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than 1000 feet from any other specified financial institution use, auto title loan use, or auto pawn use. For purposes of

this Requirement 7, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.]

a. Closer than 200 feet from any parcel used or zoned for residential use; or

b. Closer than 1000 feet from any other specified financial institution use, auto title loan use, or auto pawn use.

SECTION 19: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Financial Institution, Specified" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. The use shall comply with all applicable requirements of LVMC Title 6.

*2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs (as described in LVMC 19.08.120(G)), such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed 30 days.

4. Window signs shall not:

a. Cover more than 20 percent of the area of all exterior windows;

b. Include flashing lights or neon lighting; or

c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.

5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

7. No specified financial institution use may be located: [closer than 200 feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than 1000 feet from any other specified financial institution use, auto title loan use, or auto pawn use. For purposes of this Requirement 7, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.]

a. Closer than 200 feet from any parcel used or zoned for residential use; or

b. Closer than 1000 feet from any other specified financial institution use, auto title loan use, or auto pawn use.

SECTION 20: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Grocery Store with Alcohol" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. Except as otherwise provided, no grocery store with alcohol shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

[2. Except as otherwise provided in Regulation 3 below, the distances referred to in Regulation 1 shall be determined with reference to the shortest distance between two property lines, one being the property of the proposed grocery store with alcohol which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed grocery store with alcohol. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Regulation 1.

3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the

minimum distances referred to in Regulation 1 shall be measured in a straight line:

a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

b. In the case of a proposed grocery store with alcohol which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the grocery store with alcohol will be located, without regard to intervening obstacles.]

2. The minimum distance separation requirements in Regulation 1 do not apply to a proposed grocery store with alcohol having more than 50,000 square feet of retail floor space.

[5.] 3. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

[6.] 4. No grocery store with alcohol use shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

SECTION 21: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Grocery Store with Alcohol" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. Except as otherwise provided, no grocery store with alcohol shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

[*2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property of the proposed grocery store with alcohol which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed grocery store with alcohol. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

*3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

b. In the case of a proposed grocery store with alcohol which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the grocery store with alcohol will be located, without regard to intervening obstacles.]

[4.] 2. When considering a Special Use Permit application for a grocery store with alcohol which also requires a waiver of the distance [limitation] separation requirement in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance separation requirement should be waived and the reasons in support of the decision.

[5.] 3. The minimum distance separation requirements in Requirement 1 do not apply to a proposed grocery store with alcohol having more than 50,000 square feet of retail floor space.

[*6.] *4. All businesses which sell alcoholic beverages shall confirm to the provisions of LVMC Chapter 6.50.

[7.] 5. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:

a. In accordance with the provisions of LVMC 19.12.050(C) for any grocery store with alcohol which is proposed to be located on a parcel within the Downtown Casino Overlay District;

b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any grocery store with alcohol which is proposed to be located within the T-C (Town Center)

Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;

c. In connection with a grocery store having between 20,000 square feet and 50,000 square feet of retail floor space; or

d. In connection with a grocery store having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

[8.] 6. No grocery store with alcohol shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

SECTION 22: Title 19, Chapter 12, Section 70, is hereby amending the entry for the use "Individual Care – Group Home" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. The minimum lot size shall be 6500 square feet.

*2. The site shall be designed so that all loading and unloading of passengers occurs on-site. The layout of driveways, circulation patterns and parking must be approved by the City Traffic Engineer prior to the issuance of any building permits.

*3. In order for this use to be conducted on a parcel developed with multi-family housing, the provision of care must occur within a separate structure.

4. [Access] Vehicular access to the facility shall be by means of a right-of way with a width of 60 feet or less.

5. The use of outdoor recreation areas shall be limited to the hours between 6:00 A.M. and 10:00 P.M.

6. All lighting shall be designed so it does not shine directly onto any abutting residential property.

SECTION 23: Title 19, Chapter 12, Section 70, is hereby amending the entry for the use "Individual Care Center" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. [Access] Vehicular access to the individual care center shall be by means of a collector street or

larger.

2. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout of driveways, circulation patterns and parking must be approved by the City Traffic Engineer prior to the issuance of any building permits.

3. Where structures or play areas have residential adjacency:

a. An 8-foot high block wall shall be installed along the common property line.

b. The building entrance and both vehicular and pedestrian access shall be oriented away from residential uses on local streets.

c. Outdoor recreation shall be limited to daylight hours.

d. Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.

SECTION 24: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Liquor Establishment (Tavern)" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum distance separation between liquor establishments (tavern), and a minimum distance separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided [below,] in these Requirements, no liquor establishment (tavern) may be located within 1500 feet of any other liquor establishment (tavern), church/house of worship, school, individual care center licensed for more than 12 children, or City park.

[*2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line

of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

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

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

b. The "property line" of a liquor establishment (tavern) refers to:

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

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

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

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

C. All parking spaces required by this Subchapter 19.12.070 for the liquor establishment (tavern) use will be located on the same parcel as the use; and

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

[4.] 2. The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1,

1992.

[5.] 3. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C), but only in connection with a proposed liquor establishment (tavern) that:

a. Will be located on a parcel within the C-V District, the Market District or Symphony Park District as shown in Figure 3 of the Development Standards adopted in LVMC 19.10.110(B), the Gaming Enterprise Overlay District, or the Downtown Casino Overlay District;

b. Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;

c. Will be located within a regional mall; or

d. Will be located within a mixed-use development:

i. That has been approved by means of Special Use Permit pursuant to LVMC Chapters 19.12 and 19.16;

ii. That has a minimum net site area of 15 acres; and

iii. Whose gross floor area of nonresidential space is a minimum of 250,000 square feet; [or]

e. Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet; [or]

f. Will have a general on-sale alcoholic beverage license operated in conjunction with an establishment listed in LVMC 6.50.060[.] ; or

g. Will have a tavern-restricted alcoholic beverage license pursuant to LVMC 6.50.253.

[*6.] *4. The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50.

SECTION 25: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Lounge Bar" so that the Minimum Special Use Permit Requirements for that use read as follows:

. . .

Minimum Special Use Permit Requirements:

1. No lounge bar business use shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children or City park.

[2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed lounge bar which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed lounge bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

3. In the case of a proposed lounge bar located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line from the nearest property line of the existing use to the nearest portion of the structure in which the lounge bar will be located, without regard to intervening obstacles.]

[4.] 2. When considering a Special Use Permit application for a lounge bar which also requires a waiver of the distance [limitation] separation requirement in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance separation requirement should be waived and the reasons in support of the decision.

[5.] 3. The minimum distance separation requirement in Requirement 1 does not apply to an establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

[6.] 4. Where associated with a hotel use, alcoholic beverages shall be served and consumed only within

the lounge bar area, within a pool area, or within hotel rooms as incident to room service. Where associated with a mixed-use building, alcoholic beverages shall be served and consumed only within the lounge bar area.

[*7.] *5. The maximum available customer seating in the lounge bar area shall not exceed 50 seats.

[*8.] *6. No gaming-related use may be allowed in the lounge bar area.

[*9.] *7. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

SECTION 26: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Marijuana Cultivation Facility" so that the Minimum Special Use Permit Requirements for that use 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 distance separation between marijuana cultivation facilities and certain other uses that should be protected from the impacts associated with a marijuana cultivation facility. Therefore, except as otherwise provided [below,] in these Requirements, no marijuana cultivation facility 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 museum (public); teen dance center; and martial arts studio that provides instruction to minors.

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

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

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

b. The "property line" of a marijuana cultivation facility refers to:

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

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

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

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

[*4.] *2. When a marijuana cultivation facility authorized pursuant to NRS Chapter 453D (the "Chapter 453D facility") is proposed to be located within a cultivation facility that is authorized pursuant to NRS Chapter 453A (the "Chapter 453A facility"), and the Chapter 453A facility has obtained special use permit approval as of July 1, 2017, the applicable distance separation requirements under Requirement 1 for the proposed Chapter 453D facility shall be those that were in effect at the time of special use permit approval

for the Chapter 453A facility. A Chapter 453D facility that has received special use permit approval, either pursuant to a new special use permit or by means of a review of conditions under an existing special use permit, shall be deemed a conforming use for purposes of this Title.

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

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

[*7.] *5. An air filtration system to be designed by a Nevada licensed engineer shall be provided prior to the issuance of a certificate of occupancy.

[*8.] *6. The Special Use Permit shall be void without further action if the uses ceases for a period exceeding 90 days.

[*9.] *7. A marijuana cultivation facility shall obtain all required approvals from the State of Nevada to operate such a facility prior to the Special Use Permit being exercised pursuant to LVMC 19.16.110.

[10.] 8. The use may not be located under the same roof as another use, except a marijuana cultivation facility, marijuana dispensary or marijuana production facility.

SECTION 27: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Marijuana Dispensary" so that the Minimum Special Use Permit Requirements for that use 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 distance 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,] in these Requirements, 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 museum (public); teen dance center; and martial arts studio that provides instruction to minors.

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

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

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

b. The "property line" of a marijuana dispensary refers to:

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

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

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

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

proposed marijuana dispensary will be located;

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

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

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

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

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

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

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

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

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

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

SECTION 28: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Marijuana Production Facility" so that the Minimum Special Use Permit Requirements for that use 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 distance separation between a marijuana production facility and certain other uses that should be protected from the impacts associated with a marijuana production facility. Therefore, except as otherwise provided [below,] in these Requirements, no marijuana production facility 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 museum (public); teen dance center; and martial arts studio that provides instruction to minors.

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

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

a. The "property line" of a protected use refers to the property line of a fee interest parcel that

has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and

b. The "property line" of a marijuana production facility refers to:

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

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

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

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

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

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

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

[*7.] *5. An air filtration system to be designed by a Nevada licensed engineer shall be provided prior to the

issuance of a certificate of occupancy.

[*8.] *6. Distillation or extraction by combustible solvent is prohibited.

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

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

[11.] 9. The use may not be located under the same roof as another use, except a marijuana cultivation facility, marijuana dispensary or marijuana production facility.

SECTION 29: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Nightclub" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. Because the primary operations of a nightclub often include preparing and serving alcoholic beverages for immediate on-premises consumption and the provision of live entertainment, 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 distance separation between a nightclub and other uses that should be protected from the impacts associated with a nightclub. Therefore, except as otherwise provided [below,] in these Requirements, no nightclub may be located within 1500 feet of a church, synagogue, school, individual care center licensed for more than 12 children or City park.

2. A person [that] who desires to operate a nightclub shall obtain both a nightclub land use entitlement as well as any necessary land use entitlement for the service of alcohol for on-premises consumption. A person lawfully operating a nightclub as defined by this section and LVMC 6.39, prior to December 1, 2014, is not required to obtain a special use permit for the continued operation of such nightclub use. Real property entitled for a nightclub pursuant to this Code shall have no specific [spacing requirements between] distance separation requirements with respect to other nightclubs. However, as the nightclub entitlement is a separate and distinct from any land use entitlement permitting the service of alcohol for on-premises consumption, this provision shall not act to waive or otherwise diminish the specific [spacing] distance separation

requirements between uses entitled for the service of alcohol for on-premise consumption.

[3. The distance separation referred to in Regulation 1 above and Regulation 7 below shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed nightclub which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed nightclub. The distance shall be measured in a straight line without regard to intervening obstacles.

4. For the purpose of Regulation 3, and for that purpose only:

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

b. The "property line" of a nightclub refers to:

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

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

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

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

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

D. The owners of all parcels within the commercial subdivision, including the owner of the nightclub parcel, sign an agreement, satisfactory to the City Attorney, that provides for

perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.]

[5.] 3. The distance separation requirement set forth in Regulation 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

[6.] 4. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.50.

[7.] 5. Except as otherwise provided in Regulation [8] 6 below, no nightclub may be located within 500 feet of any single family dwelling.

[8.] 6. The distance separation requirement set forth in Regulation [7] 5 does not apply to:

a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

b. A nightclub located within the boundaries of the Downtown Entertainment Overlay District or within the boundaries of the Pedestrian Mall as defined by LVMC Chapter 11.68.

c. A nightclub that meets all the following criteria:

i. Is located within a building that has a minimum of 5000 square feet of gross floor area dedicated to the nightclub use.

ii. Is located on a parcel with a minimum net site area of 0.25 acres; and

iii. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston Boulevard and Fremont Street.

[9.] 7. Alcohol service is only permitted in conjunction with the following Title 6 alcoholic beverage licenses: Beer and Wine Room, Tavern, Tavern-Limited, General On-Sale and Urban Lounge.

SECTION 30: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Nightclub" so that the Minimum Special Use Permit Requirements for that use read as follows:

. . .

Minimum Special Use Permit Requirements:

*1. Because the primary operations of a nightclub often include preparing and serving alcoholic beverages for immediate on-premises consumption and the provision of live entertainment, 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 distance separation between a nightclub and other uses that should be protected from the impacts associated with a nightclub. Therefore, except as otherwise provided [below,] in these Requirements, no nightclub may be located within 1500 feet of a church, synagogue, school, individual care center licensed for more than 12 children or City park.

*2. A person [that] who desires to operate a nightclub shall obtain both a nightclub land use entitlement as well as any necessary land use entitlement for the service of alcohol for on-premises consumption. A person lawfully operating a nightclub as defined by this section and LVMC 6.39, prior to December 1, 2014, is not required to obtain a special use permit for the continued operation of such nightclub use. Real property entitled for a nightclub pursuant to this Code shall have no specific [spacing requirements between] distance separation requirements with respect to other nightclubs. However, as the nightclub entitlement is a separate and distinct from any land use entitlement permitting the service of alcohol for on-premises consumption, this provision shall not act to waive or otherwise diminish the specific [spacing] distance separation requirements between uses entitled for the service of alcohol for on-premise consumption.

[*3. The distance separation referred to in Requirement 1 above and Requirement 8 below shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed nightclub which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed nightclub. The distance shall be measured in a straight line without regard to intervening obstacles.

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

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

b. The "property line" of a nightclub refers to:

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

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

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

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

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

D. The owners of all parcels within the commercial subdivision, including the owner of the nightclub parcel, sign an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.]

[5.] 3. The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

[6.] 4. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C) under the following circumstances:

a. In connection with a proposed nightclub that will be located on a parcel within the C-V District; the Market District or Symphony Park District as shown in Figure 3 of the Development Standards adopted in LVMC 19.10.110(B); the Gaming Enterprise Overlay District; the Fremont East Entertainment

District; the 18b Arts District or the Downtown Casino Overlay District;

b. In connection with a proposed nightclub to be located on a parcel within that certain area formerly identified as the Office Core District, described as the area bounded on the north by the centerline of Bridger Avenue, on the east by the centerline of 6th Street, on the south by the centerline of Garces Avenue, and on the west by the eastern edge of the Union Pacific Railroad right-of-way line;

c. In connection with a proposed nightclub that will be located within an establishment which has a non-restricted gaming license and is not exempted pursuant to Requirement 5; or

d. In connection with a proposed nightclub to be operated in conjunction with an establishment that has a tavern-restricted alcoholic beverage license pursuant to LVMC 6.50.253.

[7.] 5. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.50.

[*8.] *6. Except as otherwise provided in Requirement [9] 7 below, no nightclub may be located within 500 feet of any single-family dwelling.

[9.] 7. The distance separation requirement set forth in Requirement [8] 6 does not apply to:

a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

b. A nightclub located within the boundaries of the Downtown Entertainment Overlay District or within the boundaries of the Pedestrian Mall as defined by LVMC Chapter 11.68.

c. A nightclub that meets all the following criteria:

i. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston Boulevard and Fremont Street;

ii. Is located on a parcel with a minimum net site area of 0.25 acres; and

iii. Is located within a building that has a minimum of 5000 square feet of gross floor area dedicated to the nightclub use.

d. A nightclub operated in conjunction with an establishment that has a tavern-restricted alcoholic beverage license pursuant to LVMC 6.50.253.

[*10.] *8. Alcohol service, if any, is permitted only in conjunction with the following Title 6 alcoholic beverage licenses: Beer and Wine Room, Tavern, Tavern-Limited, Tavern-Restricted, General On-Sale and Urban Lounge.

SECTION 31: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Outcall Entertainment Referral Service/Escort Bureau" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

1. The [business] use must be located at least 500 feet from any residentially-zoned property and 1500 feet from any church/house of worship, school, individual care center licensed for more than 12 children or City park. [, measured in each case from property line to property line without regard to intervening obstacles.]

2. No outcall entertainers, escorts or escort runners shall be physically dispatched from the property.

3. No business may be transacted with patrons on the property.

4, Except as may otherwise be required by ordinance or by the Director, there shall be no on-site signage or other advertising of any kind, whether on the property or elsewhere, which advertises the address or physical location of the business.

SECTION 32: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Package Liquor Off-Sale Establishment" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. [Distance Separation Requirements.] Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both minimum distance separation between a package liquor off-sale establishment and other uses that should be protected from impacts associated with a package liquor off-sale establishment and/or possible impacts associated with the saturation of package liquor off-sale establishments in any particular area of the City. Therefore, except as otherwise provided [herein, such

package liquor off-sale establishment use shall be separated from other uses as indicated below:

*a. Except as otherwise provided, no package liquor off-sale establishment (hereinafter "establishment") shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

*b. Except as otherwise provided, no liquor store shall be located within 1000 feet of any other liquor store, liquor establishment (tavern), urban lounge or sexually oriented business.] in these Requirements, no package liquor off-sale establishment shall be located:

a. Within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

b. Within 1000 feet of any other package liquor off-sale establishment, liquor establishment (tavern), urban lounge or sexually oriented business.

[*2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

*3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

b. In the case of a proposed establishment which will be located within a shopping center or

other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.]

[4.] 2. The minimum distance separation requirements in Requirement 1 do not apply to an establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

[5.] 3. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C), but only in connection with a proposed package liquor off-sale establishment that will have an ancillary craft distillery business license and that will be operated in conjunction with a craft distillery that qualifies as such under NRS 597.235.

[*6.] *4. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

[*7.] *5. No package liquor off-sale use shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

[*8.] *6. This use is permitted in the C-PB Zoning District only when it is ancillary to a craft distillery that qualifies as such under NRS 597.235.

SECTION 33: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Pawn Shop" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

2. No outdoor display, sales or storage of any merchandise shall be permitted.

3. No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

4. No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no pawn shop use may be located closer than 1000 feet from any other pawn shop use or

specified financial institution use. [For purposes of this Regulation 4, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.]

SECTION 34: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Pawn Shop" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

*2. No outdoor display, sales or storage of any merchandise shall be permitted.

*3. No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

4. No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no pawn shop use may be located closer than 1000 feet from any other pawn shop use or specified financial institution use. [For purposes of this Regulation 4, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.]

SECTION 35: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Pawn, Auto" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise shall be permitted.

3. Vehicles that have been pawned may not be parked or stored in parking spaces that are designated as off street parking necessary to meet the minimum requirements of this [Subchapter.] Section 19.12.070. Any parking or storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.

4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

5. Window signs shall not:

a. Cover more than 20 percent of the area of all exterior windows;

b. Include flashing lights or neon lighting; or

c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.

6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

7. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

8. No auto pawn use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no auto pawn use may be located closer than 1000 feet from any other auto pawn use, auto title loan use or specified financial institution use. [For purposes of this Regulation 8, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.]

SECTION 36: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Pawn, Auto" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise shall be permitted.

3. Vehicles that have been pawned may not be parked or stored in parking spaces that are designated as off street parking necessary to meet the minimum requirements of this [Subchapter.] Section 19.12.070. Any parking or storage of such vehicles must occur only in spaces that are in excess of the required minimum

parking.

4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

5. Window signs shall not:

a. Cover more than 20 percent of the area of all exterior windows;

b. Include flashing lights or neon lighting; or

c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.

6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.

7. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

8. No auto pawn use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no auto pawn use may be located closer than 1000 feet from any other auto pawn use, auto title loan use or specified financial institution use. [For purposes of this Regulation 8, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.]

SECTION 37: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Restaurant with Alcohol" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

1. No restaurant with alcohol use shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

[2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed restaurant with alcohol which is closest to the existing use to which

the measurement pertains, and the other being the property line of that existing use which is closest to the proposed restaurant with alcohol. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

3. In the case of a restaurant with alcohol proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

a. From the nearest property line of the existing use to the nearest portion of the structure in which the restaurant with alcohol will be located, without regard to intervening obstacles; or

b. In the case of a proposed restaurant with alcohol which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the restaurant with alcohol will be located, without regard to intervening obstacles.]

[4.] 2. When considering a Special Use Permit application for a restaurant with alcohol which also requires a waiver of the distance [limitation] separation requirement in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance separation requirement should be waived and the reasons in support of the decision.

[5.] 3. The minimum distance separation requirement in Requirement 1 does not apply to an establishment which: [has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

6. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government. (C-V only)]

a. Has a nonrestricted gaming license in connection with a hotel having 200 or more guest

rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or

b. Is operated or controlled, or is located on a parcel that is operated or controlled, by an agency or subdivision of local, state or federal government. (C-V only).

[*7.] *4. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

SECTION 38: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Restaurant with Service Bar" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. Any restaurant with service bar must be more than 400 feet from any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

[2. Except as otherwise provided in Regulation 3 below, the minimum distances referred to in Regulation 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed restaurant service bar which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed restaurant service bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

a. Any leasehold parcel; or

b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Regulation 1.

3. In the case of a restaurant with service bar proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Regulation 1 shall be measured in a straight line:

a. From the nearest property line of the existing use to the nearest portion of the structure in which the restaurant with service bar will be located, without regard to intervening obstacles; or

b. In the case of a proposed restaurant with service bar which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the restaurant with service bar will be located, without regard to intervening obstacles.]

[4.] 2. The minimum distance separation requirement in Regulation 1 does not apply to a restaurant with service bar which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

[5.] 3. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

SECTION 39: Title 19, Chapter 12, Section 70, is hereby amending the entry for the use "Salvage or Reclamation of Products (Outdoor)" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. The minimum site area dedicated to this use shall be 25,000 square feet.

2. All areas used for the parking and storage of operable vehicles shall be paved.

3. All stored, damaged, or wrecked vehicles, parts and equipment shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.

4. In addition to the requirements in LVMC 19.08.040((F), mature evergreen trees shall be installed along the perimeter property lines to screen any vehicle parts storage area from surrounding properties.

5. Perimeter walls, a minimum of 8 feet in height, shall be installed along all property lines.

6. Repair activities and vehicle loading and unloading shall be prohibited on adjoining streets and alleys.

7. Service bays with vehicular access from the exterior of the structure shall not face the public rights of way.

8. All on-site lighting shall be stationary and directed away from adjoining properties. All lighting

shall be shielded, hooded or otherwise designed so that direct glare and reflections are contained within the boundaries of the parcel. No light shall extend into any residential zoning district.

9. All repair activities and operations shall be conducted entirely within an enclosed structure. Outdoor hoists shall be prohibited.

10. Repair facilities shall close all windows and doors when performing body and fender work, hammering, sanding or other noise-generating activities.

11. All hazardous materials resulting from the repair, storage, or dismantling operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable Federal, State, and local regulations.

SECTION 40: Title 19, Chapter 12, Section 70, is hereby amending the entry for the use "Senior Citizen Apartments" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. For any development that is over three stories in height:

a. The structures shall be compatible with the scale and massing of the types of development allowed in the applicable zoning district and shall provide a transition to less intensive development.

b. Rooflines and facade elements shall be articulated in order to break down the apparent massing of the structures.

2. The use shall be developed and operated only in connection with ground-level nonresidential development. In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but <u>pedestrian</u> access ways, entryways and community rooms may be located on the ground floor.

3. The [primary resident or guest entryway to the apartments] <u>entryway to individual apartments for residents and guests</u> must be independent of ground floor commercial uses, and must be directly accessible from and oriented to a street.

4. The overall architecture of the front elevation shall highlight the difference in uses through

variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

5. For any development that, in accordance with LVMC 19.08.070, is allowed to exceed the maximum lot coverage provisions set forth in that Section, all landscape buffer requirements and minimum setback requirements for the C-1 District shall be met.

SECTION 41: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Sexually Oriented Business" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. No person shall cause or permit the establishment of any sexually oriented business in an area zoned other than C-M or M. In addition, no person shall cause or permit the establishment of any sexually oriented business within 1000 feet of any other sexually oriented business, church/house of worship, public or private school, individual care facility for children, teen dance center, park or playground. [The distance shall be the shortest distance between two property lines, one being the property line of the proposed sexually oriented business which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed sexually oriented business. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of this Paragraph, the term "property line" refers to property lines of fee interest parcels and not leasehold parcels.]

2. Except as otherwise provided in Regulations 4, 5 and 6, the "establishment" of a sexually oriented business includes the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area or the conversion of an existing business location to any sexually oriented business.

3. Any person establishing a sexually oriented business must first file with the Department the name and address of the business and the type of sexually oriented business to be conducted.

4. Any business existing as of September 16, 1992, that is made nonconforming by the provisions of Ordinance 3674 shall be permitted to remain in operation. However, except as otherwise provided in Regulation 6:

a. No such business may be increased, enlarged, extended or altered, except to change the use to a conforming use; and

b. If any such business is terminated or is abandoned for a period of at least 30 days, any future use of the property shall conform to the provisions of Ordinance 3674.

5. Except as otherwise provided in this Regulation and Regulation 6, the provisions of Regulations 3 and 4 above and the provisions of LVMC Chapter 19.14 shall apply to sexually oriented businesses. However, any existing sexually oriented business located in the M Zoning District that was made nonconforming as to a separation requirement by either of the following circumstances shall be deemed a conforming use for purposes of expansion, enlargement or alteration:

a. The adoption of a different method of measuring distance; or

b. The intervening establishment within the required separation area of either a protected use or another sexually oriented business.

Any such business shall continue to be subject to the provisions regarding discontinuation and removal that are set forth in LVMC 19.14.030(A)(4) and 19.14.040, respectively.

6. The provisions of Regulation 4 and the provisions of Chapter 19.14 that prohibit the expansion, enlargement or alteration of an existing use as described in those provisions shall not apply to an existing nude show or adult emporium located within Area 1 of the Downtown Las Vegas Overlay District, as shown in Figure 2 of the Development Standards adopted in LVMC 19.10.010(B), but only if and to the extent that the following conditions are met:

a. Any expansion, enlargement or alteration, including all required on-site parking, must be contained entirely on the same legally-created parcel on which the use presently exists.

b. The expansion, enlargement or alteration must be approved by means of a Major Site Development Plan Review pursuant to LVMC 19.16.100(G).

c. Except as otherwise provided in Paragraph (d), the discontinuation and abandonment provisions of LVMC 19.14.030(A) shall continue to apply.

d. For a use that is discontinued for purposes of expansion, enlargement or alteration, or in

connection with a foreclosure proceeding, the use shall not be considered terminated or abandoned. However, the building permit or permits necessary to accomplish such expansion, enlargement or alteration must be obtained within 18 months after operations cease and the permits must be exercised completely before they expire. Otherwise, the use shall be deemed abandoned, the nonconforming status lost, and the future use of the property must comply with current zoning requirements.

e. For purposes of this Regulation 6, the expansion, enlargement or alteration of a use includes the rebuilding or replacement of the building or buildings associated with the use.

7. Nothing in this Title pertaining to sexually oriented businesses is intended to make legal any business or activity that is expressly declared illegal under any other provisions of the Municipal Code or under any State or Federal laws.

8. The Special Use Permit provisions of LVMC 19.12.040(B) do not apply to a sexually oriented business.

SECTION 42: Title 19, Chapter 12, Section 70, is hereby amending the entry for the use "Short-Term Residential Rental" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. The operator must obtain a business license to operate the use.

2. The use must comply on an ongoing basis with all governmental licensing and regulatory requirements, including the payment of applicable room taxes and licensing fees.

3. The use must comply with the City's noise regulations as they apply to residential uses.

4. The use may not be located closer than 660 feet to any other Short-Term Residential Rental use. [(measured from property line to property line).]

5. Vehicle parking associated with the use shall comply with applicable parking regulations, and vehicles of guests and invitees shall not obstruct traffic or access to other properties in the area.

6. In addition to and independent of any enforcement authority or remedy described in this Title, the failure to comply with a Conditional Use Regulation associated with this use may be enforced as in the case of a violation of Title 6 by means of a civil proceeding pursuant to LVMC 6.02.400 to 6.02.460, inclusive.

7. On any particular parcel, the use is limited to a single residential dwelling unit that is owner-occupied during each period the unit is rented and that has no more than three bedrooms, with a maximum occupancy not to exceed the limits set forth in LVMC 6.75.090. The dwelling unit is presumed to have the number of bedrooms indicated in the records of the Clark County Assessor's Office that pertain to that unit, but that presumption may be rebutted by inspection or other competent evidence. For purposes of this Regulation 7:

a. "Owner" includes any person who is listed as an owner of record of the unit in the records of the Clark County Assessor or, in the case of a unit that is owned by a trust or other corporate or legal entity, a trustee or principal of that trust or entity.

b. A dwelling unit qualifies as "owner-occupied during each period the unit is rented" only if the dwelling unit is the owner's primary residence, the owner continues to reside at the unit throughout the rental period, and the owner's absence, if any, from the unit during the rental period is attributable only to employment or to the running of typical personal or household errands.

8. The use is allowed in the P-O, O, C-1, C-2 and C-PB Zoning Districts only in connection with the residential component of a mixed-use development or in a dwelling unit permitted as a legal nonconforming use.

9. The Special Use Permit provisions of LVMC 19.12.040(B) do not apply to this use.

SECTION 43: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Social Use Venue" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

*1. Pursuant to its general authority to regulate the use of marijuana within business establishments, 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 <u>distance</u> separation between a social use venue and certain other uses that should be protected from the impacts associated with a social use venue. Therefore, except as otherwise provided [below,] <u>in these Requirements,</u> no social use venue 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 museum (public); teen dance center; and martial arts studio that provides instruction to minors.

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

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

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

b. The "property line" of a social use venue refers to:

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

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

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

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

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

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

[*4.] *2. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently exist and may be hereafter amended.

[*5.] *3. The Special Use Permit shall be void without further action if the use ceases for a period exceeding 90 days.

[*6.] *4. No Special Use Permit for this use is available for any parcel that is located within 1000 feet of a parcel on which nonrestricted gaming is conducted. [, measured as described in Minimum Special Use Permit Requirement 2.] The prohibition in the preceding sentence does not apply to any parcel regarding which a Special Use Permit for a marijuana dispensary has been approved.

SECTION 44: Title 19, Chapter 12, Section 70, is hereby amending the entry for the use "Teen Dance Center" so that the Conditional Use Regulations for that use read as follows:

Conditional Use Regulations:

1. The establishment must be located more than 1000 feet from any sexually oriented business. [The distance shall be the shortest distance between the property line of the proposed teen dance center which is closest to the existing sexually oriented business, and the other being the property line of the sexually oriented business which is closest to the proposed teen dance center. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of this paragraph, the term "property line" refers to property lines of fee interest parcels and not leasehold parcels.]

2. The hours of operation shall be limited to the period between 6:00 p.m. and midnight.

3. The floor area shall not exceed 5000 square feet.

SECTION 45: Title 19, Chapter 18, Section 10, is hereby amended to read as follows:

19.18.010 General

Terms which are used in this Title and are not specifically defined shall be given their ordinary meaning, unless the context requires or suggests otherwise. Of necessity, the limitations of language and space make it impossible to draft ordinance provisions that can anticipate every conceivable factual possibility and conclusively answer every possible difference in interpretation or focus. For those reasons, there inevitably will be questions of interpretation and intent that cannot be resolved by ordinance language to the complete satisfaction of all who have an interest or stake in ordinance language. Taking into account the foregoing, as well as the common law discretion afforded to governmental agencies in the interpretation of statutes and ordinances, the City Council declares that, [In] in the case of ambiguity or uncertainty concerning the meaning of a particular term, whether or not defined, the Director and staff of the Department shall have the authority to assign an interpretation which is consistent with the intent and purpose of this Title, or an interpretation which is consistent with previous usage or interpretation. That authority includes without limitation the authority to interpret, based on the context and intent, whether the words "and" and "or" are used as:

A. Facilitating language;

B. Limiting language; or

C. Choice-providing language, including to whom any choice belongs.

SECTION 46: Title 19, Chapter 18, Section 20, is hereby amended by amending the definition of the term "Access" to read as follows:

Access. A way or means of approach to provide vehicular or pedestrian physical entrance to a property. In general, the type of access or accesses intended will be specified in the Code. Where not specified in any particular case, the determination whether the term refers to vehicular access, pedestrian access, or both, will depend on the context. The use of the term may not always be intended to denote a particular type of access

in every case, or to indicate or suggest that access of any kind at anyone's choice is always intended. Instead, like many terms defined in this Section, the intent in using the term in a particular context may be for it to encompass more than one type of access, used for the sake of convenience rather than for the sake of dictating a particular result or denoting that any particular access is acceptable, unrelated to context.

SECTION 47: Title 19, Chapter 18, Section 20, is hereby amending the definition of the term "Assisted Living Apartment" to read as follows:

Assisted Living Apartment. An apartment or apartment complex which provides personal care services to senior citizens for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, monitoring of medication, or assistance with bathing. The term includes commercial uses that are ancillary to an apartment complex as long as the total amount of floor space dedicated to such uses does not exceed 5% of the total gross floor area of the apartment complex, [and] there is no external signage for [, nor external access to,] the commercial uses[.], and those uses are not accessible other than internally and only to persons residing within the apartment or apartment complex. The term does not include a convalescent care facility/nursing home or other medical facility that is specifically defined in this Chapter.

SECTION 48: Title 19, Chapter 18, Section 30, is hereby amended by adding thereto a new subsection (F), reading as follows:

F. Distance Separation

1. Numerous provisions of this Code require distance separations between uses. Generally, such requirements are designed to protect certain uses from actual or potential adverse impacts of other uses, or to reduce or eliminate the effects of a concentration or clustering of the impacts of certain uses. Such distance separation requirements normally operate to limit new development rather than 1) operating as a per se prohibition of certain existing uses within a certain distance of each other or 2) prohibiting a protected use from being established near a use that might negatively impact that protected use. Phrases that are used in this Title to express such distance separation requirements include without limitation 1) the prohibition of a particular use within a certain distance from another specified use, 2) a statement that a particular use may

not be located closer than a specified distance from another use, and 3) a statement that a particular use must be located at least a specified distance from another specified. In some cases the required distance separation is between uses of the same kind, while in others between uses of different kinds as specified. Where a particular type or means or standard of measurement is specified, that specification governs. Otherwise, the provisions of this Subsection (F) shall be applied and govern regarding the determination and measurement of distance separation requirements, no matter what terminology is used to express that requirement.

2. Unless otherwise specifically provided by this Title, distance separation is measured horizontally, without regard for elevation change or intervening obstacles, as the shortest straight-line distance between the lot lines of the properties containing the two uses.

3. When either of two uses subject to a distance separation requirement is located within the boundaries of a commercial or residential subdivision as defined in NRS Chapter 278, the following provisions apply:

a. For a protected use or other use that might be subjected to potentially negative impacts, "lot line" refers to the boundary of a lot established by the final map for the subdivision, and does not include the boundary of a condominium parcel or a parcel established by a record of survey.

b. For a proposed use, "lot line" refers to the boundary of a lot established by the final map for the subdivision, and does not include the boundary of a condominium parcel.

c. For a proposed use, "lot line" refers to the boundary of a lot established by the final map for the subdivision, and does not include the boundary of a parcel established by a record of survey unless all of the following provisions are met:

i. Using the parcel line of the parcel created by the record of survey for the purpose of measuring the distance separation would qualify that parcel under the distance separation requirement;

ii. All parking spaces required by Section 19.12.070 for the use are located on the same parcel created by the record of survey and containing the use;

iii. The use has direct pedestrian and vehicular access (both ingress and

egress) from a street having a minimum right-of-way width of 100 feet. The required pedestrian and vehicular access must be located within the parcel lines of the parcel created by the Record of Survey and on which the use is located; and

iv. If the access provided on the subject parcel to meet the requirements of Subsubparagraph (iii) above also provides access to and from other parcels within a commercial subdivision, or if parking within the subdivision is shared, then an agreement satisfactory to the City Attorney that provides reciprocal cross-access, ingress and egress and/or parking throughout the commercial subdivision is required.

4. The provisions of this Subsection (F) are not subject to the provisions of this Title pertaining to exceptions, deviations, waivers or variances.

SECTION 49: For purposes of Section 2.100(3) of the City Charter, Sections 19.00.080, 19.12.070, 19.18.020 and 19.18.030 are deemed to be subchapters rather than sections.

SECTION 50: The Department of Planning is authorized and directed to incorporate into the Unified Development Code the amendments set forth in Sections 2 to 48, inclusive, of this Ordinance.

SECTION 51: 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, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 52: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of

not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 53: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 6th day of November, 2019.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

_____ 10-14-19
Val Steed, Date
Deputy City Attorney

The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of September, 2019, and referred to a committee for recommendation; thereafter the said committee reported favorably on said ordinance on the 6th day of November, 2019, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE":	Mayor Goodman and Councilmembers Fiore, Anthony, Crear, Knudsen and Diaz
VOTING "NAY":	None
EXCUSED:	Seaman
ABSTAINED:	None

APPROVED:

CAROLYN G. GOODMAN, Mayor

ATTEST:

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 0001073671

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 10/24/2019 to 10/24/2019, on the following days:

10 / 24 / 19

FIRST AMENDMENT

BILL NO. 2019-31

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF THE UNIFIED DEVELOPMENT CODE (LVMC TITLE 19) TO PROVIDE CLARIFICATION AND STANDARDIZATION RELATING TO DISTANCE SEPARATION STANDARDS AND MEASUREMENTS, CLARIFY WHEN ACCESS-RELATED STANDARDS REFER TO VEHICULAR ACCESS OR PEDESTRIAN ACCESS (OR BOTH); ESTABLISH ADDITIONAL STANDARDS REGARDING THE INTERPRETATION OF TERMS; AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Robert Summerfield,
Director of Planning

Summary: Amends various provisions of the Unified Development Code (LVMC Title 19) to provide clarification and standardization relating to distance separation standards and measurements, clarify when access-related standards refer to vehicular access or pedestrian access (or both), and establish additional standards regarding the interpretation of terms.

At the City Council meeting of September 18, 2019

BILL NO. 2019-31 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: October 24, 2019
LV Review-Journal

/S/
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 24th day of October, 2019

Notary

MARY A. LEE
Notary Public, State of Nevada
Appointment No. 09-8941-1
My Appt. Expires Dec 15, 2020

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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CITY CLERK

2019 NOV 18 A 11:53

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001077535

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 11/09/2019 to 11/09/2019, on the following days:

11 / 09 / 19

/S/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 11th day of November, 2019

Notary _____

MARY A. LEE
Notary Public, State of Nevada
Appointment No. 09-8941-1
My Appt. Expires Dec 15, 2020

FIRST AMENDMENT

BILL NO. 2019-31
Ordinance No. 6708

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF THE UNIFIED DEVELOPMENT CODE (LVMC TITLE 19) TO PROVIDE CLARIFICATION AND STANDARDIZATION RELATING TO DISTANCE SEPARATION STANDARDS AND MEASUREMENTS, CLARIFY WHEN ACCESS-RELATED STANDARDS REFER TO VEHICULAR ACCESS OR PEDESTRIAN ACCESS (OR BOTH); ESTABLISH ADDITIONAL STANDARDS REGARDING THE INTERPRETATION OF TERMS; AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Robert Summerfield,
Director of Planning

Summary: Amends various provisions of the Unified Development Code (LVMC Title 19) to provide clarification and standardization relating to distance separation standards and measurements, clarify when access-related standards refer to vehicular access or pedestrian access (or both), and establish additional standards regarding the interpretation of terms.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of September, 2019, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 6th day of November, 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 amended and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Anthony, Crear, Knudsen, and Diaz

VOTING "NAY": NONE

EXCUSED:
Councilwoman Seaman

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: Nov. 9, 2019
LV Review-Journal