

FIRST AMENDMENT

BILL NO. 2019-46

ORDINANCE NO. 6718

AN ORDINANCE TO AMEND THE MINIMUM SPECIAL USE PERMIT REQUIREMENTS APPLICABLE TO MARIJUANA DISPENSARIES, AS FOUND IN LVMC 19.12.070, TO REQUIRE A 1000-FOOT MINIMUM DISTANCE SEPARATION BETWEEN MARIJUANA DISPENSARIES; INCORPORATE DISTANCE SEPARATION REQUIREMENTS BETWEEN MARIJUANA DISPENSARIES AND NONRESTRICTED GAMING ESTABLISHMENTS, AS FOUND IN STATE LAW; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Brian Knudsen

Summary: Amends the Minimum Special Use Permit requirements applicable to marijuana dispensaries, as found in LVMC 19.12.070, to require a 1000-foot minimum distance separation between marijuana dispensaries, and to incorporate distance separation requirements between marijuana dispensaries and nonrestricted gaming establishments, as found in State law.

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 Section 2 of this Ordinance. The amendment is deemed to be an amendment to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "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 in these Requirements, no marijuana dispensary may

1 be located within 1000 feet of any school, or within 300 feet of any of the following uses:

- 2 a. City park;
- 3 b. Church/house of worship;
- 4 c. Individual care - family home, individual care - group home, or individual care center (in
- 5 each case licensed for the care of children);
- 6 d. Community recreational facility (public); or
- 7 e. Any use whose primary function is to provide recreational opportunities to minors.

8 Such uses include without limitation commercial recreation/amusement (indoor or outdoor); library, art

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

10 2. Independent of the minimum distance separation requirements in Requirement 1, no marijuana

11 dispensary may be located within 1000 feet of any other marijuana dispensary, whether or not that other

12 dispensary is located within the jurisdictional limits of the City.

13 [*2.] *3. When a retail marijuana store authorized pursuant to NRS Chapter 453D (the "Chapter

14 453D facility") is proposed to be located within a medical marijuana dispensary that is authorized pursuant

15 to NRS Chapter 453A (the "Chapter 453A facility"), and the Chapter 453A facility has obtained special use

16 permit approval as of July 1, 2017, the applicable distance separation requirements under Requirement 1 for

17 the proposed Chapter 453D facility shall be those that were in effect at the time of special use permit approval

18 for the Chapter 453A facility. A Chapter 453D facility that has received special use permit approval, either

19 pursuant to a new special use permit or by means of a review of conditions under an existing special use

20 permit, shall be deemed a conforming use for purposes of this Title.

21 [*3.] *4. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently

22 exist and may be hereafter amended.

23 [*4.] *5. No outside storage shall be permitted, including the use of shipping containers for on-site storage.

24 [*5.] *6. Subject to the requirements of applicable building and fire codes, public access to the building

25 shall be from one point of entry and exit, with no other access to the interior of the building permitted.

26 [*6.] *7. No drive-through facilities shall be permitted in conjunction with a marijuana dispensary.

1 [*7.] *8. The Special Use Permit shall be void without further action if the uses ceases for a period
2 exceeding 90 days.

3 [*8.] *9. A marijuana dispensary shall obtain all required approvals from the State of Nevada to operate
4 such a facility prior to the Special Use Permit being exercised pursuant to LVMC 19.16.110.

5 [*9.] *10. No marijuana dispensary shall be located:

6 a. ~~[on]~~ On any property which abuts Fremont Street west of 8th Street~~].~~; or

7 b. Within 1500 feet of an establishment that holds a nonrestricted gaming license described
8 in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed
9 marijuana dispensary was submitted to the City, but only if and to the extent the location of the proposed
10 marijuana dispensary would be prohibited by Chapter 595, Statutes of Nevada 2019 (Assembly Bill 533).

11 *11. An application for a Special Use Permit for a marijuana dispensary must include or be
12 accompanied by a survey that depicts the minimum distance separation buffers of 300, 1000 and 1500 that
13 are referenced within these Minimum Special Use Permit Requirements, as well as the location of all the uses
14 regarding which the separation distances are established. The survey must be signed and stamped or sealed
15 by a surveyor who holds a current license from the Nevada Board of Engineers and Land Surveyors.

16 SECTION 3: For purposes of Section 2.100(3) of the City Charter, Section 19.12.070
17 is deemed to be a subchapter rather than a section.

18 SECTION 4: The Department of Planning is authorized and directed to incorporate into
19 the Unified Development Code the amendment set forth in Section 2 of this Ordinance.

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

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 20th day of November, 2019, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 18th day of December,
4 2019, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council and adopted by the following
6 vote:

7 VOTING "AYE": Mayor Pro Tem Fiore and Councilmembers Anthony, Crear,
8 Knudsen, Seaman and Diaz

9 VOTING "NAY": None

10 EXCUSED: Mayor Goodman

11 ABSTAINED: None

12
13
14 APPROVED:

15 
16 MICHELE FIORE, Mayor Pro Tem

17 ATTEST:

18 
19 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2019 DEC 10 A 11: 26

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001080911

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 12/05/2019 to 12/05/2019, on the following days:

12 / 05 / 19

FIRST AMENDMENT

BILL NO. 2019-46

AN ORDINANCE TO AMEND THE MINIMUM SPECIAL USE PERMIT REQUIREMENTS APPLICABLE TO MARIJUANA DISPENSARIES, AS FOUND IN LVMC 19.12.070, TO REQUIRE A 1000-FDDT MINIMUM DISTANCE SEPARATION BETWEEN MARIJUANA DISPENSARIES; INCORPORATE DISTANCE SEPARATION REQUIREMENTS BETWEEN MARIJUANA DISPENSARIES AND NONRESTRICTED GAMING ESTABLISHMENTS, AS FOUND IN STATE LAW; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Brian Knudsen

Summary: Amends the Minimum Special Use Permit requirements applicable to marijuana dispensaries, as found in LVMC 19.12.070, to require a 1000-foot minimum distance separation between marijuana dispensaries, and to incorporate distance separation requirements between marijuana dispensaries and nonrestricted gaming establishments, as found in State law.

At the City Council meeting of
November 20, 2019

BILL NO. 2019-46 WAS READ-BY
TITLE
AND REFERRED TO THE
RECOMMENDING COMMITTEE

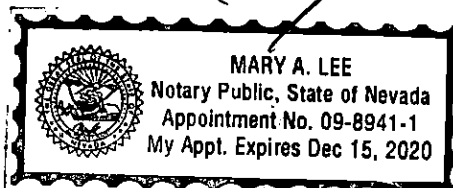
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA

PUB: Dec. 5, 2019
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 5th day of December, 2019


Notary



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2019 DEC 30 A 11: 27

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001083853

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 12/21/2019 to 12/21/2019, on the following days:

12 / 21 / 19

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of November, 2019, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 18th day of December, 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:

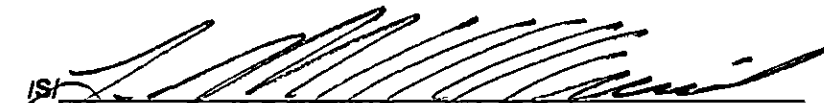
VDING "AYE": Mayor Pro Tem Flore and Councilmembers Anthony, Crear, Knudsen, Seaman, and Diaz

VOTING "NAY": NDNE

EXCUSED: Mayor Goodman

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: Dec. 21, 2019
LV Review-Journal

IS/ 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of December, 2019

Notary 