

1 **BILL NO. 2021-8**

2 **ORDINANCE NO. 6771**

3 AN ORDINANCE TO AMEND LVMC 19.12.070, AS IT PERTAINS TO CANNABIS DISPENSARIES,  
4 TO REMOVE THE PROHIBITION OF DRIVE-THROUGH FACILITIES, AND TO PROVIDE FOR  
OTHER RELATED MATTERS.

5 Sponsored by: Councilwoman Michele Fiore

Summary: Amends LVMC 19.12.070, as it  
6 pertains to cannabis dispensaries, to remove the  
prohibition of drive-through facilities.

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

9 SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19  
10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended as set forth in  
11 Section 2 of this Ordinance. The amendment is deemed to be an amendment to both Ordinance No. 6289 and  
12 the Unified Development Code adopted as Title 19.

13 SECTION 2: Title 19, Chapter 12, Section 70, is hereby amended by amending the  
14 Minimum Special Use Permit Requirements for the use "Cannabis Dispensary" to read as follows:

15 **Minimum Special Use Permit Requirements:**

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

- 22 a. City park;
- 23 b. Church/house of worship;
- 24 c. Individual care - family home, individual care - group home, or individual care center (in  
25 each case licensed for the care of children);
- 26 d. Community recreational facility (public); or

1 e. Any use whose primary function is to provide recreational opportunities to minors. Such uses  
2 include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery or  
3 museum (public); teen dance center; and martial arts studio that provides instruction to minors.

4 2. Independent of the minimum distance separation requirements in Requirement 1, no cannabis  
5 dispensary may be located within 1000 feet of any other cannabis dispensary, whether or not that other  
6 dispensary is located within the jurisdictional limits of the City.

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

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

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

12 \*6. [No drive-through facilities shall be permitted in conjunction with a cannabis dispensary.

13 \*7.] The Special Use Permit shall be void without further action if the use ceases for a period exceeding  
14 90 days.

15 [\*8.] \*7. A cannabis dispensary shall obtain all required approvals from the State of Nevada to operate  
16 such a facility prior to the Special Use Permit being exercised pursuant to LVMC 19.16.110.

17 [\*9.] \*8. No cannabis dispensary shall be located:

18 a. On any property which abuts Fremont Street west of 8th Street; or

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

23 [\*10.] \*9. An application for a Special Use Permit for a cannabis dispensary must include or be  
24 accompanied by a survey that depicts the minimum distance separation buffers of 300, 1000 and 1500 that  
25 are referenced within these Minimum Special Use Permit Requirements, as well as the location of all the uses  
26 regarding which the separation distances are established. The survey must be signed and stamped or sealed

1 by a surveyor who holds a current license from the Nevada Board of Engineers and Land Surveyors.

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

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

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

13 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared to  
14 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required  
15 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of  
16 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon  
17 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of  
18 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation  
19 of this ordinance shall constitute a separate offense.

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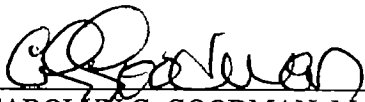
25 ...

26 ...

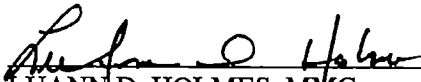
1 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,  
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983  
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 3<sup>rd</sup> day of March, 2021.


5 APPROVED:

6 By   
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9   
10 LUANN D. HOLMES, MIC  
City Clerk

11 APPROVED AS TO FORM:

12  1-19-21  
13 Val Steed, Date  
Deputy City Attorney

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 3<sup>rd</sup> day of February, 2021, and referred to a committee for recommendation; hereafter the committee reported favorably on said ordinance on the 3<sup>rd</sup> day of March, 2021, which as a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council and adopted by the following vote:

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

APPROVED:

  
\_\_\_\_\_  
CAROLYN G. GOODMAN, Mayor

ATTEST:

  
\_\_\_\_\_  
LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

RECEIVED  
CITY CLERK

2021 FEB 22 A 11:46

LV CITY CLERK  
495 S MAIN ST  
LAS VEGAS NV 89101

Account # 22515  
Ad Number 0001136873

Eileen Gallagher, 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 02/18/2021 to 02/18/2021, on the following days:

02 / 18 / 21

**BILL NO. 2021-8**

AN ORDINANCE TO AMEND LVMC 19.12.070, AS IT PERTAINS TO CANNABIS DISPENSARIES, TO REMOVE THE PROHIBITION OF DRIVE-THROUGH FACILITIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:  
Councilwoman Michele Fiore

Summary: Amends LVMC 19.12.070, as it pertains to cannabis dispensaries, to remove the prohibition of drive-through facilities.

At the City Council meeting of  
February 3, 2021

BILL NO. 2021-8 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

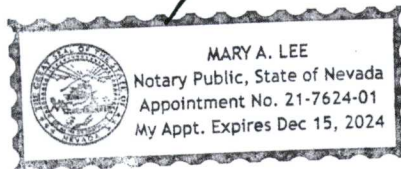
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: Feb. 18, 2021  
LV Review-Journal

*Eileen Gallagher*  
\_\_\_\_\_  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 19th day of February, 2021

Notary *Mary Lee*  
\_\_\_\_\_



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

RECEIVED  
CITY CLERK

2021 MAR 15 A 11: 56

LV CITY CLERK  
495 S MAIN ST  
LAS VEGAS NV 89101

Account # 22515  
Ad Number 0001138884

Eileen Gallagher, 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 03/06/2021 to 03/06/2021, on the following days:

03 / 06 / 21

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Sponsored by: Councilwoman Michele Fiore  
Summary: Amends LVMC 19.12.070, as it pertains to cannabis dispensaries, to remove the prohibition of drive-through facilities.  
The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of February, 2021, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 3rd day of March, 2021, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:  
VOTING "AYE": Councilmembers Anthony, Fiore, Crear, Knudsen, Seaman and Diaz  
VOTING "NAY": NONE  
ABSTAINED: Mayor Goodman  
EXCUSED: NONE  
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA  
PUB: March 6, 2021  
LV Review-Journal

ISI Eileen Gallagher  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 8th day of March, 2021

Notary Mary Lee

