

BILL NO. 2002-41

ORDINANCE NO. 5463

AN ORDINANCE TO AMEND THE ZONING CODE REGARDING THE MINIMUM 400-FOOT SEPARATION BETWEEN LIQUOR ESTABLISHMENTS (OFF-PREMISE CONSUMPTION) AND CERTAIN PROTECTED USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer,
Director of Planning and Development

Summary: Allows certain retail uses a waiver from the minimum 400-foot separation requirement pertaining to liquor establishments (off-premise consumption).

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

SECTION 1: Section 19A.04.050(B) of the Zoning Code of the City of Las Vegas is hereby amended so that the subdivision entitled "Liquor Establishment (Off-Premise Consumption)" reads as follows, with the brackets included in the heading indicating the brackets normally found in the Zoning Code, and the brackets found in the text of the amendment representing matter deleted by this amendment:

LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) [C-1, C-2, C-M, M]

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 requiring that:

*1. No beer/wine/cooler on-sale, beer/wine/cooler off-sale, beer/wine/cooler on-off-sale, package, wholesale general use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children or City park.

*2. Except as otherwise provided in Paragraph 3 below, the distances referred to in Paragraph 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (off-premise consumption) 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 (off-premise consumption). 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

026968

1 include the property line of:

2 **a.** Any leasehold parcel; or

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

5 ***3.** In the case of a liquor establishment (off-premise consumption) proposed to be located on a
6 parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be
7 measured in a straight line:

8 **a.** From the nearest property line of the existing use to the nearest portion of the structure
9 in which the liquor establishment (off-premise consumption) will be located, without regard to
10 intervening obstacles; or

11 **b.** In the case of a proposed liquor establishment (off-premise consumption) which will
12 be located within a shopping center or other multiple-tenant structure, from the nearest property line
13 of the existing use to the nearest property line of a leasehold or occupancy parcel in which the liquor
14 establishment will be located, without regard to intervening obstacles.

15 **4.** When considering a Special Use Permit application for a liquor establishment for off-premise
16 consumption which also requires a waiver of the distance limitation in Paragraph 1, the Planning
17 Commission shall take into consideration the distance policy and shall, as part of its recommendation
18 to the City Council, state whether the distance requirement should be waived and the reasons in
19 support of the decision.

20 **5.** The minimum distance requirements in Paragraph 1 do not apply to:

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

24 **b.** A proposed retail establishment having more than 50,000 square feet or retail floor
25 space.

26 ***6.** All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50
27 of the Las Vegas Municipal Code.

28 **7.** The minimum distance requirements set forth in Paragraph 1, which are otherwise

1 nonwaivable under the provisions of this subdivision, may be waived:

2 **a.** In accordance with the provisions of Subsection 19A.040.050(A)(4) for any liquor
3 establishment for off-premise consumption which is proposed to be located on a parcel [with frontage
4 along Fremont Street between Main Street and Las Vegas Boulevard;] within the Downtown Casino
5 Overlay District;

6 **b.** In accordance with the applicable provisions of the “Town Center Development
7 Standards Manual” for any liquor establishment for off-premise consumption which is proposed to
8 be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main
9 Street Mixed Use) in the Town Center Land Use Plan; [or]

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

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

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

24 SECTION 3 All ordinances or parts of ordinances or sections, subsections, phrases,

25 ...

26 ...

27 ...

28

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 3rd day of April, 2002.

4 APPROVED:

5
6 By 
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9 
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 2-21-02
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 6th day of March, 2002, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 3rd day of April, 2002, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as first introduced and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman and Councilmembers Reese, M. McDonald, Brown, L.B.
7 McDonald, Weekly and Mack

8 VOTING "NAY": None

9 EXCUSED: None

10 APPROVED:

11 
12 _____
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 
16 _____
17 BARBARA JO RONEMUS, City Clerk
18
19
20
21
22
23
24
25
26

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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,

LV CITY CLERK
2126150

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 03/22/02 to 03/22/2002, on
the following days: MARCH 22, 2002

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

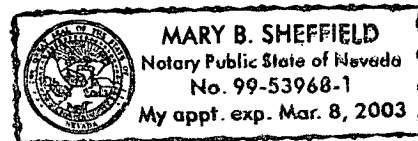
26

day of _____ 2002

March

Notary Public

Mary B. Sheffield



BILL NO. 2002-41

AN ORDINANCE TO AMEND THE ZONING CODE REGARDING THE MINIMUM 400-FOOT SEPARATION BETWEEN LIQUOR ESTABLISHMENTS (OFF-PREMISE CONSUMPTION) AND CERTAIN PROTECTED USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer, Director of Planning and Development
Summary: Allows certain retail uses a waiver from the minimum 400-foot separation requirement pertaining to liquor establishments (off-premise consumption).

At a City Council meeting MARCH 6, 2002
BILL NO. 2002-41 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 STEWART AVENUE, LAS VEGAS, NEVADA
PUB: Mar. 22, 2002
LV Review-Journal

RECEIVED
CITY CLERK

2002 MAR 28 P 2:30

AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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,

LV CITY CLERK
2146423

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 04/06/02 to 04/06/2002, on
the following days: APRIL 6, 2002

BILL NO. 2002-41
ORDINANCE NO. 5463

AN ORDINANCE TO AMEND
THE ZONING CODE RE-
GARDING THE MINIMUM
400-FOOT SEPARATION BE-
TWEEN LIQUOR ESTAB-
LISHMENTS (OFF-PREMISE
CONSUMPTION) AND CER-
TAIN PROTECTED USES,
AND TO PROVIDE FOR
OTHER RELATED MAT-
TERS.

Proposed by: Robert S.
Genzer, Director of Plan-
ning and Development
Summary: Allows certain
retail uses a waiver from
the minimum 400-foot
separation requirement
pertaining to liquor estab-
lishments (off-premise
consumption).

The above and foregoing
ordinance was first pro-
posed and read by title to
the City Council on the 6th
day of March, 2002, and re-
ferred to a committee for
recommendation; thereaf-
ter the committee report-
ed favorably on said ordi-
nance on the 3rd day of
April, 2002, 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 fol-
lowing vote:

VOTING "AYE": Mayor
Goodman and Council-
members Reese, M. McDo-
nald, Brown, L.B. McDo-
nald, Weekly and Mack
VOTING "NAY": NONE
EXCUSED: NONE

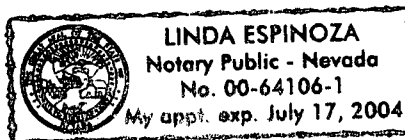
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILA-
BLE FOR PUBLIC INFORMA-
TION IN THE OFFICE OF
THE CITY CLERK, 1ST
FLOOR, 400 STEWART AVE-
NUE, LAS VEGAS, NEVADA.
PUB: Apr. 6, 2002
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10th

day of April 2002

Linda Espinoza
Notary Public



RECEIVED
CITY CLERK

2002 APR 23 A 10:30