

FIRST AMENDMENT

BILL NO. 98-57

ORDINANCE NO. 5103

AN ORDINANCE RELATING TO ZONING; AMENDING VARIOUS SUBDIVISIONS OF TITLE 19A, CHAPTER 4, SUBCHAPTER 50, SECTION (B) OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REVISE THE METHOD OF MEASURING MINIMUM DISTANCES RELATIVE TO LIQUOR ESTABLISHMENTS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:
Councilman Arnie Adamsen

Summary: Amends the Zoning Code to revise the method of measuring minimum distances relative to liquor establishments.

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

SECTION 1: Title 19A, Chapter 4, Subchapter 50, Section (B) of the Zoning Code of the City of Las Vegas is hereby amended by amending the subdivision entitled "Hotel Lounge Bar" to read as follows:

HOTEL LOUNGE BAR [C-2, C-PB, C-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 hotel lounge bar business 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] the minimum distances referred to in Paragraph 1 shall be [measured in a straight line from the primary public entrance of the church, synagogue, child care facility or school, and from the nearest property line of a City park to the primary public entrance of the proposed hotel lounge bar, disregarding all intervening obstacles.] determined with reference to the shortest distance between two property lines, one being the property line of the proposed hotel 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 hotel lounge bar. The distance shall be measured in a straight line without

027185

1 regard to intervening obstacles. For purposes of measurement, the term "property line" refers to
2 property lines of fee interest parcels and does not include the property line of:

- 3 a. Any leasehold parcel; or
4 b. Any parcel which lacks access to a public street or has no area for on-
5 site parking and which has been created so as to avoid the distance limitation described in Paragraph
6 1.

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

11 [3.] 4. When considering a Special Use Permit application for a hotel lounge bar which
12 also requires a waiver of the distance limitation [on] in Paragraph 1, the Planning Commission shall
13 take into consideration the distance policy and shall, as part of its recommendation to the City
14 Council, state whether the distance requirement should be waived and the reasons in support of the
15 decision.

16 [4.] 5. The minimum distance requirement in Paragraph 1 does not apply to an
17 establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more
18 guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200
19 guest rooms after July 1, 1992.

20 [*5.] *6. All businesses which sell alcoholic beverages shall conform to the provisions
21 of Chapter 6.50 of the Las Vegas Municipal Code.

22 SECTION 2: Title 19A, Chapter 4, Subchapter 50, Section (B) of the Zoning Code
23 of the City of Las Vegas is hereby amended by amending the subdivision entitled "Liquor
24 Establishment (Off-Premise Consumption)" to read as follows:

25 **LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION)**

26 **[C-1, C-2, C-M, M]**

27 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City
28 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] the distances referred to in Paragraph 1 shall be [measured in a straight line from the primary public entrance of the church, synagogue, school or child care facility, and from the nearest property line of a City park to the primary public entrance of the proposed liquor establishment premises, disregarding all intervening obstacles.] 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 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 Paragraph 1.

3. In the case of a liquor establishment (off-premise consumption) proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 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 liquor establishment (off-premise consumption) will be located, without regard to intervening obstacles; or

b. In the case of a proposed liquor establishment (off-premise consumption) 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

1 parcel in which the liquor establishment will be located, without regard to intervening obstacles.

2 [3.] 4. When considering a Special Use Permit application for a liquor establishment
3 for off-premise consumption which also requires a waiver of the distance limitation in Paragraph 1,
4 the Planning Commission shall take into consideration the distance policy and shall, as part of its
5 recommendation to the City Council, state whether the distance requirement should be waived and
6 the reasons in support of the decision.

7 [4.] 5. The minimum distance requirement in Paragraph 1 does not apply to an
8 establishment which has a non-restricted gaming license in connection with a hotel having 200 or
9 more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of
10 200 guest rooms after July 1, 1992.

11 [*5.] *6. All businesses which sell alcoholic beverages shall conform to the provisions
12 of Chapter 6.50 of the Las Vegas Municipal Code.

13 SECTION 3: Title 19A, Chapter 4, Subchapter 50, Section (B) of the Zoning Code
14 of the City of Las Vegas is hereby amended by amending the subdivision entitled "Liquor
15 Establishment (Tavern)" to read as follows:

16 **LIQUOR ESTABLISHMENT (TAVERN) [C-1 THROUGH M]**

17 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City
18 Council declares that the public health, safety and general welfare of the City are best promoted and
19 protected by requiring that:

20 *1. No tavern shall be located within 1,500 feet of any church, synagogue, school,
21 child care facility licensed for more than twelve children, or City park.

22 *2. Establishments licensed as taverns or comparable establishments shall not be
23 located closer than 1,500 feet to each other.

24 *3. Except as otherwise provided in Paragraphs 4 and 5 below, [The] the distances
25 referred to in Paragraphs 1 and 2 shall be [measured in a straight line from the primary public entrance
26 of the church, synagogue, school, child care facility or from the nearest property line of a City park
27 to the primary public entrance of the proposed liquor establishment premises, and in a straight line
28 from the primary public entrance of the proposed tavern to the primary entrance of any existing tavern

1 or comparable establishment, disregarding all intervening obstacles.] determined with reference to the
2 shortest distance between two property lines, one being the property line of the proposed liquor
3 establishment (tavern) which is closest to the existing use to which the measurement pertains, and the
4 other being the property line of that existing use which is closest to the proposed liquor establishment
5 (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.
6 For purposes of measurement, the term "property line" refers to property lines of fee interest parcels
7 and does not include the property line of:

- 8 a. Any leasehold parcel; or
- 9 b. Any parcel which lacks access to a public street or has no area for on-
10 site parking and which has been created so as to avoid the distance limitation described in Paragraph
11 1.

12 *4. In the case of a liquor establishment (tavern) proposed to be located on a parcel
13 of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured
14 in a straight line:

- 15 a. From the nearest property line of the existing use to the nearest portion
16 of the structure in which the liquor establishment (tavern) will be located, without regard to
17 intervening obstacles; or
- 18 b. In the case of a liquor establishment (tavern) proposed to be located
19 within a shopping center or other multiple-tenant structure, from the nearest property line of the
20 existing use to the nearest property line of a leasehold or occupancy parcel in which the liquor
21 establishment (tavern) will be located, without regard to intervening obstacles.

22 *5 In the case of a liquor establishment (tavern) proposed to be located within the
23 vicinity of another liquor establishment (tavern), where either one or both establishments is or will
24 be located on a parcel of at least eighty acres in size, the minimum distance referred to in Paragraph
25 2 shall be measured in a straight line along the shortest distance from structure to structure. Where
26 either structure is a shopping center or other multiple-tenant structure, the measurement with respect
27 to that structure shall occur from the nearest property line of a leasehold or occupancy parcel in which
28 the liquor establishment (tavern) is or will be located.

1 [*4.] *6. The minimum distance requirements in Paragraphs 1 and 2 do not apply to
2 an establishment which has a non-restricted gaming license in connection with a hotel having 200 or
3 more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of
4 200 guest rooms after July 1, 1992.

5 [*5.] *7. All businesses which sell alcoholic beverages shall conform to the provisions
6 of Chapter 6.50 of the Las Vegas Municipal Code.

7 8. The minimum distance requirements set forth in Paragraphs 1 and 2, which are
8 otherwise nonwaivable under the provisions of this subdivision, may be waived in accordance with
9 the provisions of Subsection 19A.04.050(A)(4) for any liquor establishment (tavern) which is
10 proposed to be located on a parcel with frontage along Fremont Street between Main Street and Las
11 Vegas Boulevard.

12 SECTION 4: Title 19A, Chapter 4, Subchapter 50, Section (B) of the Zoning Code
13 of the City of Las Vegas is hereby amended by amending the subdivision entitled "Restaurant Service
14 Bar" to read as follows:

15 **RESTAURANT SERVICE BAR [N-S THROUGH M]**

16 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City
17 Council declares that the public health, safety and general welfare of the City are best promoted and
18 protected by requiring that:

19 1. No restaurant service bar business use shall be located within 400 feet of any
20 church, synagogue, school, child care facility licensed for more than [12] twelve children, or City
21 park.

22 2. Except as otherwise provided in Paragraph 3 below, [The] the minimum
23 distances referred to in Paragraph 1 shall be [measured in a straight line from the primary public
24 entrance of the church, synagogue, child care facility or school, and from the nearest property line of
25 a City park to the primary entrance of the proposed restaurant service bar, disregarding all intervening
26 obstacles.] determined with reference to the shortest distance between two property lines, one being
27 the property line of the proposed restaurant service bar which is closest to the existing use to which
28 the measurement pertains, and the other being the property line of that existing use which is closest

1 to the proposed restaurant service bar. The distance shall be measured in a straight line without regard
2 to intervening obstacles. For purposes of measurement, the term "property line" refers to property
3 lines of fee interest parcels and does not include the property line of:

4 a. Any leasehold parcel; or

5 b. Any parcel which lacks access to a public street or has no area for on-
6 site parking and which has been created so as to avoid the distance limitation described in Paragraph
7 1.

8 3. In the case of a restaurant service bar proposed to be located on a parcel of at
9 least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a
10 straight line:

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

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

18 [3.] 4. When considering a Special Use Permit application for a restaurant service bar
19 which also requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall
20 take into consideration the distance policy and shall, as part of its recommendation to the City
21 Council, state whether the distance requirement should be waived and the reasons in support of the
22 decision.

23 [4.] 5. The minimum distance requirement in Paragraph 1 does not apply to an
24 establishment which has a non-restricted gaming license in connection with a hotel having 200 or
25 more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of
26 200 guest rooms after July 1, 1992.

27 [*5.] *6. In the O District, a restaurant service bar is permitted only as an accessory
28 use.

1 [*6.] *7: All businesses which sell alcoholic beverages shall conform to the provisions
2 of Chapter 6.50 of the Las Vegas Municipal Code.

3 SECTION 5: Title 19A, Chapter 4, Subchapter 50, Section (B) of the Zoning Code
4 of the City of Las Vegas is hereby amended by amending the subdivision entitled "Supper Club" to
5 read as follows:

6 **SUPPER CLUB [N-S THROUGH M]**

7 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City
8 Council declares that the public health, safety and general welfare of the City are best promoted and
9 protected by requiring that:

10 1. No supper club use shall be located within 400 feet of any church, synagogue,
11 school, child care facility licensed for more than [12] twelve children, or City park.

12 2. Except as otherwise provided in Paragraph 3 below, [The] the minimum
13 distances referred to in Paragraph 1 shall be [measured in a straight line from the primary public
14 entrance of the church, synagogue, school or child care facility, and from the nearest property line of
15 a City park to the primary public entrance of the proposed supper club, disregarding all intervening
16 obstacles.] determined with reference to the shortest distance between two property lines, one being
17 the property line of the proposed supper club which is closest to the existing use to which the
18 measurement pertains, and the other being the property line of that existing use which is closest to the
19 proposed supper club. The distance shall be measured in a straight line without regard to intervening
20 obstacles. For purposes of measurement, the term "property line" refers to property lines of fee
21 interest parcels and does not include the property line of:

22 a. Any leasehold parcel; or
23 b. Any parcel which lacks access to a public street or has no area for on-
24 site parking and which has been created so as to avoid the distance limitation described in Paragraph

25 1.

26 3. In the case of a supper club proposed to be located on a parcel of at least eighty
27 acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:

28 a. From the nearest property line of the existing use to the nearest portion

1 of the structure in which the supper club will be located, without regard to intervening obstacles; or
2 b. In the case of a proposed supper club which will be located within a
3 shopping center or other multiple-tenant structure, from the nearest property line of the existing use
4 to the nearest property line of a leasehold or occupancy parcel in which the supper club will be
5 located, without regard to intervening obstacles.

6 [3.] 4. When considering a Special Use Permit application for a supper club which also
7 requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall take into
8 consideration the distance policy and shall, as part of its recommendation to the City Council, state
9 whether the distance requirement should be waived and the reasons in support of the decision.

10 [*4.] *5. In the O District, a supper club is permitted only as an accessory use.

11 [*5.] *6 All businesses which sell alcoholic beverages shall conform to the provisions
12 of Chapter 6.50 of the Las Vegas Municipal Code.

13 SECTION 6: Title 19A, Chapter 20, Subchapter 20 of the Zoning Code of the City of
14 Las Vegas is hereby amended by amending the definition of the term "Existing Use" to read as
15 follows:

16 **Existing Use.** Unless otherwise specified, the use of a lot or structure at the time of the enactment of
17 this Title or an amendment thereto. For purposes of applying any limitation or requirement of this
18 Code with regard to distances between uses, a use shall be deemed to be an existing use if any
19 necessary special use permit approval has been obtained for such use or, if no such approval is
20 necessary, a building permit has been properly issued for the structure in which the use will occur.
21 The lapse of any necessary special use permit approval or, alternatively, building permit approval
22 regarding the use shall be sufficient to remove the its status as "existing" for purposes of applying
23 measurement criteria.

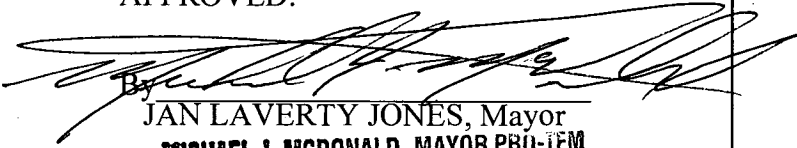
24 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
26 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

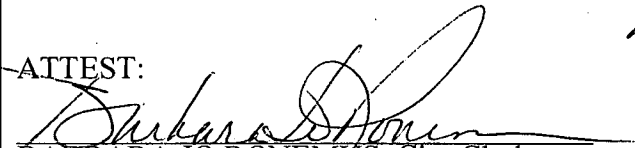
4 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this 12th day of October, 1998.

8 APPROVED:

9
10 
11 By JAN LAVERTY JONES, Mayor
12 MICHAEL J. McDONALD, MAYOR PRO-TEM

11 ATTEST:

12 
13 BARBARA JO RONEMUS, City Clerk

14 APPROVED AS TO FORM:

15 Val Steed 9-25-98
16 Date

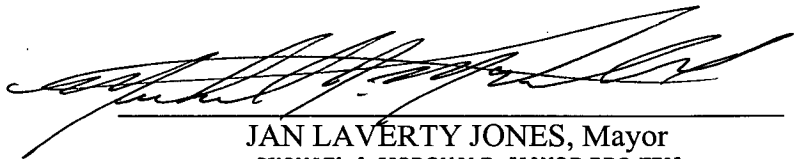
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 24th day of August, 1998 and referred to the following committee composed of the
3 Councilmen McDonald and Brown for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 12th day of October, 1998 which was a regular meeting of
5 said Council; that at said regular meeting, the proposed ordinance was read by title to the City
6 Council as amended and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, McDonald, Reese, Brown and Mayor Jones

8 VOTING "NAY": NONE

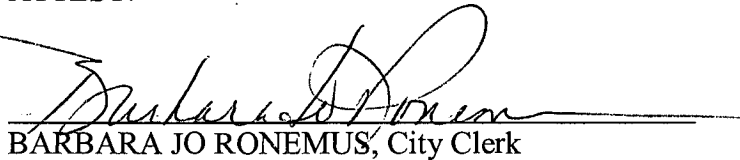
9 EXCUSED: NONE

10 APPROVED:

11 
12

13 JAN LAVERTY JONES, Mayor
14 MICHAEL J. MCDONALD, MAYOR PRO-TEM

15 ATTEST:

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

BILL NO. 98-57

ORDINANCE NO. ____

AN ORDINANCE RELATING TO ZONING; AMENDING VARIOUS SUBDIVISIONS OF TITLE 19A, CHAPTER 4, SUBCHAPTER 50, SECTION (B) OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REVISE THE METHOD OF MEASURING MINIMUM DISTANCES RELATIVE TO LIQUOR ESTABLISHMENTS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Arnie Adamsen

Summary: Amends the Zoning Code to revise the method of measuring minimum distances relative to liquor establishments.

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

SECTION 1: Title 19A, Chapter 4, Subchapter 50, Section (B) of the Zoning Code of the City of Las Vegas is hereby amended by amending the subdivision entitled "Hotel Lounge Bar" to read as follows:

HOTEL LOUNGE BAR [C-2, C-PB, C-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 hotel lounge bar business 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. The minimum distances referred to in Paragraph 1 shall be [measured in a straight line from the primary public entrance of the church, synagogue, child care facility or school, and from the nearest property line of a City park to the primary public entrance of the proposed hotel lounge bar, disregarding all intervening obstacles.] determined with reference to the shortest distance between two property lines, one being the property line of the proposed hotel 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 hotel lounge bar. 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 does not include the property line

1 of:

2 a. Any leasehold parcel; or

3 b. Any parcel which lacks access to a public street or has no area for on-
4 site parking and which has been created so as to avoid the distance limitation described in Paragraph
5 1.

6 3. When considering a Special Use Permit application for a hotel lounge bar which
7 also requires a waiver of the distance limitation [on] in Paragraph 1, the Planning Commission shall
8 take into consideration the distance policy and shall, as part of its recommendation to the City
9 Council, state whether the distance requirement should be waived and the reasons in support of the
10 decision.

11 4. The minimum distance requirement in Paragraph 1 does not apply to an
12 establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more
13 guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200
14 guest rooms after July 1, 1992.

15 *5. All businesses which sell alcoholic beverages shall conform to the provisions
16 of Chapter 6.50 of the Las Vegas Municipal Code.

17 SECTION 2: Title 19A, Chapter 4, Subchapter 50, Section (B) of the Zoning Code
18 of the City of Las Vegas is hereby amended by amending the subdivision entitled "Liquor
19 Establishment (Off-Premise Consumption" to read as follows:

20 **LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION)**

21 **[C-1, C-2, C-M, M]**

22 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City
23 Council declares that the public health, safety and general welfare of the City are best promoted and
24 protected by requiring that:

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

1 2. The distances referred to in Paragraph 1 shall be [measured in a straight line
2 from the primary public entrance of the church, synagogue, school or child care facility, and from the
3 nearest property line of a City park to the primary public entrance of the proposed liquor establishment
4 premises, disregarding all intervening obstacles.] determined with reference to the shortest distance
5 between two property lines, one being the property line of the proposed liquor establishment which
6 is closest to the existing use to which the measurement pertains, and the other being the property line
7 of that existing use which is closest to the proposed liquor establishment. The distance shall be
8 measured in a straight line without regard to intervening obstacles. For purposes of this paragraph,
9 the term "property line" refers to property lines of fee interest parcels and does not include the
10 property line of:

- 11 a. Any leasehold parcel; or
12 b. Any parcel which lacks access to a public street or has no area for on-
13 site parking and which has been created so as to avoid the distance limitation described in Paragraph
14 1.

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

20 4. The minimum distance requirement in Paragraph 1 does not apply to an
21 establishment which has a non-restricted gaming license in connection with a hotel having 200 or
22 more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of
23 200 guest rooms after July 1, 1992.

24 *5. All businesses which sell alcoholic beverages shall conform to the provisions
25 of Chapter 6.50 of the Las Vegas Municipal Code.

26 SECTION 3: Title 19A, Chapter 4, Subchapter 50, Section (B) of the Zoning Code
27 of the City of Las Vegas is hereby amended by amending the subdivision entitled "Liquor
28 Establishment (Tavern)" to read as follows:

1 **LIQUOR ESTABLISHMENT (TAVERN) [C-1 THROUGH M]**

2 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City
3 Council declares that the public health, safety and general welfare of the City are best promoted and
4 protected by requiring that:

5 *1. No tavern shall be located within 1,500 feet of any church, synagogue, school,
6 child care facility licensed for more than twelve children or City park.

7 *2. Establishments licensed as taverns or comparable establishments shall not be
8 located closer than 1,500 feet to each other.

9 *3. The distances referred to in Paragraphs 1 and 2 shall be [measured in a straight
10 line from the primary public entrance of the church, synagogue, school, child care facility or from the
11 nearest property line of a City park to the primary public entrance of the proposed liquor establishment
12 premises, and in a straight line from the primary public entrance of the proposed tavern to the primary
13 entrance of any existing tavern or comparable establishment, disregarding all intervening obstacles.]
14 determined with reference to the shortest distance between two property lines, one being the property
15 line of the proposed liquor establishment which is closest to the existing use to which the
16 measurement pertains, and the other being the property line of that existing use which is closest to the
17 proposed liquor establishment. The distance shall be measured in a straight line without regard to
18 intervening obstacles. For purposes of this paragraph, the term "property line" refers to property lines
19 of fee interest parcels and does not include the property line of:

20 a. Any leasehold parcel; or

21 b. Any parcel which lacks access to a public street or has no area for on-
22 site parking and which has been created so as to avoid the distance limitation described in Paragraph
23 1.

24 *4. The minimum distance requirements in Paragraphs 1 and 2 do not apply to an
25 establishment which has a non-restricted gaming license in connection with a hotel having 200 or
26 more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of
27 200 guest rooms after July 1, 1992.

28 *5. All businesses which sell alcoholic beverages shall conform to the provisions

1 of Chapter 6.50 of the Las Vegas Municipal Code.

2 SECTION 4: Title 19A, Chapter 4, Subchapter 50, Section (B) of the Zoning Code
3 of the City of Las Vegas is hereby amended by amending the subdivision entitled "Restaurant Service
4 Bar" to read as follows:

5 **RESTAURANT SERVICE BAR [N-S THROUGH M]**

6 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City
7 Council declares that the public health, safety and general welfare of the City are best promoted and
8 protected by requiring that:

9 1. No restaurant service bar business use shall be located within 400 feet of any
10 church, synagogue, school, child care facility licensed for more than 12 children or City park.

11 2. The minimum distances referred to in Paragraph 1 shall be [measured in a
12 straight line from the primary public entrance of the church, synagogue, child care facility or school,
13 and from the nearest property line of a City park to the primary entrance of the proposed restaurant
14 service bar, disregarding all intervening obstacles.] determined with reference to the shortest distance
15 between two property lines, one being the property line of the proposed restaurant service bar which
16 is closest to the existing use to which the measurement pertains, and the other being the property line
17 of that existing use which is closest to the proposed restaurant service bar. The distance shall be
18 measured in a straight line without regard to intervening obstacles. For purposes of this paragraph,
19 the term "property line" refers to property lines of fee interest parcels and does not include the
20 property line of:

21 a. Any leasehold parcel; or
22 b. Any parcel which lacks access to a public street or has no area for on-
23 site parking and which has been created so as to avoid the distance limitation described in Paragraph

24 1.

25 3. When considering a Special Use Permit application for a restaurant service bar
26 which also requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall
27 take into consideration the distance policy and shall, as part of its recommendation to the City
28 Council, state whether the distance requirement should be waived and the reasons in support of the

1 decision.

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

6 *5. In the O District, a restaurant service bar is permitted only as an accessory use.

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

9 SECTION 5: Title 19A, Chapter 4, Subchapter 50, Section (B) of the Zoning Code
10 of the City of Las Vegas is hereby amended by amending the subdivision entitled "Supper Club" to
11 read as follows:

12 **SUPPER CLUB [N-S THROUGH M]**

13 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City
14 Council declares that the public health, safety and general welfare of the City are best promoted and
15 protected by requiring that:

16 1. No supper club use shall be located within 400 feet of any church, synagogue,
17 school, child care facility licensed for more than 12 children or City park.

18 2. The minimum distances referred to in Paragraph 1 shall be [measured in a
19 straight line from the primary public entrance of the church, synagogue, school or child care facility,
20 and from the nearest property line of a City park to the primary public entrance of the proposed supper
21 club, disregarding all intervening obstacles.] determined with reference to the shortest distance
22 between two property lines, one being the property line of the proposed supper club which is closest
23 to the existing use to which the measurement pertains, and the other being the property line of that
24 existing use which is closest to the proposed supper club. The distance shall be measured in a straight
25 line without regard to intervening obstacles. For purposes of this paragraph, the term "property line"
26 refers to property lines of fee interest parcels and does not include the property line of:

27 a. Any leasehold parcel; or

28 b. Any parcel which lacks access to a public street or has no area for on-

1 site parking and which has been created so as to avoid the distance limitation described in Paragraph
2 1.

3 3. When considering a Special Use Permit application for a supper club which also
4 requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall take into
5 consideration the distance policy and shall, as part of its recommendation to the City Council, state
6 whether the distance requirement should be waived and the reasons in support of the decision.

7 *4. In the O District, a supper club is permitted only as an accessory use.

8 *5. All businesses which sell alcoholic beverages shall conform to the provisions
9 of Chapter 6.50 of the Las Vegas Municipal Code.

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

18 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
19 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
20 1983 Edition, in conflict herewith are hereby repealed.

21 PASSED, ADOPTED and APPROVED this ____ day of _____, 1998.

22 APPROVED:

23 By _____
24 JAN LAVERTY JONES, Mayor

25 ATTEST:

26 _____
27 BARBARA JO RONEMUS, City Clerk

28 APPROVED AS TO FORM:

Val Steed 8-11-98
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 1998, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 1998, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
JAN LAVERTY JONES, Mayor

14 ATTEST:

15 _____
16 BARBARA JO RONEMUS, City Clerk
17
18
19
20
21
22
23
24
25
26
27
28

AFFP

DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

RECEIVED
CITY CLERK

1998 OCT 14 A 11:06

Barbara Linford, 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
455845

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/01/98 to 10/01/1998, on the following days: OCTOBER 1, 1998

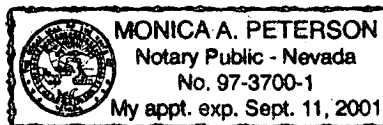
Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of OCT. 1998

Monica A. Peterson

Notary Public



FIRST AMENDMENT
BILL NO. 98-57

AN ORDINANCE RELATING TO ZONING; AMENDING VARIOUS SUBDIVISIONS OF TITLE 19A, CHAPTER 4, SUBCHAPTER 50, SECTION (B) OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADDED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REVISE THE METHOD OF MEASURING MINIMUM DISTANCES RELATIVE TO LIQUOR ESTABLISHMENTS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman
Arnie Adamsen

SUMMARY: Amends the Zoning Code to revise the method of measuring minimum distances relative to liquor establishments

At a City Council meeting
AUGUST 24, 1998

BILL NO. 98-57 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen McDonald and Brown

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB. October 1, 1998
Las Vegas Review-Journal

RECEIVED
CITY CLERK

1998 OCT 23 A 11: 52

AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, 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
475421

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1
edition(s) of said newspaper issued from 10/15/98 to 10/15/1998, on
the following days: OCTOBER 15, 1998

Signed:

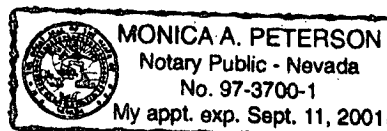
Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of *Oct.* 1998

Monica A. Peterson

Notary Public



FIRST AMENDMENT
BILL NO. 98-57
ORDINANCE NO. 5103

AN ORDINANCE RELATING TO ZONING;
AMENDING VARIOUS SUBDIVISIONS OF
TITLE 19A, CHAPTER 4, SUBCHAPTER
50, SECTION (B) OF THE ZONING CODE
OF THE CITY OF LAS VEGAS, AS ADOPT-
ED BY AND INCORPORATED IN TITLE
19A OF THE MUNICIPAL CODE OF THE
CITY OF LAS VEGAS, NEVADA, 1983
EDITION, TO REVISE THE METHOD OF
MEASURING MINIMUM DISTANCES REL-
ATIVE TO LIQUOR ESTABLISHMENTS;
PROVIDING FOR OTHER MATTERS
PROPERLY RELATING THERETO; AND
REPEALING ALL ORDINANCES AND
PARTS OF ORDINANCES IN CONFLICT
HEREWITH.

SPONSORED BY: Councilman
Amie Adamsen

SUMMARY: Amends the Zoning Code to
revise the method of measuring mini-
mum distances relative to liquor estab-
lishments

The above and foregoing ordinance was
first proposed and read by title to the
City Council on the 24th day of August,
1998, and referred to the following
committee composed of Councilmen
McDonald and Brown for recommenda-
tion; thereafter the said committee re-
ported favorably on said ordinance on
the 12th day of October, 1998, which
was a regular meeting of said City
Council; and that at said regular meet-
ing, the proposed ordinance was read
by title to the City Council as amended
and adopted by the following vote:

VOTING "AYE" Councilmen Adamsen,
McDonald, Brown, Reese and Mayor
Jones

VOTING "NAY" NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE
ARE AVAILABLE FOR PUBLIC INFORMA-
TION IN THE OFFICE OF THE CITY
CLERK, 1ST FLOOR, 400 EAST STEW-
ART AVENUE, LAS VEGAS, NEVADA.
PUB: October 15, 1998
Las Vegas Review-Journal

AFFP

DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

1998 OCT 14 A 11:06

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Barbara Linford, 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
455845

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/01/98 to 10/01/1998, on the following days: OCTOBER 1, 1998

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE

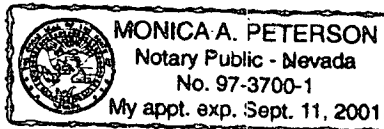
day of

Oct.

1998

Monica A. Peterson

Notary Public



FIRST AMENDMENT
BILL NO. 98-57
AN ORDINANCE RELATING TO ZONING;
AMENDING VARIOUS SUBDIVISIONS OF
TITLE 19A, CHAPTER 4, SUBCHAPTER
50, SECTION (B) OF THE ZONING CODE
OF THE CITY OF LAS VEGAS, AS ADOPT-
ED BY AND INCORPORATED IN TITLE
19A OF THE MUNICIPAL CODE OF THE
CITY OF LAS VEGAS, NEVADA, 1983
EDITION, TO REVISE THE METHOD OF
MEASURING MINIMUM DISTANCES REL-
ATIVE TO LIQUOR ESTABLISHMENTS;
PROVIDING FOR OTHER MATTERS
PROPERLY RELATING THERETO; AND
REPEALING ALL ORDINANCES AND
PARTS OF ORDINANCES IN CONFLICT
HEREWITH.
SPONSORED BY: Councilman
Arnie Adamsen
SUMMARY: Amends the Zoning Code to
revise the method of measuring mini-
mum distances relative to liquor estab-
lishments
At a City Council meeting
AUGUST 24, 1998
BILL NO. 98-57 WAS READ BY TITLE
AND REFERRED TO RECOMMENDING
COMMITTEE: Councilmen McDonald
and Brown
COPIES OF THE COMPLETE BILL ARE
AVAILABLE FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY CLERK, 1ST
FLOOR, CITY HALL, 400 EAST STEWART
AVENUE, LAS VEGAS, NEVADA
PUB: October 1, 1998
Las Vegas Review-Journal



086832

RECEIVED
CITY CLERK

AFFP

DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

1998 OCT 23 A 11: 52

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Barbara Linford, 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
475421

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/15/98 to 10/15/1998, on the following days: OCTOBER 15, 1998

Signed:

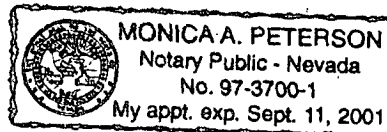
Barbara Linford
15

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of *Oct.* 1998

Monica A. Peterson

Notary Public



FIRST AMENDMENT
BILL NO. 98-57
ORDINANCE NO. 5103

AN ORDINANCE RELATING TO ZONING; AMENDING VARIOUS SUBDIVISIONS OF TITLE 19A, CHAPTER 4, SUBCHAPTER 50, SECTION (B) OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REVISE THE METHOD OF MEASURING MINIMUM DISTANCES RELATIVE TO LIQUOR ESTABLISHMENTS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman

Arnie Adamsen

SUMMARY: Amends the Zoning Code to revise the method of measuring minimum distances relative to liquor establishments

The above and foregoing ordinance was first proposed and read by title to the City Council on the 24th day of August, 1998, and referred to the following committee composed of Councilmen McDonald and Brown for recommendation; thereafter the said committee reported favorably on said ordinance on the 12th day of October, 1998, 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" Councilmen Adamsen, McDonald, Brown, Reese and Mayor Jones

VOTING "NAY" NONE

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: October 15, 1998

Las Vegas Review-Journal



086811