

BILL NO. 99-62

ORDINANCE NO. 5185

AN ORDINANCE RELATING TO ZONING; AMENDING SECTION 19A.04.050(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 ELIMINATE UNDER MOST CIRCUMSTANCES THE ABILITY TO OBTAIN A WAIVER OF THE MINIMUM 400- FOOT DISTANCE REQUIREMENTS APPLICABLE TO A LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION); PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Gary Reese

Summary: Eliminates under most circumstances the ability to obtain a waiver of the minimum 400-foot distance requirements applicable to a liquor establishment (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

1 closest to the existing use to which the measurement pertains; and the other being the property line
2 of that existing use which is closest to the proposed liquor establishment (off-premise consumption).
3 The distance shall be measured in a straight line without regard to intervening obstacles. For purposes
4 of measurement, the term "property line" refers to property lines of fee interest parcels and does not
5 include the property line of:

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

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

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

- 16 b. In the case of a proposed liquor establishment (off-premise
17 consumption) which will be located within a shopping center or other multiple-tenant structure, from
18 the nearest property line of the existing use to the nearest property line of a leasehold or occupancy
19 parcel in which the liquor establishment will be located, without regard to intervening obstacles. This
20 Ordinance shall not apply to any special use permit application which was properly filed with the
21 Planning and Development Department on or before December 15, 1999.

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

27 5. The minimum distance requirement in Paragraph 1 does not apply to an
28 establishment which has a non-restricted gaming license in connection with a hotel having 200 or

1 more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of
2 200 guest rooms after July 1, 1992.

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

5 7. The minimum distance requirements set forth in Paragraph 1, which are
6 otherwise nonwaivable under the provisions of this subdivision, may be waived:

7 a. In accordance with the provisions of Subsection 19A.04.050(A)(4) for
8 any liquor establishment for off-premise consumption which is proposed to be located on a parcel with
9 frontage along Fremont Street between Main Street and Las Vegas Boulevard:

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

14 SECTION 2: This Ordinance shall not apply to any special use permit application
15 which was properly filed with the Planning and Development Department on or before December 15,
16 1999.

17 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
18 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
19 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
20 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
21 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
22 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
23 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
24 invalid or ineffective.


25 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
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 15th day of December, 1999.

4 APPROVED:

5
6 By 
OSCAR B. GOODMAN, Mayor

7 ATTEST:
8 
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:
11  12-1-99
12 _____ Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 3rd day of November, 1999 and referred to the following committee composed of the
3 Councilmen Brown and M. McDonald for recommendation; thereafter the said committee
4 reported favorably on said ordinance on the 15th day of December, 1999 which was a regular
5 meeting of said Council; that at said regular meeting, the proposed ordinance was read by title
6 to the City Council as amended and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, M. McDonald, Brown and
8 L. McDonald

9 VOTING "NAY": NONE

10 EXCUSED: NONE

11 APPROVED:

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14 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 _____
19 BARBARA JO RONEMUS, City Clerk
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BILL NO. 99-62

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ZONING; AMENDING SECTION 19A.04.050(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 ELIMINATE THE ABILITY TO OBTAIN A WAIVER OF THE MINIMUM 400-FOOT DISTANCE REQUIREMENTS APPLICABLE TO A LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION); PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Gary Reese

Summary: Eliminates the ability to obtain a waiver of the minimum 400-foot distance requirements applicable to a liquor establishment (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:

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* 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).

1 The distance shall be measured in a straight line without regard to intervening obstacles. For purposes
2 of measurement, the term "property line" refers to property lines of fee interest parcels and does not
3 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 liquor establishment (off-premise consumption) proposed to be
9 located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1
10 shall be measured in a straight line:

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

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

23 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 [*6.] *5. All businesses which sell alcoholic beverages shall conform to the
28 provisions of Chapter 6.50 of the Las Vegas Municipal Code.

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 1999, 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 _____, 1999, 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 _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BARBARA JO RONEMUS, City Clerk
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RECEIVED
CITY CLERK

AFFP DISTRICT COURT
Clark County, Nevada

1999 DEC 10 A 10:35

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
1027706

2296311LV

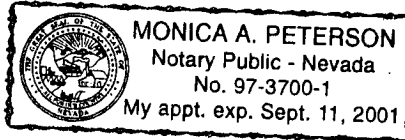
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/03/99 to 12/03/1999, on the following days: DECEMBER 3, 1999

Signed: Barbara Linford
31

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of Dec 1999
Monica A. Peterson

Notary Public



FIRST AMENDMENT
BILL NO. 99-62

AN ORDINANCE RELATING TO ZONING; AMENDING SECTION 19A.04.050(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 ELIMINATE THE ABILITY TO OBTAIN A WAIVER OF THE MINIMUM 400- FOOT DISTANCE REQUIREMENTS APPLICABLE TO A LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION); PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by: Councilman Gary Reese
Summary: Eliminates the ability to obtain a waiver of the minimum 400-foot distance requirements applicable to a liquor establishment (off-premise consumption).

At a City Council meeting
NOVEMBER 3, 1999
BILL NO. 99-62 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Brown and M. McDonald

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.
RUB: December 3, 1999
Las Vegas Review-Journal

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Gala Johnson, 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
1043701

2296311LV

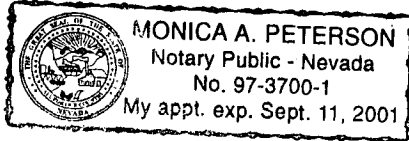
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/17/99 to 12/17/1999, on the following days: DECEMBER 17, 1999

Signed: Gala Johnson

SUBSCRIBED AND SWORN BEFORE ME THIS THE 17

day of Dec 1999

Monica A. Peterson
Notary Public



FIRST AMENDMENT
BILL NO. 99-62
ORDINANCE NO. 5185

AN ORDINANCE RELATING TO ZONING; AMENDING SECTION 19A.04.050(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 ELIMINATE THE ABILITY TO OBTAIN A WAIVER OF THE MINIMUM 400- FOOT DISTANCE REQUIREMENTS APPLICABLE TO A LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION); PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by: Councilman Gary Reese

Summary: Eliminates the ability to obtain a waiver of the minimum 400-foot distance requirements applicable to a liquor establishment (off-premise consumption).

The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of November, 1999 and referred to the following committee composed of Councilmen Brown and M. McDonald for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of December, 1999, 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 amendment and adopted by the following vote:

VOTING "AYE" Mayor Goodman and Councilmembers M. McDonald, Reese, Brown, L. McDonald
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: December 17, 1999
Las Vegas Review-Journal

1999 DEC 30 A 10:24
RECEIVED
CITY CLERK