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BILL NO. 2018-3

ORDINANCE NO. 6612

AN ORDINANCE TO AMEND PROVISIONS OF LVMC CHAPTERS 19.12, 19.18 AND 6.50 TO ESTABLISH ZONING AND LICENSING REGULATIONS REGARDING ANCILLARY CRAFT DISTILLERIES, TO ALLOW PACKAGE LIQUOR OFF-SALE ESTABLISHMENTS IN THE C-PB ZONING DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Ricki Y. Barlow

Summary: Amends provisions of LVMC Chapters 19.12, 19.18 and 6.50 to establish zoning and licensing regulations regarding ancillary craft distilleries, and to allow package liquor off-sale establishments in the C-PB Zoning District.

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 Sections 2 to 4, inclusive, of this Ordinance. The amendments are deemed to be amendments to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section 10, is hereby amended by amending the entry for the use "Package Liquor Off-Sale Establishment" to indicate that the use is allowed by means of special use permit in the C-PB Zoning District. In order to reflect the amendment, the letter "S" shall be inserted in the box that represents the intersection of the row for the use "Package Liquor Off-Sale Establishment" and the column for each of the C-PB Zoning District.

SECTION 3: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Package Liquor Off-Sale Establishment" to read as follows:

Package Liquor Off-Sale Establishment

Description: An establishment, other than a grocery store with alcohol[,] or a retail establishment with package liquor off-sale, whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are

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1 sold. This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the
2 licensee also holds a wine, cordial and liqueur tasting license for that location. This land use entitlement shall
3 only permit the consideration of LVMC Title 6 package alcoholic beverage licenses for the following types
4 of establishments: [specifically enumerated at LVMC 6.50.170(B)(2) (liquor store) and (3) (establishment
5 for instructional wine-making pursuant to LVMC 6.50.100(2).]

6 1. Liquor store, as described in LVMC 6.50.170(B)(2).

7 2. Establishment for instructional winemaking, as described in LVMC 6.50.170(B)(3).

8 3. Ancillary craft distillery, as described in LVMC 6.50.090

9 **Minimum Special Use Permit Requirements:**

10 * 1. Distance Separation Requirements. Pursuant to its general authority to regulate the sale of alcoholic
11 beverages, the City Council declares that the public health, safety and general welfare of the City are best
12 promoted and protected by generally requiring both minimum separation between a package liquor off-sale
13 establishment and other uses that should be protected from impacts associated with a package liquor off-sale
14 establishment and/or possible impacts associated with the saturation of package liquor off-sale establishments
15 in any particular area of the City. Therefore, except as otherwise provided herein, such package liquor off-
16 sale establishment use shall be separated from other uses as indicated below:

17 *a. Except as otherwise provided, no package liquor off-sale establishment (hereinafter
18 "establishment") shall be located within 400 feet of any church/house of worship, school, individual care
19 center licensed for more than 12 children, or City park.

20 *b. Except as otherwise provided, no liquor store shall be located within 1000 feet of any other liquor
21 store, liquor establishment (tavern), urban lounge or sexually oriented business.

22 * 2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall
23 be determined with reference to the shortest distance between two property lines, one being the property line
24 of the proposed establishment which is closest to the existing use to which the measurement pertains, and the
25 other being the property line of that existing use which is closest to the proposed establishment. The distance
26 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 Requirement 1.

* 3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 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 establishment will be located, without regard to intervening obstacles; or
- b. In the case of a proposed establishment 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 parcel in which the establishment will be located, without regard to intervening obstacles.

4. The minimum distance requirements in Requirement 1 do not apply to an establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

[* 5. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

* 6. No package liquor off-sale use shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.]

5. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C), but only in connection with a proposed package liquor off-sale establishment that will have an ancillary craft distillery business license and that will be operated in conjunction with a craft distillery that qualifies as such under NRS 597.235.

*6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

*7. No package liquor off-sale use shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

1 *8. This use is permitted in the C-PB Zoning District only when it is ancillary to a craft distillery that
2 qualifies as such under NRS 597.235.

3 **On-site Parking Requirement:**

- 4 1. If less than 25,000 square feet, one space per 175 square feet of gross floor area.
5 2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.

6 SECTION 4: Title 19, Chapter 18, Section 20, is hereby amended by amending the
7 definition of the term "Package Liquor Off-Sale Establishment" to read as follows:

8 **Package Liquor Off-Sale Establishment.** An establishment, other than a grocery store with alcohol or a
9 retail establishment with package liquor off-sale, whose license to sell alcoholic beverages [authorized]
10 authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for
11 consumption off the premises where the same are sold. The term includes an establishment that provides on-
12 premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license
13 for that location. The term is limited to a use that is available only in connection with LVMC Title 6 package
14 alcoholic beverage licenses for the following types of establishments:

- 15 1. Liquor store, as described in LVMC 6.50.170(B)(2).
16 2. Establishment for instructional winemaking, as described in LVMC 6.50.170(B)(3).
17 3. Ancillary craft distillery, as described in LVMC 6.50.090.

18 SECTION 5: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 90, reading as
20 follows:

21 **6.50.090:** (A) An ancillary craft distillery alcoholic beverage license authorizes the manufacture
22 and sale of craft distilled beverages at an establishment, but only if the owner or operator of the establishment
23 maintains, in a primary capacity, at the same location, a liquor manufacturer's license pursuant to LVMC
24 6.50.145 and any and all licenses necessary under NRS Chapter 369 that authorize that activity. A license
25 under this Section is subject to the following conditions and requirements, in addition to any and all others
26 that apply:

1 (1) In order to qualify for a license under this Section, the applicant must first
2 present proof of State licensure of the establishment under NRS Chapter 369.

3 (2) The manufacture and sale of craft distilled beverages produced at the
4 location shall comply with all relevant State and Federal laws regarding the manufacture and sale of craft
5 distilled beverages.

6 (B) In connection with the sale of beverages for on-premise consumption, an
7 establishment licensed under this Section shall comply with the following requirements and limitations
8 regarding such sales:

9 (1) The sale of beverages is limited to craft distilled beverages that have been
10 produced at the establishment.

11 (2) The operator or licensee must submit to the Director for approval, on an
12 annual basis, a proposed event schedule where on-premise consumption will take place, which must include
13 the following:

14 i. Dates, hours, and descriptions of the proposed events.
15 ii. The approximate number of persons expected to attend each event.
16 iii. An attestation that only those ages twenty-one years and older may
17 be in attendance.

18 (3) No approved event schedule may be changed without a minimum of fifteen
19 days written notice to the Director.

20 (4) The operator or licensee must submit to the Director for approval a security
21 plan, which must be approved by the Director in order for the establishment to allow on-premise consumption
22 of beverages.

23 (5) No permanent bar structures shall be allowed.

24 (6) The Director may deny a proposed event schedule or suspend or revoke an
25 approved event schedule if the licensee violates any provision of this Chapter or any policy adopted by the
26 Director regarding such activity. In the event of such action by the Director, no on-premise consumption of

1 beverages by consumers shall be permitted.

2 (C) Notwithstanding any provision of this Chapter that might otherwise prohibit or limit
3 the activity, an establishment with a craft distillery alcoholic beverage license may, pursuant to NRS 597.235:

4 (1) Serve to consumers samples of its manufactured craft distilled beverages;
5 and

6 (2) Sell to consumers, for off-site consumption, its manufactured craft distilled
7 beverages.

8 SECTION 6: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of Las
9 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.50.360:** Each licensee shall pay to the Department in advance, the semiannual license fees set forth
11 in the following schedule:

License Category	Semiannual License Fee (Dollars)
Alcoholic beverage caterer	\$500.00
Ancillary	500.00 per category authorized or 1% of gross sales, whichever is greater
<u>Ancillary craft distillery</u>	<u>500.00 or 1% of gross sales, whichever is greater</u>
Ancillary brew pub	500.00 or 1% of sales to licensed wholesale dealers, whichever is greater
Ancillary lounge bar	1,200.00
Banquet or event establishment	500.00
Beer and wine room	700.00
Plus: fee for each additional bar	400.00
Beer/wine/cooler on-sale	300.00
Beer/wine/cooler off-sale	300.00
General on-sale	1,200.00
Plus: fee for each additional bar	900.00
General on-sale (beer and wine)	500.00
Liquor manufacturer	1,000.00
Nonprofit club general on-sale	200.00
Package	750.00
Permanent trade show facility	2,400.00

1	Restaurant service bar	600.00
2	Restaurant with alcohol	800.00
3	Plus: fee for each additional bar	750.00
4	Tavern (one bar)	1,200.00
5	Plus: fee for each additional bar	900.00
6	Plus: fee for resort hotel owned gift shop	900.00
7	Tavern-limited (one bar)	800.00
8	Plus: fee for each additional bar	500.00
9	Urban lounge (one bar)	1,000.00
10	Plus: fee for each additional bar	750.00
11	Wholesale general	1,000.00

Each time-limited special event general licensee shall pay the following license fee for each day (or for each event, in the case of a multi-day event): One hundred dollars, plus seventy-five dollars for each additional bar.

Each time-limited special event beer/wine/cooler licensee shall pay the following license fee for each day (or for each event, in the case of a multi-day event): Fifty dollars, plus twenty-five dollars for each additional bar.

SECTION 7: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010, 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

SECTION 8: The Department of Planning is authorized and directed to incorporate into the Unified Development Code the amendments contained in Sections 2 to 4, inclusive, of this Ordinance.

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

1 SECTION 10: Whenever in this ordinance any act is prohibited or is made or declared to
2 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
3 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
4 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
5 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
6 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
7 of this ordinance shall constitute a separate offense.

8 SECTION 11: All ordinances or parts of ordinances or sections, subsections, phrases,
9 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
10 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED and APPROVED this 21st day of February, 2018.

12 APPROVED:

13 By 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 LUANN D. HOLMES, MMC
City Clerk

18 APPROVED AS TO FORM:

19  1-2-18
20 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 17th day of January, 2018, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 21st day of February,
4 2018, 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 as first introduced and adopted by
6 the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers, Anthony, Fiore and Seroka

8 VOTING "NAY": None

9 EXCUSED: Tarkanian and Coffin

10 ABSTAINED: None

11
12
13 APPROVED:

14 

15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 

18 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2018 FEB 12 A 10:58

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000965286

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 02/08/2018 to 02/08/2018, on the following days:

02 / 08 / 18

BILL NO. 2018-3

AN ORDINANCE TO AMEND PROVISIONS OF LVMC CHAPTERS 19.12, 19.18 AND 6.50 TO ESTABLISH ZONING AND LICENSING REGULATIONS REGARDING ANCILLARY CRAFT DISTILLERIES, TO ALLOW PACKAGE LIQUOR OFF-SALE ESTABLISHMENTS IN THE C-PB ZONING DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Ricki Y. Barlow

Summary: Amends provisions of LVMC Chapters 19.12, 19.18 and 6.50 to establish zoning and licensing regulations regarding ancillary craft distilleries, and to allow package liquor off-sale establishments in the C-PB Zoning District.

At the City Council meeting of
January 17, 2018

BILL NO. 2018-3 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

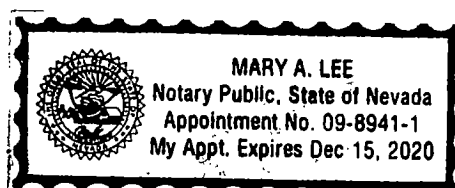
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: February 8, 2018
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 8th day of February, 2018

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000968232

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CITY CLERK

2018 MAR -1 A 11:40

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 02/24/2018 to 02/24/2018, on the following days:

02 / 24 / 18

BILL NO. 2018-3
ORDINANCE NO. 6612

AN ORDINANCE TO AMEND PROVISIONS OF LVMC CHAPTERS 19.12, 19.18 AND 6.50 TO ESTABLISH ZONING AND LICENSING REGULATIONS REGARDING ANCILLARY CRAFT DISTILLERIES, TO ALLOW PACKAGE LIQUOR OFF-SALE ESTABLISHMENTS IN THE C-PB ZONING DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of January, 2018, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of February, 2018, 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": Mayor Goodman and Councilmembers Anthony, Seroka and Fiore

VOTING "NAY": NONE

EXCUSED: Councilmembers Tarkanian and Coffin

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: February 24, 2018
LV Review-Journal

/s/ 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 26th day of February, 2018

Notary 