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BILL NO. 2020-2

ORDINANCE NO. 6724

AN ORDINANCE TO AMEND LVMC 19.12.070 TO ADJUST THE STANDARDS FOR WAIVING THE MINIMUM DISTANCE SEPARATION FROM A PROTECTED USE THAT IS OTHERWISE REQUIRED FOR EITHER A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT WITH A RETAIL COMPONENT OR A BEER/WINE/COOLER ON- AND OFF-SALE ESTABLISHMENT WITH A RETAIL COMPONENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Cedric Crear

Summary: Amends LVMC 19.12.070 to adjust the standards for waiving the minimum distance separation from a protected use that is otherwise required for either a beer/wine/cooler off-sale establishment with a retail component or a beer/wine/cooler on- and off-sale establishment with a retail component.

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 and 3 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: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry for the use "Beer/Wine/Cooler Off-Sale Establishment" so that the Minimum Special Use Permit Requirements for that use read as follows:

Minimum Special Use Permit Requirements:

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

2. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance separation requirement in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance separation requirement should be waived and the reasons in support of the decision.

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1 3. The minimum distance separation requirements in Requirement 1 do not apply to:

2 a. An establishment which has a nonrestricted gaming license in connection with a hotel having
3 200 or 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; or

5 b. A proposed establishment having more than 50,000 square feet of retail floor space.

6 *4. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter
7 6.50.

8 5. The minimum distance separation requirements set forth in Requirement 1, which are otherwise
9 nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:

10 a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is
11 proposed to be located on a parcel within the Downtown Casino Overlay District;

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

15 c. In connection with a proposed establishment having between [20,000] 15,000 square feet
16 and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly
17 devoted to the display or merchandising of alcoholic beverages; or

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

21 6. No beer/wine/cooler off-sale establishment shall be permitted on or adjacent to the Pedestrian Mall,
22 as defined in LVMC Chapter 11.68.

23 SECTION 3: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry
24 for the use "Beer/Wine/Cooler On- and Off-Sale Establishment" so that the Minimum Special Use Permit
25 Requirements for that use read as follows:

26 . . .

1 **Minimum Special Use Permit Requirements:**

2 *1. Except as otherwise provided, no beer/wine/cooler on- and off-sale establishment (hereinafter
3 "establishment") shall be located within 400 feet of any church/house of worship, school, individual care
4 center licensed for more than 12 children, or City park.

5 2. When considering a Special Use Permit application for an establishment which also requires a waiver
6 of the distance separation requirement in Requirement 1, the Planning Commission shall take into
7 consideration the distance policy and shall, as part of its recommendation to the City Council, state whether
8 the distance separation requirement should be waived and the reasons in support of the decision.

9 3. The minimum distance separation requirements in Requirement 1 do not apply to:

10 a. An establishment which has a nonrestricted gaming license in connection with a hotel having
11 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of
12 200 guest rooms after July 1, 1992; or

13 b. A proposed establishment having more than 50,000 square feet of retail floor space.

14 *4. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter
15 6.50.

16 5. The minimum distance separation requirements set forth in Requirement 1, which are otherwise
17 nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:

18 a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is
19 proposed to be located on a parcel within the Downtown Casino Overlay District;

20 b. In accordance with the applicable provisions of the "Town Center Development Standards
21 Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District
22 and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;

23 c. In connection with a proposed establishment having between [20,000] 15,000 square feet
24 and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly
25 devoted to the display or merchandising of alcoholic beverages; or

26 d. In connection with a retail establishment having less than [20,000] 15,000 square feet of

1 retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each
2 use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

3 6. Except for a grocery store as defined by LVMC 6.50.020 that contains not less than twelve thousand
4 square feet of gross internal floor area, no establishment shall be permitted on or adjacent to the Pedestrian
5 Mall, as defined in LVMC Chapter 11.68.

6 SECTION 4: For purposes of Section 2.100(3) of the City Charter, Section 19.12.070 is
7 deemed to be a subchapter rather than a section.

8 SECTION 5: The Department of Planning is authorized and directed to incorporate into
9 the Unified Development Code the amendments set forth in Sections 2 and 3 of this Ordinance.

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

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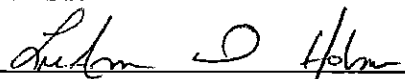
1 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 5th day of February, 2020.

5 APPROVED:

6 By 
7 CAROLYN E. GOODMAN, Mayor

8 ATTEST:

9 
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 12-24-19
13 Val Steed, Date
Deputy City Attorney

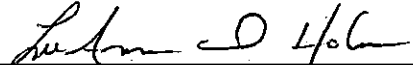
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of January, 2020, and referred to a committee for recommendation; hereafter the committee reported favorably on said ordinance on the 5th day of February, 2020, which as a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council and adopted by the following vote:

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

APPROVED:

CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2020 JAN 30 A 11: 20

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001088411

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 01/23/2020 to 01/23/2020, on the following days:

01 / 23 / 20

BILL NO. 2020-2

AN ORDINANCE TO AMEND LVMC 19.12.070 TO ADJUST THE STANDARDS FOR WAIVING THE MINIMUM DISTANCE SEPARATION FROM A PROTECTED USE THAT IS OTHERWISE REQUIRED FOR EITHER A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT WITH A RETAIL COMPONENT OR A BEER/WINE/COOLER ON- AND OFF-SALE ESTABLISHMENT WITH A RETAIL COMPONENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Cedric Crear

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At the City Council meeting of January 15, 2020

BILL NO. 2020-2 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: January 23, 2020
LV Review-Journal

[Signature]
/s/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of January, 2020

Notary *[Signature]*



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2020 FEB 12 P 2:09

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001091658

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 02/08/2020 to 02/08/2020, on the following days:

02 / 08 / 20

BILL NO. 2020-2
ORDINANCE NO. 6724

AN ORDINANCE TO AMEND LVMC 19.12.070 TO ADJUST THE STANDARDS FOR WAIVING THE MINIMUM DISTANCE SEPARATION FROM A PROTECTED USE THAT IS OTHERWISE REQUIRED FOR EITHER A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT WITH A RETAIL COMPONENT OR A BEER/WINE/COOLER ON- AND OFF-SALE ESTABLISHMENT WITH A RETAIL COMPONENT, 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 15th day of January, 2020, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of February, 2020, 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 Fiore, Anthony, Crear, Knudsen, Seaman and Diaz

VOTING "NAY": NONE
EXCUSED: NONE

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

PUB: Feb. 8, 2020
LV Review-Journal

Leslie McCormick

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 10th day of February, 2020

Notary *Linda Espinoza*

