



NOTICE OF PUBLIC HEARING

To: City Nonrestricted Gaming Licensees
Re: Bill No. 2008-25 (Eliminates the requirement that a general business-related gaming establishment licensed to sell alcoholic beverages obtain a separate special use permit for the gaming use)

Date: May 5, 2008

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

Enclosed is a copy of Bill No. 2008-25, which is proposed to be adopted by the Las Vegas City Council. The bill is a zoning measure proposing to eliminate the requirement that a general business-related gaming establishment licensed to sell alcoholic beverages obtain a separate special use permit for the gaming use. Currently, such uses (supper clubs and urban lounges) must obtain a special use permit for alcoholic beverage service. Such operations typically include up to the maximum 5 slot machines allowed in such uses, but another separate special use permit is required to allow the machines. For the City Council, City staff, special use permit applicants, and those who own property surrounding such uses, the requirement for two separate special use permits is often viewed as an unnecessary duplication of process. This bill would remove the requirement for the gaming-related special use permit.

Although the special use permit process is a zoning-related process, the special use permit requirement for the gaming use appears in Section 6.40.140 of the Las Vegas Municipal Code (LVMC). By City ordinance, no amendment to Section 6.40.140 may be adopted without notice to holders of non-restricted gaming licensees in the City and an opportunity to be heard at a public hearing. This notice is to advise you that the hearing on this proposal is scheduled to take place **during the 9:00 AM session of the City Council meeting of May 21, 2008, in the Council Chambers, City Hall Complex, First Floor, 400 Stewart Avenue, Las Vegas, Nevada.**

You are invited to appear at the hearing and present oral or written comments regarding this proposal. Written comments may also be submitted to the City Clerk's Office prior to the date of the hearing.

Sincerely,

A handwritten signature in cursive script that reads "Beverly K. Bridges".

Beverly K. Bridges, CMC
City Clerk

Enclosure

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
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1 **BILL NO. 2008-25**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ELIMINATE THE REQUIREMENT THAT A GENERAL
4 BUSINESS-RELATED GAMING ESTABLISHMENT LICENSED TO SELL ALCOHOLIC
5 BEVERAGES OBTAIN A SEPARATE SPECIAL USE PERMIT FOR THE GAMING USE, AND
6 TO PROVIDE FOR OTHER RELATED MATTERS.

7 Sponsored by: Mayor Oscar B. Goodman

8 Summary: Eliminates the requirement that a
9 general business-related gaming establishment
10 licensed to sell alcoholic beverages obtain a
11 separate special use permit for the gaming use.

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

14 SECTION 1: Title 6, Chapter 40, Section 140, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.40.140:** Restricted gaming shall be limited to the following locations within the City and
17 limited in scope of operation as follows:

18 (A) Locations licensed for the sale of alcoholic beverages, other than a tavern,
19 supper club or urban lounge, having less than five thousand square feet of usable floor space shall be
20 permitted to operate not more than seven slot machines.

21 (B) Locations licensed for the sale of alcoholic beverages, other than a supper club
22 or urban lounge, having at least five thousand square feet of usable floor space, and taverns, regardless
23 of the amount of their usable floor space, shall be permitted to operate not more than fifteen slot
24 machines.

25 (C) Locations that are licensed as supper clubs may operate not more than five slot
26 machines, but only if the slot machines[:

27 (1) Are] are counter top or table top video gaming devices that are located
28 within the bar area of the business operation.]; and

(2) Have been approved by means of a special use permit for a general
business-related gaming establishment in accordance with LVMC Title 19.]

(D) Locations that are licensed as urban lounges may operate not more than five slot
machines, [, but only if the slot machines have been approved by means of a special use permit for a

1 general business-related gaming establishment in accordance with LVMC Title 19.]

2 (E) Locations not licensed for the sale of alcoholic beverages but for which
3 locations a special use permit for a general business-related gaming establishment is obtained in
4 accordance with LVMC Title 19, having less than five thousand square feet of usable floor space shall
5 be permitted to operate not more than four slot machines;

6 (F) Locations not licensed for the sale of alcoholic beverages but for which
7 locations a special use permit for a general business-related gaming establishment is obtained in
8 accordance with LVMC Title 19, having at least five thousand square feet of usable floor space shall
9 be permitted to operate not more than fifteen slot machines;

10 (G) Locations licensed to operate not more than fifteen slot machines prior to
11 February 6, 1991; provided, however, that a location with less than five thousand square feet of usable
12 floor space which has in excess of the number of slot machines permitted by Subsections (A) and (E)
13 of this Section shall be limited to the operation of the number of slot machines licensed for such
14 location as of February 6, 1991.

15 SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
16 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
17 amending the description of the use "Gaming Establishment; General Business-Related," as found in
18 the "Recreation, Entertainment & Amusement" element of Table 2, to read as follows:

19 **Description:**

20 A building or structure which is primarily used for some business other than gaming but in which
21 restricted gaming is permitted pursuant to Title 6. For purposes of the Special Use Permit
22 requirements of this Title, this use does not include a location that has obtained and maintains current
23 licensing and zoning approvals to sell alcoholic beverages.

24 SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the following term and its
26 corresponding definition:

27 "Gaming Establishment, General Business Related" means a building or structure which is primarily
28 used for some business other than gaming but in which restricted gaming is permitted pursuant to Title

1 6. For purposes of the Special Use Permit requirements of this Title, the term does not include a
2 location that has obtained and maintains current licensing and zoning approvals to sell alcoholic
3 beverages.

4 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
5 and 19.20.020 are deemed to be subchapters rather than sections.

6 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
7 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
8 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
9 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
10 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
11 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
13 invalid or ineffective.

14 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this _____ day of _____, 2008.

18 APPROVED:

19
20 By _____
OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 _____
23 BEVERLY K. BRIDGES, CMC
City Clerk

24 APPROVED AS TO FORM:

25 Val Steed 4-3-08
26 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, 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 _____, 2008, 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
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk

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