

1 **FIRST AMENDMENT**

2 **BILL NO. 2008-49**

3 **ORDINANCE NO. _____**

4 AN ORDINANCE TO AUTHORIZE THE CITY COUNCIL TO GRANT DISTANCE
5 SEPARATION WAIVERS FOR TAVERNS LOCATED WITHIN LARGER MIXED-USE
6 DEVELOPMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Steve Wolfson

Summary: Authorizes the City Council to grant
7 distance separation waivers for taverns located
8 within larger mixed-use developments.

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

10 SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
11 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
12 amending the Minimum Special Use Permit Requirements for the use "Liquor Establishment
13 (Tavern)," as found in the "Retail & Personal Services" element of Table 2, to read as follows:

14 **Minimum Special Use Permit Requirements:**

15 1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council
16 declares that the public health, safety and general welfare of the City are best promoted and protected
17 by generally requiring both a minimum separation between liquor establishments (tavern), and a
18 minimum separation between a liquor establishment (tavern) and certain other uses that should be
19 protected from the impacts associated with a liquor establishment (tavern). Therefore, except as
20 otherwise provided below, no liquor establishment (tavern) may be located within 1500 feet of any
21 other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more
22 than 12 children, or City park.

23 2. The distance separation referred to in Requirement 1 shall be measured with reference to the
24 shortest distance between two property lines, one being the property line of the proposed liquor
25 establishment (tavern) which is closest to the existing use to which the measurement pertains, and the
26 other being the property line of that existing use which is closest to the proposed liquor establishment
27 (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

28 3. For the purpose of Requirement 2, and for that purpose only:

1 a. The “property line” of a protected use refers to the property line of a fee interest parcel
2 that has been created by an approved and recorded parcel map or subdivision map, and does not
3 include the property line of a leasehold parcel; and

4 b. The “property line” of a liquor establishment (tavern) refers to:

5 i. The property line of a parcel that has been created by an approved and recorded
6 parcel map or commercial subdivision map; or

7 ii. The property line of a parcel that is located within an approved and recorded
8 commercial subdivision and that has been created by a record of survey or legal description, if:

9 A. Using the property line of that parcel for the purpose of measuring the
10 distance separation referred to in Requirement 1 would qualify the parcel under the distance separation
11 requirement;

12 B. The proposed liquor establishment (tavern) will have direct access (both
13 ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required
14 access may be shared with a larger development but must be located within the property lines of the
15 parcel on which the proposed liquor establishment (tavern) will be located;

16 C. All parking spaces required by this Table 2 and LVMC Chapter 19.10
17 for the liquor establishment (tavern) use will be located on the same parcel as the use; and

18 D. The owners of all parcels within the commercial subdivision, including
19 the owner of the parcel on which the liquor establishment (tavern) will be located, execute and record
20 an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access,
21 ingress and egress throughout the commercial subdivision.

22 4. The distance separation requirement set forth in Requirement 1 does not apply to an
23 establishment which has a non-restricted gaming license in connection with a hotel having 200 or
24 more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of
25 200 guest rooms after July 1, 1992.

26 5. The distance separation requirement set forth in Requirement 1 may be waived in accordance
27 with the provisions of Paragraph 19.04.050(A)(4), but only in connection with a proposed liquor
28 establishment (tavern) that:

1 a. Will be located on a parcel within the C-V District, the Parkway Center District within
2 the Downtown Centennial Plan, or the Downtown Casino Overlay District;

3 b. Will be located on a parcel or within a building that, pursuant to State law or City
4 ordinance, has been designated as an historic property, historic building, or landmark;

5 c. Will be located within a regional mall; [or]

6 d. Will be located within a mixed-use development:

7 i. That has been approved by means of Special Use Permit pursuant to Chapters
8 19.04 and 19.18;

9 ii. That has a minimum net site area of 15 acres; and

10 iii. Whose gross floor area of nonresidential space is a minimum of 250,000 square
11 feet; or

12 [d.] e. Will be separated from the existing use by a street or highway with a minimum right-
13 of-way width of 100 feet.

14 *6. The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50.

15 SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
16 is deemed to be a subchapter rather than a section.

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 or
19 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.

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

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

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Hoed 11-4-08
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 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk