

City of Las Vegas

**RECOMMENDING COMMITTEE MEETING
CITY HALL, 495 S. MAIN STREET
CITY CLERK'S 2ND FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov**

**JANUARY 17, 2017
10:00 A.M.**

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF THE ORDER PRESENTED; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME. BACKUP MATERIAL FOR THIS AGENDA MAY BE OBTAINED FROM LUANN D. HOLMES, CITY CLERK, AT THE CITY CLERK'S OFFICE AT 495 SOUTH MAIN STREET, 2ND FLOOR OR ON THE CITY'S WEBPAGE AT www.lasvegasnevada.gov.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2016-70 - ABEYANCE ITEM - For Possible Action - Amends the Unified Development Code to adjust the locational restrictions pertaining to the nightclub use. Sponsored by: Councilman Bob Coffin
4. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come forward and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
5. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Thursday, 7:00 A.M. to 5:30 P.M.

Facilities are provided throughout City Hall for the convenience of persons with disabilities. Reasonable efforts will be made to assist and accommodate persons with disabilities or impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 702-229-6311 and advise of your need at least 48 hours in advance of the meeting. Dial 7-1-1 for Relay Nevada.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive

Recommending Committee January 17, 2017

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 17, 2017

DEPARTMENT: CITY CLERK

DIRECTOR: LUANN D. HOLMES

SUBJECT:

CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 17, 2017

DEPARTMENT: CITY CLERK

DIRECTOR: LUANN D. HOLMES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 17, 2017

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2016-70 - ABEYANCE ITEM - For Possible Action - Amends the Unified Development Code to adjust the locational restrictions pertaining to the nightclub use.
Sponsored by: Councilman Bob Coffin

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend the Unified Development Code to adjust the locational restrictions pertaining to the nightclub use. A waiver of the established distance limitations will be available in the Office Core District. In addition, the minimum required distance from a single family dwelling will not apply at certain specified locations where a minimum site area and square footage requirement for the nightclub use can be met.

RECOMMENDATION:

At the 11/14/2016 Recommending Committee meeting, bill was held in abeyance to the 1/17/2017 Recommending Committee meeting.

BACKUP DOCUMENTATION:

Bill No. 2016-70

1 **BILL NO. 2016-70**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO ADJUST THE
4 LOCATIONAL RESTRICTIONS PERTAINING TO THE NIGHTCLUB USE, AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Sponsored by: Councilman Bob Coffin

Summary: Amends the Unified Development
Code to adjust the locational restrictions
pertaining to the nightclub use.

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

9 SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title
10 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth
11 in Section 2 of this Ordinance. The amendment is deemed to be an amendment to both Ordinance No.
12 6289 and the Unified Development Code adopted as Title 19.

13 SECTION 2: Title 19, Chapter 12, Section 70, is hereby amended by amending the
14 Minimum Special Use Permit Requirements for the use "Nightclub" to read as follows:

15 **Minimum Special Use Permit Requirements:**

16 *1. Because the primary operations of a nightclub are that of preparing and serving alcoholic beverages
17 for immediate on-premises consumption and the provision of live entertainment, the City Council declares
18 that the public health, safety and general welfare of the City are best promoted and protected by generally
19 requiring a minimum separation between a nightclub and other uses that should be protected from the
20 impacts associated with a nightclub. Therefore, except as otherwise provided below, no nightclub may be
21 located within 1500 feet of a church, synagogue, school, child care facility licensed for more than 12
22 children or City park.

23 *2. A person that desires to operate a nightclub shall obtain both a nightclub land use entitlement as well
24 as any necessary land use entitlement for the service of alcohol for on-premises consumption. A person
25 lawfully operating a nightclub as defined by this section and LVMC 6.39, prior to December 1, 2014, is not
26 required to obtain a special use permit for the continued operation of such nightclub use. Real property

entitled for a nightclub pursuant to this Code shall have no specific spacing requirements between other nightclubs. However, as the nightclub entitlement is a separate and distinct from any land use entitlement permitting the service of alcohol for on-premises consumption, this provision shall not act to waive or otherwise diminish the specific spacing requirements between uses entitled for the service of alcohol for on-premise consumption.

*3. The distance separation referred to in Requirement 1, above, and Requirement 8, below, shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed nightclub 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 nightclub. The distance shall be measured in a straight line without regard to intervening obstacles.

*4. For the purpose of Requirement 2, and for that purpose only[:];

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

b. The “property line” of a nightclub refers to[:];

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

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

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

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

C. All parking spaces required by this Section 19.12.070 for the nightclub will be located on

1 the same parcel as the use; and

2 D. The owners of all parcels within the commercial subdivision, including the owner of the
3 nightclub parcel, sign an agreement, satisfactory to the City Attorney, that provides for perpetual,
4 reciprocal cross-access, ingress and egress throughout the commercial subdivision.

5 5. The distance separation requirement set forth in Requirement 1 does not apply to an establishment
6 which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or
7 before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1,
8 1992.

9 6. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the
10 provisions of LVMC 19.12.050(C) under the following circumstances:

11 a. [in] In connection with a proposed nightclub that will be located on a parcel within the C-V
12 District, the Parkway Center District or the Office Core District within the Downtown Centennial Plan[,]
13 Overlay District, the Gaming Enterprise Overlay District, the Fremont East Entertainment District, the 18b
14 Arts District or the Downtown Casino Overlay District; or

15 b. [in] In connection with a proposed nightclub that will be located within an establishment which
16 has a non-restricted gaming license and is not exempted pursuant to paragraph 5[.].

17 7. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.50[.].

18 *8. No nightclub may be located within 500 feet of any single family dwelling[.] unless:

19 a. The parcel on which the nightclub will be located is adjacent to Las Vegas Boulevard between
20 Charleston Boulevard and Fremont Street;

21 b. The parcel has a minimum net site area of 0.25 acres; and

22 c. The nightclub use will be located within a building that has a minimum of 5000 square feet of
23 gross floor area dedicated to the use.

24 *9. Alcohol service is only permitted in conjunction with the following Title 6 alcoholic beverage
25 licenses: Beer and Wine Room, Tavern, Tavern-Limited and Urban Lounge.

26 SECTION 3: For purposes of Section 2.100(3) of the City Charter, Section 19.12.070 is

1 deemed to be a subchapter rather than a section.

2 SECTION 4: The Department of Planning is authorized and directed to incorporate into
3 the Unified Development Code the amendment set forth in Section of this Ordinance.

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

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

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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 ____ day of _____, 2016.

5
6 APPROVED:

7 By _____
8 CAROLYN G. GOODMAN, Mayor

9 ATTEST:

10 _____
11 LUANN D. HOLMES, MMC
12 City Clerk

13 APPROVED AS TO FORM:

14 Val Steed 10-24-16
15 Val Steed, Date
16 Deputy City Attorney
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2016, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2016, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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DEPARTMENT: CITY CLERK

DIRECTOR: LUANN D. HOLMES

SUBJECT:

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME FORWARD AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED



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