

1 **BILL NO. 2005-14**

2 **ORDINANCE NO. 5762**

3 AN ORDINANCE TO AUTHORIZE THE GRANTING OF A DISTANCE-SEPARATION WAIVER  
4 FOR A TAVERN TO BE LOCATED WITHIN A REGIONAL MALL, AND TO PROVIDE FOR  
OTHER RELATED MATTERS.

5 Sponsored by: Councilman Larry Brown

Summary: Authorizes the granting of a  
distance-separation waiver for a tavern to be  
located within a regional mall.

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

9 SECTION 1: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code  
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended so that the subdivision entitled  
11 "Liquor Establishment (Tavern)" reads as follows:

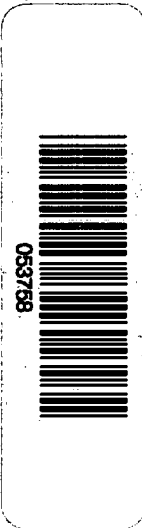
12 LIQUOR ESTABLISHMENT (TAVERN) [C-1 THROUGH M]

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

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

26 (3) For the purpose of Paragraph (2), and for that purpose only:

27 (a) The "property line" of a protected use refers to the property line of a fee interest parcel  
28 that has been created by an approved and recorded parcel map or subdivision map, and does not



1 include the property line of a leasehold parcel; and

2 (b) The "property line" of a liquor establishment (tavern) refers to:

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

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

7 (A) Using the property line of that parcel for the purpose of measuring the  
8 distance separation referred to in Paragraph (1) would qualify the parcel under the distance separation  
9 requirement;

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

14 (C) All parking spaces required by LVMC Chapter 19.10 for the liquor  
15 establishment (tavern) use will be located on the same parcel as the use; and

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

20 (4) The distance separation requirement set forth in Paragraph (1) does not apply to an  
21 establishment which has a non-restricted gaming license in connection with a hotel having two  
22 hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having  
23 in excess of two hundred guest rooms after July 1, 1992.

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

27 (a) Will be located on a parcel within the C-V District or the Downtown Casino Overlay  
28 District;

1 (b) Will be located on a parcel or within a building that, pursuant to State law or City  
2 ordinance, has been designated as an historic property, historic building, or landmark; [or]

3 (c) Will be located within a regional mall; or

4 [(c)] (d) Will be separated from the existing use by a street or highway with a minimum right-  
5 of-way width of one hundred feet.

6 (6) The use shall conform to the provisions of LVMC Chapter 6.50.

7 SECTION 2: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of  
8 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location,  
9 the term "Regional Mall" and its definition, as follows:

10 "Regional Mall" means an enclosed structure with a minimum square footage of three hundred fifty  
11 thousand square feet:

12 (A) That is used or intended to be used as an assemblage of various tenants,  
13 including, without limitation, retail uses, personal service uses, food service uses, and other ancillary  
14 uses;

15 (B) That includes a minimum of two major anchor tenants; and

16 (C) In which the typical means of access to the various uses is from inside the mall  
17 structure.

18 SECTION 3: In Section 1 of this Ordinance, the brackets that follow the title of the  
19 subdivision being added are not intended to indicate deleted matter, but instead are used as the means  
20 of indicating the applicable districts.

21 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.050  
22 and 19.20.020 are deemed to be subchapters rather than sections.

23 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or  
24 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or  
25 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
26 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
27 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
28 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

1 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
2 invalid or ineffective.

3 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,  
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this 20<sup>th</sup> day of April, 2005.

7 APPROVED:

8  
9 By   
10 OSCAR B. GOODMAN, Mayor

11 ATTEST:

12   
13 BARBARA JO RONEMUS, City Clerk

14 APPROVED AS TO FORM:

15 Val Steef 2-16-05  
16 Date

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

The above and foregoing ordinance was first proposed and read by title to the City Council on the 2<sup>nd</sup> day of March, 2005, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 20<sup>th</sup> day of April, 2005, which was a regular meeting of said Council; 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  
Councilmembers: Reese, Brown, Mack and Wolfson

VOTING "NAY": Weekly and Tarkanian

EXCUSED: None


ABSTAINED: None

APPROVED:



OSCAR B. GOODMAN, Mayor

ATTEST:

  
BARBARA JO RONEMUS, City Clerk

RECEIVED  
CITY CLERK

2005 MAR 31 A 10:16

AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Donna Stark, 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,

LV CITY CLERK  
3917099

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 03/25/2005 to 03/25/2005, on the following days: MARCH 25, 2005

Signed: \_\_\_\_\_

*Donna Stark*

SUBSCRIBED AND SWORN BEFORE ME THIS THE \_\_\_\_\_

30

day of \_\_\_\_\_ 2005

March

*Mary B. Sheffield*

Notary Public

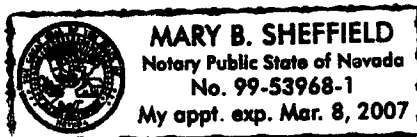
**BILL NO. 2005-14**

AN ORDINANCE TO AUTHORIZE THE GRANTING OF A DISTANCE-SEPARATION WAIVER FOR A TAVERN TO BE LOCATED WITHIN A REGIONAL MALL AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown  
Summary: Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall.

At the City Council meeting of MARCH 2, 2005 BILL NO. 2005-14 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, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: March 25, 2005  
LV Review-Journal



RECEIVED  
CITY CLERK

2005 MAY -2 A 10:38

AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Donna Stark, 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,

LV CITY CLERK  
3974408

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/23/2005 to 04/23/2005, on the following days: APRIL 23, 2005

BILL NO. 2005-14  
Ordinance No. 5762

AN ORDINANCE TO AUTHORIZE THE GRANTING OF A DISTANCE-SEPARATION WAIVER FOR A TAVERN TO BE LOCATED WITHIN A REGIONAL MALL, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown  
Summary: Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 2nd day of March 2005 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 20th day of April 2005, 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 Reese, Brown, Mack, and Wolfson.  
VOTING "NAY": Councilmembers Weekly and Tarkanian  
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: April 23, 2005  
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 27

day of April 2005

Mary B. Sheffield

Notary Public

