

1 **BILL NO. 2016-70**

2 **ORDINANCE NO. 6568**

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

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

6 \*3. The distance separation referred to in Requirement 1, above, and Requirement 8, below, shall be  
7 measured with reference to the shortest distance between two property lines, one being the property line of  
8 the proposed nightclub which is closest to the existing use to which the measurement pertains, and the other  
9 being the property line of that existing use which is closest to the proposed nightclub. The distance shall be  
10 measured in a straight line without regard to intervening obstacles.

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

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

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

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

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

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

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

26 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 1<sup>st</sup> day of February, <sup>2017</sup> 2016.


5 APPROVED:

6  
7 By   
8 CAROLYN G. GOODMAN, Mayor

9 ATTEST:

10   
11 LUANN D. HOLMES, MMC  
12 City Clerk

13 APPROVED AS TO FORM:

14  10-24-16  
15 Val Steed, Date  
16 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 2<sup>nd</sup> day of November, 2016, and referred to a committee for recommendation; hereafter the committee reported favorably on said ordinance on the 1<sup>st</sup> day of February, 2017, which as 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, and Councilmembers Ross, Tarkanian, Anthony, Coffin and Beers  
VOTING "NAY": None  
EXCUSED: Barlow  
ABSTAINED: None

APPROVED:

  
\_\_\_\_\_  
CAROLYN G. GOODMAN, Mayor

ATTEST:

  
\_\_\_\_\_  
LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS

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Account # 22515  
Ad Number 0000887567

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 01/19/2017 to 01/19/2017, on the following days

01 / 19 / 17

BILL NO: 2016-70

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

Sponsored by: Councilman Bob Coffin

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

At the City Council meeting of November 2, 2016

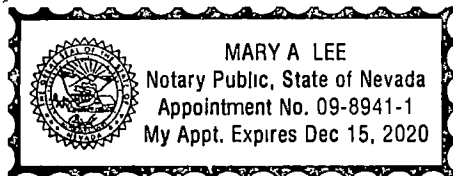
BILL NO. 2016-70 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

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 19, 2017  
 LV Review-Journal

*[Signature]*  
\_\_\_\_\_  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 19th day of January, 2017

Notary *[Signature]*  
\_\_\_\_\_



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COUNTY OF CLARK) SS

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LAS VEGAS NV 89101

Account # 22515  
Ad Number 0000891109

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 02/04/2017 to 02/04/2017, on the following days

02 / 04 / 17

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Sponsored by:  
Councilman Bob Coffin

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

The above and foregoing ordinance was first proposed and read by title to the City Council on the 2nd day of November, 2016, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 1st day of February, 2017, 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 introduced and adopted by the following vote.

VOTING "AYE": Mayor Goodman, and Councilmembers Ross, Tarkanian, Anthony, Coffin and Beers  
VOTING "NAY": NONE  
EXCUSED: Councilman Barlow

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: February 4, 2017  
LV Review-Journal

  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 6th day of February, 2017

Notary 