

1 **BILL NO. 2004-77**

2 **ORDINANCE NO. _____**

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**
5 **OTHER RELATED MATTERS.**

5 Sponsored by: Councilwoman Janet Moncrief Summary: Authorizes the granting of a
6 distance-separation waiver for a tavern to be
7 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 _____ day of _____, 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 Steed 11-16-04
16 _____ Date

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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 _____, 2004, 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 _____, 2005, 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: _____

12 APPROVED:

14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 _____
18 BARBARA JO RONEMUS, City Clerk

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City of Las Vegas Recommending Committee
400 Stewart Avenue
Las Vegas, NV 89101

RECEIVED
CITY CLERK

December 30, 2004

2004 DEC 30 P 4:49

RE: Item #62 Bill No. 2004-77

Dear Recommending Council Members,

We feel that a nice Restaurant in a regional mall, such as Meadows Mall, would be an asset to that Mall. Several years ago, Ricardo's Restaurant was an asset.

A real nice Restaurant with sit-down meals would be great.


A Tavern where people can sit for hours drinking would not be good. People who overindulge on alcohol often drive carelessly and heedlessly in parking lots and on the streets.

Teenagers and other children are dropped off at the Mall by parents. They do not need to be exposed to gaming or reckless drunk drivers. It only takes one careless driver to kill a child..

We feel that neither a Restaurant nor Tavern should be allowed to have any alcohol or gaming on the premises. The Laws for Restriction Zones are very clear. It is too close to neighborhood schools!

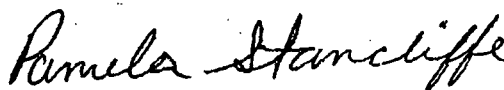
Please VOTE NO on Item #62 Bill No. 2004-77.

Thank you very much.



June Ingram
259-3094

and



Pamela Stancliffe
258-1517

Charleston Neighborhood Preservation

Submitted after final agenda

Date 12/30/04 Item #1