

~~[Bracketed]~~ material is that portion being deleted  
Underlined material is that portion being added

BILL NO. L-5-3-11-2

SUMMARY – An Ordinance to amend Title 8, Chapter 8.20 of the Clark County Code to amend the definition of a commercial center and the exemption from distance restrictions applied to tavern(s) located within a commercial center; and provide for other matters properly related thereto.

ORDINANCE NO. L-253-11  
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 8.20 OF THE CLARK COUNTY CODE TO AMEND THE DEFINITION OF COMMERCIAL CENTER AND EXEMPTIONS FROM DISTANCE RESTRICTIONS FOR TAVERN(S) LOCATED WITHIN COMMERCIAL CENTERS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, SITTING AS THE CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Section 8.20.020.065 of the Clark County Code is amended to read as follows:

"Commercial center" means a concentration of at least one hundred fifty thousand square feet of retail stores, including either: (1) a retail store of not less than fifty thousand square feet; or (2) two retail stores each no less than thirty thousand square feet, all of which share a common parking lot with sufficient parking spaces as required by the Clark County department of comprehensive planning and the provisions of Title 30 of the Clark County Code. Such retail stores must be situated upon at least ~~[fifteen]~~ twenty

contiguous gross acres of land less dedications required by law. A gross acre is forty-three thousand five hundred sixty square feet. The square footage ascribed to any establishment licensed or pending licensure as a tavern shall not be included in the calculation of the total square footage requirement to meet the "commercial center" definition, nor shall a tavern be classified as a retail store. For the purposes of this section "retail" means the sale of goods and commodities to the ultimate consumers of such products.

SECTION TWO. Section 8.20.295 of the Clark County Code is amended to read as follows:

**Distance restrictions for tavern licenses.** (a) No tavern license shall be issued in the county unless the main entry door of the prospective tavern be not less than a two thousand foot radius from the main entry door of the nearest existing tavern and/or nonconforming tavern location as defined in Section 8.20.060, nor less than one thousand two hundred fifty foot radius from the main entry door of the nearest existing tourist club and/or nonconforming tourist club location as defined in the definition of "tourist club" in Section 8.20.020, or unless the prospective tavern is in a location which has been licensed or otherwise specifically provided for in subsections (c), (d), (e), ~~and~~ (f), (g), and (h) below.

(1) "Main entry door" for the purpose of this section is defined to be that entry door that is used by patrons for entry that is located on the address side of the establishment; if there is no entry on the address side of the establishment, then the main entry door will be the entry that is located on the parking lot side of the establishment and used by patrons for entry.

(b) Nothing herein shall be construed to require the approval of an application for a license to sell, serve or otherwise distribute liquor from a bar simply because one may be issued in accordance with the distance restrictions. The Clark County liquor and gaming licensing board retains all discretion to approve or disapprove license applicants.

(c) One tavern license may be issued to an applicant located in a commercial center as defined in Section 8.20.020 that is outside the area designated as an H-1 gaming enterprise district.

(d) Three tavern licenses may be issued in a commercial center as defined in Section 8.20.020 that is within an area designated as an H-1 gaming enterprise district. If such bars are to be located in the same establishment and location, and operated as a single business, the tavern licensee may apply to the licensing board for additional tavern licenses.

(e) Those tavern license applicants which have filed a letter of intent with the licensing department or which have applications pending before the liquor and gaming licensing board as of May 30, 1980, and which ultimately are granted a license may be excluded from the two thousand foot restriction. Those tavern license applicants which have submitted an application to Clark County or have been granted preliminary location suitability for a tavern after May 30, 1980, but prior to December 22, 2010, shall be subject to a one thousand five hundred foot separation requirement rather than the two thousand foot requirement described in this section.

(f) If such bars are to be located in the same establishment and location, and operated as a single business, the tavern licensee may apply to the licensing board for additional tavern licenses.

(g) (1) A tavern which is operated in conjunction with a restaurant which has twelve or more pocket billiard tables measuring at least four and one-half feet by nine feet in size, which maintains structural barriers between the bar and restaurant area and billiard hall, and which excludes minors from the bar-lounge and billiard hall area and which was licensed prior to July 29, 1988, is exempt from the distance restriction and is subject to licensure and/or renewal pursuant to Section 8.20.060.

(2) A tavern qualifying for the exemption of the distance restriction set forth under subsection ~~{(e)}~~ (g)(1) may maintain such exemption where any or all of the pocket billiard tables are removed for the purpose of making improvements to the property by constructing a lounge area as defined by Section 8.20.020.200, or a restaurant as defined by Section 8.20.020.310 or a restaurant as defined by Section 8.20.020.315 and upon submission to the Director of such a request and upon inspection by the Department following the completion of the lounge area.

(h) A tavern which was licensed prior to May 30, 1980 that has been subject to an act of condemnation by a government entity (other than Clark County), whereby the tavern is relocated to a new location, may be excluded from the two thousand foot distance restriction provided the tavern's new location is not less than five hundred feet from the nearest existing tavern and/or nonconforming tavern location as defined in Section 8.20.060.

SECTION THREE. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION FOUR. It is specifically acknowledged by the Board of County Commissioners that this ordinance may present conflicts with other code sections not expressly amended by this ordinance. It is the intent of the Board of County Commissioners that all ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION FIVE. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the 3rd day of May, 2011.

PROPOSED BY: Commissioner Lawrence Weekly

PASSED on the 17th day of May 2011.

AYES: Susan Brager

Lawrence L. Brown III

Chris Giunchigliani

Mary Beth Scow

Steve Sisolak

Lawrence Weekly

\_\_\_\_\_

NAYS: None

\_\_\_\_\_

ABSTAINING: None

ABSENT: Tom Collins

THE LIQUOR AND GAMING LICENSING  
BOARD OF CLARK COUNTY, NEVADA

BY: Lawrence Weekly  
LAWRENCE WEEKLY, CHAIR

ATTEST:  
Diana Alba  
DIANA ALBA, County Clerk

This ordinance shall be in force and effect from and after  
the 31st day of May 2011.