

BILL NO. 2010-44

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE LICENSING REGULATIONS TO REPLACE THE HOTEL LOUNGE BAR LICENSE WITH THE ANCILLARY LOUNGE BAR LICENSE, MAKE A CORRESPONDING CHANGE TO THE ZONING REGULATIONS, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Amends the licensing regulations to replace the hotel lounge bar license with the ancillary lounge bar license, and makes a corresponding change to the zoning regulations.

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

SECTION 1: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.020: Unless the context otherwise requires, the scope of all words in this Chapter shall be liberally construed in order to effectuate the purpose of this Chapter, and, in particular, the following words shall have the meaning ascribed to them as follows:

“Alcoholic beverage” includes alcohol, spirits, liquor, wine and beer, and every liquid or solid which contains alcohol, spirits, liquor, wine or beer; and which contains one-half of one percent or more of alcohol by volume; and which is fit for beverage purposes, either alone or when diluted, mixed or combined with other substances. Any liquid or solid containing beer or wine in combination with any other alcoholic beverage shall not be construed to be beer or wine.

“Alcoholic beverage caterer” means a person who serves or sells alcoholic beverages only for consumption on the premises where the same are dispensed, served or sold during the times, dates and places specified by permit.

“Ancillary lounge bar” means a bar located in a lounge area of a hotel or mixed-use building where alcoholic beverages are sold for consumption in specified areas only.

“Art gallery or art studio” means a business establishment where the general public is invited to view artistic exhibitions, presentations and performances.

“Banquet or event establishment” means any establishment which is rented by individuals or groups to accommodate private or public events. Such establishment may or may not include:

1 (1) Kitchen facilities for the preparation or catering of food.

2 (2) Outdoor gardens or reception facilities.

3 “Beer” means any alcoholic beverage obtained by the fermentation of any infusion or
4 decoction of barley, malt, hops or similar product, or any combination thereof, in water.

5 “Commercial center” means a concentration of retail stores that:

6 (1) Contains at least eighty thousand square feet of retail space enclosed within a
7 building or buildings;

8 (2) Contains at least one anchor retail store of at least twenty thousand square feet;

9 (3) Includes a parking lot common to the retail stores; and

10 (4) Is situated on at least fifteen gross acres of land.

11 “Container,” except as the context otherwise requires, means a receptacle provided by an
12 establishment (or otherwise) from which alcoholic beverages are consumed on the premises of the
13 establishment.

14 “Convenience store” means a retail establishment other than a drugstore, which:

15 (1) Offers for sale prepackaged food products, household items and other goods
16 commonly associated with those products and items, provided that not more than thirty percent of its
17 physical retail inventory on the establishment premises is devoted to alcoholic beverages;

18 (2) Contains not less than one thousand two hundred square feet, nor more than five
19 thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and office
20 areas; and

21 (3) Displays alcoholic beverages for sale no closer than ten feet from any public
22 entrance to the establishment.

23 “Convention facility” means a structure which has at least 100,000 square feet of floor space
24 utilized for scheduling, hosting or accommodating a convention, trade show or temporary event,
25 whether the activity is open or closed to the general public. For purposes of this Chapter, the term
26 includes a stadium facility that is operated in conjunction with a convention facility, but does not
27 include a permanent trade show facility.

28 “Cooler” means any prebottled alcoholic beverage, other than beer or wine, that is a distillate

1 obtained from the fermentation of the natural contents of fruits or other agricultural products
2 containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

3 “Downtown entertainment overlay district” means that area of the City bounded by Ogden
4 Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street
5 on the east.

6 “Drugstore” means a business establishment which occupies the entire business premises of
7 a building, or a portion of the business premises of a building which is segregated physically or
8 spatially from the rest of the business premises, where a State licensed pharmacist is present at all
9 times the pharmacy operation is open for the purpose of compounding or dispensing, or both
10 compounding and dispensing of drugs and medicines, and where a grill and fountain service is
11 permitted as well as the retail sales of sundries, including stationery, magazines, cosmetics and health
12 items.

13 “Dues” means fees paid on a monthly, quarterly, semiannual or annual basis for the right to
14 participate in the planning of activities and the utilization of services offered by a nonprofit
15 corporation, association or organization. The term “dues” does not include fees paid for the purchase
16 of drinks, meals or other services offered by a nonprofit corporation, association or organization.

17 “Event” means private or public activity, including, but not limited to, weddings, birthdays,
18 ceremonials, commemorations, anniversaries, family reunions, fund raisers, political campaign
19 gatherings, and religious or other types of observances.

20 “Gift basket” means a receptacle or container that may be filled with food items or novelty
21 items, and alcoholic beverages in sealed or corked containers in quantities not greater than 25.4 ounces
22 (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities
23 not greater than seven hundred fifty milliliters measured in the metric system of weights and measures.

24 “Groceries” means staple food stuffs, dairy products, meats and produce meant for human
25 consumption; articles used in the preparation of food; and household supplies.

26 “Grocery store” means a business establishment which occupies all of the business premises
27 of a building or a portion of the business premises of a building which is segregated physically or
28 spatially from the rest of the business premises, and which contains more than five thousand square

1 feet of floor space for the display and sale of groceries and alcoholic beverages, exclusive of
2 warehouse and office space. The term does not include an establishment in which more than thirty
3 percent of the physical retail inventory on the establishment premises consists of alcoholic beverages.

4 ["Hotel lounge bar" means a bar located in a lounge area of a hotel where alcoholic beverages
5 are sold for consumption in specified areas only.]

6 "Key employee" means an employee designated by a business licensee to oversee the
7 operations of the business in the absence of the licensee.

8 "Liquor store" means a specialty retail store which does not allow entry to minors and which
9 deals exclusively in alcoholic beverages and related items including magazines, newspapers and
10 packaged snack foods.

11 "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any
12 name or description, brewed or produced from malt, wholly or in part.

13 "Meal" means an assortment of food listed on a menu which must include entrees, appetizers,
14 side items and desserts available for purchase at various hours of the day.

15 "Mega store" means a business which has in excess of twenty-five thousand square feet of
16 floor space devoted for the sale of a multiple line of products, including, but not limited to groceries,
17 electronics, pharmaceuticals, home decorating and improvement supplies, office supplies, clothing
18 and similar items.

19 "Nonprofit club" means any nonprofit corporation, association or organization which has been
20 in continual existence for at least two years prior to applying for a license under this Chapter, and:

- 21 (1) Is organized or qualified to do business and operate under the laws of the State;
- 22 (2) Has tax-exempt status granted by the United States Internal Revenue Service;
- 23 (3) Maintains a membership of at least one hundred active members who are
24 residents of Southern Nevada, who are twenty-one years of age or older and who pay dues to the
25 nonprofit corporation, association, or organization;
- 26 (4) Operates a clubhouse, clubroom or meeting room in a permanent location which
27 it owns or leases; and
- 28 (5) Maintains a sign-in log that each member and the member's guests must sign

1 upon entering the club house, clubroom or meeting room operated by the club.

2 "Off-sale" means the sale of alcoholic beverages in original sealed or corked containers for
3 consumption off the premises where the same are sold.

4 "On-sale" means the sale of alcoholic beverages for consumption on the premises where the
5 same are sold.

6 "Permanent trade show" means an event held at a permanent trade show facility where
7 products, goods or wares are displayed for the purpose of exhibitors demonstrating and soliciting
8 orders for the wholesale of or offering for wholesale of such products, goods or wares exclusively to
9 members of a specific industry or industries.

10 "Permanent trade show facility" means a parcel or contiguous parcels of land with one or more
11 buildings located thereon consisting of a minimum of two hundred fifty thousand square feet of floor
12 space that is designed and intended primarily to conduct one or more permanent trade shows annually,
13 at which members of the general public are not admitted. A "permanent trade show facility" may also
14 be used for events to which the general public is invited.

15 "Restaurant" means a place which is regularly and in a bona fide manner used and kept open
16 for the service of meals to guests for compensation; and which has suitable kitchen facilities connected
17 therewith, containing conveniences for cooking an assortment of foods which may be required for
18 ordinary meals.

19 "Restaurant service bar" means a bar wherein alcoholic beverage drinks are prepared for
20 service only at tables in a restaurant for consumption only in connection with a meal on the premises
21 where the same is sold.

22 "Sale" means the act of selling and, in connection therewith, "sell" means, for compensation
23 or any other private or public business purpose at a commercial location, to sell, serve, give away, or
24 distribute; or to cause or permit to be sold, served, given away or distributed or to possess with the
25 intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive orders to sell,
26 serve, give away or distribute.

27 "Specialty merchandise store" means a retail store located within a commercial center that:

- 28 (1) Has at least eighteen thousand square feet of gross floor area;

1 (2) Has at least eleven thousand five hundred square feet of floor space dedicated
2 to the sale and display of furniture, glassware, kitchenware and other household goods;

3 (3) Has at least three thousand six hundred square feet of floor space dedicated to
4 the sale and display of gourmet foods and nonalcoholic beverages; and

5 (4) Maintains an inventory of beer, wine and coolers with a wholesale value of at
6 least twenty-five thousand dollars.

7 “Supper club” means a restaurant and bar operation with alcoholic beverage sales wherein the
8 bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area
9 by minors and the restaurant operation is the principal portion of the business.

10 “Wedding chapel” means a business establishment that is licensed to perform marriages in
11 accordance with State law.

12 “Wholesale dealer” or “wholesaler” means a person who sells alcoholic beverages for the
13 purposes of resale.

14 “Wine” means any alcoholic beverage, other than beer, obtained by the fermentation of the
15 natural contents of fruits or other agricultural products containing natural or added sugar, which
16 contains not more than twenty-two percent of alcohol by volume.

17 SECTION 2: Title 6, Chapter 50, Section 120, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.50.120:** [A hotel] An ancillary lounge bar license authorizes the sale of alcoholic beverages for
20 consumption on the premises of [the] a hotel or mixed-use building subject to the following
21 conditions:

22 (A) The hotel or mixed-use building has a minimum of one hundred fifty rooms[,]
23 or residential units, unless the City Council determines the public safety, health and welfare will not
24 be compromised by a lesser number of rooms[;] or units;

25 (B) Alcoholic beverages are served and consumed only at tables and booths located
26 within the [hotel] lounge bar area, within a hotel pool area, or within hotel rooms as an incident to
27 room service;

28 [(C) Persons are not permitted to purchase or obtain alcoholic beverages directly

1 from the hotel lounge bar;

2 (D) No other business, trade, profession or entertainment that requires a license
3 under this Title is conducted or performed in the hotel lounge bar area; and]

4 (C) No gaming-related use may be allowed in the ancillary lounge bar area; and

5 [(E)] (D) The maximum available customer seating in the [hotel] lounge bar area does
6 not exceed [seventy-five] fifty seats.

7 SECTION 3: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.50.360:** Each licensee shall pay to the Department, in advance, the semiannual license fees set
10 forth in the following schedule, subject to the annual adjustment described in Subsection (B) of this
11 Section:

License Category	Semiannual License Fee (Dollars)
<u>Ancillary lounge bar</u>	<u>1,200</u>
Banquet or event establishment	500
Beer/wine/cooler art event on-sale	300
Beer/wine/cooler on-sale	300
Beer/wine/cooler off-sale	300
Beer/wine/cooler on-off sale	600
Brew/pub/tavern	1,200
Convention facility	1,200
General on-sale	1,200
General on-sale (beer and wine)	500
Gift basket limited	300
Gift shop limited	500
Grocery store or mega store internet sale	500
[Hotel lounge bar]	[1,200]
Instructional wine making facility	600
Keg beer	200
Alcoholic beverage caterer	500
Nonprofit club general on-sale	200
Nonprofit club restaurant service bar	100
Package	750
Permanent trade show facility	2,400

License Category	Semiannual License Fee (Dollars)
Restaurant service bar	600
Supper club	800
Plus: fee for each additional bar	750
Tavern (one bar)	1,200
Plus: fee for each additional bar	900
Tavern-limited	800
Plus: fee for each additional bar	500
Urban lounge	1,000
Plus: fee for each additional bar	750
Wholesale general	1,000
Wine, beer, cordial, liqueur tasting	600

Each special event general licensee shall pay a license fee of one hundred dollars per day.

Each special event beer/wine licensee shall pay a license fee of seventy-five dollars per day.

SECTION 4: Title 6, Chapter 50, Section 380, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.380: (A) The origination charge listed in this Section is a one time charge which is due and payable at the time of filing an application for an alcoholic beverage license. Origination charges are as follows:

License Category	Origination Charge (Dollars)
<u>Ancillary lounge bar</u>	<u>40,000</u>
Banquet or event establishment	20,000
Beer/wine/cooler art event on-sale	1,000
Beer/wine/cooler on-sale	2,500
Beer/wine/cooler off-sale	2,500
Beer/wine/cooler on-off sale	5,000
Brew/pub/tavern	75,000
Convention facility	75,000
General on-sale	75,000
General on-sale (beer and wine)	20,000
Gift basket limited	1,000
Gift shop limited	4,000
Grocery store or mega store internet sale	2,500

License Category	Origination Charge (Dollars)
[Hotel lounge bar]	[40,000]
Instructional wine making facility	2,500
Keg beer	4,000
Alcoholic beverage caterer	4,000
Nonprofit club general on-sale	2,000
Nonprofit club restaurant service bar	1,000
Package	40,000
Permanent trade show facility	60,000
Restaurant service bar	30,000
Supper club	40,000
Tavern	75,000
Tavern-limited	20,000
Urban lounge	50,000
Wholesale general	10,000
Wine, beer, cordial, liqueur tasting	2,000

(B) The transfer of an alcoholic beverage license from one licensee to another is exempt from the origination charge set forth in this Section.

(C) In connection with the issuance of an original new City alcoholic beverage license to an existing County alcoholic beverage licensee whose business premises have been annexed into the City, the Department shall waive the origination charge at the request of the applicant. However, a license concerning which such a waiver has been granted may not be sold, transferred to a third party, or transferred to a new location, notwithstanding any provision of this Title to the contrary.

SECTION 5: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting the entry for the use Hotel Lounge Bar, as found in the "Retail and Personal Services" element of Table 2.

SECTION 6: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding to the "Retail and Personal Services" element of Table 2 an entry for the use "Ancillary Lounge

Bar,” reading as follows:

USE: Ancillary Lounge Bar																					
RESIDENTIAL												COMMERCIAL				INDUSTRIAL					
U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M	
																S	S	S	S	S	
Description: “Ancillary Lounge Bar” means a bar located in a lounge area of a hotel or approved mixed-use building which has a minimum of one hundred-fifty rooms or residential units, unless the City Council determines that public health, safety and welfare are not compromised by a lesser number of rooms or units, where the lounge bar makes available alcoholic beverages for consumption in specified areas only. This use does not include a bar that is ancillary to a “Non-restricted Gaming Establishment,” as defined in this Title.																					
Minimum Special Use Permit Requirements: 1. No ancillary lounge bar business use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children or City park. 2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed ancillary lounge bar 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 ancillary lounge bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of: a. Any leasehold parcel; or b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1. 3. In the case of a proposed ancillary lounge bar located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line from the nearest property line of the existing use to the nearest portion of the structure in which the ancillary lounge bar will be located, without regard to intervening obstacles. 4. When considering a Special Use Permit application for an ancillary lounge bar which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision. 5. The minimum distance requirement in Requirement 1 does not apply to an establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992. 6. Where associated with a hotel use, alcoholic beverages shall be served and consumed only within the lounge bar area, within a pool area, or within hotel rooms as incident to room service. Where associated with a mixed-use building, alcoholic beverages shall be served and consumed only within the lounge bar area. 7. The maximum available customer seating in the lounge bar area shall not exceed 50 seats. *8. No gaming-related use may be allowed in the ancillary lounge bar area. *9. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.																					
On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.																					

SECTION 7: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the definition of “Hotel Lounge Bar.”

SECTION 8: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto the following term, along with its corresponding definition:

1 "Ancillary Lounge Bar" means a bar located in a lounge area of a hotel or approved mixed-use
2 building which has a minimum of one hundred-fifty rooms or residential units, unless the City Council
3 determines that public health, safety and welfare are not compromised by a lesser number of rooms
4 or units, where the lounge bar makes available alcoholic beverages for consumption in specified areas
5 only. The term does not include a bar that is ancillary to a "Non-restricted Gaming Establishment,"
6 as defined in this Title.

7 SECTION 9: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
8 and 19.20.020 are deemed to be subchapters rather than sections.

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

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1 SECTION 11: 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,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

5 APPROVED:

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7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

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11 _____
12 BEVERLY K. BRIDGES, MMC
City Clerk

13 APPROVED AS TO FORM:

14 Val Heed 7-21-10
15 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2010, 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 _____, 2010, 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: _____

11

12 APPROVED:

13

14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 BEVERLY K. BRIDGES, MMC
19 City Clerk

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