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PROPOSED FIRST AMENDMENT

BILL NO. 2013-5

ORDINANCE NO. _____

AN ORDINANCE TO CONTINUE TO AUTHORIZE, ON A TEMPORARY BASIS, THE WAIVER OF THE ORIGINATION CHARGE FOR NEW URBAN LOUNGE LICENSES, AND FOR NEW TAVERN-LIMITED LICENSES TO BE LOCATED WITHIN THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT OR THE ARTS DISTRICT; TO AUTHORIZE, ON A TEMPORARY BASIS, THE WAIVER OF THE ORIGINATION CHARGE FOR NEW TAVERN-LIMITED LICENSES WITHIN THE ARTS DISTRICT; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Flinn Fagg, Director of Planning

Summary: Continues to authorize, on a temporary basis, the waiver of the origination charge for new urban lounge licenses, and for new tavern-limited licenses to be located within the Downtown Entertainment Overlay District; and authorizes, on a temporary basis, the waiver of the origination fee for new tavern-limited licenses within the Arts District.

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

SECTION 1: In February 2010, the City Council adopted Ordinance No. 6077, which authorized, on a temporary basis, the waiver of the origination charge for new urban lounge and tavern-limited licenses. The intent of that ordinance was to encourage new urban lounge and tavern-limited licenses within the districts to which those licenses pertained—namely, the Arts District for urban lounges, and the Downtown Entertainment Overlay District for tavern-limited licenses. In 2011 and 2012, by means of Ordinance Nos. 6132 and 6178, respectively, the City Council extended for another year in each case the effects of Ordinance No. 6077. In January 2013 the City Council adopted Ordinance No. 6232, which, among other things, authorized the establishment of tavern-limited licenses within the entire Downtown Centennial Plan area. The City Council now desires to extend for another year the effects of Ordinance No. 6077 for new applications, but limited to the areas concerning which the waiver under Ordinance No. 6077 was originally intended and established. Therefore, the Department of Planning or its successor, in accordance with Section 2 of this Ordinance, may waive origination charges otherwise imposed by LVMC 6.50.380 for:

(A) Urban lounge licenses; and

Submitted At Meeting

Date *5/14/13* Item *3*

by *Val Speed*

1 (B) Tavern-limited licenses that are proposed to be located within the Downtown
2 Entertainment Overlay District or the Arts District.

3 SECTION 2: A waiver referred to in Section 1 of this Ordinance may be granted
4 pursuant to a qualifying waiver application that is filed with the Department of Planning between the
5 effective date of this Ordinance and one year thereafter. Any such waiver shall be conditioned upon
6 activation of the business license within the following time periods after the submittal of a qualifying
7 waiver application:

8 (A) One year, for a business to be located within an existing structure; or

9 (B) Two years, otherwise.

10 SECTION 3: Notwithstanding any provision of Title 6 of the Las Vegas Municipal
11 Code to the contrary, a business license concerning which a waiver has been granted pursuant to this
12 Ordinance and which has been activated:

13 (A) May not be sold or transferred to a third party; and

14 (B) May not be transferred to a new location unless the location is within the same
15 district, the location is approved in accordance with the requirements of Title 19, and the license
16 holder remains the same. For purposes of this Subsection (B), "same district" means the Arts District,
17 for an urban lounge license, and the Downtown Entertainment Overlay District, for a tavern-limited
18 license.

19 SECTION 4: For purposes of Sections 2 and 3 of this Ordinance:

20 (A) "Activation of a business license" means that the license has been issued and
21 the business authorized by the license has opened for business operation.

22 (B) "Qualifying waiver application" means an application for waiver that is:

23 (1) Submitted in connection with a business license application; and

24 (2) Accompanied by a copy of an application for special use permit that has
25 been filed with the Department of Planning (or its successor) pursuant to Title 19 of the Las Vegas
26 Municipal Code.

27 SECTION 5: Nothing in this Ordinance shall be deemed to affect waiver applications
28 filed before the effective date of this Ordinance.

SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Date _____

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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