

1 **BILL NO. 2023-22**

2 **ORDINANCE NO. 6849**

3 AN ORDINANCE RELATING TO ZONING; AMENDING LVMC 19.09.100, RELATING TO
4 FORM-BASED CODE, TO UPDATE APPLICABLE STANDARDS RELATING TO UTILITY
5 PLACEMENT, SIGNAGE, AND OUTDOOR DINING AND ENTERTAINMENT; MAKE
CORRESPONDING ADJUSTMENTS TO APPENDIX F OF THE UNIFIED DEVELOPMENT CODE;
AND PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilwoman Olivia Díaz

Summary: Amends LVMC 19.09.100, relating to
Form-Based Code, to update applicable standards
relating to utility placement, signage, and outdoor
dining and entertainment, and make
corresponding adjustments to Appendix F of the
Unified Development Code.

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

12 SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19
13 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in
14 Sections 2 to 6, inclusive, of this Ordinance. The amendments are deemed to be amendments to Ordinance
15 No. 6289 and to the Unified Development Code adopted as Title 19.

16 SECTION 2: Section 19.09.100.I is amended to read as follows:

17 **19.09.100.I Sign Standards**

18 1. Standards and procedures for permanent and temporary signs allowed in Transect Zones T1, T2, and
19 T3 are those that are established in LVMC [Section] 19.06.140 (Residential Sign Standards) [as] for signs in
20 an R-2 Zone.

21 2. Except as otherwise provided in Paragraph 4 below, [Standards] standards and procedures for
22 permanent and temporary signs allowed in Transect Zones T4, T5, T6, and any Special Districts, are those
23 that are established in LVMC [Section] 19.08.120 (Commercial and Industrial District Sign Standards) [as]
24 for signs in a C-2 Zone.

25 3. In addition to the standards and procedures outlined in this Section, all signs within the Las Vegas
26 Boulevard Scenic Byway Overlay District (SB-O) shall comply with the standards established in LVMC

1 [Section] 19.10.160.

2 4. In Transect Zones T4, T5 and T6, one standard A-frame type sign measuring no more than two feet
3 in width by three feet in height is permitted at the primary entrance of each business, located immediately
4 adjacent to the building. The sign shall not obstruct the flow of pedestrian traffic or block the required clear
5 pedestrian path required by LVMC 19.09.100.M. A Temporary Sign Permit is not required and the sign is
6 not subject to the time limitations prescribed in LVMC 19.08.120(G). However, if the sign is to be located
7 within the public right-of-way, the sign location must first be approved by means of a license agreement
8 pursuant to LVMC 19.09.100.M.3.

9 SECTION 3: Section 19.09.100 is amended by adding thereto two new subsections,
10 designated as Subsections (L) and (M), reading respectively as follows:

11 **L. Utilities**

12 1. For all development requiring new above ground utility appurtenances, the applicable utilities shall be
13 provided as follows:

14 a. For any proposed project where the lot or a portion thereof is vacant or undeveloped, or will
15 be in either condition prior to the start of new construction, new above ground utilities shall be accommodated
16 on-site. Whenever possible, they shall be placed within the building footprint. For purposes of the preceding
17 sentence, a surface parking lot area shall be considered to be a “vacant” portion of a lot.

18 b. For any proposed project where the existing structures will remain such that there is
19 insufficient or no undeveloped or vacant area available that can accommodate new utilities, above ground
20 utilities shall be located:

21 i. Within alley rights-of-way wherever possible, or

22 ii. Otherwise, within the street amenity zone or as otherwise determined by the Director
23 of Public Works or a designee.

24 2. No utility or utility appurtenance may be placed in such a manner that:

25 a. Blocks or inhibits pedestrian flow or access to a building door or entrance, ramp, or
26 accessway;

1 b. Prevents or otherwise obstructs a handicapped or disabled pedestrian from passing or
2 traversing; or

3 c. Otherwise causes a safety hazard.

4 3. If new above ground utilities are required pursuant to Paragraph 1 above and the location of the
5 required utilities will displace a structure such that a setback cannot be met, or the number of parking spaces
6 is reduced below the minimum number required, a waiver of that setback or parking requirement shall not be
7 required to accommodate the utilities.

8 4. The standards set forth in Paragraphs 1 through 3 above are minimum standards and are not subject
9 to the application of a Waiver pursuant to LVMC 19.16.130, or a Variance pursuant to LVMC 19.16.140.

10 **M. Outdoor Dining and Entertainment Standards**

11 1. General

12 The standards of this Subsection (M) apply to outdoor dining or entertainment that occurs or is proposed to
13 occur within public sidewalk areas and on private property. For the purposes of this Subsection and unless
14 the context otherwise requires, the terms “outdoor dining” and “outdoor dining area” refer to an area of a
15 public sidewalk or similar pedestrian area in which food and/or beverages are served to the public.

16 2. Objective and Intent

17 The objective of establishing standards for outdoor dining and entertainment is to promote pedestrian-
18 friendly use of public sidewalks and similar pedestrian areas in connection with providing economic
19 opportunities for ground floor food and/or beverage establishments. These standards have been developed to
20 ensure that the space used for outdoor dining and related entertainment is consistent with the general design
21 of the public right-of-way and to allow for adequate pedestrian circulation. These standards are also intended
22 to guide applicants with the design of outdoor dining areas, establish or enhance an identifiable sense of
23 place, create a comfortable and interesting pedestrian environment, maintain a continuous and visible
24 pedestrian activity between nodes and building anchors, and provide minimum standards for beautification.

25 3. Specific Standards

26 Outdoor dining or entertainment otherwise permitted within the underlying zoning district may be permitted

1 to take place within a public sidewalk area, private property, or similar pedestrian area, but only in accordance
2 with the standards set forth in this Subsection (M). The location requirements as well as the barrier
3 requirements are set forth in Subparagraphs (a) and (b) below. Unless otherwise specified or the context
4 otherwise requires, the standards set forth in this Subsection (M) shall apply to outdoor dining or
5 entertainment in public sidewalk areas as well as on private property.

6 a. Location

7 i. Public Sidewalks.

8 1. Outdoor dining may occur only as an accessory use to a food or beverage
9 establishment and may be permitted only in the public sidewalk or similar pedestrian area immediately
10 adjacent to the front of the establishment.

11 2. The dining area may not extend beyond the boundaries of the abutting
12 property, and shall not be located in a manner that interferes with the building egress and ingress as required
13 by the International Building Code (IBC).

14 3. No outdoor dining area may be located within twenty five feet of an
15 intersection, measured from the point at which the corner curb radius begins, or within ten feet of a driveway
16 or alley, measured from the point at which the driveway curb radius begins.

17 4. A clear pedestrian path conforming to minimum public right-of-way
18 accessibility guidelines (PROWAG) shall be provided and maintained free of obstructions, including but not
19 limited to structures, signage, vegetation, trash receptacles, street furniture, fire hydrants, utility poles and
20 appurtenances and news racks, etc. The minimum clear pedestrian path width requirement is five feet. This
21 width shall increase to a minimum of eight feet along the entire length of Las Vegas Boulevard and along
22 Fremont Street between Las Vegas Boulevard and 9th Street, unless a lesser minimum width is approved by
23 the Department of Public Works. The pedestrian path width shall be measured from either the back of the
24 amenity zone established by LVMC 19.04 or, where no amenity zone is established, from a line located
25 parallel to and three feet from the back of the curb.

26 5. Outdoor dining and entertainment areas may be shown on a plan for an

1 associated land use approval, such as a Site Development Plan Review or Special Use Permit. However, in
2 no case shall the land use approval serve to provide any permanent or temporary legal rights to the use of the
3 public right-of-way.

4 ii. Private Property

5 1. Outdoor dining may occur only as an accessory use to a food or beverage
6 establishment and, except as otherwise provided in the following sentence, is permitted only on private
7 property. For outdoor dining that is proposed to take place on both private and public property, the standards
8 set forth in this Subparagraph pertaining to "Private Property" shall apply to private property areas, and the
9 standards set forth above for "Public Sidewalks" shall apply to public property areas.

10 2. Outdoor dining or seating areas shall not extend onto adjacent properties or
11 public rights-of-way, except as otherwise allowed under this Subsection (M).

12 3. Outdoor dining or seating areas shall not be located in a manner that
13 interferes with building ingress and egress as required by the International Building Code (IBC).

14 4. Outdoor dining areas shall be shown on a plan for an associated land use
15 approval, if applicable, such as a Site Development Plan Review or Special Use Permit.

16 b. Roofing and Shade Structures

17 Roofing and shade structures within public right-of-way will be addressed on a case-by-case basis in
18 connection with any approval of a license to encroach into the right-of-way. Patio umbrellas and other similar
19 portable shade structures are permitted, but shall not extend beyond the approved encroachment area.
20 Portable shade structures shall be secured so that they do not blow away, tip over or otherwise create a
21 nuisance.

22 c. Furniture

23 All furnishings within an outdoor dining or entertainment area shall be movable and made of sturdy, durable
24 and commercial grade material. They shall be designed to complement the design theme of the business.
25 Ordinary plastic lawn chairs, tables and similar types of furniture are not acceptable.

26 d. Trash Receptacles (Public Sidewalk Areas)

1 Trash receptacles are not permitted within the outdoor dining area or the adjacent public sidewalk.

2 e. Lighting (Public Sidewalk Areas)

3 Lighting, if provided, shall be shielded and of low wattage so as to illuminate only the outdoor dining area
4 and so as to avoid producing glare that has a negative impact on pedestrian traffic, surrounding properties or
5 public rights-of-way. The design of the light fixtures and wiring shall be compatible with the architectural
6 theme of the building and business and shall comply with all building code requirements.

7 f. Maintenance

8 Outdoor dining and seating areas shall be kept in a good state of repair and maintained in a clean, safe and
9 sanitary condition. Any item of furniture or equipment that is broken, rusting, degraded, torn, or tattered shall
10 be removed promptly. The outdoor dining area shall be swept and mopped every night after closing, and kept
11 clean of food or other refuse.

12 g. Music and Live Entertainment

13 Music and live entertainment are permitted as an accessory amenity to dining, but only within an outdoor
14 dining area that is located on private property. Any music or entertainment shall comply with applicable noise
15 ordinances and standards.

16 h. Alcoholic Beverage Service

17 Alcoholic beverage service provided within outdoor dining areas shall conform to LVMC Title 6.

18 i. Fencing

19 Fencing located within the public right-of-way shall be no more than 48 inches in height. Any such fencing
20 shall allow full visibility, with at least 50% of the surface area open when viewed perpendicularly from the
21 public right-of-way. Screen walls are prohibited.

22 j. Signage

23 Signage associated with an outdoor dining or entertainment area shall comply with the standards of LVMC
24 19.09.100.I for the applicable zoning district in which the primary use is located.

25 3. Encroachment Approval Required

26 a. Any dining or entertainment to take place within the public right-of-way shall require

1 approval of a license agreement to encroach into the right-of-way pursuant to LVMC 13.32.065, as may be
2 approved by the Department. Except as approved through a license agreement, no furniture, barrier, fence or
3 any other structure shall be permanently attached to the public right-of-way.

4 b. A license agreement may be terminated by either party, at any time, upon written notice as
5 stipulated in the licensing agreement.

6 c. If the license agreement is terminated by either party, or the outdoor dining area is abandoned
7 by the licensee, all improvements and private property shall be removed and the public right-of-way shall be
8 restored to its previous state as stipulated in the licensing agreement, subject to approval by the City.

9 SECTION 4: Title 19, Appendix F. Section C.1.a.v is hereby deleted and replaced with
10 the following:

11 v. **Utilities** Above ground utility appurtenances shall comply with the requirements of LVMC
12 19.09.100.L

13 SECTION 5: Title 19, Appendix F, Section C.1.f is hereby amended to read as follows:

14 **f. DTLV-O Area 1 Signage Standards**

15 i. Except as otherwise provided in Standard iii below, [The] the design, installation, and
16 maintenance of all signs shall be in full conformance with [Title] LVMC 19.06.140 Residential Sign
17 Standards and [Title] LVMC 19.08.120 Commercial Sign Standards, as revised and amended.

18 ii. Signage for parcels located within the Downtown Casino Overlay District, the Downtown
19 Entertainment Overlay District, and the Las Vegas Scenic Byway shall be in full conformance with signage
20 provisions outlined [Chapters] in LVMC 19.10.100, 19.10.120[,] and 19.10.160, respectively.

21 iii. In the C-1, C-2, C-M and M Zoning Districts, one standard A-frame type sign measuring no
22 more than two feet in width by three feet in height is permitted at the primary entrance of each business,
23 located immediately adjacent to the building. The sign shall not obstruct the flow of pedestrian traffic or
24 block the required clear pedestrian path required by LVMC 19.09.100.M. A Temporary Sign Permit is not
25 required and the sign is not subject to the time limitations prescribed in LVMC 19.08.120(G). However, if
26 the sign is to be located within the public right-of-way, the sign location must first be approved by means of

1 a license agreement pursuant to LVMC 19.09.100.M.3.

2 SECTION 6: Title 19, Appendix F, Section D is hereby deleted and replaced with the
3 following:

4 **D. Outdoor Dining and Entertainment**

5 Outdoor dining and entertainment is permitted only in accordance with the standards set forth in LVMC
6 19.09.100.M.

7 SECTION 7: For purposes of Section 2.100(3) of the City Charter, Section 19.09.100 is
8 deemed to be a subchapter rather than a section.

9 SECTION 8: The Department of Community Development is authorized and directed to
10 incorporate into the Unified Development Code the amendments set forth in Sections 2 to 6, inclusive, of
11 this Ordinance, including any minor formatting or technical adjustments as may be appropriate.

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

19 ...

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1 SECTION 10: 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 18th day of October, 2023.


5 APPROVED:

6 By 
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12  9-5-23
13 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 20th day of September, 2023, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 18th day of October,
4 2023, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council and adopted by the following
6 vote:

- 7 VOTING "AYE": Mayor Goodman and Councilmembers, Knudsen, Crear, Seaman,
8 Diaz, Allen-Palenske and Brune
- 9 VOTING "NAY": None
- 10 EXCUSED: None
- 11 ABSTAINED: None

12
13
14 APPROVED:
15 
16 _____
CAROLYN G. GOODMAN, Mayor

17 ATTEST:
18 
19 _____
LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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2023 OCT 10 AM 11:44

OFFICE OF THE CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001251985

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 10/05/2023 to 10/05/2023, on the following days:

10 / 05 / 23

BILL NO. 2023-22

AN ORDINANCE RELATING TO ZONING; AMENDING LVMC 19.09.100, RELATING TO FORM-BASED CODE, TO UPDATE APPLICABLE TO STANDARDS RELATING TO UTILITY PLACEMENT, SIGNAGE, AND OUTDOOR DINING AND ENTERTAINMENT; MAKE CORRESPONDING ADJUSTMENTS TO APPENDIX F OF THE UNIFIED DEVELOPMENT CODE; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilwoman Olivia Diaz


Summary: Amends LVMC 19.09.100, relating to Form-Based Code, to update applicable standards relating to utility placement, signage, and outdoor dining and entertainment, and make corresponding adjustments to Appendix F of the Unified Development Code.

At the City Council meeting of
September 20, 2023


BILL NO. 2023-22 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

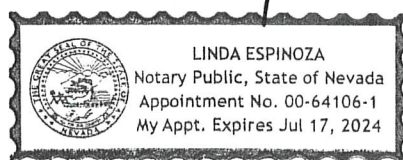
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: Oct. 5, 2023
LV Review-Journal

/s/ 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 5th day of October, 2023

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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2023 OCT 30 PM 12:05

OFFICE OF THE CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001253494

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 10/21/2023 to 10/21/2023, on the following days:

10 / 21 / 23

BILL NO. 2023-22
ORDINANCE NO. 6849

AN ORDINANCE RELATING TO ZONING; AMENDING LVMC 19.09.100, RELATING TO FORM-BASED CODE, TO UPDATE APPLICABLE TO STANDARDS RELATING TO UTILITY PLACEMENT, SIGNAGE, AND OUTDOOR DINING AND ENTERTAINMENT; MAKE CORRESPONDING ADJUSTMENTS TO APPENDIX F OF THE UNIFIED DEVELOPMENT CODE; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilwoman Olivia Díaz

Summary: Amends LVMC 19.09.100, relating to Form-Based Code, to update applicable standards relating to

utility placement, signage, and outdoor dining and entertainment, and make corresponding adjustments to Appendix F of the Unified Development Code.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of September, 2023, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 18th day of October, 2023, 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 first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Knudsen, Crear, Seaman, Diaz, Allen-Palenske and Brune

VOTING "NAY": NONE

EXCUSED: NONE

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: Oct. 21, 2023
LV Review-Journal

[Signature]
/s/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of October, 2023

Notary *[Signature]*

