

BILL NO. 2003-4

ORDINANCE NO. 5566

AN ORDINANCE TO AMEND THE DESIGN STANDARDS ADOPTED AS PART OF THE DOWNTOWN CENTENNIAL PLAN, AND APPLICABLE TO THE DOWNTOWN OVERLAY DISTRICT, TO PROVIDE STANDARDS RELATED TO OUTDOOR DINING; TO MAKE PARALLEL CHANGES TO EXISTING CODE PROVISIONS REGARDING THE USE OF STREETS AND SIDEWALKS; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer,
Director of Planning and Development

Summary: Establishes standards for outdoor
dining in the Downtown Overlay District.

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

SECTION 1: The Downtown Las Vegas Design Standards, adopted as part of the Downtown Centennial Plan and further adopted as part of LVMC 19.06.060, are amended by adding thereto a new Section DS8, to read as follows:

DS8 DOWNTOWN LAS VEGAS OUTDOOR DINING STANDARDS

1. Applicability

These standards (the "Outdoor Dining Standards") apply to outdoor dining that occurs or is proposed to occur within public sidewalk areas or similar pedestrian areas located:

a. Within the area depicted on Map 5 as being included within the boundaries of the Downtown Centennial Plan; and

b. North of Charleston Boulevard and west of Eighth Street.

For purposes of the Outdoor Dining Standards, the terms "outdoor dining" and "outdoor dining area" refer to dining within the area of a public sidewalk or similar pedestrian area, unless the context requires otherwise. The term "similar pedestrian area" refers to an area within public right-of-way that does not qualify as a sidewalk but that is used or intended to be used for pedestrian traffic or circulation.

2. Objective and Intent

The objective of establishing the Outdoor Dining Standards is to promote pedestrian-friendly use of public sidewalks and similar pedestrian areas in connection with providing economic opportunities for ground floor retail. The Outdoor Dining Standards have been developed to ensure that the space

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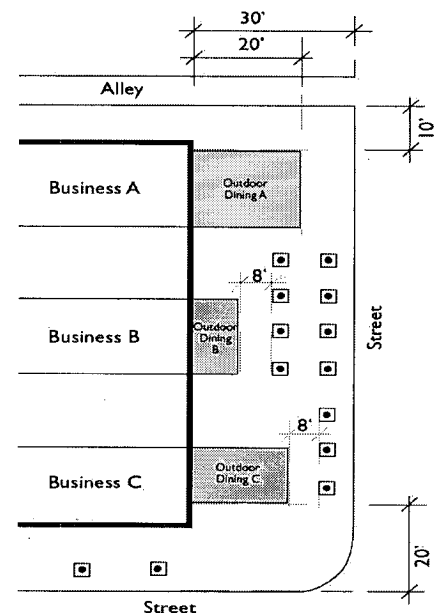
used for outdoor dining is consistent with the general design of the public right-of-way and to allow for adequate pedestrian circulation. The Outdoor Dining Standards are also intended to guide applicants with the design of outdoor dining areas, establish or enhance an identifiable sense of place, create a comfortable and interesting pedestrian environment, maintain a continuous and visible pedestrian activity between nodes and building anchors, and provide minimum standards for beautification.

3. General Standards

Outdoor dining otherwise permitted within the underlying zoning district may be permitted to take place within a sidewalk area or similar pedestrian area, but only in accordance with the Outdoor Dining Standards.

a. Location

Outdoor dining may occur only as an accessory use to an eating establishment and may be permitted only in the public sidewalk or similar pedestrian area immediately adjacent to the front of the establishment. The dining area may not extend beyond the boundaries of the abutting property and shall not be located in a manner that interferes with the building egress and ingress as required by the Uniform Building Code. No outdoor dining area may be located within twenty feet of an intersection or within ten feet of a driveway or alley. Where approved by the Department of Public Works, outdoor dining in a public sidewalk or similar pedestrian area may occupy up to two thirds of the total width of the sidewalk or available pedestrian area. In the case of a sidewalk or similar pedestrian area up to fifteen feet wide, there shall remain a minimum pedestrian clearance of six feet. For sidewalks or similar pedestrian areas with a greater width, the minimum pedestrian clearance is eight feet. This minimum clearance area must occur between any outdoor dining

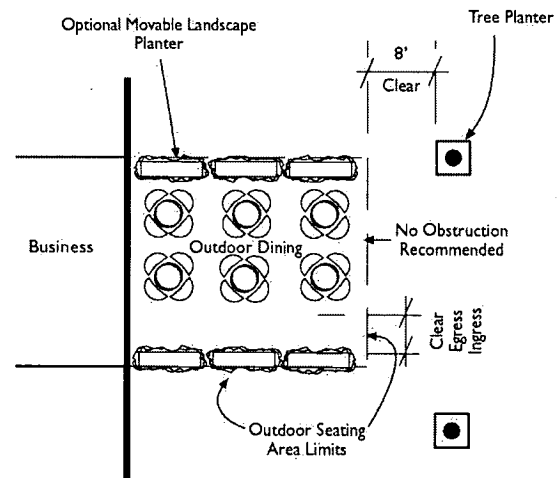


(Graphic 1)

1 and a continuous line that represents where sidewalk or pedestrian area obstructions are located. Such
2 obstructions include without limitation tree planters, landscape planters, street furniture, streetlight
3 poles, utility poles, fire hydrants, signposts, and permitted news racks. (See Graphic 1)

4 b. Barriers

5 Outdoor dining areas shall be free of any
6 permanent barrier or other structure that creates
7 physical separation between the dining area and
8 areas of public sidewalk or a similar pedestrian
9 area that are not used for outdoor dining.
10 However, the outdoor dining area may be
11 delineated by the placement of temporary
12 barriers such as balustrades, cordons, railings or
13 landscaping. Such barriers shall be no more
14 than thirty-six inches in height and shall be
15 entirely portable. Landscape planters mounted
16 on rollers are the recommended option. No



(Graphic 2)

17 height limitation shall apply to the landscaping, but all dividers and barriers shall be designed to be
18 in keeping with the aesthetics and architectural character of the area and the abutting building and
19 business. Obstructions that are designed to define the outermost edge of the outdoor dining area and
20 that face the area of open pedestrian circulation are strongly discouraged in order to preserve views
21 and maintain an inviting movement of patrons. No barrier may be affixed to the sidewalk or similar
22 pedestrian area with permanent hooks, sleeves drilled into the sidewalk or other permanent means of
23 attachment. The approval of an encroachment permit or agreement for outdoor dining does not
24 authorize any damage or modification to the texture of the surface of public sidewalk or other
25 pedestrian area, and the holder of such a permit or agreement shall not cause any such damage or
26 modification. Rubberized footings shall be used as necessary to avoid damage to the sidewalk surface.
27 No item of furnishings, including tables, chairs, umbrellas, planters, host podium, lighting and related
28 furnishing and equipment, shall be attached to a sidewalk or sidewalk surface, nor shall they cause

1 damage to the sidewalk in any manner (see Graphic 2).

2 c. Roofing

3 An outdoor dining area shall remain open to the air, with no permanent covering over any part thereof;
4 provided, however, that such an area may be covered by a building articulation that is an integral part
5 of the architectural design and that is consistent along the entire ground floor frontage of the building,
6 such as an arcade or a fixed canopy. A misting system may be incorporated along the exterior face
7 of the building and shall be architecturally integrated with the building articulation. Additional shade
8 may be provided over the outdoor dining area by means of potted landscaping, umbrellas or awnings.
9 Umbrella canopies shall not be lower than 7'-0", shall be located so as not to encroach beyond the
10 boundaries of the approved dining area, and shall not support any printed product advertisement.
11 Awnings shall be adequately secured to the face of the building without any supports extending to the
12 sidewalk surface and shall be fully retractable. The awnings shall be rolled up at the end of each
13 business day, and their design shall complement the architectural features and color of the building.

14 d. Furniture

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

18 e. Trash Enclosures

19 Trash enclosures or receptacles for the use of the eating establishment and its customers are not
20 permitted within the outdoor dining area or the adjacent public sidewalk or similar pedestrian area.

21 f. Lighting

22 Lighting, when provided, shall be shielded and of low wattage so as to illuminate only the outdoor
23 dining area and so as to avoid producing glare that has a negative impact on pedestrian traffic. The
24 design of the light fixtures shall be compatible with the architectural theme of the building and
25 business.

26 4. Standards of Operation

27 a. Storage of Furniture and Equipment

28 All outdoor furnishings related to an outdoor dining area, and all equipment used to identify or

1 delineate the dining area, may remain within the sidewalk or similar pedestrian area only during the
2 hours of operation of the eating establishment. All such furnishings and equipment must be removed
3 at the end of each business day, with the sidewalk or similar pedestrian area remaining clear of
4 obstructions.

5 b. Maintenance

6 Outdoor dining areas shall be kept in a good state of repair and maintained in a clean, safe and sanitary
7 condition. Any item of furniture or equipment that is broken, rusting, degraded, torn, or tattered shall
8 be removed promptly. The operator of the establishment shall be responsible for removing trash and
9 debris within the outdoor dining area, as well as within an area extending twenty feet in each direction
10 from the outermost boundary of the outdoor dining area. The operator must also clean (including
11 sweeping and mopping) the area in and around the outdoor dining area at the end of each business day.

12 c. Music or Live Entertainment

13 Music or live entertainment is an amenity with the potential to enhance the experience of outdoor
14 dining area and thereby draw patrons to the establishment. Therefore, an establishment may provide
15 music or live entertainment in conjunction with the food service when all the following criteria are
16 met:

- 17 1) The music or entertainment is provided only in dining areas.
- 18 2) Sit-down meal service is provided at all times while the music or entertainment
19 takes place.
- 20 3) There is no dance floor or dancing.
- 21 4) There is no cover charge or minimum drink purchase requirement.
- 22 5) The music or entertainment does not conflict with any established street
23 performance program for the area.
- 24 6) The music or entertainment complies with applicable noise ordinances and
25 standards.

26 d. Alcoholic Beverages

27 Alcoholic beverages may be served in an outdoor dining area only in connection with the operation
28 of a Restaurant Service Bar. In addition to any condition or limitation imposed in connection with

1 the approval of a Special Use Permit, there shall be no visible posted advertising of alcoholic beverage
2 or alcoholic beverage service in any outdoor dining area. A non-freestanding, closable, book-style
3 beverage menu may be permitted at tables in conjunction with a food menu.

4 5. Zoning Approval Process

5 In order to qualify for the approval of any encroachment permit or agreement that may be necessary
6 to operate outdoor dining, the applicant must first obtain approval of a site development plan in
7 accordance with the provisions below.

8 a. Except as provided below, the approval process under Title 19 for outdoor dining is
9 that of a Minor Review of Site Development Plan pursuant to LVMC 19.18.050(F).

10 b. Following a required pre-application conference, a committee shall review the
11 proposal. The committee shall be comprised of:

- 12 1) The Director of Planning and Development or a designee;
- 13 2) The Director of Public Works or a designee; and
- 14 3) The Director of the Office of Business Development or a designee.

15 c. The committee may approve an application for outdoor dining administratively if the
16 committee finds that the proposal is consistent with the Downtown Centennial Plan and complies with
17 the Outdoor Dining Standards. Approval by the committee may be conditioned upon the subsequent
18 approval of an encroachment permit or agreement. The committee, in its sole discretion, may also
19 impose additional conditions upon the approval in order to further the goals and objectives of these
20 Standards. Locations approved for outdoor dining shall be subject to both ongoing and complaint-
21 based inspections. In accordance with LVMC 19.18.050(I), approval of outdoor dining may be
22 revoked at any time for noncompliance with conditions of approval, and noncompliance may form
23 the basis of nonrenewal or revocation of a business license.

24 SECTION 2: Title 13, Chapter 32, of the Municipal Code of the City of Las Vegas,
25 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 65,
26 reading as follows:

27 **13.32.065:** (A) When authorized in particular areas or zoning districts under Title 19, outdoor
28 dining may be approved for public sidewalks or similar pedestrian areas. Such outdoor dining may

1 not occur except:

2 (1) In accordance with Title 19 and the Downtown Las Vegas Outdoor
3 Dining Standards, and

4 (2) As authorized in an encroachment permit or agreement approved by the
5 City.

6 (B) For purposes of this Section, the terms “outdoor dining” and “outdoor dining
7 area” refer to dining within the area of a public sidewalk or similar pedestrian area, unless the context
8 requires otherwise. The term “similar pedestrian area” refers to an area within public right-of-way
9 that does not qualify as a sidewalk but that is used or intended to be used for pedestrian traffic or
10 circulation.

11 SECTION 3: The Department of Planning and Development is authorized and
12 directed to:

13 (A) Incorporate the amendments made by Section 1 of this Ordinance into the
14 Design Standards, and make appropriate adjustments to the Table of Contents to reflect the
15 amendments.

16 (B) Correct the Table of Contents relating to the Office Core District Design
17 Standards to show that the various subdivisions are “OC1” through “OC7,” rather than “DS8” through
18 “DS14.”

19 SECTION 4: Whenever the Design Standards amended by Section 1 of this Ordinance
20 refer to a section or chapter number that begins with the number “19A,” the reference shall be deemed
21 to refer to the number “19” instead. The Planning and Development Department is authorized to
22 change each such reference in the Design Standards.

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: Whenever in this ordinance any act is prohibited or is made or declared
4 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
5 required or the failure to do any act is made or declared to be unlawful or an offense or a
6 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
7 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
8 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
9 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

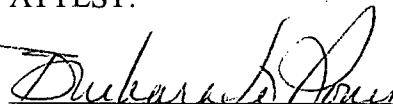
10 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
11 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
12 1983 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this 5th day of February, 2003.

14 APPROVED:

15 By 
16 OSCAR B. GOODMAN, Mayor

17 ATTEST:

18 
19 BARBARA JO RONEMUS, City Clerk

20 APPROVED AS TO FORM:

21  12-19-02
22 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 8th day of January, 2003, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 5th day of February, 2003, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as first read and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman, Councilmembers Reese, M. McDonald, L. B.
McDonald, Weekly and Mack

7 VOTING "NAY": None

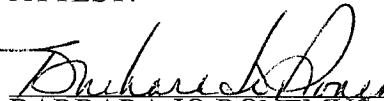
8 EXCUSED: Councilman Brown

9 ABSTAINED: None

10 APPROVED:

11 
12 _____
OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 _____
BARBARA JO RONEMUS, City Clerk

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CITY CLERK

2003 JAN 31 A 11: 57

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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,

LV CITY CLERK
2595895

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/24/2003 to 01/24/2003, on the following days: JANUARY 24, 2003

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

24

day of _____ 2003

January

Notary Public

Mary B. Sheffield

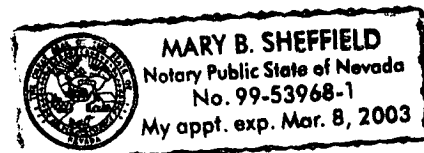
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AN ORDINANCE TO AMEND THE DESIGN STANDARDS ADOPTED AS PART OF THE DOWNTOWN CENTENNIAL PLAN, AND APPLICABLE TO THE DOWNTOWN OVERLAY DISTRICT, TO PROVIDE STANDARDS RELATED TO OUTDOOR DINING; TO MAKE PARALLEL CHANGES TO EXISTING CODE PROVISIONS REGARDING THE USE OF STREETS AND SIDEWALKS; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer, Director of Planning and Development
Summary: Establishes standards for outdoor dining in the Downtown Overlay District.

At the City Council meeting of JANUARY 8, 2003, BILL NO. 2003-4 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, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: January 24, 2003
LV Review-Journal



AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

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LV CITY CLERK
2616242

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 02/08/2003 to 02/08/2003, on
the following days: FEB. 8, 2003

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VOTING "AYE": Mayor Goodman, and Councilmembers Reese, M. McDonald, L.B. McDonald, Weekly, and Mack
VOTING "NAY": NONE
EXCUSED: Councilman Brown

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: February 8, 2003
LV Review-Journal

Signed: _____

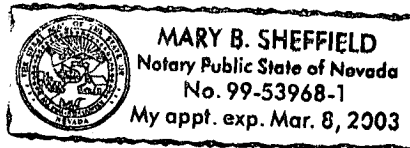
Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of February 2003

Mary B. Sheffield

Notary Public



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