

BILL NO. 2020-7

ORDINANCE NO. 6729

AN ORDINANCE TO AMEND LVMC 6.50.250 TO MAKE TAVERN-LIMITED ALCOHOLIC BEVERAGE LICENSES AVAILABLE THROUGHOUT THE DOWNTOWN LAS VEGAS OVERLAY DISTRICT; AMEND VARIOUS PROVISIONS OF THE UNIFORM DEVELOPMENT CODE ADOPTED AS TITLE 19 TO MAKE CORRESPONDING LAND USE-RELATED ADJUSTMENTS; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Brian Knudsen

Summary: Amends LVMC 6.50.250 to make tavern-limited alcoholic beverage licenses available throughout the Downtown Las Vegas Overlay District, and amends various provisions of the Uniform Development Code adopted as Title 19 to make corresponding land use-related adjustments.

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

SECTION 1: Title 6, Chapter 50, Section 250, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.250: (A) A tavern-limited license:

(1) Authorizes the sale of alcoholic beverages only for consumption on the premises where the same are sold, except as otherwise provided in Subsection (C) of this Section.

(2) May only be issued for premises that are located entirely within [Area 1 of the Downtown Las Vegas Overlay District or the Symphony Park District, as shown in Figures 2 and 3 of the Development Standards adopted in LVMC 19.10.010(B).] the Downtown Las Vegas Overlay District, as described in LVMC 19.10.110.

(3) In the case of a tavern-limited license issued under Subsection (C) of this Section, may only be issued with respect to an outdoor entertainment complex.

(4) Is not transferable, except to a location for which a new license of that type would qualify under Paragraph (2) of Section (A) above and to an operator who has been approved by the City Council.

(B) Except with respect to a tavern-limited license issued under Subsection (C) of this

1 Section, a tavern-limited license, the transfer of a license, or in the case of Paragraphs (5), (6), (7) and (8)
2 below, the renewal of a license as well, may be conditioned upon one or more of the following:

3 (1) That the establishment be a themed establishment, the theme to be approved
4 by the Director after submission of a written description of at least three operational elements establishing a
5 theme.

6 (2) That the establishment provide live entertainment at least two nights per
7 week, including, but not limited to the following:

8 (a) Music entertainment venue, with live music or disc jockey (jazz,
9 blues, reggae, hip hop, rock'n'roll, etc.);

10 (b) Nightclub venue with dancing and live music or live disc jockey;

11 (c) Comedy entertainment venue, with live comedic performers;

12 (d) Karaoke entertainment venue, with amateur guest performers; and

13 (e) Other live entertainment venues, to be determined by the City
14 Council for acceptability and conformity to the goals and objectives of the district in which it is located.

15 (3) That the establishment provide for outdoor seating in a number and manner
16 approved by the City Council.

17 (4) Establishment of an annual review for conformity to the licensing standards
18 and conditions, for a period of time to be established by the City Council.

19 (5) Submittal of a security plan, to be approved by the City; provided, however,
20 that this condition shall be mandatory for establishments located within the Downtown Entertainment
21 Overlay District. In the case of a mandatory security plan for establishments within the Downtown
22 Entertainment Overlay District, the security plan must address all aspects of the establishment's operations.
23 In particular, and in connection with the approval of such a mandatory security plan, the Director may do one
24 or more of the following:

25 (a) Require the establishment to comply with the provisions of LVMC
26 6.39.040 regarding the presence of minors.

1 (b) Apply to the establishment the provisions of LVMC 6.39.050(B)
2 regarding security plans.

3 (c) Require the establishment to:

4 (i) Perform security-related searches, including searches using
5 metal detectors or wandering and searches based on the results of those devices, and limit the types of items
6 that can be brought into the establishment, including without limitation weapons, backpacks, bags and other
7 carrying devices.

8 (ii) Provide adequate security to manage lines of patrons
9 seeking entry.

10 (iii) Provide minimum levels of security both inside and outside
11 the establishment, at a ratio of security to attendees that is commensurate with the size and operation of the
12 establishment.

13 (iv) Ensure that security officers are trained in areas such as use
14 of force, counter-terrorism and de-escalation.

15 (v) Engage special events officers of Metro for occasions and
16 events where such a presence is deemed important by the Director.

17 (vi) Provide fully operational and adequate video surveillance
18 for the venue especially for restroom entries, ingress/egress areas, and the front of the establishment.

19 (vii) Provide for the presence of medical personnel for events
20 with over one thousand patrons.

21 (viii) Provide for the vetting of independent hosts, special guest
22 DJ's, live acts, etc. through open sources.

23 (ix) Engage qualified companies or individuals on an
24 undercover basis to monitor or audit operations for compliance, such as the use of "mystery shoppers."

25 (x) Establish, maintain in place, and implement written policies
26 and procedures that seek to foster the public health, safety, morals, good order, and general welfare of the

1 patrons.

2 (xi) Implement a program by which employees and others
3 retained by the establishment have received copies of, and training, regarding the written policies and
4 procedures referred to above.

5 (xii) Ensure that the establishment's management is actively
6 involved in oversight of operations and the implementation of the written policies and procedures referred to
7 above.

8 (xiii) Provide a policy or plan under which the establishment
9 would conduct background investigations on any person potentially to be hired as an employee, security
10 provider, independent host, vendor or entertainer.

11 (6) For establishments located within the Downtown Entertainment Overlay
12 District that will have patrons waiting outside the establishment for entry into the establishment, that the
13 licensee organize and maintain its patrons in line in accordance with this Paragraph (6). Each outdoor patron
14 line must be on private property or on a public sidewalk. If on a public sidewalk, an outdoor patron line shall:

15 (a) Be parallel to and against the structure of the licensed
16 establishment;

17 (b) Be maintained so that not more than two persons are abreast (next
18 to one another);

19 (c) Not restrict reasonable pedestrian movement on the sidewalk; and

20 (d) Not obstruct the entrance to any other establishment that is open for
21 business.

22 (7) For establishments located within the Downtown Entertainment Overlay
23 District, that outdoor speakers or other sound amplification devices:

24 (a) Will not be located on sidewalks or within the public right-of-way;
25 and

26 (b) Will be directed toward the establishment's lounge or dining area

1 and away from public rights-of-way.

2 (8) For establishments located within the Downtown Entertainment Overlay
3 District that will provide entertainment other than what has been required as a condition of City Council
4 approval pursuant to Paragraph (2) of this Subsection (B), that such entertainment be approved in advance
5 by the Director.

6 (9) Such other conditions as may be recommended by City staff and imposed
7 by the City Council.

8 (C) Independent of the provisions contained in Subsection (B) of this Section, a person
9 who owns or controls an outdoor entertainment complex, or a person who is associated with such a person
10 by means of license or lease or other written consent to operate an outdoor entertainment complex, may only
11 engage in the business of selling alcoholic beverages, advertise the same or permit the consumption of
12 alcoholic beverages upon the premises of an outdoor entertainment complex by obtaining and thereafter
13 maintaining a valid unexpired tavern-limited license specific for an outdoor entertainment complex pursuant
14 to this Code. Unless otherwise restricted by conditions imposed on a license by the City Council, such a
15 license authorizes the sale of alcoholic beverages for consumption at any location within an outdoor
16 entertainment complex, but subject to compliance with the provisions of Subsections (D) and (E) of this
17 Section.

18 (D) The issuance of a tavern-limited license under Subsection (C) of this Section shall
19 be contingent upon the following:

20 (1) Submittal of a site plan for the outdoor entertainment complex that indicates
21 all uses included within the complex, the controlled points access as required herein, locations where alcohol
22 may be consumed within the boundaries of the complex, and any areas where minors may be segregated from
23 persons over twenty-one years of age that are consuming alcohol, if any.

24 (2) Submittal of a business security plan that:

25 (a) Is designed to ensure that minors are not served or permitted to
26 consume alcoholic beverages; and

1 (b) Specifically identifies how the operator of the outdoor
2 entertainment complex will ensure that patrons will not remove alcoholic beverages from the complex.

3 (3) Submittal of an internal signage plan that, at a minimum, is designed to
4 ensure the existence and maintenance of signage that reasonably and appropriately:

5 (a) Indicates that minors are not to be served nor consume alcohol; and

6 (b) Displays the scheduled entertainment to be provided to the public.

7 (4) Approval by the Director of the plans identified in Paragraphs (1) through
8 (3) above, taking into account any review and recommendation of Metro regarding those plans.

9 (E) A tavern-limited license under Subsection (C) of this Section shall be conditioned
10 upon compliance by the licensee and the operator of the outdoor entertainment complex with the following
11 requirements:

12 (1) That at least one restaurant within the outdoor entertainment complex is
13 open and fully operational whenever any alcoholic beverage service is available, except when the complex
14 is closed to minors or a special event permit has been issued for an event pursuant to LVMC Chapter 12.02.

15 (2) That no alcoholic beverages are allowed to be consumed within any
16 enclosed business establishment operating within the outdoor entertainment complex, unless the
17 establishment has an alcoholic beverage license appropriate for the establishment.

18 (3) That patrons and guests are not allowed to leave the outdoor entertainment
19 complex with an alcoholic beverage.

20 (4) That access into and out of the outdoor entertainment complex is controlled
21 so that there are no more than four points of ingress and egress.

22 (5) Such other conditions as may be recommended by City staff and imposed
23 by the City Council.

24 (F) The transfer of a license issued under Subsection (C) of this Section shall be subject
25 to the contingencies and conditions regarding an initial license that are identified in Subsections (D) and (E)
26 of this Section.

1 (G) Notwithstanding any other provision of this Section, no tavern-limited alcoholic
2 beverage license is eligible to operate as a nightclub, as defined in LVMC 6.39.050, or to engage in the
3 operation of a nightclub, as if it were a nightclub under LVMC Chapter 6.39, or to operate as a tavern-limited
4 establishment with ancillary nightclub operation under LVMC Title 19 if the holder of the license or any
5 principal thereof previously has had a nightclub license revoked, or an application for a temporary or
6 permanent nightclub license denied.

7 SECTION 2: Ordinance No. 6289 and the Unified Development Code adopted as Title 19
8 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in
9 Sections 3 to 5, inclusive, of this Ordinance. The amendments in those sections are deemed to be amendments
10 to Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

11 SECTION 3: Section 19.09.050.E.008.I, pertaining to Use Types for the T6 Urban
12 General Zone, is hereby amended to indicate that the Tavern-Limited Establishment use is allowed in the T6-
13 Urban General Zone by means of special use permit. In order to reflect that amendment, a new row shall be
14 added to the Use Types table, under the Retail Trade category, for the Tavern-Limited Establishment use,
15 with an "S" to be inserted for that use in the column for the T6-UG Zone and an "N" inserted for that use in
16 the column for the T6-UG-L (Limited) Sub-zone.

17 SECTION 4: Section 19.09.050.E.012.I, pertaining to Use Types for the T5 Maker Zone,
18 is hereby amended to indicate that the Tavern-Limited Establishment use is allowed in the T5 Maker Zone
19 by means of special use permit. In order to reflect that amendment, a new row shall be added to the Use
20 Types table, under the Retail Trade category, for the Tavern-Limited Establishment use, with an "S" to be
21 inserted for that use in the column for the T5-M Zone.

22 SECTION 5: Section 19.09.050.E.016.I, pertaining to Use Types for the T5 Corridor
23 Zone, is hereby amended to indicate that the Tavern-Limited Establishment use is allowed in the T5 Corridor
24 Zone by means of special use permit. In order to reflect that amendment, a new row shall be added to the
25 Use Types table, under the Retail Trade category, for the Tavern-Limited Establishment use, with an "S" to
26 be inserted for that use in the column for the T5-C Zone.

1 SECTION 6: For purposes of Section 2.100(3) of the City Charter, Section 19.09.050 is
2 deemed to be a subchapter rather than a section.

3 SECTION 7: The Department of Planning is authorized and directed to incorporate into
4 the Unified Development Code the amendments set forth in Sections 3 to 5, inclusive, of this Ordinance.

5 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
6 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
7 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
8 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
9 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
10 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
11 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

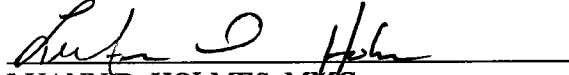
12 SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases,
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
14 Edition, in conflict herewith are hereby repealed.

15 PASSED, ADOPTED and APPROVED this 18th day of March, 2020.

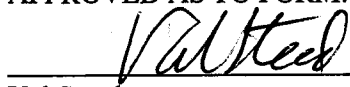
16 APPROVED:

17 By 
18 CAROLYN G. GOODMAN, Mayor

19 ATTEST:

20 
21 LUANN D. HOLMES, MMC
City Clerk

22 APPROVED AS TO FORM:

23  2-6-2020
24 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 19th day of February, 2020, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 18th day of March,
4 2020, 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:

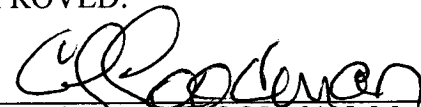
7 VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Anthony, Crear,
8 Knudsen, Seaman and Diaz

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:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001095714

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 03/05/2020 to 03/05/2020, on the following days:

03 / 05 / 20

BILL NO. 2020-7

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Sponsored by:
Councilman Brian Knudsen

Summary: Amends LVMC 6.50.250 to make tavern-limited, alcoholic beverage licenses available throughout the Downtown Las Vegas Overlay District, and amends various provisions of the Uniform Development Code adopted as Title 19 to make corresponding land use-related adjustments.

At the City Council meeting of
February 19, 2020

BILL NO. 2020-7 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

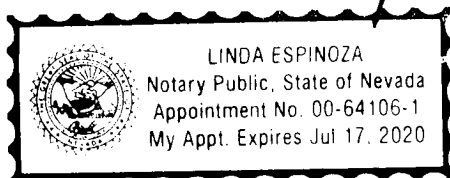
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: March 5, 2020
LV Review-Journal

[Signature]
/S/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 5th day of March, 2020

Notary *[Signature]*



AFFIDAVIT OF PUBLICATION

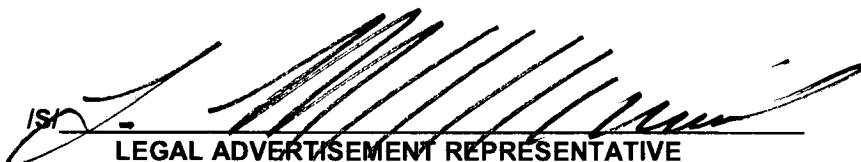
STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001099667

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 03/21/2020 to 03/21/2020, on the following days:

03 / 21 / 20


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of March, 2020

Notary





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The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of February, 2020, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 18th day of March, 2020, 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 Flore, Anthony, Crear, Knudsen, Seaman and Diaz

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: March 21, 2020
LV Review-Journal