

Proposed Nightclubs and General Entertainment Establishments Amendment

21-0030-TXT1-ORM - TEXT AMENDMENT - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend various provisions of LVMC Title 6 to update the definition the license-related definition of “nightclub” and create a new license category of “general entertainment establishment,” together with related regulations; and amends various provisions of LVMC Title 19 to make corresponding adjustments to land use regulations pertaining to those establishments and to delete the use “beer/wine/cooler cultural establishment.”

Contents:

- Summary of the proposed changes
- Draft of the proposed ordinance

Please note:

[abc] bracketed text reflects a deletion
abc underlined text reflects an addition

Where language indicates that a new Code section is to be added, all provisions in that section are new, although in some cases it is just a replacement for language repealed in a previous section of the ordinance amendment.

LVMC	Subject	Existing Language	Proposed Language
6.02.010	Definitions	Defines several terms.	<p>Adds definitions for the following:</p> <ul style="list-style-type: none"> • Concert hall • Private events • Public event
6.32.010	General Entertainment Establishments - Definitions	No existing language.	<p>Adds a new chapter to set forth licensing regulations for General Entertainment Establishment, defined as:</p> <ul style="list-style-type: none"> • An establishment that is generally open to the public, or a segment of the public, as a place to view live or other entertainment performances in an amphitheater, auditorium, ballroom, concert hall, theatre or showroom setting; for hosting or accommodating a concert, convention, competition, sporting event or trade show; or any combination thereof. The term applies whether or not events or activities hosted or accommodated by the facility generally, or in particular cases, are open or closed to the general public and whether or not reservations or ticket sales are available in advance. The term also includes an establishment that operates in a manner similar to a nightclub, but that has an occupancy load limit of ninety-nine persons or less. The term does not include an establishment that is licensed (or qualifies) for licensing under LVMC Chapters 6.35, 6.39 or 6.80. The term shall not be deemed to include an establishment that provides entertainment if that entertainment is incidental to the primary activity of the establishment and consists merely of ambient or background music intended to create or enhance a mood or atmosphere, or karaoke singing and interaction, or a combination thereof.
6.32.020	General Entertainment Establishments – Alcohol sales	No existing language.	<p>A General Entertainment Establishment license shall not be issued for an establishment that will sell or serve alcoholic beverages unless the applicant possesses a beer wine room, tavern, tavern-limited, tavern-restricted, general on-sale, or urban lounge license, subject to certain provisions, such as:</p> <ul style="list-style-type: none"> • Security plan required.

			<ul style="list-style-type: none">• Limit or prohibit the types of items that can be brought into the premises, including weapons, alcoholic beverages, and other items that may affect security.• Monitor the sales and service of alcoholic beverages, the age of patrons, and the presence of the parents or legal guardians of underage patrons so that the provisions of this Chapter regarding can be properly observed and enforced.
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<p>6.32.030</p>	<p>General Entertainment Establishments – Operating requirements</p>	<p>No existing language.</p>	<p>Operational requirements:</p> <ul style="list-style-type: none"> • Shall not allow patrons to bring alcoholic beverages on the premises or allow alcoholic beverages to leave from the premises. • All bars must be kept segregated from general admission and seating areas by a barrier sufficient to prevent access by minors. • The sale and service of alcohol are prohibited at any public event which is marketed primarily to minors or open to minors unaccompanied by a parent or legal guardian. • At events where patrons under 18 years of age are allowed to attend must end by 10:00pm. • Hours of operation shall be determined by the Director and or City Council in connection with a temporary or permanent license approval. • Must post signs requesting patrons to be respectful of adjacent residential neighborhoods when leaving if within 500 feet of a residential property. • Unless otherwise permitted by land use entitlement, all activities shall be conducted entirely within the interior of the establishments, except for: <ul style="list-style-type: none"> ○ ID checks; ○ Valet parking; ○ Ticket sales; ○ Eating/drinking/dancing if specifically allowed outside by Title 12 special event permit; ○ Within the DEOD, the use of outdoor speakers or other sound amp devices, but only if not located within public ROW, and directed toward the establishment • Noise – none shall be audible beyond the property line when the doors are closed.
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<p>6.32.040</p>	<p>General Entertainment Establishments – Posting of signs</p>	<p>No existing language.</p>	<p>A General Entertainment Establishment licensed for alcohol and that allows patrons under 21 years of age must display a sign at entry and exist, which shall include:</p> <ul style="list-style-type: none"> • You are subject to arrest and prosecution, as well as a fine of up to \$1000, for purchasing or consuming alcoholic beverages, or for misrepresenting your age for the purpose of purchasing or obtaining alcoholic beverages. • NO RE-ENTRY <p>Signage to be posted at each bar location:</p> <ul style="list-style-type: none"> • Warning – It is illegal to provide alcoholic beverages to any person under the age of 21. Violators are subject to arrest and prosecution.
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6.32.050	General Entertainment Establishments – Prohibited conduct and activities on licensed premises	No existing language.	<p>The following activity would require separate licensing and land use approval:</p> <ul style="list-style-type: none"> • The operation of an erotic dance establishment, LVMC Chapter 6.35. • The operation of an adult nightclub establishment, LVMC 6.06B. • The operation of a nightclub, LVMC 6.39. • The operation of a teenage dance establishment, LVMC 6.80. • The operation of a sexually oriented business, LVMC 19.12.070. • Ongoing operations that allow the sale or service of alcoholic beverages to the general public, LVMC 6.50
6.39.030	Nightclub defined	<p>“Nightclub” means an indoor or outdoor drinking, dancing, or entertainment establishment that does its primary business after dark, has a dance floor or open area free of tables and chairs that would allow dancing or assembly occupancies, and has sound equipment to allow live or recorded music played for the purpose of dancing (whether or not dancing actually occurs). The operation of the establishment may (but is not required to) include any of the following: Onsite consumption of alcoholic beverages, a bar area, a fee for admittance, a promoter contracted to provide entertainment, and the sale of prepared food. In order to qualify as a nightclub, any sale of prepared food must be accessory to the primary business operation, and gross receipts from the sales thereof may not exceed gross receipts from the sales of alcoholic beverages</p>	<p>“Nightclub” means an indoor or outdoor entertainment establishment with an occupancy load of 100 or more persons that:</p> <ol style="list-style-type: none"> 1. Provides any combination of live music, recorded music, or other entertainment for the primary purpose of encouraging social interaction amongst the patrons of the establishment; 2. Contains one or more delineated dance floor areas; and 3. Either provides no food service or food service that is both limited and incidental to the operation of the establishment. <p>The term is also deemed to include a “dayclub,” which possesses the same characteristics as a nightclub, but operates primarily during the daytime hours. The term does not include an establishment that is licensed (or qualifies) as an erotic dance establishment under LVMC Chapter 6.35, a general entertainment establishment licensed under LVMC Chapter 6.32, or a teenage-related establishment licensed under LVMC Chapter 6.80. The term shall not be deemed to include an establishment merely because it includes entertainment if the entertainment is primarily intended to be viewed by an audience. The term shall also not be deemed to include an establishment that provides entertainment if that entertainment is incidental to the primary activity of the establishment and consists merely of ambient or background music intended to create or enhance a mood or atmosphere, or karaoke singing and interaction, or a combination thereof.</p>

6.50.020	Liquor control – Definitions	Defines certain terms related to liquor control.	Amends the definitions for the following terms: <ul style="list-style-type: none"> • Amusement theme park • Banquet establishments • Convention center or arena • Cultural establishment
19.090.050. E.020	T5 Main Street Zone (T5-MS)	Nightclub use is permitted with an SUP.	Changes the use to require a Conditional Use Permit.
19.12.010	Table 2	Nightclub use is permitted with an SUP in C-1, C-2, C-PB zoning districts and with a Condition Use Permit in the C-M and M zoning districts.	Changes this table to reflect the Nightclub use is permitted in these zoning districts, all with a Conditional Use Permit.
19.12.070	Permissible Use Descriptions and Applicable Conditions and Requirements - Nightclub	Sets forth Conditional Use Regulations and Minimum SUP requirements for the Nightclub use.	Repeals and replaces the Nightclub definition with the following: An entertainment establishment, whether indoor, outdoor, or both, with an occupancy load of 100 or more people that: <ol style="list-style-type: none"> 1. Provides any combination of live music, recorded music, or other entertainment for the primary purpose of encouraging social interaction amongst the patrons of the establishment; 2. Contains one or more delineated dance floor areas; and 3. Either provides no food service or food service that is both limited and incidental to the operation of the establishment. The Nightclub use also includes the use “Dayclub,” which possesses the same characteristics as a Nightclub, but operates primarily during the daytime hours. The use does not include a General Entertainment Establishment, Sexually Oriented Business or an establishment that qualifies as a Teen Dance Center. The use shall not be deemed to include an establishment merely because it includes entertainment if the entertainment is primarily intended to be viewed by an audience. The use shall also not be deemed to include an establishment that provides entertainment if that entertainment is incidental to the primary activity of the establishment and consists merely of ambient or background music intended to create or enhance a mood or atmosphere, or karaoke singing and interaction, or a combination thereof. <ul style="list-style-type: none"> • Sets forth the Conditional Use Regulations and Minimum SUP Requirements

19.18.020	Definitions & Measures – Words and Terms Defined – Nightclub	An indoor or outdoor drinking, dancing, or entertainment establishment that does its primary business after dark, has a dance floor or open area free of tables and chairs that would allow dancing or assembly occupancies, and has sound equipment to allow live or recorded music played for the purpose of dancing.	<p>Nightclub: An entertainment establishment, whether indoor, outdoor, or both, with an occupancy load of 100 or more people that:</p> <ol style="list-style-type: none"> 1. Provides any combination of live music, recorded music, or other entertainment for the primary purpose of encouraging social interaction amongst the patrons of the establishment; 2. Contains one or more delineated dance floor areas; and 3. Either provides no food service or food service that is both limited and incidental to the operation of the establishment. <p>The Nightclub use also includes the use “Dayclub,” which possesses the same characteristics as a Nightclub, but operates primarily during the daytime hours. The use does not include a General Entertainment Establishment, Sexually Oriented Business or an establishment that qualifies as a Teen Dance Center. The use shall not be deemed to include an establishment merely because it includes entertainment if the entertainment is primarily intended to be viewed by an audience. The use shall also not be deemed to include an establishment that provides entertainment if that entertainment is incidental to the primary activity of the establishment and consists merely of ambient or background music intended to create or enhance a mood or atmosphere, or karaoke singing and interaction, or a combination thereof.</p>
	Permissible Use Descriptions and Applicable Conditions and Requirements – Beer/Wine/Cooler On-Sale Establishment	Sets forth Conditional Use Regulations for the Beer/Wine/Cooler On-Sale Establishment use.	<p>Adds an exception from the distance separation requirements for a cultural establishment, including a museum, performing arts theater or facility licensed for art sales and/or display in which:</p> <ul style="list-style-type: none"> • The sale and consumption of beer, wine and coolers is limited to the hours during which an artistic exhibition, presentation or performance is taking place; and • No gaming is permitted in conjunction with the operation of the establishment.
19.12.010	Land Use Tables	Contains an entry for Beer/Wine/Cooler Cultural Establishment.	Removes the entry for Beer/Wine/Cooler Cultural Establishment and incorporates the use within the Beer /Wine/Cooler On-Sale Establishment use.
19.12.070	Permissible Use Descriptions and Applicable Conditions and Requirements –	An enclosed facility or area for sport, entertainment, games of skill, or recreation that is open to use by the general public for a fee. Includes bowling alleys, indoor mini golf, roller and ice skating rinks, game	<ul style="list-style-type: none"> • Adds “indoor General Entertainment Establishment” to the list of establishments covered under this use type. • Updates parking requirements for the use.

	Commercial Recreation/Amusement (Indoor)	courts, pools, walk-in movie theaters, physical fitness centers, gyms, pool halls and arcades. Minimum SUP reqs include – the use shall not be open to the public b/w the hours of 9pm and 8am.	
19.12.070	Permissible Use Descriptions and Applicable Conditions and Requirements – Commercial Recreation/Amusement (Outdoor)	An outdoor facility or area for sport, entertainment, games of skill, or recreation that is open to use by the general public for a fee. This includes game courts, water slides, golf courses, outdoor mini golf, drive-in theaters, batting cages, amusement parks, amphitheaters, and sports events.	<ul style="list-style-type: none"> • Adds “outdoor General Entertainment Establishment” to the list of establishments covered under this use type. • Updates parking requirements for the use.
19.18.020	Definitions & Measures – Words and Terms Defined – General Entertainment Establishment	No existing language.	<p>Adds a definition for General Entertainment Establishment:</p> <ul style="list-style-type: none"> • A type of Commercial/Recreation/Amusement (Indoor or Outdoor) use that is generally open to the public, or a segment of the public, as a place to view live or other entertainment performances in an amphitheater, auditorium, ballroom, concert hall, theatre or showroom setting; for hosting or accommodating a concert, convention, competition, sporting event or trade show; or any combination thereof. The term includes such an establishment whether or not events or activities hosted or accommodated by the establishment generally, or in particular cases, are open or closed to the general public and whether or not reservations or ticket sales are available in advance. The term also includes an establishment that operates in a manner similar to a Nightclub, but that has an occupancy load limit of 99 persons or less. The term does not include a Sexually Oriented Business, a Nightclub, or a Teen Dance Center as described in this Title, or any establishment that is licensed (or qualifies) for licensing under LVMC Chapters 6.35, 6.39 or 6.80. The term shall not be deemed to include an establishment that provides entertainment if that entertainment is incidental to the primary activity of the establishment and consists merely of ambient or background music intended to create or enhance a mood or atmosphere, or karaoke singing and interaction, or a combination thereof.

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BILL NO. 2021-

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ENTERTAINMENT-RELATED ESTABLISHMENTS; AMENDING VARIOUS PROVISIONS OF LVMC TITLE 6 TO UPDATE THE LICENSE-RELATED DEFINITION OF “NIGHTCLUB” AND CREATE A NEW LICENSE CATEGORY OF “GENERAL ENTERTAINMENT ESTABLISHMENT,” TOGETHER WITH RELATED REGULATIONS; AMENDING VARIOUS PROVISIONS OF LVMC TITLE 19 TO MAKE CORRESPONDING ADJUSTMENTS TO LAND USE REGULATIONS PERTAINING TO THOSE ESTABLISHMENTS AND TO DELETE THE USE “BEER/WINE/COOLER CULTURAL ESTABLISHMENT”; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Olivia Díaz

Summary: Amends various provisions of LVMC Title 6 to update the license-related definition of “nightclub” and create a new license category of “general entertainment establishment,” together with related regulations; and amends various provisions of LVMC Title 19 to make corresponding adjustments to land use regulations pertaining to those establishments and to delete the use “beer/wine/cooler cultural establishment.”

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

SECTION 1: Title 6, Chapter 39, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.39.030: “Nightclub” means an indoor or outdoor [drinking, dancing, or entertainment establishment that does its primary business after dark, has a dance floor or open area free of tables and chairs that would allow dancing or assembly occupancies, and has sound equipment to allow live or recorded music played for the purpose of dancing (whether or not dancing actually occurs). The operation of the establishment may (but is not required to) include any of the following: Onsite consumption of alcoholic beverages, a bar area, a fee for admittance, a promoter contracted to provide entertainment, and the sale of prepared food. In order to qualify as a nightclub, any sale of prepared food must be accessory to the primary business operation, and gross receipts from the sales thereof may not exceed gross receipts from the sales of alcoholic beverages.] entertainment establishment with an occupancy load of one hundred or more persons that:

1 (A) Provides any combination of live music, recorded music, or other entertainment for
2 the primary purpose of encouraging social interaction amongst the patrons of the establishment;

3 (B) Contains one or more delineated dance floor areas; and

4 (C) May or may not provide food service. If the establishment provides food service, the
5 food service must be both limited and incidental to the operation of the establishment.

6 The term is also deemed to include a “dayclub,” which possesses the same characteristics as a nightclub, but
7 operates primarily during the daytime hours. The term does not include an establishment that is licensed (or
8 qualifies) as an erotic dance establishment under LVMC Chapter 6.35, a general entertainment establishment
9 licensed under LVMC Chapter 6.32, or a teenage-related establishment licensed under LVMC Chapter 6.80.

10 The term shall not be deemed to include an establishment merely because it includes entertainment if the
11 entertainment is primarily intended to be viewed by an audience. The term shall also not be deemed to include
12 an establishment that provides entertainment if that entertainment is incidental to the primary activity of the
13 establishment and consists merely of ambient or background music intended to create or enhance a mood or
14 atmosphere, or karaoke singing and interaction, or a combination thereof.

15 SECTION 2: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of Las
16 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.50.020:** Unless the context otherwise requires, the scope of all words in this Chapter shall be liberally
18 construed in order to effectuate the purpose of this Chapter, and, in particular, the following words shall have
19 the meaning ascribed to them as follows:

20 “Adult” means, for the purposes of this Chapter, a natural person over the age of twenty-one years.

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

26 “Alcoholic beverage caterer” means a person who serves, pours or sells alcoholic beverages only for

1 consumption on the premises where the same are dispensed, served or sold during the times, dates and places
2 specified by permit.

3 “Amusement theme park” means a theme park, as defined in LVMC 6.81.020, that has at least one
4 hundred thousand square feet of public floor space.] Such a business may include the incidental sale of
5 refreshments, food, beverages, gifts or novelties.

6 “Art gallery” means a business establishment whose primary business is the display, exhibit and sale
7 of fine art for purchase by the general public. For the purpose of this definition, “fine art” means:

8 (1) A work of visual art such as a painting, sculpture, drawing, mosaic or photograph;
9 (2) A work of written art, such as calligraphy;
10 (3) A work of graphic art, such as an etching, a lithograph, an offset print, a silkscreen,
11 or any other work of like nature;

12 (4) A work in craft materials, including, but not limited to, clay, textile, wood, metal,
13 plastic or glass; or

14 (5) A work in mixed media, which is a work that is any combination of the art media
15 set forth in this definition.

16 [“Banquet or event establishment”] “Banquet establishment” means any establishment which is
17 rented by individuals or groups to accommodate events such as banquets, weddings, anniversaries and other
18 similar [assemblages.] private events. Such establishment may or may not include:

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

20 (2) Outdoor gardens or reception facilities.

21 “Bar” means a physical structure from which alcoholic beverages are poured or served by the drink
22 to patrons or where alcoholic beverages are maintained for pouring or service to patrons. The structure may
23 be permanent or temporary.

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

26 “Beneficial owner” means a person who possesses a lease or other evidence of possessory property

1 rights for the premises for which a license is sought for the full period for which the license is to be used.

2 “Bridal shop” means an establishment that primarily markets and sells clothing or products relating
3 to brides or weddings.

4 “Cider” means an alcoholic beverage made from the fermentation of fruit juice that contains not less
5 than one-half of one percent and not more than eight percent of alcohol by volume.

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

- 7 (1) Contains at least eighty thousand square feet of retail space enclosed within a
8 building or buildings;
- 9 (2) Contains at least one anchor retail store of at least twenty thousand square feet;
- 10 (3) Includes a parking lot common to the retail stores; and
- 11 (4) Is situated on at least fifteen gross acres of land.

12 “Concert hall” means a building with a stage designed for the performance of concerts.

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

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

17 (1) Offers for sale prepackaged food products, household items and other goods
18 commonly associated with those products and items, and maintains more than fifty-one percent of its gross
19 retail floor area dedicated to such products and items, provided that not more than ten percent of its gross
20 retail floor area is devoted to the sale of beer, wine and coolers; and

21 (2) Except as otherwise provided in this Paragraph (2), contains not less than one
22 thousand two hundred square feet, nor more than five thousand square feet of floor space devoted to retail
23 sales display, exclusive of warehouse and office areas. The minimum size requirement in the preceding
24 sentence does not apply to a development that qualifies as mixed-use under LVMC Title 19.

25 [“Convention center”] “Convention center or arena” means a structure [which has at least one
26 hundred thousand square feet of floor] or other space utilized for scheduling, hosting or accommodating a

1 convention, trade show or temporary event, whether the activity is open or closed to the general public. For
2 purposes of this Chapter, the term includes a stadium facility that may be operated in conjunction with a
3 convention center, but does not include a permanent trade show facility.

4 “Cooler” means any prebottled alcoholic beverage, other than beer or wine, that is a distillate
5 obtained from the fermentation of the natural contents of fruits or other agricultural products containing
6 natural or added sugar, which contains not more than ten percent of alcohol by volume.

7 “Cultural establishment” means a facility which charges a fee for admission and is dedicated to
8 performing arts, history or education and where food is provided in a concession space. [The facility must
9 contain at least one of the following:

- 10 (1) At least two thousand seats in a theater-style setting;
- 11 (2) Indoor exhibit space of twenty thousand square feet; or
- 12 (3) Outdoor exhibit space of at least fifty acres.]

13 “Downtown Entertainment Overlay District” has the meaning and boundaries as described in LVMC
14 19.10.120.

15 “Downtown Las Vegas Overlay District” has the meaning and boundaries as described in LVMC
16 19.10.110.

17 “Drugstore” means a business establishment which occupies the entire business premises of a
18 building, or a portion of the business premises of a building which is segregated physically or spatially from
19 the rest of the business premises, where a State licensed pharmacist is present at all times the pharmacy
20 operation is open for the purpose of compounding or dispensing, or both compounding and dispensing of
21 drugs and medicines, and where a grill and fountain service is permitted as well as the retail sales of sundries,
22 including stationery, magazines, cosmetics and health items. For an establishment to qualify as a drugstore,
23 the annual gross revenue from the sale of prescription pharmaceuticals must be in excess of fifty percent of
24 the establishment’s total gross revenue on a calendar year basis.

25 “Dues” means fees paid on a monthly, quarterly, semiannual or annual basis for the right to
26 participate in the planning of activities and the utilization of services offered by a nonprofit corporation,

1 association or organization. The term “dues” does not include fees paid for the purchase of drinks, meals or
2 other services offered by a nonprofit corporation, association or organization.

3 “General retail store” means a business established for the retail sale of general merchandise in excess
4 of five thousand square feet of floor space devoted for the sale of multiple line products provided that not
5 more than ten percent of its gross retail floor area is devoted to beer, wine and coolers, unless there is a greater
6 amount of floor area otherwise specified by a land use approval or permitted by condition on the alcoholic
7 beverage license.

8 “Gift shop, resort hotel leased” means a discrete area within a resort hotel, owned and operated by a
9 person other than the owner of the resort hotel, that sells clothing and miscellaneous sundries appropriate as
10 gifts, as well as other items, including, but not limited to newspapers, magazines, and foodstuffs. A resort
11 hotel leased gift shop may only sell alcoholic beverages upon the receipt of a valid, unexpired alcoholic
12 beverage license by the operator of the gift shop and the floor area for the display of alcoholic beverages
13 shall not exceed fifty square feet.

14 “Gift shop, resort hotel owned” means a discrete area within a resort hotel, owned and operated by
15 the resort hotel, that sells clothing and miscellaneous sundries appropriate as gifts, as well as other items,
16 including, but not limited to newspapers, magazines, and foodstuffs. A resort hotel owned gift shop may sell
17 alcoholic beverages without having to obtain a separate package license if the resort hotel is authorized to
18 sell alcoholic beverages pursuant to a tavern license and the floor area for the display of alcoholic beverages
19 does not exceed fifty square feet.

20 “Golf course” means any links consisting of at least eighteen holes which have been certified by the
21 United States Golf Association for individual and group play and which provide a variety of golf facilities,
22 including, but not limited to at least one or more of the following: a driving range, golf lessons, motorized
23 golf carts; a professional golf shop or a clubhouse. Each golf cart that maintains alcoholic beverages for
24 pouring or service to patrons of a golf course, or is used to serve or pour alcoholic beverages to patrons of a
25 golf course is considered to be a separate bar for purposes of this Chapter. Miniature golf and/or putting
26 course facilities and electronically simulated golf courses are not to be considered golf courses for purposes

1 of this definition.

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

4 “Grocery store” means a business establishment which occupies all of the business premises of a
5 building or a portion of the business premises of a building which is segregated physically or spatially from
6 the rest of the business premises, and which contains more than five thousand square feet of floor space,
7 exclusive of warehouse and office space, for the display and sale of foodstuffs, whether fresh, frozen, canned
8 or packaged, and may include the sales of other products, including non-food items, alcoholic beverages (if
9 licensed by the City for the sale of alcoholic beverages), and pharmaceuticals, provided the sale of such
10 pharmaceuticals is incidental to the primary business of selling products other than pharmaceuticals. The
11 term does not include an establishment in which more than ten percent of the gross retail floor area of the
12 establishment premises consists of alcoholic beverages.

13 “Hotel” means, for purposes of this Chapter, a “resort hotel” as defined by LVMC Chapter
14 6.40.020(F), except when the term is used in conjunction with a specific term which lists the number of rooms
15 required. A “hotel,” if not a “resort hotel,” contains not less than one hundred fifty guest rooms in a single or
16 connected structure, access to which is controlled through a foyer and hallways; provides rooms which are
17 let or hired out only to transient guests on a day-to-day basis; and does not provide for cooking in individual
18 rooms or suites.

19 “Hotel lounge bar” means a bar located in a lounge area of a hotel where alcoholic beverages are
20 sold for consumption in specified areas only.

21 “Individual access” means the provision of a secured cabinet or refrigerator with alcoholic beverages,
22 access to which is controlled by an adult.

23 “Key employee” means an employee designated by a business licensee to oversee the operations of
24 the business in the absence of the licensee.

25 “Liquor store” means a specialty retail store with a minimum gross floor area of 1200 square feet
26 that deals exclusively in alcoholic beverages and related items including tobacco, magazines, newspapers

1 and packaged snack foods, whose license to sell alcoholic beverages authorizes their sale to consumers only
2 and not for resale, in original sealed or corked containers, for consumption off the premises where the same
3 are sold. Entry to minors is not allowed, except as provided for in LVMC 6.50.170.

4 “Lounge” means a room or designated area wherein alcohol is served or poured from a licensed
5 liquor service area to patrons where food is not served or is incidental to its operation and may contain an
6 informal setting of tables, booths or easy chairs, and into which room or designated area minors are not
7 permitted entry. Such room or area must be separated and segregated with a barrier and signage sufficient to
8 preclude minors from entry.

9 “Malt beverage” means beer, ale, porter, stout and other similar fermented beverages of any name or
10 description, brewed or produced from malt, wholly or in part.

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

13 “Minor” means, for the purposes of this Chapter, a natural person under the age of twenty-one years.

14 “Museum” means a facility with no less than fifteen thousand square feet of exhibit space open to
15 the general public where a fee is charged for admission and the primary purpose of such facility is the
16 acquisition, preservation, study and exhibition of items of artistic, historic or scientific value.

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

19 (1) Is organized or qualified to do business and operate under the laws of the State;
20 (2) Has tax-exempt status granted by the United States Internal Revenue Service;
21 (3) Maintains a membership of at least one hundred active members who are residents
22 of Southern Nevada, who are twenty-one years of age or older and who pay dues to the nonprofit corporation,
23 association, or organization; and

24 (4) Operates a clubhouse, clubroom or meeting room in a permanent location which it
25 owns or leases.

26 “Off-sale” means the sale of alcoholic beverages in original sealed or corked containers for

1 consumption off the premises where the same are sold.

2 “On-sale” means the sale of alcoholic beverages for consumption on the premises where the same
3 are sold.

4 “Outdoor entertainment complex” means an outdoor environment that mixes retail, restaurant,
5 entertainment and recreational uses on one parcel of land that:

- 6 (1) Is greater than one gross acre in size;
- 7 (2) Is located wholly within the boundaries of the Downtown Entertainment Overlay
8 District or within the area bounded by Ogden Avenue on the north, Maryland Parkway on the east, Carson
9 Avenue on the south, and 8th Street on the west;
- 10 (3) Provides for a minimum of ten thousand square feet of retail space within permanent
11 or semi-permanent structures;
- 12 (4) Contains at least one restaurant;
- 13 (5) Provides on the parcel at least fifty permanent seats where meals may be consumed;
14 and
- 15 (6) Provides event or exhibition space (or both) of at least five hundred square feet.

16 For purposes of this definition, “semi-permanent structure” means a structure or container that is not
17 permanently affixed to the ground but is not readily moveable. “Semi-permanent structure” explicitly
18 includes an intermodal cargo transport container, commonly referred to as a “cargo container” or “shipping
19 container,” but does not include a recreational vehicle, mobile kitchen, catering truck or mobile home.

20 “Pedestrian mall” means an area designated in LVMC Chapter 11.68.

21 “Permanent trade show” means an event held at a permanent trade show facility where products,
22 goods or wares are displayed for the purpose of exhibitors demonstrating and soliciting orders for the
23 wholesale of or offering for wholesale of such products, goods or wares exclusively to members of a specific
24 industry or industries.

25 “Permanent trade show facility” means a parcel or contiguous parcels of land with one or more
26 buildings located thereon consisting of a minimum of two hundred fifty thousand square feet of floor space

1 that is designed and intended primarily to conduct one or more permanent trade shows annually, at which
2 members of the general public are not admitted. A “permanent trade show facility” may also be used for
3 events to which the general public is invited.

4 “Private event” means an “invitation only” event, often connected to membership in, or acquaintance
5 with, an organization or person hosting the event. The term includes weddings, anniversaries, holiday parties,
6 proms, birthday parties and other similar celebrations.

7 “Public event” means an event open to the general public, where entry is available either for the price
8 of a ticket or admission, or free of charge. The term includes expositions, fairs, dances, concerts, fundraising
9 events and other similar events.

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

13 “Restaurant service bar” means a bar wherein alcoholic beverage drinks are prepared for service only
14 at tables in a restaurant for consumption only in connection with a meal on the premises where the same is
15 sold.

16 “Restaurant with alcohol” means a restaurant advertised and/or held out to the public to be a place
17 where the primary business is to serve meals and has meals available for service at tables or booths during
18 all times that the business is open. Alcoholic beverages may be served to adult patrons throughout the
19 premises of a restaurant with alcohol, and adults accompanying a minor into the restaurant portion of the
20 business may only be served alcohol in conjunction with meals at dining tables or booths.

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

26 “Specialty drink” means a singular variety of a themed alcoholic drink that represents the culture or

1 ethnicity of the establishment; must be consistent with the ambiance, decór, and menu offerings of the
2 restaurant; and must be served in open containers for consumption only on the licensed premises of the
3 establishment. A drink does not qualify as a “specialty drink” unless it is available for consumption only
4 when the kitchen or food preparation area is open and operating. A specialty drink must be able to be
5 identified and described, in writing, by any applicant for a license that requires the sale or service of a
6 specialty drink and must describe how the drink qualifies for classification as a specialty drink.

7 “Suit shop” means an establishment that primarily markets and sells tailored suits.

8 “Themed establishment” means an establishment that is designed and operated so as to evoke a
9 particular culture, ethnicity, historical or fictional period, that represents such unique theme through one or
10 more of the following attributes: entertainment, activity, music, ambiance, decor, signage, cuisine, specialty
11 drink offerings or the costuming of staff.

12 “Wedding chapel” means a business establishment that performs marriages in accordance with State
13 law.

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

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

19 SECTION 3: Title 6, Chapter 50, Section 60, of the Municipal Code of the City of Las
20 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.50.060:** (A) A general on-sale license authorizes the sale of alcoholic beverages for consumption
22 on the premises of a licensed golf course establishment, a sports arena, a cultural establishment, a convention
23 center, [or] an amusement theme park, or a general entertainment establishment, in each case where alcohol
24 sales are incidental to the primary business.

25 (B) If requested by the Director or Metro on an event by event basis, the licensee shall
26 require that alcoholic beverages be sold and consumed only in a segregated and secured area wherein only

1 persons twenty-one years of age or older are permitted to enter.

2 (C) The condition set forth in Subsection (B) does not apply to sporting events held at a
3 convention center or sports arena.

4 SECTION 4: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983
5 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 32 and consisting of
6 Sections 10 to 50, inclusive, reading as follows:

7 **6.32.010:** For purposes of this Chapter:

8 “General entertainment establishment” means an establishment that is generally open to the public, or a
9 segment of the public, as a place to view live or other entertainment performances in an amphitheater,
10 auditorium, ballroom, concert hall, theatre or showroom setting; for hosting or accommodating a concert,
11 convention, competition, sporting event or trade show; or any combination thereof. The term applies whether
12 or not events or activities hosted or accommodated by the facility generally, or in particular cases, are open
13 or closed to the general public and whether or not reservations or ticket sales are available in advance. The
14 term also includes an establishment that operates in a manner similar to a nightclub, but that has an occupancy
15 load limit of ninety-nine persons or less. The term does not include an establishment that is licensed (or
16 qualifies) for licensing under LVMC Chapters 6.35, 6.39 or 6.80. The term shall not be deemed to include
17 an establishment that provides entertainment if that entertainment is incidental to the primary activity of the
18 establishment and consists merely of ambient or background music intended to create or enhance a mood or
19 atmosphere, or karaoke singing and interaction, or a combination thereof.

20 **6.32.020:** (A) No person shall operate a general entertainment establishment without obtaining and
21 maintaining a license pursuant to this Chapter. Such an establishment may operate with or without the sale
22 or service of alcoholic beverages, but an establishment is not eligible to sell or serve alcoholic beverages
23 unless the applicant also holds one of the following type of alcoholic beverage licenses at the location of the
24 general entertainment establishment:

25 (1) Beer and wine room;

26 (2) Tavern;

- 1 (3) Tavern-limited;
- 2 (4) Tavern-restricted;
- 3 (5) General on-sale; or
- 4 (6) Urban lounge.

5 (B) Before an application for a license under this Chapter is eligible for approval, the
6 applicant must first submit for approval a proposed security plan and receive approval of a security plan.
7 The Director shall issue, and may revise on an as-needed basis, an official policy to describe the scope of the
8 required security plan for the benefit of potential licensees. In addition to the elements otherwise required to
9 be in a security plan, the plan must include provisions to:

- 10 (1) Limit or prohibit the types of items that can brought into the premises,
11 including weapons, alcoholic beverages, and other items that may affect security; and
- 12 (2) Monitor the sales and service of alcoholic beverages, the age of patrons, and
13 the presence of the parents or legal guardians of underage patrons so that the provisions of this Chapter
14 regarding can be properly observed and enforced.

15 **6.32.030:** In connection with the operation of a general entertainment establishment pursuant to this
16 Chapter:

- 17 (A) The establishment is subject to all applicable provisions of LVMC Chapter 6.50.
- 18 (B) The establishment shall not allow any patron to bring alcoholic beverages onto the
19 premises for consumption on the premises, or allow alcoholic beverages served or sold on the premises to be
20 removed from the premises.
- 21 (C) All bars must be kept segregated from general admission and seating areas by a
22 barrier sufficient to prevent access by minors.
- 23 (D) The sale and service of alcohol are prohibited at any public event which is marketed
24 primarily to minors or open to minors unaccompanied by a parent or legal guardian.
- 25 (E) Events at which patrons under the age of eighteen years are allowed to attend must
26 end by 10:00 pm and no event and such identification plan being monitored by the licensee.

1 (F) All alcohol sales must cease at least one hour prior to the scheduled ending time of
2 any performance.

3 (G) Except as otherwise provided in this Subsection (G), the hours of operation for the
4 establishment shall be those determined by the Director in connection with temporary or permanent license
5 approval, as the case may be. If there is a conflict between the hours of operation for a general entertainment
6 establishment approved by the Director and the hours of operation approved by the City Council in
7 connection with 1) an alcoholic beverage license associated the establishment or 2) an approved land use
8 entitlement permitting the operation of a general entertainment establishment, the condition regarding hours
9 of operation approved by the City Council shall control.

10 (H) The establishment shall operate in accordance with its approved security plan. The
11 Director may require a licensee to submit for approval a revised security plan if the Director determines that
12 provisions for security at the establishment are inadequate. The Director may establish a deadline for the
13 submission of new or revised plans. Upon receipt of a new or revised security plan, the Director shall approve,
14 deny or take other appropriate action regarding the plan, including the establishment of a deadline within
15 which to update or implement a security plan or a date by which operations must cease in connection with
16 the denial of a security plan. It is unlawful for a licensee to:

17 (1) Fail to submit a security plan by the deadline established for such
18 submission;

19 (2) Continue to operate the licensed establishment beyond a deadline
20 established for updating or implementing a security plan without having accomplished the update or
21 implementation; or

22 (3) Continue to operate the licensed establishment beyond a date established for
23 ceasing operations in connection with the denial of a security plan.

24 (I) If the licensed establishment is within five hundred feet of a residential property, the
25 licensee must post signs at locations clearly visible within the establishment and at both on and off-site
26 parking areas, requesting patrons to respect residents of adjacent residential neighborhoods by being quiet

1 when leaving.

2 (J) Unless otherwise permitted by land use entitlement approved for such establishment,
3 any and all activities associated with a licensed establishment shall be conducted entirely within the interior
4 of such establishment, except for the following:

- 5 (1) The checking of patrons' identification;
- 6 (2) Valet parking activities;
- 7 (3) The sale of admission tickets for current or future events;
- 8 (4) Eating, drinking, or dancing when specifically allowed outside by means of
9 a special event permit issued under LVMC Chapter 12.02; or

10 (5) Within the Downtown Entertainment Overlay District, the use of outdoor
11 speakers or other sound amplification devices, but only if and to the extent the speakers or devices:

- 12 (a) Are not located on sidewalks or within the public right-of-way; and
- 13 (b) Are directed toward the establishment's lounge or dining area and
14 away from public rights-of-way.

15 (K) If patrons are waiting outside the licensed establishment for entry into such
16 establishment, the licensee shall organize and maintain its patrons in line in accordance with this Subsection
17 (K). Each outdoor patron line must be on private property or on a public sidewalk not located in a residential
18 neighborhood. If on a public sidewalk, an outdoor patron line shall:

- 19 (1) Be parallel to and against the structure of the licensed establishment;
- 20 (2) Be maintained so that not more than two persons are abreast (next to one
21 another);
- 22 (3) Not restrict reasonable pedestrian movement on the sidewalk; and
- 23 (4) Not obstruct the entrance to any other establishment that is open for
24 business.

25 (L) No interior noise from the establishment shall be audible beyond the property line
26 when exterior doors are closed. If a more restrictive requirement exists elsewhere in this Code, the more

1 restrictive requirement applies.

2 **6.32.040:** (A) Every general entertainment establishment that is also licensed for the sale or service
3 of alcoholic beverages must display at all times, in a prominent place at each entry and exit, one or more
4 printed warning signs regarding events at which patrons under twenty-one years of age are allowed to be
5 present. The warning signs are for the purpose of notifying underage patrons that certain activities, including
6 re-entry, are prohibited. The content, size and locations of such required warning signs must have first been
7 approved by the Director and shall read substantially as follows:

8 **WARNING TO PERSONS UNDER 21**

9 **You are subject to arrest and prosecution, as well as a fine of up to \$1,000, for purchasing or**
10 **consuming alcoholic beverages, or for misrepresenting your age for the purpose of purchasing**
11 **or obtaining alcoholic beverages.**

11 **NO RE-ENTRY**

12 (B) Every general entertainment establishment that is also licensed for the sale or service
13 of alcoholic beverages must display at all times, in a prominent place at each bar location, one or more printed
14 warning signs regarding events at which patrons under twenty-one years of age are allowed to be present.
15 The warning signs are for the purpose of notifying patrons that certain activities are prohibited. The content,
16 size and locations of such required warning signs must have first been approved by the Director and shall
17 read substantially as follows:

18 **WARNING**

19 **It is illegal to provide alcoholic beverages to any person under the age of 21. Violators are**
20 **subject to arrest and prosecution.**

21 **6.32.050:** Nothing in this Chapter by itself shall be deemed to authorize an establishment licensed
22 under this Chapter to engage in any of the following business operations or activities that would require
23 separate licensing, land use approval, or both:

24 (A) The operation of an erotic dance establishment subject to LVMC Chapter 6.35;

25 (B) The operation of an adult nightclub establishment subject to LVMC Chapter 6.06B;

26 (C) The operation of a nightclub subject to LVMC Chapter 6.39;

- 1 (D) The operation of a teenage dance establishment subject to LVMC 6.80;
2 (E) The operation of a sexually oriented business, as defined in LVMC 19.12.070; or
3 (F) Ongoing operations that allow the sale or service of alcoholic beverages to the
4 general public.

5 SECTION 5: Ordinance No. 6289 and the Unified Development Code adopted as Title 19
6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in
7 Sections 6 to 16, inclusive, of this Ordinance. The amendments are deemed to be amendments to both
8 Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

9 SECTION 6: Section 19.09.050.E.020(I) is amended by amending the entry for the
10 “Nightclub” use to replace the letter “S” with the letter “C” to indicate that the use is allowed as a conditional
11 use rather than by means of special use permit.

12 SECTION 7: Title 19, Chapter 9, Section 50, is amended by amending the Use Type
13 tables in each of the following sections to delete all references to the use “Beer/Wine/Cooler Cultural
14 Establishment”:

15 19.09.050.E.004(I)

16 19.09.050.E.008(I)

17 19.09.050.E.012(I)

18 19.09.050.E.016(I)

19 19.09.050.E.020(I)

20 19.09.050.E.026(I)

21 19.09.050.E.028(I)

22 19.09.050.E.032(I)

23 SECTION 8: Title 19, Chapter 12, Section 10, is amended by amending Table 2 of the
24 Land Use Tables adopted therein by deleting the entry for the use “Beer/Wine/Cooler Cultural
25 Establishment.”

26 SECTION 9: Title 19, Chapter 12, Section 10, is amended by amending Table 2 of the

1 Land Use Tables adopted therein to amend the entry for the use “Nightclub” to indicate that the use is allowed
2 as a conditional use in the C-1, C-2 and C-PB Zoning Districts, rather than by means of special use permit.
3 In order to reflect the amendment, the letter “C” shall be inserted in place of the letter “S” in the box that
4 represents the intersection of the row for the use “Nightclub” and the column for each of the C-1, C-2 and C-
5 PB Zoning Districts.

6 SECTION 10: Title 19, Chapter 12, Section 70, is amended by deleting in its entirety the
7 entry for the use “Beer/Wine/Cooler Cultural Establishment.”

8 SECTION 11: Title 19, Chapter 12, Section 70, is amended by amending the entry for the
9 use “Beer/Wine/Cooler On-Sale Establishment” so that the Conditional Use Regulations for that use read as
10 follows:

11 **Conditional Use Regulations:**

12 1. Except as otherwise provided, no beer/wine/cooler on-sale establishment (hereinafter
13 “establishment”) shall be located within 400 feet from any church/house of worship, school, individual care
14 center licensed for more than 12 children, or City park.

15 2. The minimum distance separation requirements in Regulation 1 do not apply to:

16 a. An establishment which has a nonrestricted gaming license in connection with a hotel having
17 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of
18 200 guest rooms after July 1, 1992; [or]

19 b. A proposed establishment having more than 50,000 square feet of retail floor space[.]; or

20 c. A proposed cultural establishment, as defined in LVMC 6.50.020, including a museum,
21 performing arts theater or facility licensed for art sales or display (or both), in which:

22 i. The sale and consumption of beer, wine and coolers is limited to the hours during
23 which an artistic exhibition, presentation or performance is taking place; and

24 ii. No gaming is permitted in connection with the operation of the establishment.

25 3. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter
26 6.50.

1 SECTION 12: Title 19, Chapter 12, Section 70, is amended by amending the entry for the
2 use “Commercial Recreation/Amusement (Indoor)” to read as follows:

3 **Commercial Recreation/Amusement (Indoor)**

4 **Description:** An enclosed facility or area for sport, entertainment, games of skill, or recreation that is open
5 to use by the general public for a fee. This use includes without limitation bowling alleys, indoor miniature
6 golf courses, roller and ice skating rinks, game courts, swimming pools, walk-in movie theaters, physical
7 fitness centers, gyms, billiard parlors/pool halls, indoor general entertainment establishments, and video
8 arcades.

9 **Minimum Special Use Permit Requirements:**

- 10 1. The use shall not be open to the public between the hours of 9:00 p.m. and 8:00 a.m.
- 11 2. The use must be consistent with and authorized by an approved Site Development Plan for an office
12 project, and may not occupy more than 35 percent of the floor area of the project.
- 13 3. No structure that houses the use may exceed 35 feet in height.
- 14 4. Each structure that houses the use shall be designed to provide reasonable sound barriers for
15 adjoining properties.

16 **On-site Parking Requirement:**

17 Indoor Miniature Golf Course - Three spaces per hole

18 Skating Rink - One space for each 150 square feet of rink area

19 Indoor Game Courts - Three spaces per court

20 Walk-in Theater - One space per 4 seats, plus one space for each employee

21 Video Arcade - One space for each 200 square feet of gross floor area, plus one space per 3 persons that the
22 facility is designed to accommodate at maximum capacity

23 Billiard Parlor/Pool Hall - One space per billiard table

24 General Entertainment Establishment - One space for every 3 persons at maximum capacity

25 Other Uses - One space for each 200 square feet of gross floor area

26 SECTION 13: Title 19, Chapter 12, Section 70, is amended by amending the entry for the

1 use “Commercial Recreation/Amusement (Outdoor)” to read as follows:

2 **Commercial Recreation/Amusement (Outdoor)**

3 **Description:** An outdoor facility or area for sport, entertainment, games of skill, or recreation that is open
4 to use by the general public for a fee. This use includes without limitation game courts, water slides, golf
5 courses, outdoor miniature golf courses, drive-in theaters, batting cages, practice/instructional fields,
6 amusement parks, amphitheaters, indoor general entertainment establishments, and sports events.

7 **On-site Parking Requirement:**

8 Miniature Golf Course - Three spaces per hole.

9 Golf Course - Four spaces per hole.

10 Amusement Park - One space per 3 persons that the facilities are designed to accommodate at maximum
11 capacity.

12 General Entertainment Establishment - One space for every 3 persons at maximum capacity.

13 Other Uses - One space for each 200 square feet of gross floor area.

14 SECTION 14: Title 19, Chapter 12, Section 70, is amended by deleting in its entirety the
15 entry for the use “Nightclub” and replacing it with an entry that reads as follows:

16 **Nightclub**

17 **Description:** An entertainment establishment, whether indoor, outdoor, or both, with an occupancy load of
18 100 or more people that:

- 19 1. Provides any combination of live music, recorded music, or other entertainment for the primary
20 purpose of encouraging social interaction amongst the patrons of the establishment;
- 21 2. Contains one or more delineated dance floor areas; and
- 22 3. May or may not provide food service. If the establishment provides food service, the food service
23 must be both limited and incidental to the operation of the establishment.

24 The Nightclub use also includes the use “Dayclub,” which possesses the same characteristics as a Nightclub,
25 but operates primarily during the daytime hours. The use does not include a General Entertainment
26 Establishment, Sexually Oriented Business or an establishment that qualifies as a Teen Dance Center. The

1 use shall not be deemed to include an establishment merely because it includes entertainment if the
2 entertainment is primarily intended to be viewed by an audience. The use shall also not be deemed to include
3 an establishment that provides entertainment if that entertainment is incidental to the primary activity of the
4 establishment and consists merely of ambient or background music intended to create or enhance a mood or
5 atmosphere, or karaoke singing and interaction, or a combination thereof.

6 **Conditional Use Regulations:**

7 1. A Nightclub use that is located within the Downtown Entertainment Overlay District as defined by
8 LVMC Title 19.10.120, within the boundaries of the Pedestrian Mall as defined by LVMC 11.68, or within
9 the boundaries of the 18b Las Vegas Arts District, as shown in Figure 3 of the Development Standards
10 adopted in LVMC 19.10.110(B), and as amended from time to time, is exempt from the application of
11 Regulations 2 through 5. Except as otherwise limited by the final sentence of this Regulation 1 and
12 Regulations 7 and 8, such a use shall be deemed to be a use permitted by right. Any outdoor activity areas
13 must first be approved by means of a Site Development Plan Review pursuant to LVMC 19.16.100.

14 2. In the C-1 District, the Nightclub use shall be limited to a maximum of 5,000 gross square feet in
15 area.

16 3. All Nightclub activities, including customer queueing and waiting areas (but excluding valet services
17 and the checking of patron's identification), must be conducted within a completely enclosed building. In
18 the C-M and M Zoning Districts, outdoor activity areas must first be approved by means of a Site
19 Development Plan Review pursuant to LVMC 19.16.100.

20 4. Except as otherwise provided in Regulation 5, no Nightclub may be located within 500 feet of any
21 parcel that contains a single-family dwelling.

22 5. The distance separation requirement set forth in Regulation 4 does not apply to:

23 a. An establishment which has a nonrestricted gaming license in connection with a hotel having
24 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of
25 200 guest rooms after July 1, 1992.

26 b. A hotel having 200 or more guest rooms.

- 1 c. A Nightclub that meets all of the following criteria:
- 2 i. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston
- 3 Boulevard and Fremont Street;
- 4 ii. Is located on a parcel with a minimum net site area of 0.25 acres; and
- 5 iii. Is located within a building that has a minimum of 5000 square feet of gross floor
- 6 area dedicated to the Nightclub use.
- 7 d. A Nightclub operated in conjunction with an establishment that has a tavern-restricted
- 8 alcoholic beverage license pursuant to LVMC 6.50.253.
- 9 6. Alcohol service, if any, is permitted only in conjunction with the following Title 6 alcoholic beverage
- 10 licenses: Beer and Wine Room, Tavern, Tavern-Limited, Tavern-Restricted, General On-Sale and Urban
- 11 Lounge.
- 12 7. Nightclubs shall conform to all applicable requirements of LVMC Title 6.
- 13 8. Unless otherwise exempted by that Chapter, Nightclubs shall conform to all noise requirements and
- 14 limitations of LVMC Chapter 9.16.

15 **Minimum Special Use Permit Requirements:**

- 16 *1. In the C-1 District, all Nightclub activities, including customer queueing and waiting areas (but
- 17 excluding valet services and the checking of patron's identification), must be conducted within a completely
- 18 enclosed building. In all other districts, outdoor activity areas, as well as any provisions used to mitigate the
- 19 impact of those areas on the surrounding adjacent uses, must be included on a site plan that has been approved
- 20 as part of a Special Use Permit application.
- 21 *2. Except as otherwise provided in Requirement 3, no Nightclub may be located within 500 feet of any
- 22 parcel that contains a single-family dwelling.
- 23 3. The distance separation requirement set forth in Requirement 2 does not apply to:
- 24 a. An establishment which has a nonrestricted gaming license in connection with a hotel having
- 25 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of
- 26 200 guest rooms after July 1, 1992.

- 1 b. A hotel having 200 or more guest rooms.
- 2 c. A Nightclub that meets all the following criteria:
 - 3 i. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston
 - 4 Boulevard and Fremont Street;
 - 5 ii. Is located on a parcel with a minimum net site area of 0.25 acres; and
 - 6 iii. Is located within a building that has a minimum of 5000 square feet of gross floor
 - 7 area dedicated to the Nightclub use.
- 8 d. A Nightclub operated in conjunction with an establishment that has a tavern-restricted
- 9 alcoholic beverage license pursuant to LVMC 6.50.253.

10 4. The distance separation requirement set forth in Requirement 2 may be waived in accordance with
11 the provisions of LVMC 19.12.050(C), but only in connection with a proposed Nightclub that will be:

- 12 a. Separated from the existing dwelling(s) by a street or highway with a minimum right-of-way
- 13 width of 100 feet; or
- 14 b. Located on property within the Downtown Las Vegas Overlay District, as described in
- 15 LVMC 19.10.110.

16 *5. Alcohol service, if any, is permitted only in conjunction with the following Title 6 alcoholic beverage
17 licenses: Beer and Wine Room, Tavern, Tavern-Limited, Tavern-Restricted, General On-Sale and Urban
18 Lounge.

19 *6. Nightclubs shall conform to all applicable requirements of LVMC Title 6.

20 *7. Unless otherwise exempted by that Chapter, Nightclubs shall conform to all noise requirements and
21 limitations of LVMC Chapter 9.16.

22 **On-site Parking Requirement:** One space for every 3 persons at maximum capacity.

23 SECTION 15: Title 19, Chapter 18, Section 20, is amended by adding at the appropriate
24 location the following term and its definition:

25 **General Entertainment Establishment.** A type of Commercial/Recreation/Amusement (Indoor or
26 Outdoor) use that is generally open to the public, or a segment of the public, as a place to view live or other

1 entertainment performances in an amphitheater, auditorium, ballroom, concert hall, theatre or showroom
2 setting; for hosting or accommodating a concert, convention, competition, sporting event or trade show; or
3 any combination thereof. The term includes such an establishment whether or not events or activities hosted
4 or accommodated by the establishment generally, or in particular cases, are open or closed to the general
5 public and whether or not reservations or ticket sales are available in advance. The term also includes an
6 establishment that operates in a manner similar to a Nightclub, but that has an occupancy load limit of 99
7 persons or less. The term does not include a Sexually Oriented Business, a Nightclub, or a Teen Dance Center
8 as described in this Title, or any establishment that is licensed (or qualifies) for licensing under LVMC
9 Chapters 6.35, 6.39 or 6.80. The term shall not be deemed to include an establishment that provides
10 entertainment if that entertainment is incidental to the primary activity of the establishment and consists
11 merely of ambient or background music intended to create or enhance a mood or atmosphere, or karaoke
12 singing and interaction, or a combination thereof.

13 SECTION 16: Title 19, Chapter 18, Section 20, is amended by deleting in its entirety the
14 existing entry for the term “Nightclub” and its definition and replacing it with the following term and its
15 definition:

16 **Nightclub:** An entertainment establishment with an occupancy load of 100 or more persons that:

- 17 1. Provides any combination of live music, recorded music, or other entertainment for the primary
18 purpose of encouraging social interaction amongst the patrons of the establishment;
- 19 2. Contains one or more delineated dance floor areas; and
- 20 3. May or may not provide food service. If the establishment provides food service, the food service
21 must be both limited and incidental to the operation of the establishment.

22 The term is also deemed to include a “Dayclub,” which possesses the same characteristics as a Nightclub,
23 but operates primarily during the daytime hours. The term does not include a General Entertainment
24 Establishment, Sexually Oriented Business or Teen Dance Center as described in this Title, or any
25 establishment that is licensed (or qualifies) for licensing under LVMC Chapters 6.35 or 6.80. The term shall
26 not be deemed to include an establishment merely because the establishment includes entertainment if the

1 entertainment is primarily intended to be viewed by an audience. The term shall also not be deemed to include
2 an establishment that provides entertainment if that entertainment is incidental to the primary activity of the
3 establishment and consists merely of ambient or background music intended to create or enhance a mood or
4 atmosphere, or karaoke singing and interaction, or a combination thereof.

5 SECTION 17: For purposes of Section 2.100(3) of the City Charter, Sections 19.09.050,
6 19.12.010, 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

7 SECTION 18: The Department of Planning is authorized and directed to incorporate into
8 the Unified Development Code the amendments set forth in Sections 6 to 16, inclusive, of this Ordinance.

9 SECTION 19: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
10 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
11 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
12 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
13 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
14 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
15 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

16 SECTION 20: Whenever in this ordinance any act is prohibited or is made or declared to
17 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
18 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
19 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
20 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
21 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
22 of this ordinance shall constitute a separate offense.

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SECTION 21: 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 _____, 2021.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2021, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2021, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk