

Proposed Tavern Restricted (new alcohol beverage license category)

TXT-74198 - TEXT AMENDMENT - APPLICANT/OWNER: CITY OF LAS VEGAS – Update the City’s licensing regulation by allowing distance waivers for nightclub establishment and creating on new alcoholic beverage license category (tavern-restricted) and prohibiting restricted gaming at an establishment where a tavern-restricted alcoholic beverage license is held.

Contents:

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is to be added, all provisions in that section are new, although in some cases it is just a replacement for language repealed in a previous section of the ordinance amendment.

BILL NO. 2018-
ORDINANCE NO. _____

AN ORDINANCE TO AMEND PROVISIONS OF LVMC CHAPTERS 19.12, 6.50 AND 6.40 TO ESTABLISH ZONING AND LICENSING REGULATIONS REGARDING LAND USE DISTANCE WAIVER ALLOWANCES FOR NIGHTCLUB AND TAVERN ESTABLISHMENTS AND TO UPDATE THE CITY'S LICENSING REGULATIONS BY CREATING ONE NEW ALCOHOLIC BEVERAGE LICENSE CATEGORY (TAVERN- RESTRICTED) AND PROHIBITING RESTRICTED GAMING AT AN ESTABLISHMENT WHERE A TAVERN-RESTRICTED ALCOHOLIC BEVERAGE LICENSE IS HELD.

Sponsored by: Mayor Pro Tem Lois Tarkanian

Summary: Update the City's licensing regulations by allowing distance waivers for nightclub establishment and creating one new alcoholic beverage license category (tavern-restricted) and prohibiting restricted gaming at an establishment where a tavern-restricted alcoholic beverage license is held.

19.12.70 Permissible Use Descriptions and Applicable Conditions and Requirements

Liquor Establishment (Tavern)

Description: A facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.

Minimum Special Use Permit Requirements:

* 1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within 1500 feet of any other liquor establishment (tavern), church/house of worship, school, individual care center licensed for more than 12 children, or City park.

* 2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

* 3. For the purpose of Requirement 2, and for that purpose only:

- a. The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
- b. The "property line" of a liquor establishment (tavern) refers to:

- i. The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or
 - ii. The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:
 - A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;
 - B. The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located;
 - C. All parking spaces required by this Subchapter [19.12.070](#) for the liquor establishment (tavern) use will be located on the same parcel as the use; and
 - D. The owners of all parcels within the commercial subdivision, including the owner of agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.
4. The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.
5. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC [19.12.050\(C\)](#), but only in connection with a proposed liquor establishment (tavern) that:
- a. Will be located on a parcel within the C-V District, the Market District or Symphony Park District as shown in Figure 3 of the Development Standards adopted in LVMC [19.10.110\(B\)](#), the Gaming Enterprise Overlay District, or the Downtown Casino Overlay District;
 - b. Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;
 - c. Will be located within a regional mall; or
 - d. Will be located within a mixed-use development
 - i. That has been approved by means of Special Use Permit pursuant to LVMC Chapters [19.12](#) and [19.16](#);

- ii. That has a minimum net site area of 15 acres; and
- iii. Whose gross floor area of nonresidential space is a minimum of 250,000 square feet; or
- e. Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet; or
- f. Will have a general on-sale alcoholic beverage license operated in conjunction with an establishment listed in LVMC 6.50.060.
- g. Will have a tavern-restricted alcoholic beverage license operated in conjunction with an establishment listed in LVMC 6.50.230.

* 6. The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50.

On-site Parking Requirement: One space for each 50 square feet of public seating and waiting area (including areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.

Nightclub

Description:

An indoor or outdoor drinking, dancing, or entertainment establishment that conducts 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 use 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 use. The use does not include an erotic dance establishment licensed under LVMC Chapter 6.35 or an establishment that qualifies as a Teen Dance Center.

Conditional Use Regulations:

1. Because the primary operations of a nightclub often include preparing and serving alcoholic beverages for immediate on-premises consumption and the provision of live entertainment, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum separation between a nightclub and other uses that should be protected from the impacts associated with a nightclub. Therefore, except as otherwise provided below, no nightclub may be located within 1500 feet of a church, synagogue, school, child care facility licensed for more than 12 children or City park.
2. A person that desires to operate a nightclub shall obtain both a nightclub land use entitlement as well as any necessary land use entitlement for the service of alcohol for on-premises consumption. A person

lawfully operating a nightclub as defined by this section and LVMC 6.39, prior to December 1, 2014, is not required to obtain a special use permit for the continued operation of such nightclub use. Real property entitled for a nightclub pursuant to this Code shall have no specific spacing requirements between other nightclubs. However, as the nightclub entitlement is a separate and distinct from any land use entitlement permitting the service of alcohol for on-premises consumption, this provision shall not act to waive or otherwise diminish the specific spacing requirements between uses entitled for the service of alcohol for on-premise consumption.

3. The distance separation referred to in Requirement 1 above and Requirement 7 below shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed nightclub which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed nightclub. The distance shall be measured in a straight line without regard to intervening obstacles.
4. For the purpose of Requirement 3, and for that purpose only:
 - a. The “property line” of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
 - b. The “property line” of a nightclub refers to:
 - i. The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or
 - ii. The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:
 - A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;
 - B. The proposed nightclub will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed nightclub will be located;
 - C. All parking spaces required by this Section [19.12.070](#) for the nightclub will be located on the same parcel as the use; and
 - D. The owners of all parcels within the commercial subdivision, including the owner of the nightclub parcel, sign an agreement, satisfactory to the City Attorney that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.
5. The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms

on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

6. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.50.
7. Except as otherwise provided in Requirement 8 below, no nightclub may be located within 500 feet of any single family dwelling.
8. The distance separation requirement set forth in Requirement 7 does not apply to:
 - a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.
 - b. A nightclub located within the boundaries of the Downtown Entertainment Overlay District or within the boundaries of the Pedestrian Mall as defined by LVMC Chapter 11.68.
 - c. A nightclub that meets all the following criteria:
 - i. Is located within a building that has a minimum of 5000 square feet of gross floor area dedicated to the nightclub use.
 - ii. Is located on a parcel with a minimum net site area of 0.25 acres; and
 - iii. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston Boulevard and Fremont Street;
9. Alcohol service is only permitted in conjunction with the following Title 6 alcoholic beverage licenses: Beer and Wine Room, Tavern, Tavern-Limited, General On-Sale and Urban Lounge.

Minimum Special Use Permit Requirements:

*1. Because the primary operations of a nightclub often include preparing and serving alcoholic beverages for immediate on-premises consumption and the provision of live entertainment, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum separation between a nightclub and other uses that should be protected from the impacts associated with a nightclub. Therefore, except as otherwise provided below, no nightclub may be located within 1500 feet of a church, synagogue, school, child care facility licensed for more than 12 children or City park.

*2. A person that desires to operate a nightclub shall obtain both a nightclub land use entitlement as well as any necessary land use entitlement for the service of alcohol for on-premises consumption. A person lawfully operating a nightclub as defined by this section and LVMC 6.39, prior to December 1, 2014, is not required to obtain a special use permit for the continued operation of such nightclub use. Real property entitled for a nightclub pursuant to this Code shall have no specific spacing requirements between other nightclubs. However, as the nightclub entitlement is a separate and distinct from any land use entitlement permitting the service of alcohol for on-premises consumption, this provision shall not act to waive or

otherwise diminish the specific spacing requirements between uses entitled for the service of alcohol for on-premise consumption.

*3. The distance separation referred to in Requirement 1 above and Requirement 8 below shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed nightclub which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed nightclub. The distance shall be measured in a straight line without regard to intervening obstacles.

*4. For the purpose of Requirement 3, and for that purpose only:

- a. The “property line” of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
 - b. The “property line” of a nightclub refers to:
 - i. The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or
 - ii. The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:
 - A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;
 - B. The proposed nightclub will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed nightclub will be located;
 - C. All parking spaces required by this Section [19.12.070](#) for the nightclub will be located on the same parcel as the use; and
 - D. The owners of all parcels within the commercial subdivision, including the owner of the nightclub parcel, sign an agreement, satisfactory to the City Attorney that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.
5. The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.
 6. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC [19.12.050\(C\)](#) under the following circumstances:

- a. In connection with a proposed nightclub that will be located on a parcel within the C-V District; the Market District or Symphony Park District as shown in Figure 3 of the Development Standards adopted in LVMC 19.10.110(B); the Gaming Enterprise Overlay District; the Fremont East Entertainment District; the 18b Arts District or the Downtown Casino Overlay District;
 - b. In connection with a proposed nightclub to be located on a parcel within that certain area formerly identified as the Office Core District, described as the area bounded on the north by the centerline of Bridger Avenue, on the east by the centerline of 6th Street, on the south by the centerline of Garces Avenue, and on the west by the eastern edge of the Union Pacific Railroad right-of-way line; or
 - c. In connection with a proposed nightclub that will be located within an establishment which has a non-restricted gaming license and is not exempted pursuant to Paragraph 5.
7. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.50.

*8. Except as otherwise provided in Requirement 9 below, no nightclub may be located within 500 feet of any single-family dwelling.

9. The distance separation requirement set forth in Requirement 8 does not apply to:

- a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.
- b. A nightclub located within the boundaries of the Downtown Entertainment Overlay District or within the boundaries of the Pedestrian Mall as defined by LVMC Chapter 11.68.
- c. A nightclub that meets all the following criteria:
 - i. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston Boulevard and Fremont Street;
 - ii. Is located on a parcel with a minimum net site area of 0.25 acres; and
 - iii. Is located within a building that has a minimum of 5000 square feet of gross floor area dedicated to the nightclub use.

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

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

6.50.080 – Alcoholic beverage license – Beer and wine room – On premise.

A beer and wine room alcoholic beverage license authorizes the sale of beer and, wine and coolers only for consumption on the premises where the same are sold.

6.50.230 - Alcoholic beverage license – Tavern-restricted

- (A) A tavern-restricted license:
 - (1) Authorizes the sale of alcoholic beverages only for consumption on the premises where the same are sold.
 - (2) May only be issued for premises located on Sahara Avenue within the area bounded by Valley View Boulevard on the east and Rainbow Boulevard on the west.
 - (3) May only operate within the hours of 6:00am and 2:00am.
 - (4) Requires any and all activities associated with a licensed establishment shall be conducted entirely within the interior of such establishment.
 - (5) Shall not allow minors entry onto the premises when alcohol is served, unless the premises has a restaurant, and the minor is eating a meal within the designated restaurant area. If the establishment serves meals at a restaurant upon its premises, such restaurant area must be approved by the Director, and the establishment my permit minors to patronize the designated restaurant area only for the express purpose of eating a meal, and only between the hours of 6:00am and 10:00pm.
 - (6) 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) A tavern-restricted license, or the transfer of a license, may be conditions upon one or more of the following:
 - (1) Submittal of a business security plan, to be approved by the City.
 - (2) Such other conditions as imposed by the Director and/or by the City Council.

6.50.360: Each licensee shall pay the Department in advance the semiannual license fee set forth in the following schedule

License Category	Semiannual License Fee (Dollars)
Alcoholic beverage caterer	\$500.00
Ancillary	500.00 per category authorized or 1% of gross sales, whichever is greater
Ancillary craft distillery	500.00 or 1% of gross sales, whichever is greater
Ancillary brew pub	500.00 or 1% of sales to licensed wholesale dealers, whichever is greater
Ancillary lounge bar	1,200.00
Banquet or event establishment	500.00
Beer and wine room	700.00

License Category	Semiannual License Fee (Dollars)
Beer/wine /cooler on sale	300.00
Beer/wine/cooler off sale	300.00
Beer and wine room	700.00
Plus: fee for each	400.00
General on-sale	1,200.00
Plus: fee for each additional bar	900.00
General on-sale (beer and wine)	500.00
Liquor manufacturer	1,000.00
Nonprofit club general on-sale	200.00
Package	750.00
Permanent trade show facility	2,400.00
Restaurant service bar	600.00
Restaurant with alcohol	800.00
Plus: fee for each additional bar	750.00
Tavern (one bar)	1,200.00
Plus: fee for each additional bar	900.00
Plus: fee for resort hotel owned gift shop	900.00
Tavern-limited (one bar)	800.00
Plus: fee for each additional bar	500.00
<u>Tavern-restricted (one bar)</u>	<u>800.00</u>
<u>Plus: fee for each additional bar</u>	<u>500.00</u>
Urban lounge (one bar)	1,000.00
Plus: fee for each additional bar	750.00
Wholesale general	1,000.00

6.50.380 – Origination charge.

(A) The origination charge listed in this Section is a one-time charge which is and payable at the time of filing an application for an alcoholic beverage license. Origination charges are as follows:

License Category	Origination Charge (Dollars)
Alcoholic beverage caterer	\$4,000.00
Ancillary lounge bar	40,000.00
Banquet or event establishment	20,000.00
Beer and wine room	7,500.00
Beer/wine/cooler on-sale	2,500.00
Beer/wine/cooler off-sale	2,500.00
General on-sale	75,000.00
General on-sale (beer and wine)	20,000.00
Liquor manufacturer	10,000.00
Nonprofit club general on-sale	2,000.00
Package	40,000.00
Permanent trade show facility	60,000.00
Restaurant service bar	30,000.00
Restaurant with alcohol	40,000.00
Tavern	75,000.00
Tavern-limited	20,000.00
<u>Tavern-restricted</u>	<u>20,000.00</u>
Urban lounge	50,000.00

(C) The transfer of an alcoholic beverage license from one licensee to another is exempt from the origination charge set forth in this Section.

(D) In connection with the issuance of an original new City alcoholic beverage license to an existing County alcoholic beverage licensee whose business premises have been annexed into the City, the Department shall waive the origination charge at the request of the applicant. However, a license concerning which such a waiver has been granted may not be sold, transferred to a third party, or transferred to a new location, notwithstanding any provision of this Title to the contrary.

6.50.520 – Entertainment – Approval authority.

(A) Subject to the provisions of Subsection (C) of this Section, no live entertainment, as defined in Subsection (B), may be offered in any establishment in the following licensing categories unless that form of entertainment has been approved in advance by the approval authority:

- (1) Banquet or event establishment;
- (2) Beer/wine/cooler on-sale;
- (3) Beer and wine room;
- (4) General On-Sale;
- ~~(4)~~ (5) Nonprofit club general;
- ~~(5)~~ (6) Restaurant service bar;
- ~~(6)~~ (7) Restaurant with alcohol;
- ~~(7)~~ (8) Tavern;
- (9) Establishment with a tavern-limited license that is outside of the boundaries of the downtown entertainment overlay district.
- (10) Tavern-limited; and
- (11) Tavern-restricted

(B) For purpose of this Section:

- (1) “Approval authority means the City Council, if the approval is sought in connection with initial licensing approval by the City Council, and the Director otherwise.
- (2) “Entertainment” means one or more of the following:
 - (a) Live music (with or without dancing);
 - (b) Live disc jockey (with dancing);
 - (c) Karaoke entertainment; or
 - (d) Stage shows, such as magician, comedian or other similar type of performance artist.

(C) This Section:

- (1) Applies only to establishments licensed after the effective date of Ordinance No. 6071;
- (2) Does not apply to any establishments licensed as a nightclub pursuant to LVMC 6.39.

6.40.155

(A) The City Council may deny any application for a gaming license if it deems the place or location for which the license is sought to be unsuitable for the conduct of gaming

(B) No restricted gaming shall be conducted, maintained or operated in the following places or locations

- (1) Laundromats,
- (2) Bakeries, donut shops and any other retail location, except as otherwise provided in LVMC 6.40.140 and 6.40.150,
- (3) Movie theaters and professional offices,
- (4) Fast food establishments,
- (5) Hotels with an ancillary lounge bar license,
- (6) Locations within the Downtown Entertainment Overlay District, as described in LVMC 19.10.120,
- (7) Establishments at which a person holds a tavern-limited license,
- (8) A tavern-restricted establishment,
- (8) (9) Beer and Wine Rooms

(C) Locations listed in Subsection (B) that are licensed for gaming as of the date of section (or any amendment thereto) was adopted may be allowed to continue their licenses so long as the nature and character of the business at the location does not materially change