**BILL NO. 2017-44**

**ORDINANCE NO. 6607**

AN ORDINANCE TO AMEND LVMC 19.18.020 AND LVMC 6.50.020 TO AMEND THE DEFINITION OF "CONVENIENCE STORE" TO ELIMINATE THE MINIMUM SIZE REQUIREMENT FOR A CONVENIENCE STORE LOCATED IN A MIXED-USE DEVELOPMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin (by request)

Summary: Amends LVMC 19.18.020 and LVMC 6.50.020 to amend the definition of "convenience store" to eliminate the minimum size requirement for a convenience store located in a mixed-use development.

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

SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Section 2 of this Ordinance. The amendment is deemed to be an amendment to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 18, Section 20, is hereby amended by amending the definition of the term "Convenience Store" to read as follows:

**Convenience Store.** Except as otherwise provided in this definition, [A] a facility designed to have a minimum size of 1200 square feet and no more than 5000 square feet of floor space, exclusive of warehouse and office area, devoted to the display of merchandise, that is primarily used for the retail sale to the public of merchandise for offsite consumption, including prepackaged food products, sundries, household items and similar consumer items. The minimum size requirement referred to above does not apply to a convenience store located within a mixed-use development. The term does not include a retail business licensed as a "drugstore" pursuant to LVMC Title 6.

SECTION 3: Ordinance No. 6602 and Title 6, Chapter 50, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 6.50.020 reads as follows:

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

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

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

"Alcoholic beverage caterer" means a person who serves, pours or sells alcoholic beverages only for consumption on the premises where the same are dispensed, served or sold during the times, dates and places specified by permit.

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

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

(1) A work of visual art such as a painting, sculpture, drawing, mosaic or photograph;

(2) A work of written art, such as calligraphy;

(3) A work of graphic art, such as an etching, a lithograph, an offset print, a silkscreen, or any other work of like nature;

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

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

"Banquet or event establishment" means any establishment which is rented by individuals or

groups to accommodate events such as banquets, weddings, anniversaries and other similar assemblages. Such establishment may or may not include:

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

(2) Outdoor gardens or reception facilities.

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

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

"Beneficial owner" means a person who possesses a lease or other evidence of possessory property rights for the premises for which a license is sought for the full period for which the license is to be used.

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

"Commercial center" means a concentration of retail stores that:

(1) Contains at least eighty thousand square feet of retail space enclosed within a building or buildings;

(2) Contains at least one anchor retail store of at least twenty thousand square feet;

(3) Includes a parking lot common to the retail stores; and

(4) Is situated on at least fifteen gross acres of land.

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

"Convenience store" means a retail establishment, other than a drugstore, which:

(1) Offers for sale prepackaged food products, household items and other goods commonly associated with those products and items, and maintains more than fifty-one percent of its gross retail floor area dedicated to such products and items, provided that not more than ten percent of its gross

retail floor area is devoted to the sale of beer, wine and coolers; and

(2) Except as otherwise provided in this Paragraph (2), [Contains] contains not less than one thousand two hundred square feet, nor more than five thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and office areas. The minimum size requirement in the preceding sentence does not apply to a development that qualifies as mixed-use under LVMC Title19.

"Convention center" means a structure which has at least one hundred thousand square feet of floor space utilized for scheduling, hosting or accommodating a convention, trade show or temporary event, whether the activity is open or closed to the general public. For purposes of this Chapter, the term includes a stadium facility that may be operated in conjunction with a convention center, but does not include a permanent trade show facility.

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

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

(1) At least two thousand seats in a theater-style setting;

(2) Indoor exhibit space of twenty thousand square feet; or

(3) Outdoor exhibit space of at least fifty acres.

"Downtown Centennial Plan overlay district" has the meaning and boundaries as described at LVMC 19.10.110.

"Downtown entertainment overlay district" has the meaning and boundaries as described at LVMC 19.10.120.

"Drugstore" means a business establishment which occupies the entire business premises of a building, or a portion of the business premises of a building which is segregated physically or spatially from the rest of the business premises, where a State licensed pharmacist is present at all times the

pharmacy operation is open for the purpose of compounding or dispensing, or both compounding and dispensing of drugs and medicines, and where a grill and fountain service is permitted as well as the retail sales of sundries, including stationery, magazines, cosmetics and health items. For an establishment to qualify as a drugstore, the annual gross revenue from the sale of prescription pharmaceuticals must be in excess of fifty percent of the establishment's total gross revenue on a calendar year basis.

"Dues" means fees paid on a monthly, quarterly, semiannual or annual basis for the right to participate in the planning of activities and the utilization of services offered by a nonprofit corporation, association or organization. The term "dues" does not include fees paid for the purchase of drinks, meals or other services offered by a nonprofit corporation, association or organization.

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

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

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

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

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

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

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

"Hotel lounge bar" means a bar located in a lounge area of a hotel where alcoholic beverages are

sold for consumption in specified areas only.

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

"Key employee" means an employee designated by a business licensee to oversee the operations of the business in the absence of the licensee.

"Liquor store" means a specialty retail store with a minimum gross floor area of 1200 square feet that deals exclusively in alcoholic beverages and related items including tobacco, magazines, newspapers and packaged snack foods, whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold. Entry to minors is not allowed, except as provided for in LVMC 6.50.170.

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

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

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

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

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

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

(1) Is organized or qualified to do business and operate under the laws of the State;

(2) Has tax-exempt status granted by the United States Internal Revenue Service;

(3) Maintains a membership of at least one hundred active members who are residents of Southern Nevada, who are twenty-one years of age or older and who pay dues to the nonprofit corporation, association, or organization; and

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

"Off-sale" means the sale of alcoholic beverages in original sealed or corked containers for consumption off the premises where the same are sold.

"On-sale" means the sale of alcoholic beverages for consumption on the premises where the same are sold.

"Pedestrian mall" means an area designated in LVMC Chapter 11.68.

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

"Permanent trade show facility" means a parcel or contiguous parcels of land with one or more buildings located thereon consisting of a minimum of two hundred fifty thousand square feet of floor space that is designed and intended primarily to conduct one or more permanent trade shows annually, at which members of the general public are not admitted. A "permanent trade show facility" may also be used for events to which the general public is invited.

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

"Restaurant service bar" means a bar wherein alcoholic beverage drinks are prepared for service

only at tables in a restaurant for consumption only in connection with a meal on the premises where the same is sold.

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

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

"Specialty drink" means a singular variety of a themed alcoholic drink that represents the culture or ethnicity of the establishment; must be consistent with the ambiance, decór, and menu offerings of the restaurant; and must be served in open containers for consumption only on the licensed premises of the establishment. A drink does not qualify as a "specialty drink" unless it is available for consumption only when the kitchen or food preparation area is open and operating. A specialty drink must be able to be identified and described, in writing, by any applicant for a license that requires the sale or service of a specialty drink and must describe how the drink qualifies for classification as a specialty drink.

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

"Wedding chapel" means a business establishment that performs marriages in accordance with State law.

"Wholesale dealer" or "wholesaler" means a person who sells alcoholic beverages for the purposes

of resale.

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

SECTION 4: For purposes of Section 2.100(3) of the City Charter, Section 19.18.020 is deemed to be a subchapter rather than a section.

SECTION 5: The Department of Planning is authorized and directed to incorporate into the Unified Development Code the amendment contained in Section 2 of this Ordinance.

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

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SECTION 7: 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 6th day of December, 2017.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

_____ 10-30-17
Val Steed, Date
Deputy City Attorney

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of November, 2017, and referred to a committee for recommendation; hereafter the committee reported favorably on said ordinance on the 6th day of December, 2017, which as a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

| | |
|---|---|
| VOTING "AYE": | Mayor Goodman and Councilmembers, Tarkanian, Barlow, Anthony, Coffin, Fiore and Seroka |
| VOTING "NAY": | Tarkanian |
| EXCUSED: | None |
| ABSTAINED: | None |

APPROVED:

CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

**LV CITY CLERK**
**495 S MAIN ST**
**LAS VEGAS NV 89101**

**Account #** **22515**
**Ad Number** **0000950760**

Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/22/2017 to 11/22/2017, on the following days:

**11 / 22 / 17**

BILL NO. 2017-44

AN ORDINANCE TO AMEND LVMC 19.18.020 AND LVMC 6.50.020 TO AMEND THE DEFINITION OF "CONVENIENCE STORE" TO ELIMINATE THE MINIMUM SIZE REQUIREMENT FOR A CONVENIENCE STORE LOCATED IN A MIXED-USE DEVELOPMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin (by request)

Summary: Amends LVMC 19.18.020 and LVMC 6.50.020 to amend the definition of "convenience store" to eliminate the minimum size requirement for a convenience store located in a mixed-use development.

At the City Council meeting of

November 15, 2017

BILL NO. 2017-44 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

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PUB: November 22, 2017
LV Review-Journal

LINDA ESPINOZA
Notary Public, State of Nevada
Appointment No. 00-64106-1
My Appt. Expires Jul 17, 2020

/S/ Eileen Gallagher
**LEGAL ADVERTISEMENT REPRESENTATIVE**

**Subscribed and sworn to before me on this 22nd day of November, 2017**

**Notary** Linda Espinoza

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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2017 DEC 18 P 12:47

**LV CITY CLERK**
**495 S MAIN ST**
**LAS VEGAS NV 89101**

**Account #** **22515**
**Ad Number** **0000954153**

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/09/2017 to 12/09/2017, on the following days:

**12 / 09 / 17**

BILL NO. 2017-44
ORDINANCE NO. 6607

AN ORDINANCE TO AMEND LVMC 19.18.020 AND LVMC 6.50.020 TO AMEND THE DEFINITION OF "CONVENIENCE STORE" TO ELIMINATE THE MINIMUM SIZE REQUIREMENT FOR A CONVENIENCE STORE LOCATED IN A MIXED-USE DEVELOPMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Bob Coffin
(by request)

Summary: Amends LVMC 19.18.020 and LVMC 6.50.020 to amend the definition of "convenience store" to eliminate the minimum size requirement for a convenience store located in a mixed-use development.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of November, 2017, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 6th day of December, 2017, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Barlow, Anthony, Coffin, Seroka and Flore

VOTING "NAY": Councilwoman Tarkanian

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

PUB: December 9, 2017
LV Review-Journal

/S/ _____
**LEGAL ADVERTISEMENT REPRESENTATIVE**

**Subscribed and sworn to before me on this 11th day of December, 2017**

**Notary** _____

ROSLIND R. ROBERTSON
Notary Public, State of Nevada
Appointment No. 17-1892-1
My Appt Expires Apr 20, 2021