

1 **BILL NO. 2007-58**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO INCREASE UNDER CERTAIN CIRCUMSTANCES THE PERIOD OF
4 TIME DURING WHICH CERTAIN NONCONFORMING USES MAY BE DISCONTINUED
5 WITHOUT LOSING THEIR NONCONFORMING STATUS, TO PROVIDE A SIMILAR
6 INCREASE CONCERNING THE DISCONTINUANCE OF CERTAIN TYPES OF SPECIAL USE
7 PERMITS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

8 Sponsored by: Councilwoman Lois Tarkanian

9 Summary: Increases under certain
10 circumstances the period of time during which
11 certain nonconforming uses may be discontinued
12 without losing their nonconforming status, and
13 provides a similar increase concerning the
14 discontinuance of certain types of special use
15 permits.

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

18 SECTION 1: Title 19, Chapter 16, Section 30, Subsection (A), of the Municipal Code
19 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 (A) Nonconforming Use of a Conforming Building.

21 (1) General Provisions. A nonconforming use of a conforming building shall not be
22 continued following redevelopment of the property, extended or expanded into any other portion of
23 the conforming building, or relocated on the same parcel or within the same commercial subdivision;
24 provided, however, that an existing use which was made nonconforming by one or more of the
25 following may be continued following redevelopment, expanded, or relocated on the same parcel or
26 within the same commercial subdivision in accordance with Subsection (2) of this Subsection (A):

27 (a) The adoption of a Special Use Permit requirement for that type of use;

28 (b) The adoption of a four hundred foot or one thousand five hundred foot
separation requirement between that type of use and a protected use;

(c) The adoption of a one thousand five hundred foot separation requirement
between two uses of that type;

(d) The establishment of a protected use that, by virtue of a four hundred foot or
one thousand five hundred foot separation requirement, would otherwise prohibit the existing use from
expanding or from continuing following redevelopment; or

1 (e) The adoption of a different method of measuring distance for purposes of a
2 separation requirement.

3 (2) Conditions of Allowable Continuation, Expansion, or Relocation of Use. If the
4 proposed expansion or continuation of a nonconforming use following redevelopment, or relocation
5 of the use on the same parcel or within the same commercial subdivision, qualifies under Subsection
6 (1) of this Subsection (A) and no Variance from (or Waiver of) a separation requirement has
7 previously been granted for the property, the nonconforming use may be expanded or continued
8 following redevelopment, or relocated on the same parcel or within the same commercial subdivision,
9 if the proposed expansion, continuation or relocation:

10 (a) Will not increase the size or extent of the use by more than fifty percent; and

11 (b) Will not require a Variance or Waiver regarding any other provision of Title
12 19, including those that pertain to parking, landscaping and residential adjacency requirements.

13 (3) Discontinuation of Use. If a nonconforming use of a conforming building is
14 discontinued for a period of one [hundred eighty days,] year, or [one year] two years in the case of a
15 conforming building that has been damaged or partially destroyed by fire, flood, wind, another
16 calamity or an act of God, the future use of such building shall be only in conformance with the
17 provisions of this Title. In addition, nonconforming uses of a conforming building shall be
18 discontinued upon written notice from the City to the owner to discontinue the use. The use shall be
19 discontinued no later than the date described in the notice, which in no event shall be later than five
20 years from the date notice is given. Notice shall be provided by mailing to the owner of the property
21 as shown by the County Assessor's records and recording a copy of the notice in the office of the
22 County Recorder. Such notice shall contain the legal description of the property, a description of the
23 use required to be discontinued, the date that the use is to cease and desist and the Section of this Title
24 which declares the use to be nonconforming.

25 SECTION 2: Title 19, Chapter 18, Section 60, Subsection (P), of the Municipal Code
26 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 (P) Termination.

28 (1) Failure to Exercise.

1 (a) A Special Use Permit which cannot be exercised except upon construction of
2 a new building, and which is not exercised within two years after approval, shall be void, unless the
3 City Council grants an extension of time upon a showing of good cause. An extension of time may
4 be granted only if application therefor is made prior to the expiration of the two-year period. For
5 purposes of this Subparagraph (a), a Special Use Permit is exercised upon the issuance of a building
6 permit for the new construction.

7 (b) A Special Use Permit which does not require the construction of a new building
8 in order to be exercised, and which is not exercised within one year after approval shall be void, unless
9 the City Council grants an extension of time upon a showing of good cause. An extension of time may
10 be granted only if application therefor is made prior to the expiration of the one-year period. For
11 purposes of this Subparagraph (b), a Special Use Permit is exercised upon the approval of a business
12 license to conduct the activity, if one is required, or otherwise, upon the issuance of a certificate of
13 occupancy or approval of a final inspection.

14 (2) Cessation of Use. A Special Use Permit shall be void without further action if:

15 (a) The Special Use Permit was issued for alcoholic beverage use and such use
16 ceases for one hundred and eighty days or more; or

17 (b) The Special Use Permit was issued for a use other than alcoholic beverage use
18 and such use ceases for [twelve months or more.] one year or more, or twenty-four months or more
19 if the building in which the use was being conducted has been damaged or partially destroyed by fire,
20 flood, wind, another calamity or an act of God.

21 SECTION 3: For purposes of Section 2.100(3) of the City Charter, LVMC 19.16.030
22 and 19.18.060 are deemed to be subchapters rather than sections.

23 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
24 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
25 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
26 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
27 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
28 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

1 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
2 invalid or ineffective.

3 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this ____ day of _____, 2007.

7 APPROVED:

8
9 By OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 BEVERLY BRIDGES, CMC
12 City Clerk

13 APPROVED AS TO FORM:

14 Val Steed 9-20-07
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY BRIDGES, CMC
City Clerk

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