

1 **BILL NO. 2010-50**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ALLOW UNDER LIMITED CIRCUMSTANCES THE EXPANSION,
4 ENLARGEMENT OR ALTERATION OF CERTAIN NONCONFORMING SEXUALLY
5 ORIENTED BUSINESSES LOCATED WITHIN THE DOWNTOWN CENTENNIAL PLAN AREA,
6 AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Gary Reese

Summary: Allows under limited circumstances
the expansion, enlargement or alteration of
certain nonconforming sexually oriented
businesses located within the Downtown
Centennial Plan Area.

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

11 SECTION 1: Ordinance No. 6114 and Table 2 of the Land Use Tables adopted in
12 Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983
13 Edition, are hereby amended by amending the entry for the use "Sexually Oriented Business," as found
14 in the "Recreational, Entertainment and Amusement" element of Table 2, so that the Conditional Use
15 Regulations applicable to the use read as follows:

16 **Conditional Use Regulations:**

- 17 1. No person shall cause or permit the establishment of any sexually oriented business in an area
18 zoned other than C-M or M. In addition, no person shall cause or permit the establishment of
19 any sexually oriented business within 1000 feet of any other sexually oriented business,
20 church, public or private school, day care, teen dance center, park or playground. The distance
21 shall be the shortest distance between two property lines, one being the property line of the
22 proposed sexually oriented business which is closest to the existing use to which the
23 measurement pertains, and the other being the property line of that existing use which is
24 closest to the proposed sexually oriented business. The distance shall be measured in a
25 straight line without regard to intervening obstacles. For purposes of this paragraph, the term
26 "property line" refers to property lines of fee interest parcels and not leasehold parcels.
- 27 2. Except as otherwise provided in Regulations 4, 5 and 6, [The] the "establishment" of a
28 sexually oriented business includes the opening of such business as a new business, the

1 relocation of such business, the enlargement of such business in either scope or area or the
2 conversion of an existing business location to any sexually oriented business.

3 3. Any person establishing a sexually oriented business must first file with the Department of
4 Finance and Business Services the name and address of the business and the type of sexually
5 oriented business to be conducted.

6 4. Any business existing as of September 16, 1992, that is made nonconforming by the provisions
7 of Ordinance 3674 shall be permitted to remain in operation. [provided, however, that:]

8 However, except as otherwise provided in Regulation 6:

9 a. No such business may be increased, enlarged, extended or altered, except to change the
10 use to a conforming use; and

11 b. If any such business is terminated or is abandoned for a period of at least 30 days, any
12 future use of the property shall conform to the provisions of Ordinance 3674.

13 5. Except as otherwise provided in this Regulation and Regulation 6, [The] the provisions of
14 Regulations 3 and 4 above and the provisions of Chapter 19.16 shall apply to sexually oriented
15 businesses. [; provided, however, that] However, any existing sexually oriented business
16 located in the M Zoning District that was made nonconforming as to a separation requirement
17 by either of the following circumstances shall be deemed a conforming use for purposes of
18 expansion, enlargement or alteration:

19 a. The adoption of a different method of measuring distance; or

20 b. The intervening establishment within the required separation area of either a protected
21 use or another sexually oriented business.

22 Any such business shall continue to be subject to the provisions regarding discontinuation and
23 removal that are set forth in Sections 19.16.030(A)(4) and 19.16.040, respectively.

24 6. The provisions of Regulation 4 and the provisions of Chapter 19.16 that prohibit the
25 expansion, enlargement or alteration of an existing use shall not apply to any existing nude
26 show located within the Downtown Centennial Plan area, as described in Ordinance No. 6051
27 and as amended from time to time, but subject to the following conditions and provisions:

28 a. Any expansion, enlargement or alteration, including all required on-site parking, must

1 be contained entirely on the same legally-created parcel on which the use presently
2 exists.

3 b. The expansion, enlargement or alteration must be approved by means of a Major Site
4 Development Review pursuant to LVMC 19.18.050(G).

5 c. Except as otherwise provided in Paragraph (d), the discontinuation and abandonment
6 provisions of LVMC 19.16.030(A) shall continue to apply.

7 d. For a use that is discontinued for purposes of expansion, enlargement or alteration, the
8 use shall not be considered abandoned. However, the building permit for such
9 expansion, enlargement or alteration must be obtained within 6 months after operations
10 cease and the permit must be exercised completely before the permit expires.
11 Otherwise, the use shall be deemed abandoned, the nonconforming status lost, and the
12 future use of the property must comply with current zoning requirements.

13 e. For purposes of this Regulation 6, the expansion, enlargement or alteration of a use
14 includes the rebuilding or replacement of the building or buildings associated with the
15 use.

16 [6.] 7. Nothing in this Title pertaining to sexually oriented businesses is intended to make legal any
17 business or activity that is expressly declared illegal under any other provisions of the
18 Municipal Code or under any State or Federal laws.

19 [7.] 8. The Special Use Permit provisions of Section 19.04.040(B) do not apply to a sexually oriented
20 business.

21 SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
22 is deemed to be a subchapter rather than a section.

23 SECTION 3: 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 4: 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 _____, 2010.

7 APPROVED:

8
9 By _____
10 OSCAR B. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BEVERLY K. BRIDGES, MMC
City Clerk

14 APPROVED AS TO FORM:

15 Val Heed 11-8-10
16 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2010, 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 _____, 2010, 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: _____

11

12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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