

1 **BILL NO. 2012-27**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AUTHORIZE THE REESTABLISHMENT OF CERTAIN TYPES OF
4 NONCONFORMING USES UNDER SPECIFIED CIRCUMSTANCES, AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Sponsored by: Councilman Bob Coffin

Summary: Authorizes the reestablishment of
certain types of nonconforming uses under
specified circumstances.

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

9 SECTION 1: A parcel of land that has been used for the operation of a sexually
10 oriented business with a tavern license, but whose use for that purpose has been discontinued and
11 would now be prohibited or restricted under current zoning regulations, may be used again for the
12 operation of a sexually oriented business, tavern, or both, in accordance with the provisions of Section
13 2 of this Ordinance, but if and only if the following criteria exist:

14 (A) The previous sexually oriented business and tavern, when first established, were
15 lawfully established at that location under applicable zoning regulations, whether because no distance
16 separation limitations existed to prohibit their establishment or because the uses so established were
17 the first such uses established within the area;

18 (B) The discontinuance of the parcel for the operation of a sexually oriented
19 business with a tavern license was the result of government licensing action that made continued
20 operation impossible or not feasible; and

21 (C) Immediate reestablishment of that use of the parcel was made difficult or not
22 feasible by reason of forfeiture of the parcel to the government and the government's subsequent
23 ownership thereof.

24 SECTION 2: A parcel that meets the criteria described in Section 1 of this Ordinance
25 may be used again for the operation of a sexually oriented business, tavern, or both, but only if:

26 (A) All necessary licensing and zoning-related approvals are obtained and all zoning
27 regulations complied with, other than those that otherwise would prohibit the reestablishment of either
28 or both of those uses; and

1 (B) The use of the parcel for a sexually oriented business, tavern, or both is
2 reestablished within one year after the effective date of this Ordinance.

3 SECTION 3: The provisions of Sections 1 and 2 of this Ordinance shall apply
4 notwithstanding any provision of LVMC Title 19 to the contrary.

5 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
6 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
7 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
8 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
9 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
10 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
11 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
12 invalid or ineffective.

13 PASSED, ADOPTED and APPROVED this ____ day of _____, 2012.

14 APPROVED:

15 By _____
16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 _____
19 BEVERLY K. BRIDGES, MMC
City Clerk

20 APPROVED AS TO FORM:

21 Val Stead 5-23-12
22 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 _____, 2012, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2012, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

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

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APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk