



Ordinance & Resolutions Transmittal Scanning & Separator Page

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Bill No: 2010-50

Ordinance No: 6123<=>

Date Read: 11/17/2010

Date Adopted: 12/15/2010

Ordinance Title: AN ORDINANCE TO ALLOW UNDER LIMITED CIRCUMSTANCES THE EXPANSION, ENLARGEMENT OR ALTERATION OF CERTAIN NONCONFORMING SEXUALLY ORIENTED BUSINESSES LOCATED WITHIN THE DOWNTOWN CENTENNIAL PLAN AREA, AND TO PROVIDE FOR OTHER RELATED MATTERS. <=>

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

Ordinance Sponsor: Councilman Gary Reese<=>



Prepared By: tdresser

Scanned By:

QC By:

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**BILL NO. 2010-50**

**ORDINANCE NO. 6123**

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

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.

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

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

**Conditional Use Regulations:**

1. No person shall cause or permit the establishment of any sexually oriented business in an area zoned other than C-M or M. In addition, no person shall cause or permit the establishment of any sexually oriented business within 1000 feet of any other sexually oriented business, church, public or private school, day care, teen dance center, park or playground. The distance shall be the shortest distance between two property lines, one being the property line of the proposed sexually oriented business 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 sexually oriented business. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of this paragraph, the term "property line" refers to property lines of fee interest parcels and not leasehold parcels.
2. Except as otherwise provided in Regulations 4, 5 and 6, [The] the "establishment" of a 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 15<sup>TH</sup> day of December, 2010.

7 APPROVED:


8  
9 By   
10 OSCAR B. GOODMAN, Mayor

11 ATTEST: :

12   
13 ~~BEVERLY K. BRIDGES, MMC~~  
14 ~~City Clerk~~

By: **Vicky Skilbred**  
Chief Deputy City Clerk

14 APPROVED AS TO FORM:

15  11-8-10  
16 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council  
2 on the 17<sup>th</sup> day of November, 2010, and referred to a committee for recommendation;  
3 thereafter the committee reported favorably on said ordinance on the 15<sup>th</sup> day of  
4 December, 2010, which as a regular meeting of said Council; that at said regular meeting,  
5 the proposed ordinance was read by title to the City Council as first introduced and  
6 adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Tarkanian,  
8 Ross, Barlow and Anthony  
9 VOTING "NAY": None  
10 EXCUSED: None  
11 ABSTAINED: None  
12 DID NOT VOTE: None

13 APPROVED:

14   
15 \_\_\_\_\_  
16 OSCAR B. GOODMAN, Mayor

17 ATTEST:

18   
19 \_\_\_\_\_  
20 BEVERLY K. BRIDGES, MMC City Clerk

21 By: Vicky Skilbred  
22 Chief Deputy City Clerk

AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Stacey M. Lewis, 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,

LV CITY CLERK 2296311LV 6827912

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/03/2010 to 12/03/2010, on the following days:

12/03/2010

BILL NO. 2010-50

AN ORDINANCE TO ALLOW UNDER LIMITED CIRCUMSTANCES THE EXPANSION, ENLARGEMENT OR ALTERATION OF CERTAIN NON-CONFORMING SEXUALLY ORIENTED BUSINESSES LOCATED WITHIN THE DOWNTOWN CENTENNIAL PLAN AREA, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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.

At the City Council meeting of NOVEMBER 17, 2010 BILL NO. 2010-50 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA

PUB: December 3, 2010  
LV Review-Journal

RECEIVED  
CITY CLERK  
2010 DEC 17 A 11:19

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE  
3rd day of Dec., 2010.

Emily Gonzalez  
Notary Public



AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Stacey M. Lewis, 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,

LV CITY CLERK 2296311LV 6863942

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/18/2010 to 12/18/2010, on the following days:

12/18/2010

BILL NO. 2010-50  
ORDINANCE NO. 6123

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

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.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of November, 2010 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 15th day of December, 2010, 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 introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Tarkanian, Ross, Barlow and Anthony  
VOTING "NAY": NONE  
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA

PUB: December 18, 2010  
LV Review-Journal

2011 JAN - 3 P 9:13  
RECEIVED  
CITY CLERK

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 20th day of Dec., 2010.

Emily Gonzalez  
Notary Public

