

1 **SECOND AMENDMENT**

2 **BILL NO. 2002-83**

3 **ORDINANCE NO. 5504**

4 AN ORDINANCE TO ALLOW THE EXPANSION OF NONCONFORMING SEXUALLY
5 ORIENTED BUSINESSES UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR
6 OTHER RELATED MATTERS.

6 Sponsored by: Mayor Oscar B. Goodman Summary: Allows the expansion of
7 nonconforming sexually oriented businesses
8 under certain circumstances.

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

10 SECTION 1: Title 19, Chapter 4, Section 40, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision entitled "Sexually
12 Oriented Businesses" to add a new paragraph between existing Paragraphs (4) and (5). The new
13 paragraph is designated as Paragraph (5), with the remaining paragraphs to be renumbered
14 accordingly. The new Paragraph (5) shall read as follows:

15 **5. Certain Nonconforming Uses**

16 The provisions of Paragraphs (3) and (4) above and the provisions of Chapter 19.16 shall apply to
17 sexually oriented businesses; provided, however, that any existing sexually oriented business located
18 in the M Zoning District that was made nonconforming as to a separation requirement by either of the
19 following circumstances shall be deemed a conforming use for purposes of expansion, enlargement
20 or alteration:

21 (a) The adoption of a different method of measuring distance; or

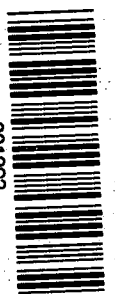
22 (b) The intervening establishment within the required separation area of either a protected
23 use or another sexually oriented business.

24 Any such business shall continue to be subject to the provisions regarding discontinuation and
25 removal that are set forth in Sections 19.16.030(A)(3) and 19.16.040, respectively.

26 SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040
27 is deemed to be a "subchapter" rather than a "section" of the Municipal Code.

28 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or

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

8 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
9 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED and APPROVED this 21st day of August, 2002.

12 APPROVED:

13
14 By 
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 
18 BARBARA JO RONEMUS, City Clerk

19 APPROVED AS TO FORM:

20 Val Steed 8-21-02
21 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 17th day of July, 2002, and referred to a committee for recommendation; thereafter the committee
3 reported favorably on said ordinance on the 21st day of August, 2002, which was a regular
4 meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to
5 the City Council as amended and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman, Councilmembers Reese, Brown, L. B. McDonald,
Weekly, and Mack

7 VOTING "NAY": None

8 EXCUSED: Councilman M. McDonald

9 ABSTAINED: None

10 APPROVED:

11 
12 _____
OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 _____
BARBARA JO RONEMUS, City Clerk

SEE SECOND AMENDMENT
FIRST AMENDMENT

BILL NO. 2002-83

ORDINANCE NO. _____

AN ORDINANCE TO ALLOW THE EXPANSION OF NONCONFORMING SEXUALLY ORIENTED BUSINESSES UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Allows the expansion of nonconforming sexually oriented businesses under certain circumstances.

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

SECTION 1: Title 19, Chapter 4, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision entitled "Sexually Oriented Businesses" to add a new paragraph between existing Paragraphs (4) and (5). The new paragraph is designated as Paragraph (5), with the remaining paragraphs to be renumbered accordingly. The new Paragraph (5) shall read as follows:

5. Certain Nonconforming Uses

The provisions of Paragraphs (3) and (4) above and the provisions of Chapter 19.16 shall apply to sexually oriented businesses; provided, however, that any existing sexually oriented business located in the C-M or M Zoning District that was made nonconforming as to a separation requirement by either of the following circumstances is not subject to the limitations on expansion, enlargement or alteration that otherwise would apply:

(a) The adoption of a different method of measuring distance; or

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

SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040 is deemed to be a "subchapter" rather than a "section" of the Municipal Code.

SECTION 3: 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

1 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
2 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
3 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
4 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
5 invalid or ineffective.

6 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this _____ day of _____, 2002.

10 APPROVED:
11
12 By _____
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:
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16 _____
BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:
18 _____
19 *Valsteel* 8-5-02
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 _____, 2002, 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 _____, 2002, 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 amended and adopted by the following vote:

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

12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16
17 BARBARA JO RONEMUS, City Clerk

BILL NO. 2002-83

ORDINANCE NO. _____

AN ORDINANCE TO ALLOW THE EXPANSION OF NONCONFORMING SEXUALLY ORIENTED BUSINESSES UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman Summary: Allows the expansion of nonconforming sexually oriented businesses under certain circumstances.

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

SECTION 1: Title 19, Chapter 4, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision entitled "Sexually Oriented Businesses" to add a new Paragraph (5), reading as follows:

5. Nonconforming Uses – Additional Provisions

The provisions of Paragraphs (3) and (4) above and the provisions of Chapter 19.16 shall apply to sexually oriented businesses; provided, however, that any existing sexually oriented business located in the M Zoning District that was made nonconforming as to a separation requirement by the adoption of a different method of measuring distance is not subject to the limitations on expansion, enlargement or alteration that otherwise would apply.

SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040 is deemed to be a "subchapter" rather than a "section" of the Municipal Code.

SECTION 3: 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 4: 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 _____ day of _____, 2002.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Valsteep 7-3-02
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2002, 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 _____, 2002, 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: _____

12 APPROVED:

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
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17 BARBARA JO RONEMUS, City Clerk

RECEIVED
CITY CLERK

2002 AUG 19 A 11:30

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
2346288

2296311LV

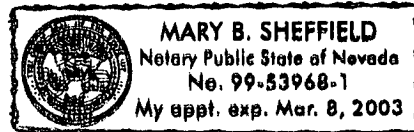
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/09/2002 to 08/09/2002, on the following days: AUGUST 9, 2002

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 14

day of August 2002

Mary B. Sheffield
Notary Public



BILL NO. 2002-83
FIRST AMENDMENT
AN ORDINANCE TO ALLOW THE EXPANSION OF NON-CONFORMING SEXUALLY ORIENTED BUSINESSES UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.
Sponsored by: Mayor Oscar B. Goodman
Summary: Allows the expansion of nonconforming sexually oriented businesses under certain circumstances.
At the City Council meeting of JULY 17, 2002
BILL NO. 2002-83 WAS REAO 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: August 9, 2002
LV Review-Journal

RECEIVED
CITY CLERK

2002 AUG 29 A 11: 12

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
2371009

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/24/2002 to 08/24/2002, on the following days: AUGUST 24, 2002

BILL NO. 2002-83
SECOND AMENDMENT
ORDINANCE NO. 5504

AN ORDINANCE TO ALLOW THE EXPANSION OF NON-CONFORMING SEXUALLY ORIENTED BUSINESSES UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman
Summary: Allows the expansion of nonconforming sexually oriented businesses under certain circumstances.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of July, 2002, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of August, 2002, 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 amended and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, L.B. McDonald, Weekly and Mack
VOTING "NAY": NONE
EXCUSED: M. McDonald

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: August 24, 2002
LV Review-Journal

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

26

day of _____ 2002

August

Notary Public

Mary B. Sheffield

