

1 **BILL NO. 2021-12**

2 **ORDINANCE NO. 6775**

3 AN ORDINANCE TO AMEND LVMC 19.16.110(P) REGARDING THE TERMINATION OF SPECIAL
4 USE PERMIT APPROVALS TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A SPECIAL USE
5 PERMIT MAY BE VOIDED FOR FAILURE TO KEEP A RELATED TEMPORARY BUSINESS
6 LICENSE IN ACTIVE STATUS OR CONVERT IT TO A PERMANENT BUSINESS LICENSE, AND TO
7 PROVIDE FOR OTHER RELATED MATTERS.

8 Proposed by: Tom Perrigo, Chief Operations and
9 Development Officer

Summary: Amends LVMC 19.16.110(P)
regarding the termination of special use permit
approvals to clarify the circumstances under
which a special use permit may be voided for
failure to keep a related temporary business
license in active status or convert it to a permanent
business license.

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

12 SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19
13 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in
14 Section 2 of this Ordinance. The amendment is deemed to be an amendment to both Ordinance No. 6289
15 and the Unified Development Code adopted as Title 19.

16 SECTION 2: Title 19, Chapter 16, Section 110, Subsection (P), is hereby amended to read
17 as follows:

18 **P. Termination**

19 **1. Expiration for Failure to Exercise**

20 a. A Special Use Permit which cannot be exercised except upon new construction that requires
21 a building permit, and which is not exercised within the approval period, shall be void, unless the applicant
22 obtains an extension of time upon a showing of good cause. Application for an extension shall be made to
23 the Planning Commission or City Council, whichever body took final action to approve the Special Use
24 Permit. An extension of time may be granted only if application therefor is made prior to the expiration of
25 the approval period. For purposes of this Subparagraph (a):

26 i. The "approval period" for a Special Use Permit is the time period specified in the

1 approval, if one is specified, and is two years otherwise.

2 ii. A Special Use Permit is exercised upon the issuance of a building permit for the new
3 construction.

4 b. A Special Use Permit which does not require a building permit for new construction in order
5 to be exercised, and which is not exercised within the approval period shall be void, unless the applicant
6 obtains an extension of time upon a showing of good cause. Application for an extension shall be made to
7 the Planning Commission or City Council, whichever body took final action to approve the Special Use
8 Permit. An extension of time may be granted only if application therefor is made prior to the expiration of
9 the approval period. For purposes of this Subparagraph (b):

10 i. The "approval period" for a Special Use Permit is the time period specified in the
11 approval, if one is specified, and is two years, otherwise.

12 ii. A Special Use Permit is exercised upon the approval of a temporary or permanent
13 business license to conduct the activity, if one is required pursuant to LVMC Title 6. Where no business
14 license is required, a Special Use Permit is deemed exercised if its exercise is expressly recognized:

15 A. In the form of, or in connection with, a Condition of Approval associated
16 with a relevant or related application; or

17 B. By an action or communication of the Director.

18 **2. Voiding of Special Use Permit.** A Special Use Permit shall be void without further action if:

19 a. The Special Use Permit was issued for alcoholic beverage use and such use ceases for one
20 hundred and eighty days or more, or twenty-four months or more if the building in which the use was being
21 conducted has been damaged or partially destroyed by fire, flood, wind, another calamity or an act of God;

22 b. The Special Use Permit was issued for a use other than alcoholic beverage use and such use
23 ceases for twelve months or more, or twenty-four months or more if the building in which the use was being
24 conducted has been damaged or partially destroyed by fire, flood, wind, another calamity or an act of God.

25 c. A building permit that is required for the exercise of the Special Use Permit is allowed to
26 expire and no new permit has been issued (or a reinstatement or reissuance of the expired permit) within the

1 “approval period” specified in Subparagraph (1)(a)(i) of this Subsection (P); or

2 d. A [required temporary or permanent business license that has been obtained for the location
3 is not maintained in active status.] temporary business license that has been obtained for the use at the location
4 in order to exercise the Special Use Permit is not maintained in active status and thereafter converted to a
5 permanent license, unless a new business license for the use at that location is:

6 i. Obtained within the approval period specified in Subparagraph (1)(b)(i) of this
7 Subsection (P);

8 ii. Maintained in active status; and

9 iii. Thereafter converted to a permanent license, if applicable.

10 SECTION 3: For purposes of Section 2.100(3) of the City Charter, Section 19.16.110 is
11 deemed to be a subchapter rather than a section.

12 SECTION 4: The Department of Planning is authorized and directed to incorporate into
13 the Unified Development Code the amendment set forth in Section 2 of this Ordinance.

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

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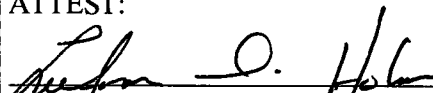
1 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 21st day of April, 2021.


5 APPROVED:

6 By 
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12  3-1-21
13 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 17th day of March, 2021, and referred to a committee for recommendation; hereafter
3 the committee reported favorably on said ordinance on the 21st day of April, 2021, which
4 as a regular meeting of said Council; that at said regular meeting, the proposed ordinance
5 was read by title to the City Council and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Anthony, Crear,
7 Knudsen, Seaman and Diaz

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

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APPROVED:


CAROLYN G. GOODMAN, Mayor

ATTEST:


LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001143487

2021 APR 13 P 12:27

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/08/2021 to 04/08/2021, on the following days:

04 / 08 / 21

BILL NO. 2021-12

AN ORDINANCE TO AMEND LVMC 19.16.110(P) REGARDING THE TERMINATION OF SPECIAL USE PERMIT APPROVALS TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A SPECIAL USE PERMIT MAY BE VOIDED FOR FAILURE TO KEEP A RELATED TEMPORARY BUSINESS LICENSE IN ACTIVE STATUS OR CONVERT IT TO A PERMANENT BUSINESS LICENSE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Tom Perrigo, Chief Operations
and Development Officer

Summary: Amends LVMC 19.16.110(P) regarding the termination of special use permit approvals to clarify the circumstances under which a special use permit may be voided for failure to keep a related temporary business license in active status or convert it to a permanent business license.

At the City Council meeting of
March 17, 2021

BILL NO. 2021-12 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, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA

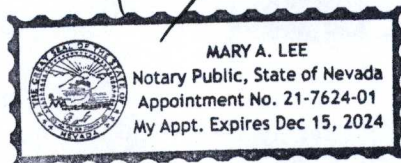
PUB: April 8, 2021
LV Review-Journal

Eileen Gallagher

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 9th day of April, 2021

Notary *Mary A. Lee*



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001145304

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/24/2021 to 04/24/2021, on the following days:

04 / 24 / 21

**BILL NO. 2021-12
ORDINANCE NO. 6775**

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of March, 2021, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of April, 2021, 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 first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Fiore, Crear, Knudsen, Seaman, and Diaz

VOTING "NAY": NONE

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: April 24, 2021
LV Review-Journal

ISI Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 26th day of April, 2021

Notary Mary Lee

