

ORDINANCE NO. 2734

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-07-15); BY AMENDING TITLE 17 (ZONING ORDINANCE), SECTION 17.20.020(C)(19) (SEXUALLY ORIENTED BUSINESS) PROVIDING FOR THE REMOVAL OF THE AMORTIZATION PERIOD ASSOCIATED WITH GRANDFATHERED ESTABLISHMENTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA DOES ORDAIN:

SECTION 1: Chapter 20, Section 020, Subsection C, Subsection 19, of Title 17 of the Municipal Code of the City of North Las Vegas, Nevada, is hereby replaced in its entirety as follows:

19. Sexually Oriented Business.

- a. **Purpose.** It is the purpose and intent of this section, in conjunction with [Chapter 5.47](#) of the codified ordinance, to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the City, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the section to condone or legitimize the distribution of obscene material.

The provisions of this section complement [Chapter 5.47](#) of the North Las Vegas Municipal Code, and the provisions of this section shall be read and interpreted in conjunction with [Chapter 5.47](#).

b. Locational Standards.

- (i) **Setbacks.** Except for those certain grandfathered establishments, prior to any consideration for zoning approval (See Subsection 17.20.020.C.19.f.) for a sexually oriented business use, an applicant for zoning approval must certify that the proposed sexually oriented business will be located a minimum of one thousand (1,000) feet from the following uses:

- (1) Child care facility,
- (2) Religious institution,
- (3) Dwelling,
- (4) Hospital,
- (5) School,
- (6) Public building,
- (7) Public park,
- (8) Building where any alcoholic liquor as defined in [Chapter 5.26](#) is distributed,
- (9) Building where any gambling licensed pursuant to [Chapter 5.20](#) is conducted, and
- (10) Another sexually oriented business use.

(ii) **Measurement.**

- (1) The one thousand foot (1,000) setback referred to above, excepting that from schools and public parks, must be determined by a direct line measurement from the primary entrance of the structures noted in subsection (i) above, without regard to intervening structures, to the proposed primary entrance of the sexually oriented business use.
- (2) The one thousand foot (1,000) setback from schools and public parks referred to above must be measured in a direct line measurement from the proposed primary entrance of the sexually oriented business use to the property line of the school or public park.

c. **Restrictions.**

- (i) Except for those certain grandfathered establishments, a person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business use within the same building, structure, or portion thereof.

- (ii) Except for those certain grandfathered establishments, a person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of a sexually oriented business use within one thousand (1,000) feet of another sexually oriented business.

d. Signs.

- (i) Except for the existing signs of those certain grandfathered establishments, all sexually oriented business uses shall comply with [Section 17.24.150](#), Signs.
- (ii) Any signs constructed or erected after the effective date of the ordinance codified in this section shall comply with [Section 17.24.150](#), Signs.
- (iii) Signs for sexually oriented business uses shall not contain any emphasis, either by wording, picture, or otherwise on a matter related to sexual conduct.
- (iv) No sexually oriented business use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to sexual conduct or specified anatomical areas, from any public way, or from any property not licensed (business license and zoning approval) as a sexually oriented business use. This provision shall apply to any display, decoration, sign, show window, or other opening.

e. Parking.

- (i) All adult arcades and adult motion picture theaters shall provide at least one permanently maintained off-street parking space for every ninety (90) square feet of gross floor area used or intended to be used for service to the public, but in no event shall less than fifteen (15) spaces be provided.
- (ii) All adult bookstores and adult novelty businesses shall provide at least one permanently maintained off-street parking space for every three hundred (300) square feet of gross floor area used or intended to be used for service to the public.
- (iii) Except for those certain grandfathered establishments, all adult cabarets shall provide at least one permanently maintained off-street parking space for one hundred (100) square feet of gross floor area used or intended to be used for service to the public, but in no event shall less than fifteen (15) spaces be provided.
- (iv) Any other sexually oriented business use not otherwise specifically delineated in this subsection must comply with the parking requirements for commercial establishments as established by this Code.

- f. **Legal Nonconforming Uses.** Those certain grandfathered establishments are legal nonconforming uses to the extent provided by [Chapter 5.47](#).
- g. **Zoning Approval.** Except for those certain grandfathered establishments, all sexually oriented business uses must receive zoning approval from the Director as a condition of business licensure by the business license division of the finance department. Zoning approval of a sexually oriented business use by the Director does not imply nor constitute approval of a business license.
 - (i) The application shall contain the maps and information as may be required by the Director.
 - (ii) An applicant may appeal the Director's refusal to grant zoning approval for a sexually oriented business use pursuant to [Section 17.12.040](#), Appeals.

(Ord. No. 2591, § 1, 6-15-2011, eff. 10-1-2011; Ord. No. 2611, § 1, 5-16-2012; Ord. No. 2630, §§ 1, 2, 6-19-2013; Ord. No. 2643, § 1, 12-18-2013; Ord. No. 2669, § 3(b), 6-18-2014; Ord. No. 2678, § 1, 7-16-2014; Ord. No. 2685, § 3(2), 8-6-2014)

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by its City Attorney as to the constitutionality of this ordinance and based upon such information is adopting this Ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 3: SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 5: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS 2nd day of December, 2015.

AYES: Mayor Lee, Mayor Pro Tempore Goynes-Brown, Council Members Wood, Barron and Cherchio

NAYS: (NONE)

ABSTAIN: (NONE)

ABSENT: (NONE)

APPROVED:

/s/ JOHN J. LEE
JOHN J. LEE, MAYOR

ATTEST:

/s/ BARBARA A. ANDOLINA
BARBARA A. ANDOLINA, CITY CLERK