

ORDINANCE NO 3200
(ZOA-14-500284 – Amend Henderson Municipal Code Section 19 5 5 HH)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, TO AMEND SECTION 19 5 5 HH - SEXUALLY ORIENTED
BUSINESS - OF THE HENDERSON MUNICIPAL CODE AND MATTERS
PROPERLY RELATED THERETO

WHEREAS, it is the intent of the City of Henderson to maintain a zoning ordinance for the safe and orderly development of property, and

WHEREAS, the City of Henderson adopted a new zoning ordinance on January 19, 2010, and

WHEREAS, a zoning ordinance is considered a “living document” and will invariably need amending to make minor corrections, revisions, and updates as necessary, and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain

SECTION 1 Henderson Municipal Code, Section 19 5 5 HH, is hereby amended as depicted in Exhibit A attached hereto, consisting of two (2) pages

SECTION 2 This ordinance is effective January 1 2015

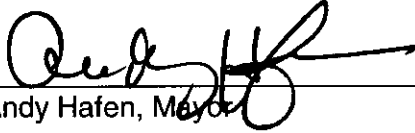
SECTION 3 If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances

SECTION 4 All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate

SECTION 5 A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective This Ordinance is scheduled for publication on August 22, 2014, in the Review Journal

PASSED, ADOPTED, AND APPROVED THIS 19TH DAY OF AUGUST, 2014





Andy Hafen, Mayor

ATTEST



Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on August 5, 2014, which was a Regular Meeting, and referred to a Committee of the following Councilmen

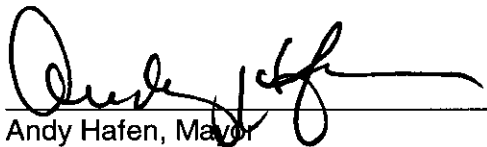
“COUNCIL AS A WHOLE”

Thereafter on August 19, 2014, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held August 19, 2014, the Ordinance was read in title and adopted by the following roll call vote

Those voting aye Andy Hafen, Mayor
 Councilmembers
 Sam Bateman
 Debra March
 John F. Marz

Those voting nay None
Those abstaining None
Those absent Gerri Schroder





Andy Hafen, Mayor

ATTEST



Sabrina Mercadante, MMC, City Clerk

Exhibit A
Henderson Municipal Code Section 19 5 5 HH

HH. SEXUALLY ORIENTED BUSINESS

| RESIDENTIAL | | | | | | | | | | DOWNTOWN RESIDENTIAL | | | | |
|-------------|------|------|------|------|------------|-------|-------|-----------|-----|----------------------|--------|-----|-----|----|
| RS-1 | RS-2 | RS-4 | RS-6 | RS-8 | RM-10 | RM-16 | RH-24 | RH-36 | RMH | DH | DRL | DRM | DRH | DP |
| | | | | | | | | | | | | | | |
| COMMERCIAL | | | | | INDUSTRIAL | | | MIXED-USE | | | DWNTWN | | | |
| CN | CO | CC | CH | CT | CA | IL | IG | IP | MC | MN | MR | DCC | DHC | PS |
| | | | | | | C | C | C | | | | | | |

1. Definition

“Sexually oriented business” means, but is not limited to, nude modeling studio, nude modeling agency, nude shows, adult bookstores, adult motion picture theaters, adult video centers, sexual encounter businesses, adult novelty businesses, sexual encounter centers, escort services, adult clubs not serving alcoholic liquors as described in HMC Chapter 4.36, and outcall promoter and outcall entertainer. The terms within this definition are defined in HMC Title 4.

2. Standards

(a) All Districts Separation Requirements

(1) The applicant shall provide evidence certified by a professional land surveyor licensed in the State of Nevada that the proposed sexually oriented business will be separated a minimum of 1,000 feet from the following, except iii. which requires a minimum 1,500 foot separation:

- i. A child care facility;
- ii. A religious assembly use;
- iii. A property with a residential land use category as designated by the Comprehensive Plan;
- iv. A property designated with a mixed-use zoning designation;
- v. A hospital;
- vi. A school (public or private);
- vii. A governmental office;
- viii. A public park;
- ~~ix. A building where any alcoholic liquor as defined in HMC Chapter 4.36 is distributed;~~
- ~~x. A building where any gambling licensed pursuant to HMC Chapter 4.32 is conducted;~~
- ~~xi.~~ **ix.** A Teenage Dancehall;
- ~~xii.~~ **x.** A Teenage Nightclub;
- ~~xiii.~~ **xi.** Another sexually oriented business.

Exhibit A 19 5 5 HH – Sexually Oriented Business

(2) All Districts Measurement of the required 1,000 foot and 1,500 foot separation

- I The separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed sexually oriented business establishment and the property line of the above-listed items (except for another sexually oriented business)
- II The separation requirement for another sexually oriented business is to be measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed sexually oriented business establishment and the occupied space of the nearest established or approved sexually oriented business establishment
- III The foregoing distance requirements may be waived, except for 2(a)(1)iii - A property with a residential land use category as designated by the Comprehensive Plan, through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the purpose and the general intent of the HMC to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access

(3) IP and IG Districts

- I Only adult bookstores and adult novelty businesses as defined in HMC 4 110 010 may be considered within these zoning districts with approval of a Conditional Use Permit

(b) All Districts Other Requirements

- (1) The use must comply with all approval criteria for a conditional use permit as listed in Section 19 6 6 A
- (2) Additional conditions may be required as part of the conditional use permit process
- (3) The use shall conform to the requirements of HMC 4 110 for Sexually Oriented Businesses
- (4) Businesses known as "outcall promoter and outcall entertainer" shall also be subject to the requirements and regulations imposed by the provisions of HMC Chapter 4 101
- (5) Nothing in this Title pertaining to sexually oriented businesses is intended to make legal any business or activity that is expressly declared illegal under any other provisions of the Municipal Code or under any state or federal laws