

19.00

General Provisions

Unified Development Code

Title 19





19.00

General Provisions

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SHORT TITLE**19.00.010**

The provisions of this Title shall be known and may be cited as the Unified Development Code of the City of Las Vegas and may be referred to as “this Title”.

AUTHORITY**19.00.020**

This Title is adopted pursuant to the provisions of the Nevada Revised Statutes (NRS), including NRS Chapter 278. The City Council may amend the text of this Title or the Official Zoning Map Atlas which is a part of this Title whenever public necessity, safety, general welfare or convenience requires.

PURPOSE AND INTENT**19.00.030**

It is the purpose and intent of the City Council that this Title promotes the following purposes:

General

- A.** To preserve and enhance the present qualities and advantages that exist in the City;
- B.** To encourage the most appropriate use of land, water and natural resources consistent with the public interest;
- C.** To overcome present problems and handicaps and effectively manage future problems that may result from the use and development of land and property;
- D.** To prevent the impacts of both overcrowding of land and undue concentrations of population as well as the negative effects of leapfrogging sprawl and under-utilization of land and property;
- E.** To manage the orderly and efficient provision of adequate levels of public facilities and services necessary to support planned development;
- F.** To protect human, environmental, social, natural and economic resources;
- G.** To maintain, through orderly growth and development, the character and stability of present and future land use and development in the City.
- H.** To ensure that required on-site and off-site dedications and public improvements are properly installed or guaranteed;

Implementation of General Plan

- I.** To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

Comprehensive, Consistent and Equitable Regulations

- J.** To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for the review and approval of all proposed development, divisions, and mapping of land within the City in a manner consistent with State law.

Efficiently and Effectively Managed Procedures

- K.** To promote fair procedures that are efficient and effective in terms of time and expense and that appropriate process is followed in the review and approval of applications made under this Title;
- L.** To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
- M.** To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

Sustainability

- N.** To promote the implementation of the “Sustaining Las Vegas” Policy, Sustainable Energy Strategy and Climate Protection resolution of the City.

RELATIONSHIP TO GENERAL PLAN**19.00.040**

The adoption of this Title is consistent and compatible with and furthers the goals, policies, objectives and programs of the General Plan. It is the intent of the City Council that all regulatory decisions made pursuant to this Title be consistent with the General Plan.

For purposes of this subchapter, “consistency with the General Plan” means not only consistency with the Plan's land use and density designations, but also consistency with all policies and programs of the General Plan, including those that promote compatibility of uses and densities, and orderly development consistent with available resources.



**RELATIONSHIP OF ZONING
DISTRICTS TO GENERAL PLAN****19.00.050**

The establishment of zoning districts is intended to be one of the means of implementing the City's General Plan and any amendment thereto, as such implementation is permitted and required by State Law. The General Plan serves as a guideline and framework for the zoning and regulatory provisions of this Title. With respect to the Land Use Element of the General Plan, there are goals, objectives and provisions for use categories and density ranges, but also for the achievement of other planning objectives such as appropriate mixing and buffering of uses to ensure overall compatibility.

**EFFECTIVENESS AND
APPLICABILITY****19.00.060****A. General**

The provisions of this Title take effect upon adoption by the City Council and shall apply to the development of all land, public or private, within the corporate limits of the City, except as specifically provided otherwise in Nevada Revised Statutes. No application for the development of land, or for approval of a map under this Title, shall be approved unless the application is determined to be in conformance with the requirements of this Title and all applicable development regulations, including any standards, plans or policies that have been adopted so as to have a regulatory effect. No land shall be divided, used, or structure constructed, except in accordance with the regulations and requirements of this Title, including the requirement to obtain applicable approvals and permits prior to the development of the property. All development applications filed on or after the effective date of this Title, whether for new development or for the expansion or alteration of existing development, shall be processed in accordance with the standards, requirements and procedures established herein. For development applications which were filed before and are pending on the effective date of this Title, the City may require compliance with the standards and procedures set forth in this Title unless the applicant demonstrates that it is inequitable for the City to do so.

B. Exceptions

The provisions of this Title and any amendments hereto shall not affect the validity of any lawfully issued and effective building permits for development issued prior to the effective date of this Title, if the construction was prior to the effective date of this ordinance, and if the construction continued under valid permits until com-

plete. If any such permit expires prior to completion, all future development shall be in conformance with the requirements of this Title.

ADMINISTRATION**19.00.070****A. Director of Planning and Development**

For the purposes of this Title, the term "Director" means the Director of the Department of Planning and Development. The Director is hereby designated as the Secretary of the Planning Commission. Except where otherwise specified, the Director of Planning and Development is responsible for the administration and enforcement of this Title. In connection with that responsibility, the Director shall have the authority to:

1. Accept and process applications under this Title;
2. Organize and maintain records associated with those applications;
3. Conduct the necessary review of maps and development documentation which have been submitted under this Title;
4. Verify compliance with all subdivision, zoning and development requirements;
5. Adopt specifications and procedures relating to the administration of this Title;
6. Take action to approve, deny or otherwise act upon applications in accordance with the provisions of this Title;
7. Approve or deny administrative deviations, exceptions and waivers in accordance with the provisions of this Title;
8. Perform any other function described in this Title that is not otherwise assigned to a particular person or entity; and
9. Delegate, designate or assign to another person any function described in this Section or Title, except to the extent not permitted by law.

B. Delegation of Authority

Whenever reference is made to the head of a Department or to some other City officer or employee, the reference shall be construed as authorizing the head of the Department or other officer to designate, delegate to and authorize professional-level subordinates to perform the required act or duty, unless the terms of the provisions or an applicable State statute specifies otherwise.

INTERPRETATION**19.00.080****A. Rules of Interpretation**

In interpreting the language of this Title, the rules set out in this subchapter shall be observed unless the interpretation would be inconsistent with the express language of this Title. In the case of conflicting language, the more restrictive language shall apply.

B. Meaning and Intent

All provisions, terms, phrases and expressions contained in this Title shall be liberally construed in order to carry out the intent of the City Council. Terms used in this ordinance, unless otherwise specifically defined, shall have the meanings prescribed by NRS for the same terms. Any term not specifically defined or prescribed shall have the ordinary meaning ascribed to it in a dictionary of common usage.

C. Text Controls

In case of any conflict between the text of this Title and any figure, the text shall control.

D. Computation of Time

The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. The following time-related words shall have the meanings ascribed below:

"Day" means a calendar day unless otherwise stated.

"Week" means seven calendar days.

"Month" means one calendar month.

"Year" means a calendar year, unless a fiscal year is indicated.

E. Other Clarifications**1. Headings**

- a. Levels of headings used in this Title include Chapters (for example "Chapter 19.00"), Subchapters (for example "19.00.010"), Sections (for example "A."), Subsections (for example "1.") and Paragraphs (for example "a").
- b. The headings contained in this Title are for convenience only and do not limit or modify the intent or meaning of the provisions.

2. **Tense.** Unless clearly indicated to the contrary, words used in the present tense shall include the future, words used in the plural shall include the singular, words used in the singular shall include the plural, and words of one gender shall include the other.

3. **Use of Certain Words.** The words "shall," "must," and "will" are always mandatory. The words "may" and "should" are discretionary. Words and phrases shall be construed according to the common and approved usage in the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that meaning.

4. **Written Information.** References to "written" information shall mean any representation of words, letters or figures whether by printing or other form or method of writing.

5. **Conjunctions.** Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

"And" indicates that all connected items or provisions apply; and

"Or" indicates that the connected items or provisions may apply singularly or in any combination.

H. Implementation

All applications which have been accepted as complete by the Director prior to the effective date of this Title shall be processed in accordance with, and subject to, the regulations and requirements in effect at the time the application was accepted as complete. Unless otherwise provided in this Title, the review of previously approved Special Use Permits and other zoning actions bearing a time limitation or subject to periodic review may be evaluated with reference to the requirements of this Title, as amended, unless the property owner or developer demonstrates that it is inequitable for the City to do so. Except as otherwise provided in Section 19.00.060 (B), any application accepted as complete after the effective date of this Title shall be processed in accordance with and subject to this Title.

I. Minimum Requirements

Within the scope and authority of this Title, the provisions hereof are intended to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Where the provisions of this Title impose greater restrictions than those of any other



ordinance, resolution or regulation, the provisions of this Title shall prevail. Where the provisions of any other ordinance, resolution or regulation impose greater restrictions than those of this Title, the provisions of that other ordinance, resolution or regulation shall prevail.

J. Private Covenants or Deed Clauses

No provision of this Title is intended to interfere with or abrogate or annul any easement, private covenants, deed restriction or other agreement between private parties. In cases in which this Title imposes a greater restriction upon the use of land or structures, the provisions of this Title shall prevail and control. By virtue of this Title, the City is not a party to and has no power or authority to enforce private deed covenants, conditions or restrictions. Private covenants or deed restrictions which impose conditions more restrictive than those imposed by this Title, or which impose restrictions not covered by this Title, are not implemented nor superseded by this Title.

K. Regulatory Conflicts

Except as otherwise specifically provided, it is not the intent of this Title to repeal, abrogate, annul, or in any way to impair or interfere with any other existing provisions or law or ordinance, or any other rules, regulations or permits previously adopted or issued, or which will be adopted or issued pursuant to law relating to the erection, construction or alteration of an establishment or the moving or enlargement of any buildings.

L. Limitations on City Action

The issuance or granting of a building permit or approval of plans or specifications under the authority of the Building Code shall not be construed to be a permit for, or an approval of, any violation of any provisions of this Title or any amendments thereto, or of any other law. No permit, approval, representation, action or inaction on the part of a City officer or employee which purports, or could be interpreted, to authorize the violation or cancellation of any of the provisions of this Title shall limit the City's authority to enforce the provisions of this Title or any other provision of the Municipal Code. No permit or other approval issued under the provisions of this Title shall constitute or imply approval of any business license or permit required by any provision of the Municipal Code. Any permit, license or other approval which is issued in error in conflict with this Title is voidable by order of the City.

M. Other Limitations

No provision in this Title amounts to a guarantee, warranty or promise that any particular type of construc-

tion will be free from defect, will perform in a certain manner, or will be exempt from other legal requirements applicable thereto. The issuance of a permit, or the inspection or approval of any permit, plans or work under this Title, shall in no way constitute a guarantee, warranty or promise that any particular material, labor or construction will be free from defect, or perform in a certain manner, or will be durable, safe or fit for a particular purpose or use. Compliance with this Title is not intended to substitute for the performance of any private duty, nor to reduce or eliminate any private liability on the part of an owner, developer or permittee.

N. Appeals of Interpretation

Any person aggrieved in connection with the inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of any provision of this Title may appeal the decision to the Planning Commission. An appeal must be in written form and must be filed in the office of the Department of Planning and Development, with a copy to be filed in the office of the City Clerk. The appeal must be filed within ten days after the administrative decision is made and shall specifically describe the decision at issue and the basis for the appeal. The appeal shall be considered on the next available agenda of the Planning Commission.

ENFORCEMENT

19.00.090

A. General

- 1. Purpose.** Enforcement of the provisions of this Title shall be pursued in order to provide for its effective administration, to ensure compliance with any condition of development approval, to promote the City's planning efforts, and to protect the public health, safety and general welfare.
- 2. Responsibility.** The provisions of this Title, and any conditions of development approval which have been imposed thereunder, may be enforced by the Director of the Department of Planning and Development; the Las Vegas Metropolitan Police Department; and any other City of Las Vegas officer and employee designated to do so. Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this Title shall be subject to the remedies and penalties set forth in this chapter. A building permit, business license, subdivision or other application may be denied for failure to comply with this Title, including any condition or standard imposed on any application granted

under this Title.

3. **Stop Work Order.** A "Stop Work Order" may be issued with respect to any construction which is in violation of this Title or in violation of any condition which has been imposed on a permit or other approval under this Title.

B. Violations

1. **Misdemeanor.** It is unlawful for any person, whether acting as a principal, agent or employee, to violate any provision of this Title, or of any condition imposed upon a Tentative Map, Parcel Map, Special Use Permit, Site Development Review, Variance, Administrative Deviation, Home Occupation Permit or Temporary Commercial Permit granted hereunder. It is unlawful for the owner, general agent, lessee or tenant of a building or premises or for any other person to cause, permit or assist in the occurrence or commitment of a violation of any provision of this Title or of any condition imposed upon a Special Use Permit, Site Development Review, Variance, Administrative Deviation, Home Occupation Permit or Temporary Commercial Permit granted hereunder.
2. **Administrative Action.** For any violation of this Title, or of any approval granted or condition of approval imposed hereunder, the City may pursue administrative action to:
 - a. Review, modify, suspend, or revoke an approval or permit issued hereunder;
 - b. Require the discontinuance of a use operating as a conditional use under Subchapter 19.12.040; or
 - c. As an alternative to requiring discontinuance under Subparagraph (b) above, require that a use operating as a conditional use under Subchapter 19.12.040 comply with additional conditions or limitations.
3. **Nuisance.** Any building or structure set up, erected, built, moved, or maintained or any use of property contrary to the provisions of this Title shall be, and is declared to be, unlawful and a public nuisance and the City Attorney shall, upon order of the City Council, immediately commence actions or proceedings for the abatement, removal and enjoinder of it in a manner provided by law and shall take such other steps and shall apply to the court as may have jurisdiction to grant relief to abate or remove the building, structure or use, and restrain and enjoin any person from setting

up, erecting, building, moving, or maintaining any building or structure, or using any property contrary to the provisions of this Title.

4. **Remedies Cumulative.** All remedies provided herein shall be cumulative and not exclusive.
5. **Violations Continue.** Any violation of the previous Subdivision Regulations or Zoning Code will continue to be a violation under this Title and be subject to penalties and enforcement under this Subchapter, unless the use, development, construction, or other activity complies with the provisions of this Title.

OFFICIAL ZONING MAP

19.00.100

A. Adoption of Official Zoning Map

The boundaries of each zoning district are delineated and shown on the Official Zoning Map of the City of Las Vegas. The Official Zoning Map, together with all notations, references, dimensions, designations and other information shown on the map, is adopted and made part of this Title by reference. The Official Zoning Map shall be stored, maintained, and kept current by the Department of Planning and Development.

B. Establishment of Zones

1. The residential zoning districts established by this Title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name	Zoning District Purpose
U	Undeveloped	page #
R-E	Residential Estates	page #
R-1	Single Family Residential	page #
R-CL	Single Family Compact-Lot	page #
R-TH	Single Family Attached	page #
R-2	Medium-Low Density Residential	page #
R-3	Medium Density Residential	page #
R-4	High Density Residential	page #
R-MH	Mobile/Manufactured Home	page #

2. The commercial and industrial zoning districts established by this Title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name	Zoning District Purpose
P-O	Professional Office	page #
O	Office	page #
C-1	Limited Commercial	page #
C-2	General Commercial	page #
C-M	Commercial/Industrial	page #
M	Industrial	page #

3. The special area zoning districts established by this Title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name	Zoning District Purpose
C-V	Civic	page #
P-C	Planned Community	page #
T-C	Town Center	page #

4. The overlay zones established by this Title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name	Zoning District Purpose
DCP-O	Downtown Centennial Plan Overlay	page #
G-O	Gaming Overlay	page #
A-O	Airport Overlay	page #
HD-O	Historic Designation Overlay	page #
DC-O	Downtown Casino Overlay	page #
DE-O	Downtown Entertainment Overlay	page #
LW-O	Live/Work Overlay	page #
SB-O	Las Vegas Boulevard Scenic Byway Overlay	page #
HS-O	Hillside Development Overlay	page #

C. Transitional Rules

Property which, on the effective date of this Title, was classified under a zoning classification which no longer exists under this Title will be reclassified by the City to an existing classification by subsequent Rezoning action. Until that action occurs, such property shall be governed by the requirements and limitations applicable to the zoning classification in effect just before the adoption of this Title.

D. Amendments

1. No change to the Official Zoning Map shall be authorized without the approval of a rezoning application. The application shall be processed in accordance with the requirements of Subchapter 19.16.090 of this Title. No change to the Official Zoning Map shall be authorized or become effective without final action of the City Council or a court of competent jurisdiction.
2. No amendment or rezoning shall be approved unless it is consistent with the goals, objectives and policies of the General Plan.
3. The Official Zoning Map shall show the dates and appropriate action references for all approved amendments.

E. Correction of Errors

The new Official Zoning Map may correct drafting and clerical errors or omissions in the previous Official Zoning Map, but no corrections shall have the effect of amending this Title or any subsequent amendment thereto except in accordance with the notice and hearing procedures set forth in Subchapter 19.16.090.

F. Preservation of Old Maps

Unless the previous Official Zoning Map is lost or totally destroyed, all of the remaining parts shall be preserved, together with all available records pertaining to its adoption or amendment.

RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES

19.00.110

A. Boundary Presumptions

The following presumptions shall apply in determining uncertain boundaries of a district as shown on the Official Zoning Map:

1. Where a boundary follows a public street or alley,

the centerline of the street shall be the boundary.

2. Where a boundary follows a lot line, the lot line shall be the boundary.
3. In cases where district boundary lines are indicated as approximately paralleling street, alley, right-of-way or easement lines existing at the time of the enactment of this Title, they shall be construed as meaning 100 feet distant from the street, alley, right-of-way or easement line, unless otherwise specifically dimensioned on the Official Zoning Map.
4. In instances where district boundary lines divide a parcel of unsubdivided property, the precise location of the district boundary shall be determined by the use of the scale appearing on the Official Zoning Map, unless the boundary is indicated by a specific dimension on the Official Zoning Map.
5. Where any public right-of-way is officially vacated or abandoned, the land use district regulations applied to abutting property shall thereafter extend to the former centerline of the vacated or abandoned right-of-way.

B. Determination

With regard to any uncertainty of boundaries that cannot be resolved with reference to the above presumptions, the Director shall determine the location of the district boundary.

FEE SCHEDULE

19.00.120

A. Adopted

The Director is authorized to charge fees related to the processing of applications, appeals and other requests in accordance with the Fee Schedule. The fee schedule, which is adopted by resolution of the City Council and is incorporated by this reference, shall be maintained on file in the office of the City Clerk. The fee schedule may be revised or amended from time to time by resolution of the City Council.

B. When payable

Fees for filing applications, appeals and other requests under this Title are set forth in the Fee Schedule and are due at the time the application or request is filed.

C. Additional Fees

With respect to any application, appeal or other request under this Title that requires notification of a public hearing, the applicant shall also pay the notification and advertising costs identified in the Fee Schedule. Payment of those costs shall be made upon filing of the application.

D. Waiver of Fees

The City Manager may waive any fee referred to in the Fee Schedule on behalf of:

1. Any member of the Southern Nevada Regional Planning Coalition; or
2. Any entity with whom the Coalition is required to integrate long-term planning programs pursuant to NRS 278.02584.



