

19.16

Applications & Procedures

Unified Development Code

Title 19





19.16

Applications & Procedures

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19.16.010

GENERAL REQUIREMENTS

A. Compliance with General Plan

Except as otherwise authorized by this Title, approval of all Maps, Vacations, Rezoning, Site Development Reviews, Special Use Permits, Variances, Waivers, Exceptions, Deviations and Development Agreements shall be consistent with the spirit and intent of the General Plan.

B. Application

1. Time of Filing. In order to provide sufficient time for the necessary investigation by the Department, Planning Commission and/or its Secretary and agents, a complete application for the request must be filed as follows:

- a. Applications that are subject to administrative review must be filed in the office of the Department a minimum of 30 days prior to the date of the meeting at which the application would be heard and considered if it Planning Commission and/or City Council review; and
- b. Applications that are subject to Planning Commission and/or City Council review must be filed in the office of the Department a minimum of 30 days prior to the date of the meeting at which the application is to be heard and considered.

2. Notarized Application. Applications shall be signed, notarized and acknowledged by the owner of record of the property for which the General Plan Amendment, rezoning or development application is sought. If the property has multiple owners, the applicant shall provide the City with a list of all persons and entities with an ownership interest in the property if not all of the owners have signed the application.

3. Pre-application Conference. A pre-application conference with a designated representative from the Department is required prior to submitting an application for a Tentative Map, General Plan Amendment, Vacation, Rezoning, Major Site Development Plan Review, Special Use Permit, Variance or Development Agreement.

4. Review of Applications. Following the submittal of an application, staff shall review the application to verify that the information is complete and fulfills application requirements. If the application is not complete, staff will notify the applicant, and the

application will not be scheduled on an appropriate agenda until the application is complete.

5. Discretion Regarding the Acceptance of Applications. The Director has the discretion not to accept any application which seeks action that is not available under this Title.

C. Fees

Fees charged related to the filing, processing or noticing of applications under this Chapter shall be in accordance with the Fee Schedule, as adopted pursuant to Section 19.00.120(A).

D. Posting of Signs

1. General

- a. Notification signs shall be posted by the Department or its authorized agent or contractor. An application will not be processed until the applicant has paid the fees established by the City for the posting of signs.
- b. Notification signs shall be posted in conformance with NRS 278.260 as supplemented by this section.
- c. Each notification sign must be of a size not less than four feet high and three feet wide; provided, however, that, in the case of a store frontage, the minimum size of a notification sign placed in the store front window shall be two feet high and two feet wide.

2. Number of Signs Required

- a. One notification sign is required for tracts of five acres or less.
- b. The Director may determine that additional notification signs should be posted for each additional five acres or portion thereof.

3. Timing. The required number of notification signs shall be posted on the property at least 10 days before the date of the first scheduled public hearing.

4. Placement of Signs

- a. The signs must be posted at a prominent location on the subject property and must be easily visible by the general public.



b. Required signs shall remain visible and legible from 10 days prior to the first public hearing and until final action is taken. The applicant is responsible for ensuring compliance with this paragraph once the required signs have been posted.

c. The City or its authorized agent or contractor is responsible for removing the notification signs after the final action on the case.

5. **Inadequate Notice.** If it is determined that adequate notice has not been provided in accordance with this Section, the Planning Commission or City Council may hold the application in abeyance or deny the application.

6. **Illegal Removal of Signs.** It is unlawful to intentionally or knowingly remove a notification sign that has been posted pursuant to this section or conceal the sign message.

E. Development Impact Notice and Assessment (DINA)

1. **Background.** Pursuant to 1999 Statutes of Nevada, Chapter 481, ("Chapter 481"), a person who proposes to develop a project of significant impact is generally required to submit an impact statement to the local zoning authority before specified actions can be taken regarding the project. This Section implements the requirements associated with Chapter 481. The impact statement to be required by the City is identified as a Development Impact Notice and Assessment (DINA), and requires the information described in Chapter 481. The required information includes information regarding vehicle trips, student enrollment, sewage generation, water demand, storm water runoff, distance from public safety facilities, existing and planned capacities of service required for the project, and other anticipated effects of the project.

For the purposes of this Section, a project is deemed to be a "project of significant impact" if it would create:

- a. Tentative maps, final maps or planned unit developments of 500 units or more;
- b. Tourist accommodations of 300 units or more;
- c. A commercial or industrial facility generating more than 3,000 average daily vehicle trips; or
- d. A nonresidential development encompassing more than 160 acres.

2. **Applicability.** This subchapter applies to all development within the City, except for any project:

a. Located on property which was the subject of a development agreement with a local government, if the agreement became effective before June 8, 1999; or

b. Which was approved before June 8, 1999.

3. **Requirements.** Before scheduling a pre-application conference in accordance with Section 19.16.010(B), a person proposing a development of significant impact in connection with an application for tentative map, rezoning, site development plan review, or a special use permit must meet with agencies and service providers from which the information required for a DINA report must be obtained. At the pre-application conference, the applicant must present to Planning and Development staff, on forms provided by the Department, the agency and provider responses that have been obtained by the applicant. A completed DINA report must be submitted no later than at the time of making an application under this Chapter. The department is authorized to withhold the processing of an application until a completed DINA report has been submitted.

4. **Review.** Action by the City Council concerning a project of significant impact shall be in accordance with Chapter 481. Pursuant to the provisions of Chapter 481, the City Council may approve a project with respect to which the capacities of roads, sources of water supply or facilities for wastewater and flood control will not be sufficient to support the project if the Council requires the person who proposes to develop the project to carry out appropriate measures of mitigation to substantially reduce the impact of the project on those elements of infrastructure.

F. Projects of Regional Significance

1. **Determination.** At the earliest stage feasible, the Department shall determine whether a development proposal, proposed zoning map amendment, proposed local land use plan amendment, proposed Special Use Permit, or other proposal qualifies as a "project of regional significance." Where possible, this determination should be made at the time an application is filed for a proposal that requires review at a public meeting.

2. **Assessment and Referral.** Upon determining that a proposal qualifies as a "project of regional



significance” by reason of its proximity to the boundary of another municipal corporation or an unincorporated area (the “affected local government”), the Department shall refer the proposal to the affected government(s). The referral shall consist of a description of the proposal, copies of any application materials, and an impact statement that includes at a minimum:

- a. The number of vehicle trips that the proposal will generate, estimated by applying to the proposal the average trip rates for the peak days and hours established by the Institute of Transportation Engineers (or its successor).
 - b. The estimated number of pupils that the proposal will add to the enrollment of each elementary school, junior high/middle school, and high school that will be impacted by the proposal.
 - c. The distance from the site of the proposal to the nearest facilities from which firefighting, police and emergency services will be provided, including without limitation facilities of a local government that are planned but not yet constructed, and facilities that have been included in a local government’s plan for capital improvements prepared pursuant to NRS 278.0226.
 - d. A brief statement setting forth the anticipated effect of the proposal on housing, mass transit, open space and recreation.
- 3. Comment by affected Local Government(s).** Upon receipt of a referral, an affected local government shall have 15 calendar days within which to provide comments to the Department. The comments may propose suggestions for the mitigation of any negative impacts of the proposal on the affected local government.
- 4. Consideration of Comments.** The Department shall, within its discretion, give consideration to any suggestions for mitigation that have been received from an affected local government and, in accordance therewith, shall require or recommend mitigation of the proposal’s potential negative impacts on the affected local government to the maximum practical extent. For purposes of this paragraph, “maximum practical extent” means that under circumstances:
- a. Reasonable efforts have been made to minimize any negative impacts of the proposal;

- b. The costs of compliance with the suggestions for mitigation clearly exceed the potential benefits to the public, or would unreasonable burden the proposal; and
- c. Reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the failure to implement the suggestions for mitigation.

5. Report of Findings. The Department shall prepare a written description of the manner in which the suggestions for mitigation by any affected local government(s) were addressed, and shall include the description with or in the staff report regarding the proposal. The description shall be included in the project file for the proposal. The Department shall send the description to any affected local government that provided comments regarding the proposal, endeavoring to do so by the time that draft staff reports are distributed for the Planning Commission meeting at which the application for the proposal is to be heard.

6. Interpretation of Notification and Separation Requirements. For purposes of applying the distance-separation and property-owner notification requirements of this Title, distances shall be measured, and property owners notified, without regard to jurisdictional boundaries.

G. Treatment of Certain Tabled Applications

Any application under this Chapter that requires a public hearing and that is tabled at the request of an applicant shall expire six months after the last announced public hearing date, unless:

1. Within that period of time, the applicant has requested that the item be scheduled again for hearing; or
2. The motion to table the application specified otherwise.

After an application has expired in accordance with this Subsection (G), the applicant must submit a new application.

H. Recordation of Zoning Actions

In connection with the approval of any application under this Chapter that includes zoning conditions, requirements or limitations, the Department is authorized to record with the County Recorder’s Office a notice advising that:

1. Zoning action regarding the property has been taken;
2. Such action is subject to conditions, requirements or limitations; and
3. Inquiry should be made to the City to obtain further information regarding the nature and extent of those conditions, requirements or limitations.



19.16.020

ANNEXATION

A. Purpose

The purpose of the annexation procedures is to establish a process for incorporating property into the City of Las Vegas. The City of Las Vegas will consider annexation of any developed or undeveloped property that satisfies the eligibility requirements and provisions of NRS 268.570 to 268.608. The City will also zone newly annexed areas under the appropriate zoning category in accordance with procedures and guidelines contained in this subchapter and the adopted goals and policies of the City's General Plan.

B. Application

A petition for Annexation shall be made on a form provided by the Department and shall be filed with the Director.

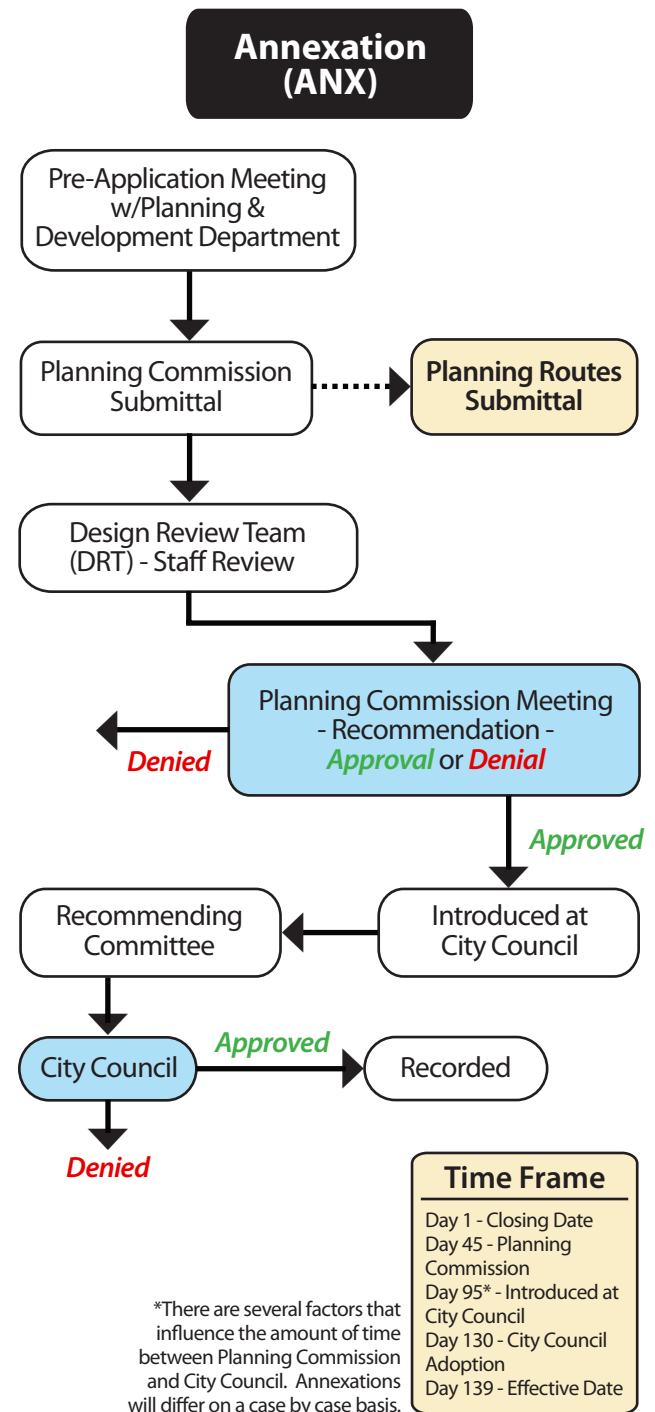
C. Zoning Classification of Newly Annexed Territory

1. General

- a. Annexation shall be in accordance with the provisions of NRS 268.570 through 268.608.
- b. The following guidelines shall be used to determine the zoning classification of any parcel to be annexed to the City:
 - i. **Developed.** The annexed territory, if developed, shall be classified with the same zoning classification that was in effect on the property prior to annexation or the nearest comparable classification.
 - ii. **Undeveloped.** If the property annexed is undeveloped, but is classified for development other than residential uses or for residential uses permitting more than two dwelling units per acre, it shall be classified with the same zoning classification that was in effect on the property prior to annexation or the nearest comparable classification; or the City Council may, as a condition of annexation, change the classification to a more restrictive classification.
 - iii. **Undeveloped and Classified.** If the property annexed is undeveloped and classified for residential uses permitting no more than two dwelling units per acre, the parcel shall be classified with

Typical Annexation Review Process

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the same zoning classification that was in effect on the property prior to annexation or the nearest comparable classification; or the City Council may, as a condition of annexation, classify the parcel(s) as U (Undeveloped) until such time as a proper classification is determined, at which time it may be rezoned under the procedures set forth in Subchapter 19.16.090.

- iv. **Partially Developed.** If the property to be annexed is partially developed, the property, as described in the above subsections, shall apply separately or collectively to the undeveloped portions and developed portions.
- v. **Undeveloped Without Permanent Zoning.** For undeveloped property which has been approved for rezoning by Resolution of Intent or otherwise, but for which the rezoning has not been made permanent by ordinance, the City may, as a condition of annexation, change the zoning to a more restrictive classification.

D. Annexation Process and Procedures

- 1. **Annexation Process.** Standard annexation of territory must follow the annexation process and procedures established in NRS 268.578 through 268.596.
- 2. **Alternate Annexation Process.** As an alternative to the procedures set forth in NRS.268.578 through 268.596, the City may annex qualifying territory in accordance with NRS 268.597.



19.16.030

GENERAL PLAN AMENDMENT

A. Purpose

The purpose of this subchapter is to set forth the procedures by which the Planning Commission and City Council will periodically review and evaluate the General Plan to ensure that it remains an accurate statement of the City's land-use goals and policies based on current data.

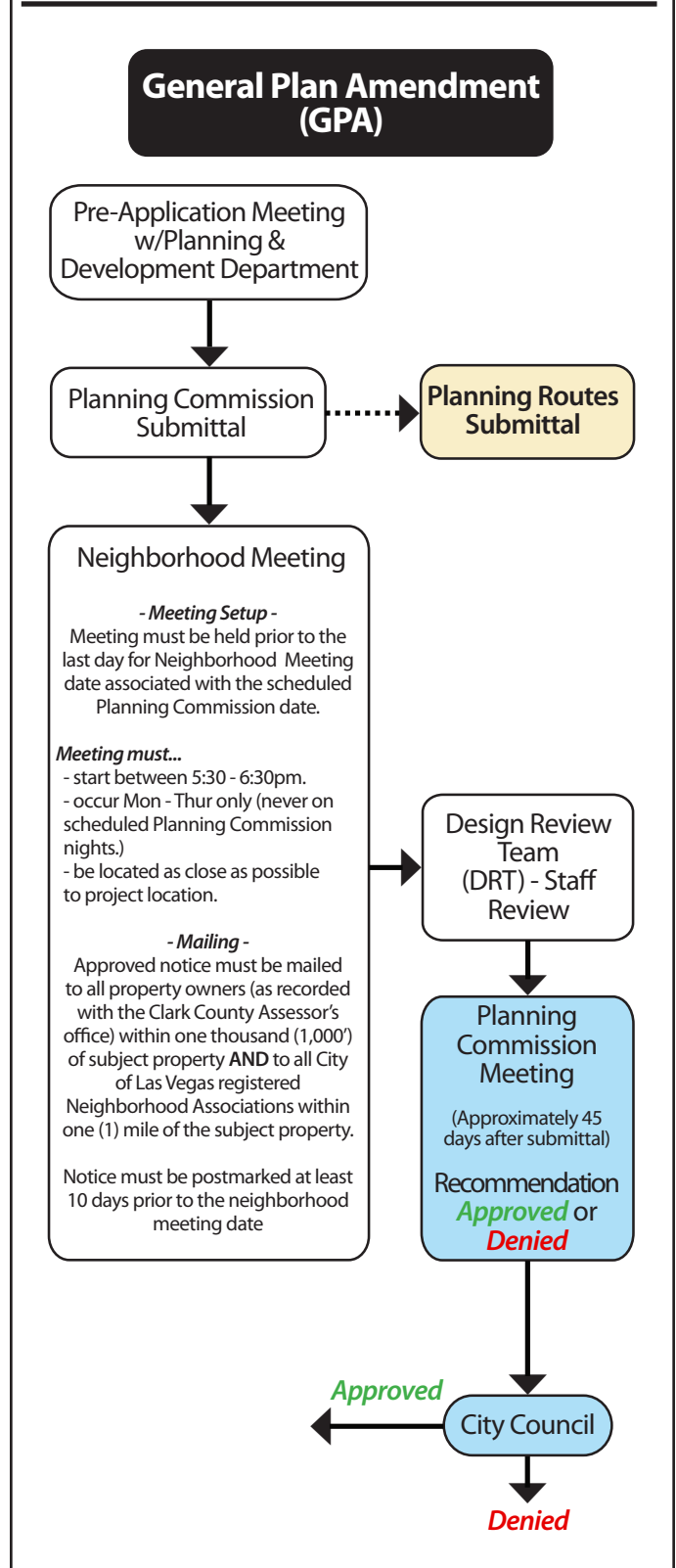
B. Authority

Whenever the public health, safety and general welfare requires, the City Council may, upon a resolution of the Planning Commission carried by the affirmative votes of not less than five members, or upon review of a requested General Plan Amendment which has not been approved by resolution of the Planning Commission, change the General Plan land use designation for any parcel or area of land to allow different zoning classifications. Subsequent growth and development factors in the community may be considered, among other factors, when determining whether such amendment to the General Plan promotes the public health, safety and general welfare.

C. Application

1. **Initiation of Application.** A General Plan Amendment may be initiated by the Planning Commission or the City Council, or by means of an application filed by the owner(s) of record of each parcel of property proposed for a General Plan Amendment.
2. **Pre-Application Conference.** Before submitting an application for a General Plan Amendment, the owner or authorized representative shall engage in a pre-application conference with the staff of the Department of Planning and Development to discuss preliminary land planning, including land use relationships, density, transportation systems, infrastructure facilities and landscaping and open space provisions.
3. **Form and Filing.**
 - a. An application for a General Plan Amendment shall be made to the Planning Commission on a separate application form to be provided by the Department of Planning and Development. The application shall be signed, notarized and acknowledged by the owner of record of each parcel of property. This application shall be filed with the Secretary of the Planning Commission

General Plan Amendment Typical Review Process 19.16.030



at the office of the Department.

- b. In addition, any application for a General Plan Amendment shall specifically list reasons for the request and state why the proposed amendment works to promote the public health, safety and general welfare of the community. The application shall contain a list of factors requiring comment by the applicant, including:

- i. Whether there has been unanticipated growth and development of the community in the area surrounding the application site or growth and development not specifically considered when the General Plan was adopted;
- ii. Whether the proposed amendment to the General Plan will allow a zoning classification which imposes burdens similar to the burdens imposed by the classification currently provided for under the General Plan;

- iii. Whether the amendment to the General Plan continues to promote the objectives of the General Plan as designated in NRS 278.

4. **Other Governmental Ownership.** With respect to property which is owned by the State of Nevada or the United States of America, a General Plan Amendment application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has entered into a contract with the governmental entity to obtain ownership of the property.

5. **Non-Property Owner.** A General Plan Amendment application is sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property for which the General Plan Amendment is sought. However, interest in that property must exist in a written agreement with the owner of record, attached to which is a copy of the General Plan Amendment application and in which the owner of record has authorized the lessee, contract purchaser or optionee to sign the application. The agreement must further stipulate that the owner of record consents to the filing and processing of the application.

6. **Multiple Ownership.** In the case of multiple ownership of a parcel, only one of the owners of record shall be required to sign the application. A list of all other owners shall be provided with the

application.

7. **Quarterly Consideration.** In the interest of economy and efficiency in the processing of applications, and in the interest of providing for amendments to the General Plan that are orderly and well-considered in relation to each other and to the public interest, the Director of Planning and Development is authorized to process applications to amend the General Plan so that such applications are presented to the Planning Commission and City Council on a quarterly basis. Such applications may be filed at any time, but the Director may withhold the processing of such applications in order to accomplish the purposes of this Subsection. After its initial presentation to the Planning Commission or City Council, any such application may be held in abeyance to and considered at any subsequent meeting. The Director may withhold the scheduling of related zoning applications until a meeting subsequent to the one at which proposed Plan Amendments are heard.

D. Successive Applications

1. **Previously Denied Application.** An application for a General Plan Amendment for a parcel in which all or any part was the subject of a previous General Plan Amendment application for the same land use category, a similar category or a less restrictive land use category has been denied, or which has been withdrawn subsequent to the noticing of a public hearing, shall not be accepted until the following periods have elapsed between the date of the denial or withdrawal and the date of the meeting for which the proposed application would be scheduled in the normal course:

- a. After the first denial or any withdrawal after public notice has been given – one year.
- b. After the second or subsequent denial or withdrawal after public notice has been given – two years.

2. **Previously Withdrawn Application.** The time periods that are described in Subsection (1) of this Section and that otherwise would become effective because of the withdrawal of an application shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Planning Commission or the City Council specifically approves the withdrawal without prejudice.

E. Request for Abeyance

Any applicant who wishes to have an application held



in abeyance following the notice and posting of the agenda of the Planning Commission or the City Council shall state good cause for the request. Good cause shall be more than mere inconvenience to the applicant or lack of preparation.

F. Planning Commission Public Hearing and Action

1. **Hearing.** Subject to the provisions of Section 19.16.030(C)(7), upon receipt of a complete General Plan Amendment application or an Amendment proposed by the Planning Commission or City Council, the Planning Commission shall hold a public hearing.

2. Notice

a. **Notice Provided.** Notice of the time, place and purpose of the hearing must be given at least 10 days before the hearing by:

- i. Publishing the notice in a newspaper of general circulation within the City;
- ii. Mailing a copy of the notice to:

- A) The applicant;
- B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;
- C) Each tenant of any mobile home park that is located within one thousand feet of the property described in the application;
- D) The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2);
- E) Any advisory board which has been established for the affected area by the City Council; and
- F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

b. **Names Provided.** The Department of Planning and Development shall provide, at the request of the applicant, the name, address and phone number of any person notified pursuant to Subparagraph (F) above.

c. **Additional Notice.** The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least 10 days before the date of the hearing.

d. **Signs.** Notification signs shall be posted in conformance with Section 19.18.010(D).

3. Planning Commission Decision

a. A decision to recommend approval of a General Plan Amendment shall be by resolution of the Planning Commission with the affirmative votes of not less than two-thirds of the total membership of the Commission. The Planning Commission may approve, approve with conditions, or deny an application for a General Plan Amendment.

b. In making a decision to approve the proposed General Plan Amendment, the Planning Commission shall consider the facts presented at the public hearing and shall make the determinations contained in Section (I) of this Subchapter. The Planning Commission may consider recommending the amendment of only a portion of the land described in the application or amend all or a portion of the application to a more restrictive land use category.

c. Following the hearing, the Planning Commission shall make its decision to either recommend approval or denial of the application.

4. Notice of Planning Commission Decision.

Following the date of its decision, the Planning Commission shall transmit a report of its recommendation to the City Council. The report shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval or denial of the Amendment necessary to carry out the provisions and general purposes of this Title. A copy of the report shall be mailed to the applicant, agent, or both, at the address(es) shown on the application filed with the Secretary of the Planning Commission. A copy of the report shall also be filed with the City Clerk,



acting as agent for the City Council.

G. Burden of Proof

The applicant bears the burden of proof to establish that the approval of a General Plan Amendment is warranted.

H. City Council Public Hearing and Action

1. Notice and Hearing. Subject to the provisions of Section 19.18.030(C)(7), the City Council shall consider a proposed General Plan Amendment and the recommendation of the Planning Commission thereon at the next available meeting following the receipt of the recommendation. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in the case of properties whose ownership has changed in the interim.

2. City Council Action

a. Decision. The City Council may approve or deny a proposed General Plan Amendment. In making a decision to approve the proposed General Plan Amendment, the City Council shall consider the recommendation of the Planning Commission and the facts presented at the public hearing. The City Council may amend all or a portion of the application to a more restrictive land use category.

b. Change to More Restrictive Category. If at the Council hearing, the applicant proposes amending the application to a more restrictive land use category, the City Council has the option to refer the application back to the Planning Commission for consideration.

c. Significant Changes. If the applicant proposes significant changes to the application during the hearing or if new information is presented that significantly changes the nature and scope of the application, the request should be referred back to the Planning Commission for consideration.

3. Notice of City Council Decision. Following the hearing on a proposed General Plan Amendment, the City Council shall reach a decision concerning the proposal. The decision shall include reasons for the decision and, if the decision is to approve the Amendment, any modifications that the Council may impose. Written notice of the decision shall be

provided to the applicant, agent or both. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date that notice of the decision is filed with the City Clerk.

I. General Plan Amendment - Determinations

In order to approve a proposed General Plan Amendment, the Planning Commission and City Council must determine that:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts;
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and
4. The proposed amendment conforms to other applicable adopted plans and policies.

J. Certain Minor Amendments

Notwithstanding any other provision of this Section, the City Council, upon appropriate noticing and public hearing, may amend the General Plan, or any part thereof, without action by the Planning Commission and without limitation as to frequency, in order to:

1. Change a boundary that is based on a geographical feature, including, without limitation, topography, slopes, hydrographic features, wetland delineation and floodplains, when evidence is produced that the mapped location of the geographical feature is in error;
2. Reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such alteration; or
3. Update statistical information that is based on a new or revised study.



19.16.040

PARCEL MAP

A. Purpose

The provisions of this Subchapter set forth the administrative and procedural requirements for the division of land by a parcel map. The parcel map process does not require Planning Commission or City Council action.

B. Applicability

Whenever a division of real property into four or fewer lots is proposed for purposes of sale, transfer or development the submittal, approval and recordation of a parcel map is required. Parcel maps shall be processed in accordance with the procedures and standards set forth in the remaining sections of this Subchapter.

C. Application -- Form and Copies

The owner of property to be divided by means of the parcel map process shall file with the Director an application on a form to be provided by the Department and made available to the public. The complete parcel map application submission shall be accompanied by a sufficient number of copies, as determined by the Director, of a twenty-four by thirty-two inch original of a parcel map drawing and shall contain the items set forth in Appendix A to this Title.

D. Application -- Review

Upon determining that a parcel map application is complete, the Director shall cause review of the application for a parcel map and obtain comments from other affected departments. This review shall be conducted within the time period specified by NRS Chapter 278.

E. Approval -- Determination

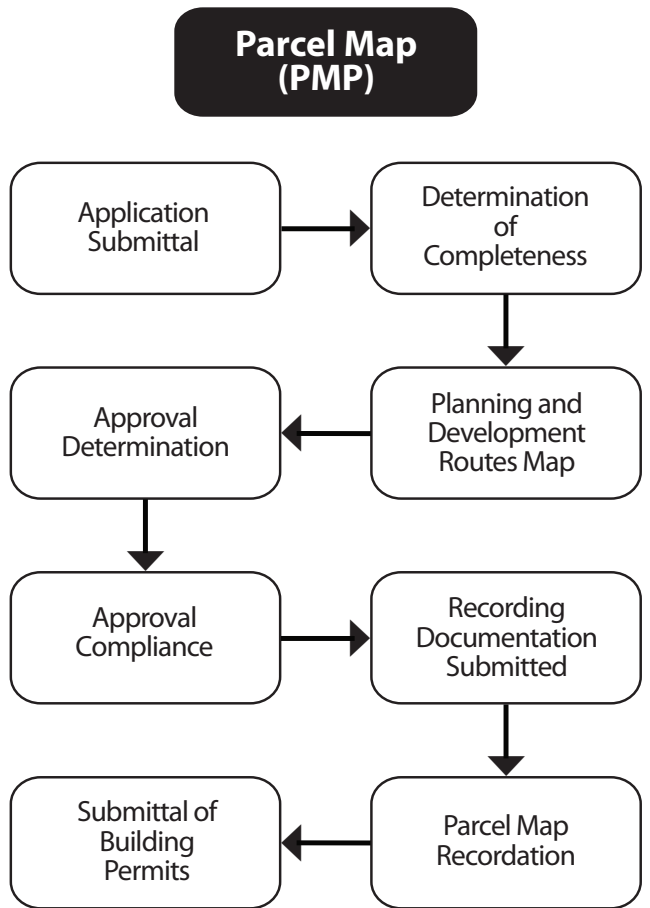
The Director, in conjunction with the Director of Public Works, shall determine whether or not a parcel map complies with this Subchapter. Upon determining, pursuant to this Subchapter, that all conditions and requirements have been met and that all appropriate certification signatures are complete, the Director and the Director of Public Works shall give final approval for the parcel map, sign the appropriate certifications, and release the parcel map for recordation.

F. Approval -- Compliance

Approval of a parcel map shall be contingent upon a determination that the map and the proposed development comply with applicable zoning regulations, the provisions of this Title and all requirements set forth in

Typical Review Process

Parcel Map 19.16.040



Sections (G) to (S), inclusive, of this Subchapter.

G. Water Supply Systems

Water supply systems shall be installed and maintained in accordance with City standards, Las Vegas Valley Water District standards, Clark County District Board of Health standards or State of Nevada standards, whichever are applicable. Approval of a parcel map does not in any manner ensure the adequacy or availability of future water supplies to service the proposed development.

H. Sanitary Sewer Collection and Disposal Systems

Sanitary sewer collection and disposal systems shall be required, installed and maintained in accordance with City standards. Unless septic systems are permitted by the Clark County Health District, connection to the public sanitary sewer system shall be required. If required improvements are deferred, a public improvements covenant which runs with the land shall be recorded which ensures future installation of any deferred improvements.

I. Public Street Access

All lots resulting from the division of land in accordance with the parcel map process shall have frontage on a public street or access to a public street via a private street or private drive. Public street dedications to ensure lot access or the continuity of necessary public streets adjacent to or through the parcel map site also may be required, as necessary, by the Department of Public Works.

J. Lots Less Than Two And One-Half Acres -- Access By Way of All-Weather Street Required

All lots resulting from the division of land in accordance with the parcel map process that are less than two and one-half acres in size shall have access by way of an all-weather street which meets the requirements of the Air Pollution Control Regulations of the Clark County District Board of Health. Proof of legal access to the parcel map site may be required to be submitted prior to approval of the parcel map.

K. Public Improvements

Except as otherwise specifically provided in this Section or in a development agreement, all public improvements adjacent to and, if proposed, interior to the parcel map site shall be fully installed, to current City standards, before the parcel map is released for recordation. The Director of Public Works is authorized to allow the installation of public improvements or any

portion thereof to be delayed for any of the following reasons, but only if the applicant provides security, in accordance with Section (O), for the installation of all improvements so delayed prior to the release of the parcel map for recordation:

1. The parcel map will create large lots upon which no immediate development is intended;
2. The parcel map site is located more than six hundred sixty feet (one nominal block) from existing full or partial improvements;
3. The parcel map site is located in an area where partial or full public street improvements are not customary;
4. The parcel map site is located in an area where no street improvements currently exist and none have been obligated by means of a public improvements covenant, a covenant running with land agreement, a valid outstanding condition of approval for zoning or site development plan review, a budget appropriation or signed contract, or another similar document or evidence of commitment; or
5. Other extenuating site-related circumstances exist.

L. Dust Control Improvements

The applicant shall be responsible for the installation of all dust control improvements that may be required under applicable law, or the contribution of moneys in lieu of improvements, on all public streets adjacent to the parcel map site. Bonds will not be allowed in lieu of improvements for dust control improvements.

M. Private Street Improvements

Private streets shall be constructed to applicable City standards.

N. Flood Control Requirements

A parcel map site two gross acres or larger in size shall comply with the requirements of LVMC Title 20, relating to flood control. A parcel map site smaller than two acres gross may be required to meet such requirements if the site is determined by the Department of Public Works to be in an area of known flooding or if the site is in an area of unknown flood potential.

O. Completion of Dedication and Required Improvements

Prior to or concurrent with the release of the parcel map for recordation, all dedications and required improve-



ments shall be completed, unless additional time has been granted pursuant to Section (K) for the installation of improvements, and security for their installation has been provided. The installation of improvements shall be secured by means of a recorded covenant running with land agreement or as otherwise provided under Chapter 19.02.

P. Memorandum of Oaths and Certificate of Surveyor

The parcel map shall include the memorandum of oaths described in NRS 625.320 and the certificate of the surveyor required pursuant to NRS 278.375.

Q. Recording -- Documentation Requirements

A parcel map presented for recording shall include the following items:

1. A report from a title company which lists the names of each owner of record of the land to be divided and each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust. The report must be updated as necessary so that it is current within seven days of the date the map is released for recording;
2. The written consent of each holder of record of a security interest described in Subsection (1), consenting to the preparation and recordation of the parcel map. A holder of record may consent by signing the parcel map or a separate document that is filed with the parcel map and that declares his consent to the division of land;
3. Certificates that are in substantial compliance with Appendix E; and
4. All other information required by NRS Chapter 278.

R. Recordation

The parcel map shall be recorded within one year after the map has been approved by the City, or such approval shall become null and void. The approved parcel map and any covenants shall be filed and recorded with the County Recorder prior to the sale or transfer of land that is included within a parcel map. Immediately following recordation of the parcel map, the surveyor (or a designee) shall submit to the Director a reproducible copy of the recorded parcel map or a compatible digital format (or both, if required by the Director).

S. Issuance of Building Permit

No building permit shall be issued for any structure on property within a parcel map land division until:

1. The parcel map has been recorded with the County Recorder;
2. A reproducible copy of the recorded parcel map has been filed in accordance with Section (R);
3. All required public streets and easements, including access from public streets to the parcels, have been dedicated; and
4. Required street improvements have been constructed or their construction adequately secured or guaranteed.

T. Appeals

Any person aggrieved by a decision of the Director or the Director of Public Works to approve or deny a parcel map may appeal to the Planning Commission in writing within fifteen days after receiving written notice of the decision. All appeals of parcel map decisions shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The Planning Commission shall hear the appeal within thirty days after the appeal is filed. If the appeal is denied, the applicant shall have seven days in which to file an appeal with the City Council. The City Council shall hear the appeal within thirty days after the appeal to the City Council is filed. All appeals granted by the Planning Commission shall be forwarded automatically to the City Council for final action.



19.16.050

TENTATIVE MAP

A. Purpose

The provisions of this Subchapter set forth the administrative and procedural requirements for the subdivision of land by means of a tentative map. The tentative map process requires Planning Commission review and action.

B. Applicability

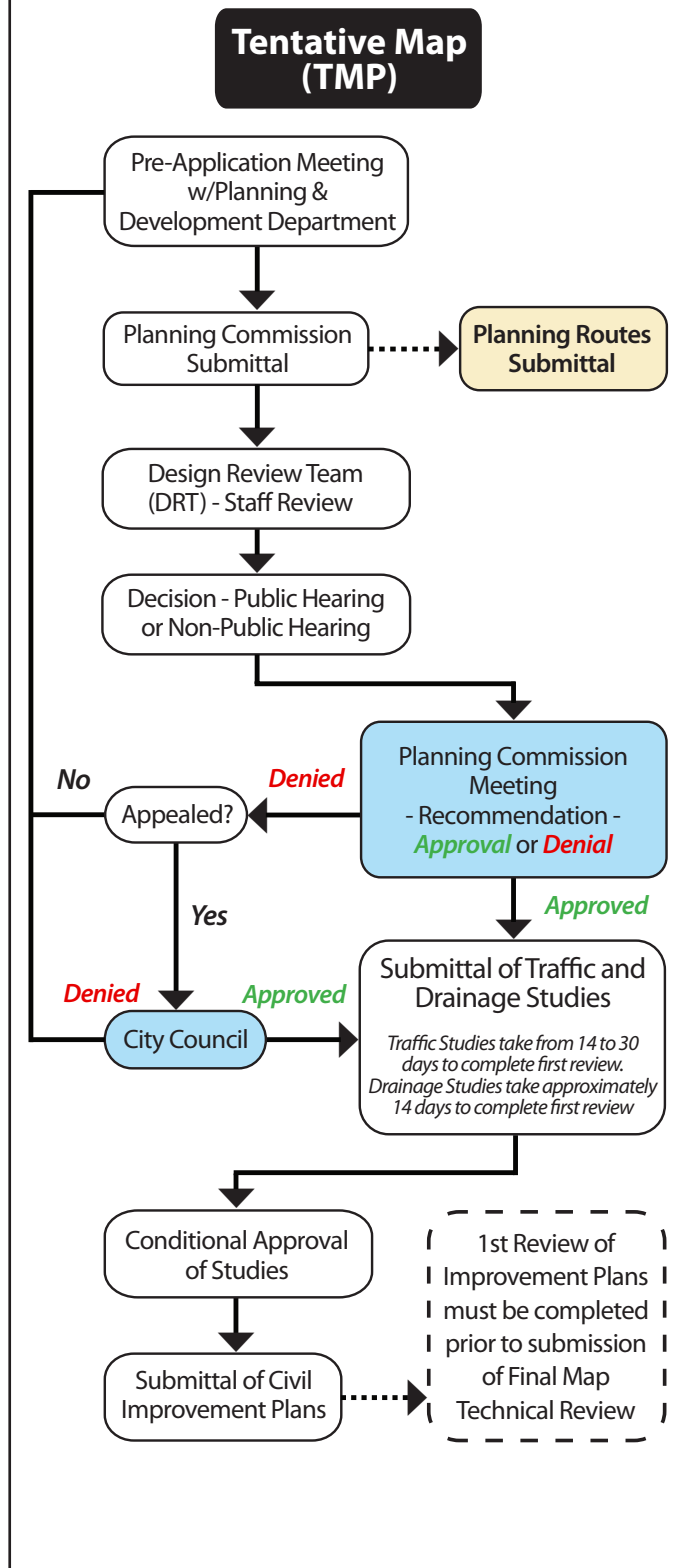
Whenever a division of land is proposed that does not meet the criteria for a parcel map, the applicant shall file a tentative map of the proposed subdivision with the Secretary of the Planning Commission at the office of the Department. The preparation and submission of a tentative map shall be in compliance with the provisions of NRS Chapter 278 and any additional regulations contained in this Title.

C. Conformance with Zoning Requirements

1. No application for a tentative map is eligible for approval unless it is determined that the proposed subdivision will be in conformance with all applicable zoning regulations, including all applicable provisions of this Title; the zoning classification of the site; and all zoning, master plan or site plan approvals for the site, including all applicable conditions that are in effect. If the proposed subdivision will not so conform, the Director is under no obligation to accept or process an application for a tentative map until the applicant has made any necessary application for rezoning or site development plan review, or both; the Planning Commission has made a recommendation in support of the zoning-related application(s); and a City Council hearing date has been set for the zoning-related application(s).
2. In cases where approval of a rezoning or a site development plan review by the City Council is necessary before a tentative map can be approved:
 - a. The Director shall withhold presentation of the tentative map to the Planning Commission until at least two weeks after the City Council's final approval of the rezoning or site development plan review application, or both; and
 - b. The Director may extend the time for reviewing the tentative map if the Council's rezoning or site development plan approval requires that additional issues be addressed or changes made before map approval can occur.

Typical Review Process

Tentative Map 19.16.050



3. In cases where a rezoning is unnecessary and the Planning Commission is authorized to take final action on a site development plan review, the Director shall withhold presentation of the tentative map to the Planning Commission until at least two weeks after the Planning Commission has approved the application for site development plan review.
4. The Director's obligation to withhold action or ability to extend time under Subsection (2) is subject to the time limits referred to in NRS 278.350, as they may be extended by mutual consent. In addition, the Director's failure to comply with any obligation described in this Section shall not be deemed a violation subject to criminal or administrative action and shall not invalidate any action taken.

D. Procedure.

Tentative maps shall be processed in accordance with the procedures and standards set forth in the remaining sections of this Subchapter.

E. Pre-Application Conference Required

Before submitting an application for tentative map, the subdivider or a representative shall attend a pre-application conference with the Department to obtain the Department's assessment of the proposed tentative map and notice of any changes necessary to bring the application into conformance with City requirements.

F. Application -- Form -- Copies

A complete application for a tentative map shall be made to the Planning Commission on a separate application form to be provided by the Department. An application for a tentative map shall be accompanied by a sufficient number of copies, as determined by the Director, each twenty-four by thirty-six inches in size, of a tentative map drawing and contain the items set forth in Appendix B to this Title. The drawing shall be made at an engineer's scale and should be such that it will fill no less than seventy-five percent of the sheet. A scale of 1"=20' is preferred, with 1"=40', 1"=100' and 1"=200' the next most preferred scales. If the Director determines that the tentative map will not fit on a twenty-four by thirty-six inch drawing such that all pertinent information is clearly legible, the Director may approve the use of a larger map size that does not exceed thirty-six by forty-eight inches.

G. Application -- Determination of Completeness

The Director shall determine if the application is complete and includes all required data and information

necessary to conduct a complete evaluation. Within five working days after submittal of a tentative map application, the Director shall:

1. Accept the application as complete and begin the review process, scheduling the map for consideration on the next available Planning Commission agenda; or
2. Provide written notice to the applicant specifying the deficiencies of the application. Such notice is sufficient if it has been delivered, mailed or faxed to the applicant. The Director shall take no further action on the application until the deficiencies are remedied.

H. Application -- Review

Upon determining that the tentative map application is complete, the Director shall cause review of the application and preparation of a staff report. The Director shall coordinate the review of the application by other departments and shall incorporate appropriate recommendations by those Departments into the staff report. The report shall be made available to the applicant, if possible, at least five days before the Planning Commission meeting for which the application is scheduled to be heard. The Director shall recommend any changes in the design of the proposed subdivision necessary to achieve the purposes of this Title.

I. Tentative Map Requirements

A tentative map shall indicate, without limitation:

1. Demonstration of compliance with the necessary traffic circulation and access requirements set forth in this Title, including those relating to streets, access points, driveways, and site visibility restriction zones, as well as compliance with Sections 19.04.xxx(x) and 19.04.xxx(x);
2. Demonstration, by means of preliminary drawings, of compliance with good traffic control practices and applicable standards and ordinances, as determined by the Traffic Engineer;
3. Demonstration of compliance with the requirements of the Title regarding residential parking, walls and landscaping; and
4. Any and all trails that are necessary to be provided in accordance with the City's Master Plan and ordinances.



J. Proposed Perimeter Grades

1. It is the intent of the City to minimize to the extent possible those instances in which grade changes result in large expanses of monotonous walls facing adjacent property or public streets. Type "B" and Type "C" drainage and cross-fall streets, while undesirable, may be allowed on a case-by-case basis as measures to mitigate large expanses of monotonous walls.
2. Each tentative map application must include, for all sites, a legible schematic cross section drawing which:
 - a. Has a minimum size of eleven inches by seventeen inches and a maximum size of twenty-four inches by thirty-six inches;
 - b. Has an exaggerated vertical scale, with labeled horizontal and vertical dimensions at the property lines;
 - c. Shows the maximum grade differentials;
 - d. Includes the existing and proposed condition elevations on the cross sections;
 - e. Includes cross sections that extend a minimum of one hundred feet beyond the limits of the project at each property line, showing the location and finish floor elevations of adjacent structures. Measurements shall be made from the centerline of adjacent streets, or from the property line where no street exists. The Planning and Development Department may require cross sections for up to one hundred feet beyond the property line or the centerline of an abutting street, whichever is greater; and
 - f. Includes cross sections, to scale, for maximum wall heights, typical wall heights and wall elevations.
3. When considering the tentative map application, the Planning Commission shall take into account the submitted plan of proposed project perimeter grades. Approval of the tentative map shall constitute approval of the associated plan of project perimeter grades.
4. If the final drainage and grading plan for the project changes an approved plan for project perimeter grades by more than two feet in either direction, as determined by the Director or by the Director of Public Works, the tentative map and a new project perimeter grade plan must be reviewed

and approved by the Planning Commission as in the first instance. Nothing in this Subsection (4) affects the application of the maximum retaining wall height limitations contained in this Title.

K. Parks And Playgrounds In Lieu Of Residential Construction Tax

A subdivider who desires to construct parks or playgrounds in lieu of paying the residential construction tax described in LVMC Chapter 4.24 shall show such parks or playgrounds on the tentative map, demonstrating that the parks and playgrounds will conform to all applicable City standards, regulations, plans and policies regarding the construction of such facilities in lieu of paying the tax.

L. Forwarding Copy of Map

1. In connection with an application for tentative map that proposes to subdivide land within one mile of the boundary of an unincorporated area of the county, the City shall forward a copy of the proposed map to the Clark County Planning Commission or its designated representative, as required by NRS 278.345.
2. In connection with any application for tentative map, the City shall forward a copy of the proposed map to the Clark County School District and to any general improvement district in which the property is located, as required by NRS 278.346 and 278.347.
3. Comment and action by the agencies described in this Section concerning the proposed map shall be in accordance with and subject to the provisions of NRS 278.345 to 278.347, inclusive.

M. Planning Commission Review

The Planning Commission shall conduct its review and take action on the application for tentative map in accordance with NRS Chapter 278, and within the time frames set forth in NRS 278.349 and 278.350.

N. Revisions or Amendments to Tentative Map

In the event that Planning Commission approval of a tentative map is contingent upon significant revisions or amendments, the applicant shall submit to the Director four new prints of the revised tentative map incorporating such revisions or amendments before the submission of an application for final map.

O. Recordation Time Limits

1. If a final map is not approved and recorded within:



- a. Two years following the date of approval of the tentative map;
 - b. One year following the date of approval of a previously-recorded final map covering a portion of the tentative map; or
 - c. One year following an extension of time granted pursuant to Section 19.16.050(G), the tentative map application and approval shall lapse and a new tentative map shall be required.
2. For a phased project, the first of a series of final maps covering a portion of the approved tentative map must be approved and recorded within two years following the date of approval of the tentative map. Subsequent final maps must be approved and recorded within one year following the date of the approval of the previously recorded final map, unless an extension is granted pursuant to Section 19.16.050(G), or all further proceedings concerning the subdivision shall be terminated.

P. Recordation Extension of Time

By delegation, the Director, upon application, may grant a single one-year extension of time within which to present and record a final map or any one of a series of final maps covering a portion of the tentative map, except that no extension may be granted if a final map, or the first in a series of final maps, is not recorded within two years following the date of approval of the tentative map. In order to qualify for an extension of time under this Section, application therefore must be made prior to expiration of the approval.

Q. Appeals

Any person aggrieved by the final action of the Planning Commission with respect to a tentative map may appeal that action, in writing, to the City Council within seven days after receiving written notice of the decision. All appeals shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The City Council shall hear the appeal within thirty days after the appeal is filed.



19.16.060

FINAL MAP

A. Purpose of Provisions

The provisions of this Subchapter set forth the administrative and procedural requirements for the subdivision of land by a final map. The final map process requires review and action by the Director, the Director of Public Works, and, in some cases, the Planning Commission.

B. Required

A final map, prepared in accordance with the approved tentative map, or a series of final maps each covering a portion of an approved tentative map, shall be submitted in compliance with the provisions of NRS Chapter 278, Section 19.16.050 (O), and the additional regulations contained in this Title.

C. Application -- Fee

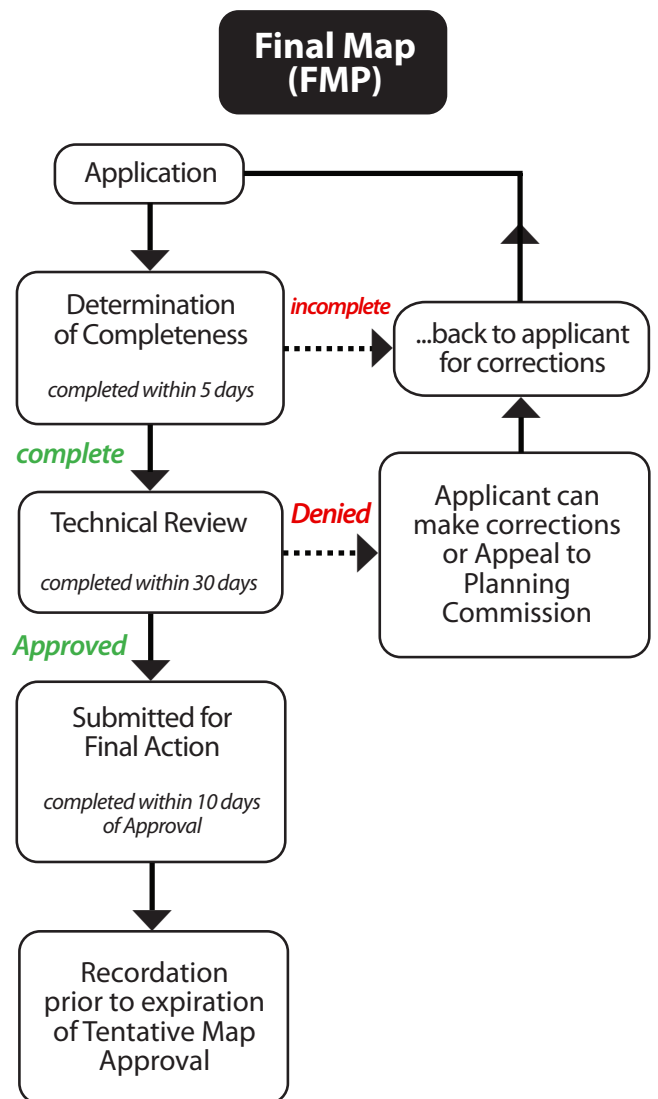
A final map application shall be submitted to the Department, along with the fee set forth in the fee schedule. The fee shall be nonrefundable. The application initially shall be processed under the final map technical review process described in this Chapter.

D. Application -- Form -- Copies

1. Application for a final map shall be made on a form established by the Director and made available to the public. The application must be accompanied by a sufficient number of copies, as determined by the Director, of a twenty-four by thirty-two inch original of the final map drawing. In order to be accepted for review under the final map technical review process, the final map application must:
 - a. Demonstrate compliance with Sections (N) to (U), inclusive, and Appendix C to this Title;
 - b. Include documentation from the Department of Public Works that:
 - i. A drainage plan and technical drainage study is not required or that the required plan and study have been approved by the Department of Public Works; and
 - ii. A traffic impact analysis is not required or that the traffic impact analysis has been approved by the Department of Public Works.
2. In order to be deemed complete, the final map application must have been reviewed and approved

Typical Review Process

Final Map 19.16.060



in connection with the final map technical review process described in this Subchapter.

E. Application -- Determination of Completeness

1. The Director shall determine if the application is in proper form and includes all required data and information necessary to conduct the final map technical review in accordance with this Section. Within five working days after submittal of a final map application, the Director shall:
 - a. Accept the application as being in proper form and containing the necessary information, and begin the final map technical review process; or
 - b. Provide written notice to the applicant specifying the deficiencies of the application. Such notice is sufficient if it has been delivered, mailed or faxed to the applicant. The Director is under no obligation to take further action on the application until the deficiencies are remedied.
2. If the Director determines that the application is in proper form and contains the necessary information, the Director shall, within the review period, perform the final map technical review, which consists of determining whether the application conforms with the tentative map approved by the Planning Commission, the requirements of NRS Chapter 278, and the provisions of this Title. In connection with that determination, the Director may approve the final map technical review, deny it, or approve it subject to conditions designed to bring it into conformance.
3. Except as otherwise provided in Subsection (4), the review period described in Subsection (2) consists of the thirty-day period following the determination that a final map application is in proper form and contains the necessary information.
4. The review period:
 - a. Does not apply if the Director elects to refer the final map technical review to the Planning Commission to decide if there is compliance with the tentative map or a condition thereof;
 - b. Does not apply if the subdivider elects to have an adverse decision by the Director concerning the final map technical review considered by the Planning Commission to decide if there is compliance with the tentative map or a condition thereof; and

- c. May be waived by the subdivider in order to allow the subdivider additional time to demonstrate that the final map technical review should be approved.

F. Application -- Approval or Denial

1. Upon approval of the final map technical review, the final map application and final map itself may be submitted for final action by the Director. The Director shall review the application and map for conformance with the final map technical review. Except as otherwise provided in Subsection (2), the Director, within ten days, shall either approve or deny the application and final map.
2. The ten-day period may be waived by the subdivider in order to allow the subdivider:
 - a. Additional time to demonstrate that the final map should be approved; or
 - b. As an alternative to denial of the final map by the Director, an opportunity to have the Planning Commission review or consider the final map.

G. Recordation -- Requirements and Conditions

After a final map has been approved, the applicant shall make those modifications necessary to ensure compliance with any conditions imposed by the Director or by the Planning Commission. The Director, together with the Director of Public Works, shall be responsible for determining compliance with all requirements before a final map may be released for recordation. Before signing the final map certificate, the Director must determine that all requirements and conditions have been met, including:

1. Submittal of a corrected final map, if appropriate;
2. Completion of all certification signatures in substantial conformance with Appendix E;
3. Dedication of all easements and rights-of-way approved for inclusion on the final map, and vacation of all existing easements and rights-of-way not to be included on the final map;
4. Completion of all public improvements and common area improvements associated with the subdivision, as required by the City, unless the subdivider elects to enter into an agreement with the City to make such improvements pursuant to Chapter 19.02;



5. Approval of a phasing plan or development agreement, if required by Chapter 19.02;
6. Payment of all applicable inspection and developer fees and posting of all required bonds or documents of security;
7. Execution of all required agreements; and
8. Submittal of a one inch equals two hundred foot scale version of the final map drawing or a copy of such drawing in compatible digital format.

H. Traffic Studies or Drainage Studies -- Submission and Approval Required

For any subdivision concerning which traffic studies or drainage studies have been required in connection with zoning or other development approval, those studies must have been submitted and approved before the subdivider submits improvement plans pursuant to this Subchapter. The improvement plans must take into account and be based upon those approved studies.

I. On-Site and Off-Site Improvements Permits

Following approval of a final map, permits for the construction of on-site and off-site improvements may be granted:

1. Upon approval of the following plans, as applicable, by the Department of Public Works:
 - a. All public and private street plans, including profiles;
 - b. All sewer, storm drains and water plans, including profiles;
 - c. All street lighting and traffic plans;
 - d. All drainage plans;
 - e. All parks plans; and
2. Upon approval by the Director of the plans for any common area improvements or private improvements, other than private streets, which have been required to be installed by the City in connection with development approval.

J. Recordation -- Title Company Report -- Consent of Holders of Record

A final map presented for recording shall include the following items:

1. A report from a title company which lists the names of each owner of record of the land to be divided and each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust. If for a common-interest community, as defined in NRS 116.110323, said report shall show that there are no liens of record against the property or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments. The report must be updated as necessary so that it is current within seven days of the date the map is released for recording; and
2. The written consent of each holder of record of a security interest described in Subsection (1), consenting to the preparation and recordation of the final map. A holder of record may consent by signing the final map or a separate document that is filed with the final map and that declares his consent to the division of land.

K. Monuments

Monuments must be set before the final map is recorded unless the subdivider furnishes a performance bond or other suitable assurance to the City guaranteeing that the monuments will be set by a land surveyor on or before a date certain. Monumentation shall comply with the specifications set forth in Appendix D to this Title.

L. Recordation -- Time Limits

The provisions of NRS Chapter 278 and this Title shall govern the time within which a subdivider must record a final map or obtain any extension of time therefor. The subdivider shall be responsible for the timely filing of any extension request.

M. Plans and Specifications -- Documents and Information Required

Construction plans and specifications related to a final map shall be accompanied by or include the documents and information described in Sections (N) to (U), inclusive, of this Subchapter. Such plans and specifications shall be submitted to and approved by the Director of Public Works prior to start of construction of any improvements.

N. Plans and Specifications -- Plan Sheets

All subdivision construction plans and specifications shall be sealed by an engineer licensed in the State of



Nevada and shall comply with City standards. Any deviation from City standards must be noted on the plans. In order to obtain a deviation, the request for deviation must be included in a letter to the Director of Public Works which outlines each deviation and the reasons for requesting the deviation. Plans and specifications shall clearly indicate the distinction between existing and proposed improvements, and each plan sheet shall carry in the lower right-hand corner the name of the subdivision, the type of design shown on the plan, the name of the streets shown on the plan, the name of the engineer, the date, the sheet number and any other information deemed necessary by the Director of Public Works. Each plan sheet shall have a north arrow and indicate the scale used. Submitted plans shall be on original reproducible sheets, mylar preferred, with permanent ink, and shall be twenty four inches by thirty-six inches in dimension. A compatible digital format copy of the approved plans may be required by the Department of Public Works.

O. Submission of Street Plans, Profiles, and Plans for Public Alleys

1. The applicant shall submit street plans and profiles showing curve data, centerline and curb-lines with reference to back of curb, including radius, center angle, tangent and length of curve; curb type; street names; benchmarks; all valley gutters; ADA accommodations; and improvements relating to public transportation. Each profile view shall show the existing ground line prior to construction, percent grades of centerline and centerline elevations at all changes in vertical and horizontal alignment. Any documentation from the City Traffic Engineer that is required by Section 19.04.160 (C) shall be submitted with street plans and profiles.
2. The applicant shall submit plans showing any public alleys that are proposed to be dedicated and improved. Public alleys may be included within a subdivision only after consultation with, and approval for inclusion by, the Director of Public Works.

P. Street Lighting

Plans shall indicate the proposed location of each streetlight standard, including pole type and gauge; the number and type of luminaires per pole; luminaire wattage and lamp type; conductor quality, size and insulation type; all underground conduit locations, sizes and types; proposed service connection locations or, if approved prior to submittal, the connection point to an existing street lighting circuit. All equipment and locations shall be in conformance to City standards unless the City Council allows an exception. The installation

of conforming lighting may be deferred if the deferral is approved by the City Council and the applicant executes a covenant running with land agreement to secure the installation.

Q. Drainage Patterns

The applicant shall submit sufficient information in the form of maps and profiles prepared by an engineer to indicate the proper drainage of surface water to natural drainage courses or into existing or proposed public drainage-ways. Any modifications to drainage patterns adjacent to the subject site shall also be noted on the plans. If drainage is proposed across lands used as private lots, the location, width and types of rights-of-way and easements shall be indicated on the final map.

R. Sanitary Sewer Collection System

The applicant shall submit sufficient plans and profiles to show all sanitary sewer collection system information necessary to determine compliance with City standards. Each plan view shall show lot lines; lot and block numbers; exact location of wastewater lines with reference to property lines; location of manholes and house laterals; street names; and benchmark elevations. Each profile view shall show the proposed finished grade above the pipe or, if no street construction is involved, existing ground line; top of manhole elevation; invert elevation; stationing and, if available, coordinates (NAD 83) of each manhole; size and type of pipe, percent of grade and distance between manholes.

S. Water Lines, Valves and Fire Hydrants

The applicant shall submit plans showing the exact size and location of all water lines, valves and fire hydrants.

T. Grading Plan

1. The applicant shall submit a grading plan showing:
 - a. North arrow and scale;
 - b. Benchmark (City datum);
 - c. Engineer's dated signature and seal;
 - d. Existing topography at one-foot contour intervals to extend one hundred feet beyond the tract limits measured from the centerline of adjacent roadways (with the exception that, where grades exceed ten percent, two-foot contour intervals may be used);
 - e. Property corners and spot elevations sufficient to show drainage patterns and all conforming



conditions;

- f. Proposed pad and finished floor elevations;
 - g. Finished floor elevations of buildings within one hundred feet of the centerline of adjacent roadways or, where no adjacent roadway exists or is planned to exist, the exterior property line of the tract;
 - h. Proposed curb elevations at grade breaks, beginning and end of curve;
 - i. Direction of water flow and percent of grade of site;
 - j. Direction of water flow and percent of grade of existing and proposed drainage ways;
 - k. Direction of flow, percent of grade and other pertinent features for any off-site drainage improvements which are part of the project;
 - l. Details of proposed drainage facilities for the lots;
 - m. Details of all proposed drainage facilities including but not limited to storm drains, pipe sizes, inlets, manholes, valley gutters, swales, berms and easements;
 - n. Plan and profile drawings of drainage facilities in public rights-of-way or public drainage easements; and
 - o. Existing walls abutting the subdivision and proposed walls within or adjacent to the subdivision.
2. The grading plan must comply with the cross section drawing required to be submitted with the tentative map pursuant to Section 19.16.050(J). The plan shall be considered to be in substantial compliance if the grades are within two feet of the elevations shown on the cross section drawing and tentative map. If actual grading does not conform to the approved grading pan or the requirements of Section 19.16.050(J), the Director, or the Director of Public Works, may require the subdivider to re-grade the site or to appear before the Planning Commission for appropriate resolution.
3. The grading plan must comply with the approved drainage study on file as certified by an engineer, and the plan shall include a note indicating such certification.

U. Additional Data



City of Las Vegas
Unified Development Code
- DRAFT -

February 15, 2011

The following data shall be submitted with the plans:

- 1. Excavation and fill (cubic yards);
- 2. AC paving and gravel base (square yards);
- 3. Curb and gutter (lineal feet);
- 4. Sidewalk (square feet);
- 5. Valley gutter (square feet);
- 6. Sewer mains, trunk lines, laterals and connections (size and lineal feet);
- 7. Manholes (each);
- 8. Street lighting (each);
- 9. Water mains (size and lineal feet), water services and number of fire hydrants;
- 10. Quantity takeoffs in tabular form for public drainage facilities; and
- 11. Sidewalk ramps (each).

V. Commencement of Construction and Installation Work Relating to Required Public Improvements

The applicant shall notify the Director of Public Works at least twenty-four hours in advance of the scheduled date and time that construction and installation work relating to required public improvements or private streets is to commence. If delays occur, the applicant shall notify the Director of Public Works not less than two hours prior to the rescheduled time.

W. Commercial Subdivisions -- Additional Requirements

In addition to the other provisions and requirements set forth in this Subchapter, a final map for a commercial subdivision shall comply with the following requirements prior to being released for recordation:

- 1. Within the C-1 Zoning District (or its equivalent), the Director of Public Works may require all parcels created through the commercial subdivision process to have perpetual unobstructed access to driveways servicing the overall subdivision site. For sites larger than ten acres in size, the requirement may be imposed only if the requirement has been recommended in an approved Traffic Impact Analysis. If the requirement is imposed, a note to that effect shall be included on the final map.



2. The on-site sewer system servicing the overall commercial subdivision shall be identified as one of the following types, with the appropriate wording to appear as a note on the final map:
 - a. A public sewer, with a minimum pipe diameter of eight inches, located within dedicated public sewer easements which are a minimum of twenty feet wide.
 - b. A common element of the commercial subdivision which is privately owned and which is maintained in accordance with covenants, conditions and restrictions that govern the subdivision.
 - c. A common element of the commercial subdivision which is privately owned and which is maintained in accordance with a joint use agreement applicable to the subdivision.
3. All subdivided parcels comprising the commercial subdivision shall provide perpetual inter-site common drainage rights across all existing and future parcel limits, and a note to this effect shall appear on the final map.

X. Appeals

Any person aggrieved by the final action of the Director with respect to a final map may appeal that action, in writing, to the Planning Commission within seven days after receiving written notice of the decision. All appeals shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The Planning Commission shall hear the appeal within thirty days after the appeal is filed.



19.16.070

REVERSIONARY MAPS

A. Amendment of Plats - Generally

Any amendment of a recorded plat, parcel map or other record which changes or purports to change the physical location of any monument, property line or boundary line shall be subject to the requirements of NRS Chapter 278 regarding the amendment of plats.

B. Application -- Review -- Final Action

Any application to revert any final map, parcel map or other instrument to undivided acreage shall comply with the requirements of NRS Chapter 278 regarding the abandonment of maps or reversion of divided land to acreage. The application shall be filed with the Director, who shall be responsible for reviewing and acting upon the application.

C. Merging and Resubdivision Of Contiguous Parcels

In accordance with NRS 278.4925, the owner of two or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage pursuant to NRS 278.490. The recording of the resubdivided parcels or lots on any map constitutes the merging of the preexisting parcels into a single parcel and then resubdivision into new parcels or lots. For any public street, easement or utility easement that will not remain in effect after the merger and resubdivision, a certificate must be attached to the parcel map or final map indicating that the Planning Commission or Director, as applicable, has determined that has been vacated or abandoned in accordance with NRS 278.480. If streets, easements and utility easements are to remain in effect after the merger and resubdivision, they shall be clearly delineated on the map.

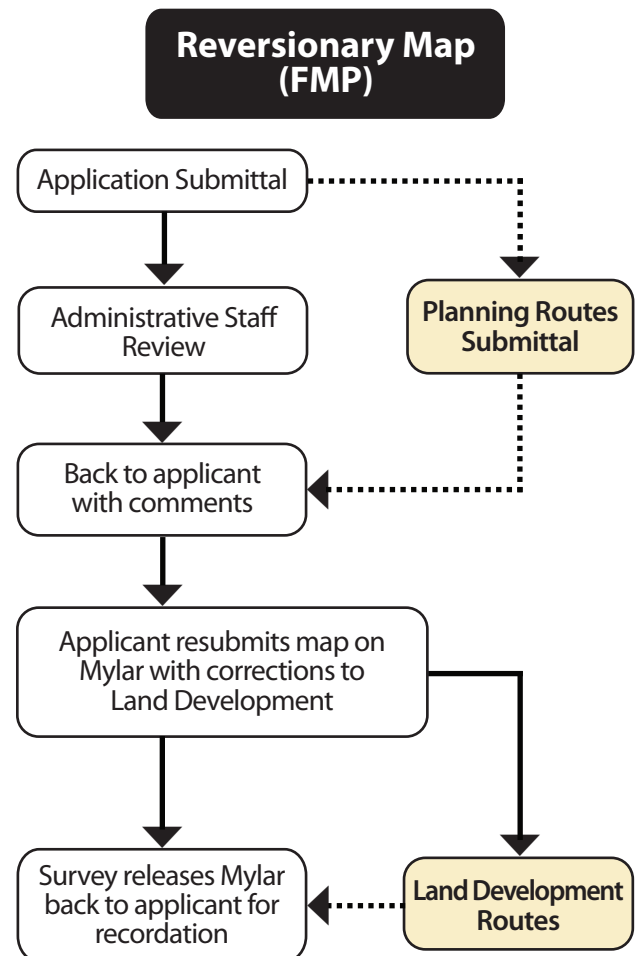
D. Final Map of Reversion -- Preparation

The final map of reversion shall be prepared by a professional land surveyor licensed pursuant to NRS Chapter 625. The surveyor shall include in the required surveyor's certificate all the information required by NRS Chapter 278, including the representation that the map has been prepared from information on a recorded map or maps that are being reverted. The certificate:

1. May include a statement that the professional land surveyor assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the recorded document(s).

Typical Reversionary Maps Review Process

19.16.070



2. Shall include information which is sufficient to identify clearly the recorded map or maps being reverted.

E. Final Map of Reversion -- Legibility -- Copies

The final map of reversion shall be clearly and legibly drawn pursuant to the requirements of NRS Chapter 278. The application shall be accompanied by fourteen copies of a twenty-four by thirty-two inch original drawing which complies with the requirements of that chapter.

F. Application – Contents

The application for a map of reversion shall include:

1. A report from a title company which lists the names of each owner of record of the land and each holder of record of a security interest in the land, if the security interest was created by a mortgage or a deed of trust. The report must be updated as necessary so that it is current within seven days of the date the map is released for recording; and
2. The written consent of each holder of record of a security interest listed pursuant to the section above to the preparation and recordation of the map of reversion or abandonment. A holder of record of a security interest may consent by signing the map of reversion or abandonment or a separate document that is filed with the map of reversion or abandonment and declares his consent to the reversion or abandonment, provided the map contains a notation that a separate document has been recorded to this effect.

G. Certificate of Consent

A map of reversion or abandonment must include a certificate, signed and acknowledged pursuant to NRS 111.270, by each person who is an owner of the land, consenting to the preparation and recordation of the map for the purpose of reversion or abandonment.

H. Certificate of Planning Commission Approval

A map of reversion or abandonment presented to the county recorder for recording shall include a certificate by the Secretary of the Planning Commission stating that the Planning Commission approved the map.

I. Lien Deemed Not To Be An Interest In Land

For purposes of Sections (F) and (G) of this Subchapter, a lien for taxes or special assessment and a trust interest

under a bond indenture shall be deemed not to be an interest in land.

J. Reversion of City-Owned Street or Easement

If a map of reversion or abandonment includes the reversion of any street or easement owned by the City or other governmental entity, the applicable provisions of NRS 278.480 shall be followed before approval of the map.



19.16.080

VACATIONS

A. Petitions -- Form -- Contents

A public street or easement, or the City's interest in a government patent reservation, may be vacated upon the petition of at least one owner of property abutting the area proposed to be vacated, or upon the initiative of the City. In the case of a petition by an abutting property owner, two copies of a properly signed petition shall be filed with the Secretary of the Planning Commission on a form provided by the Department. The petition shall contain a written statement describing the area to be vacated and the reasons for the proposed request, and either a complete legal description from which the right-of way or other property proposed to be vacated may be plotted or a drawing acceptable to the Department showing an accurate representation of the proposed vacation.

B. Petitions -- Sufficiency

A petition for vacation must be accompanied by a deed or other sufficient evidence of ownership. In the case of a City-initiated vacation, an appropriate written request shall be filed and processed as if it were a petition under this Subchapter.

C. Petitions -- Public Record

Upon receipt of a properly executed petition, the Secretary of the Planning Commission shall maintain said petition, together with all pertinent attachments and exhibits, in the permanent files of the Department as a public record.

D. Petitions -- Filing -- When

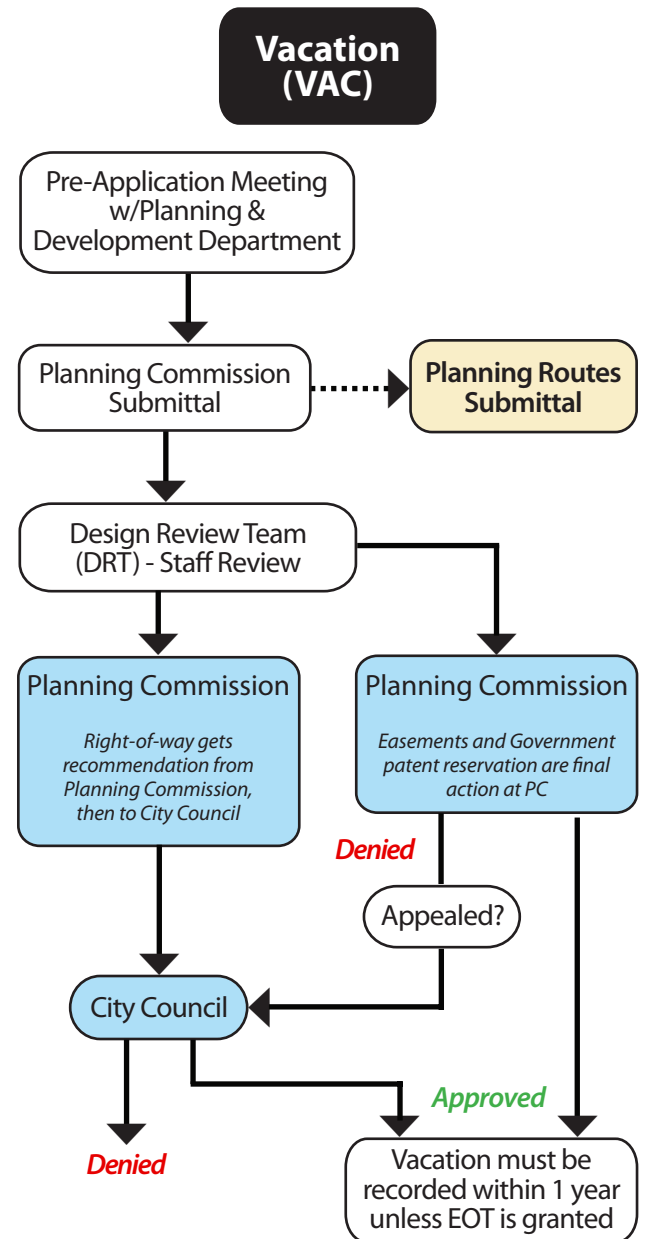
In order to provide sufficient time for the necessary investigation by the Planning Commission and its Secretary and agents, a petition for vacation must be filed with the Secretary of the Planning Commission a minimum of thirty days prior to the date of the meeting of the Planning Commission at which said petition for vacation is to be heard and considered.

E. Public Hearing, Notice And Order Of Vacation -- Dedicated Right Of Way

1. In the case of a petition for the vacation of a dedicated right-of-way, the Planning Commission shall hold a public hearing on the petition for vacation. Thereafter, the Planning Commission shall make its finding regarding the petition by way of recommendation, and shall report that recommendation to the City Council.

Typical Vacations Review Process

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2. The City Council shall consider the recommendation at a public hearing. Not less than ten business days before the public hearing, notice of the hearing, setting forth the extent of the proposed vacation and setting the date of the hearing, shall be:
 - a. Sent by mail, sufficient to meet the requirements of NRS 278.480, to each owner of property abutting the proposed vacation; and
 - b. Published at least once in a newspaper of general circulation in the City.
3. If, following the public hearing, the City Council is satisfied what the public will not be materially injured by the proposed vacation, it may order the right-of-way vacated. The City Council may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

F. Public Hearing, Notice and Order of Vacation – Easement or Government Patent Reservation

1. In the case of a petition for the vacation of an easement or government patent reservation, the Planning Commission shall hold a public hearing on the petition. Not less than ten business days before the public hearing, notice of the hearing, setting forth the extent of the proposed vacation and setting the date for the hearing, shall be:
 - a. Sent by mail, sufficient to meet the requirements of NRS 278.480, to each owner of property abutting the proposed vacation; and
 - b. Published at least once in a newspaper of general circulation in the City.
2. Following the public hearing, the Planning Commission shall take final action on the petition. If the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, it may order the easement or government patent reservation vacated. The Planning Commission may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed. In the case of the a government patent reservation, the order may take the form of a relinquishment of interest or its equivalent, and the order shall be treated as an order of vacation under the provisions of this Chapter.

G. Continuation of Utility Easements

If a utility has an easement over any dedicated right-of-way which is vacated, the City Council shall provide in its order for the continuation of that easement. In the case of a vacation of the City's interest in a government patent reservation, easements for utilities will not be retained because they are not included within the City's interest and, therefore, are not affected by vacation of the City's interest.

H. Requirements to Be Met Prior to Recordation of Order

Following the approval of a vacation, all applicable City code requirements and design standards of all City departments must be met prior to recordation of the Order of Vacation.

I. Modification of Public Improvements

All public improvements adjacent to or in conflict with any proposed vacation shall be modified, as necessary, at the expense of the applicant or other responsible person, as required by the Department of Public Works. Approval of the vacation may be conditioned upon a requirement that existing public improvements and appurtenances with a potential salvage value be:

1. Removed in a manner designed to protect that value; and
2. Delivered to a City facility for reuse, as directed by the Department of Public Works.

J. Drainage Plan and Technical Drainage Study

Where determined necessary by the Department of Public Works, a drainage plan and technical drainage study shall be submitted by the applicant to and approved by that department prior to recordation of an order of vacation. All drainage easements recommended within the approved drainage study shall be retained.

K. Signage

As and to the extent deemed necessary by the Department of Public Works, the applicant or other responsible person shall install appropriate signage to clearly state that the area vacated is private property and shall construct appropriate off-site improvements or erect barricades to block through traffic movements.



L. Removal of Streetlights

All public streetlights located within the vacation area shall be removed and delivered to the City Electrical Yard by the applicant or other responsible person, as required by the Department of Public Works. The applicant or other responsible person shall pay all costs associated with the rerouting of conduits and electrical circuits and any additional electrical service which is required to maintain the continuity of surrounding streetlights.

M. Dedication of Radius Corners

Where needed to provide proper transition of right-of-way, the applicant or other responsible person shall dedicate radius corners as required by the Department of Public Works prior to recordation of an order of vacation.

N. Order Not Recorded Until All Requirements Met – Exception

An order of vacation shall not be recorded until all the requirements imposed on the vacation have been met, except that any requirement may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with Section 19.02.140((D)).

O. Time Limitation on Recordation

If the order of vacation is not recorded within one year after approval by the City Council or within such additional time as may be granted by the Director, approval of the vacation terminates and a new petition must be submitted.





19.16.090

REZONING

A. Purpose

The purpose of this subchapter is to set forth the procedures by which the Planning Commission and City Council will periodically review and amend the Official Zoning Map Atlas of the City to ensure that it meets the goals and objectives of the General Plan and related land use policies and plans.

B. Authority

Whenever public necessity, safety and general welfare may require, the City Council may, upon recommendation by the Planning Commission, rezone any parcel or area of land within the City from one zoning district to another when the rezoning will conform to the General Plan and the requirements of Section K of this subchapter.

C. General Plan Amendment

If a proposed rezoning will not conform as to use or density, the application may not be approved unless the General Plan is amended first to accommodate the proposed rezoning. The applicant may submit an application to amend the General Plan and an application for rezoning at the same time, and the applications may be heard concurrently.

D. Minimum Site Requirements

Property which is proposed to be rezoned to the following zoning districts must meet the minimum criteria denoted below in order to be considered for rezoning:

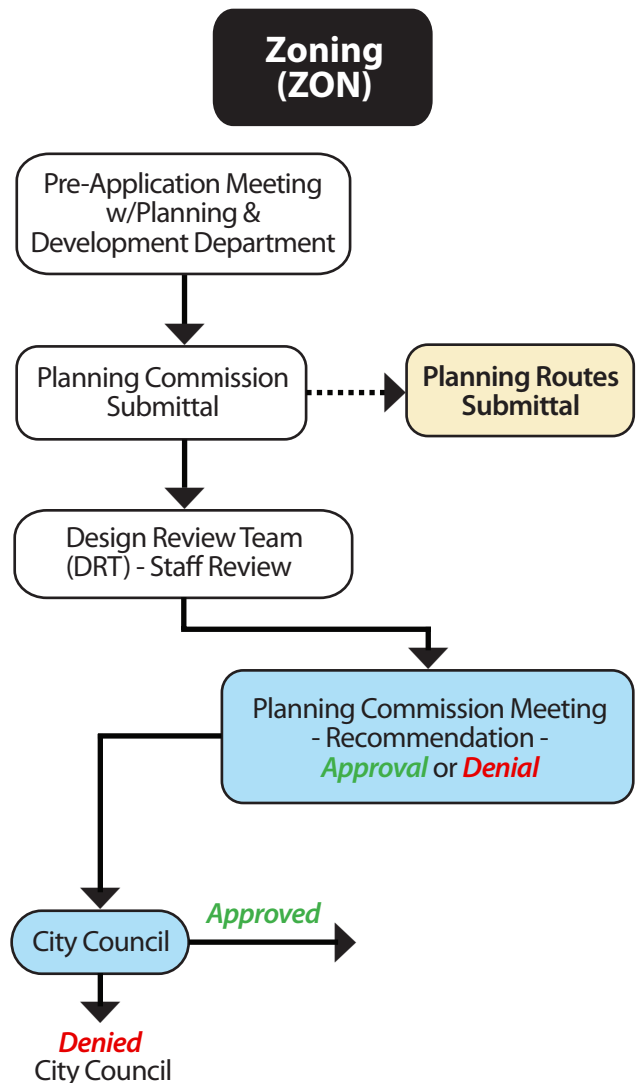
1. **P-C District.** Minimum site area of three thousand acres.
2. **C-PB District.** Minimum site area of twenty acres.
3. **PD District.** Minimum site area of five acres.

E. Application - General

1. **Application Form.** An application to rezone property shall be on a form provided by the Department. The application shall be signed, notarized and acknowledged by the owner of record of each parcel of property. The application shall be filed with the Secretary of the Planning Commission at the office of the Department.
2. **Initiation of Application.** An application for a rezoning may be initiated by the Department,

Typical Rezoning Review Process

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Planning Commission or by the City Council, or by means of an application filed by the owner(s) of record of each parcel of property proposed for rezoning.

3. Other Governmental Ownership.

a. Application Requirements. With respect to property which is owned by the State of Nevada or the United States of America, a rezoning application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has:

- i. Entered into a contract with the governmental entity to obtain ownership of the property;
- ii. Provided to the Department a letter from the governmental entity indicating that it consents to the filing of the application and agrees to be bound by the application; or
- iii. Provided to the Department a letter from the governmental entity indicating that it has no objection to the filing of the application.

b. Effect of Letter of No Objection. In the case of an application that is supported by a letter of no objection under Subparagraph (a)(iii) of this Paragraph (3), the applicant shall acknowledge in writing by means of a form provided by the Department or in a form acceptable to the City Attorney, that:

- i. The processing of the application is done as an accommodation only;
- ii. The application, the results thereof, and any entitlements related thereto are dependent upon the applicant's obtaining an enforceable contractual interest in the property; and
- iii. The applicant assumes the risk of proceeding without any assurance that approval of the application will lead to an ability to implement the approval.

4. Non-Property Owner. A rezoning application is sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property for which the rezoning is sought. However, interest in that property must exist in a written agreement with the owner of record, attached to

which is a copy of the rezoning application and in which the owner of record has authorized the lessee, contract purchaser or optionee to sign the application. The agreement must further stipulate that the owner of record consents to the filing and processing of the application and agrees to be bound by the requested rezoning.

5. Multiple Ownership. In the case of multiple ownership of a parcel, only one of the owners of record shall be required to sign the application. A list of all other owners shall be provided with the application.

6. Contiguous Land. Except with respect to rezoning applications initiated by the Department, Planning Commission or the City Council, all of the land in the application shall be contiguous with at least one common point.

F. Application - Specific Requirements

1. Pre-Application Conference. Before submitting an application to rezone, the owner or authorized representative shall engage in a pre-application conference with the staff of the Department to discuss preliminary land planning, including land use relationships, density, transportation systems, infrastructure facilities and landscaping and open space provisions.

2. R-PD District. In connection with the pre-application conference, the owner or authorized representative shall submit a concept site development plan, which is subject to design review and approval by the Director to ensure compliance with this zoning classification. A site plan that conforms to the requirements of the design review and Subchapter 19.16.100 shall be submitted concurrently with any application for rezoning to an R-PD District.

3. PD District. A site development plan or concept plan, as required by Subchapter 19.10.040, shall be submitted concurrently with any application for rezoning to a PD District.

4. P-C District. A concept plan and other documentation specified in Section 19.10.030(E) shall be submitted concurrently with any application for rezoning to a P-C District.

G. Successive Applications

1. Previously Denied Applications. An application to rezone a parcel in which all or any part was the subject of a previous application for rezoning to



the same zoning classification, to a less restrictive classification or for the same use or one of a similar density which has been denied or which has been withdrawn subsequent to the noticing of a public hearing shall not be accepted until the following periods have elapsed between the date of the denial or withdrawal and the date of the meeting for which the proposed application would be scheduled in the ordinary course:

- a. After the first denial or withdrawal - one year.
- b. After the second or a subsequent denial or withdrawal - two years.

2. Previously Withdrawn Applications. An application for a Rezoning concerning all or any part of a previous application for a Special Use Permit or a Variance for the same use, a similar use or a less restrictive use which has been denied or which has been withdrawn subsequent to the noticing of a public hearing shall not be accepted until the time periods described in Subsection (1), above, have elapsed.

3. Applications Withdrawn Without Prejudice. The time periods described in Subsections (1) and (2) above, and that otherwise would become effective because of the withdrawal of an application, shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Planning Commission or the City Council specifically approves the withdrawal without prejudice.

H. Request for Abeyance

Any applicant who wishes to have an application held in abeyance following the notice and posting of the agenda of the Planning Commission or the City Council shall state good cause for the request. Good cause shall be more than mere inconvenience to the applicant or lack of preparation.

I. Planning Commission Public Hearing and Action

1. Hearing. The Planning Commission shall hold a public hearing when considering any application for rezoning of property.

2. Notice

- a. **Notice Provided.** Notice of the time, place and purpose of the hearing must be given at least 10 days before the hearing by:
 - i. Publishing the notice in a newspaper of general circulation within the City;

ii. Mailing a copy of the notice to:

- A) The applicant;
- B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;
- C) Each tenant of any mobile home park that is located within on thousand feet of the property described in the application;
- D) The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2);
- E) Any advisory board which has been established for the affected area by the City Council; and
- F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

b. Names Provided. The Department shall provide, at the request of the applicant, the name and address of any person notified pursuant to Subparagraph (F) above.

c. Additional Notice. The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least 10 days before the date of the hearing.

d. Signs. Notification signs shall be posted in conformance with Section 19.16.010 (D).

3. Planning Commission Decision

Following the public hearing or hearings, the Planning Commission shall make its recommendations concerning the application for rezoning. The recommendation may be for approval, approval with conditions, or denial. In considering whether to recommend approval or

denial of an application, the Planning Commission may, when it appears necessary or expedient, consider the rezoning of only a portion of the land described in the application for rezoning, or it may recommend that all or a portion of the property be rezoned to a more restrictive classification.

4. Notice of Planning Commission Decision

Following the date of the Planning Commission decision, a report of its findings and decision shall be forwarded to the City Council. The report shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval or the denial of the rezoning necessary or appropriate to carry out the provisions and general purposes of this Title. Written notice of the decision shall be provided to the applicant, agent, or both.

J. Burden of Proof

The applicant bears the burden of proof to establish that the approval of the rezoning is warranted.

K. City Council Public Hearing and Action

1. Notice and Hearing. The City Council shall consider the proposed rezoning and the recommendation of the Planning Commission at the next available meeting following the receipt of the recommendation. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in the case of properties whose ownership has changed in the interim.

2. City Council Decision

a. Decision. The City Council may approve, approve with conditions, or deny an application for a rezoning. In considering whether to approve or deny an application, the City Council may consider the rezoning of only a portion of the land described in the application for rezoning or amend all or a portion of the application to a more restrictive zoning classification.

b. Change to More Restrictive Zoning. If, at the public hearing, the applicant proposes amending the rezoning application to a more restrictive zoning classification, the City Council may act on the request or refer the application back to the Planning Commission for consideration.

c. Significant Changes to Application. If the applicant proposes significant changes to the application during the hearing, or if new information is presented that significantly changes the nature and scope of the application, the request should be referred back to the Planning Commission for consideration.

3. Notice of City Council Decision. Following the hearing on a proposed rezoning, the City Council shall reach a decision concerning the proposal. The decision shall include the reasons for the decision and, if the decision is to approve the rezoning, any modifications, conditions or limitations that the Council may impose. Written notice of the decision shall be provided to the applicant or his agent, or both. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date that notice of the decision is filed with the City Clerk.

L. Rezoning Determinations—Approval

In order to approve a proposed rezoning, the Planning Commission or City Council must determine that:

1. The proposal conforms to the General Plan.
2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.
3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.
4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

M. Rezoning Determinations—Denial or Limited Approval

In order to: (1) Deny a proposed rezoning which conforms to the General Plan as to use or is within the range of density allowable under the General Plan; or (2) Over the applicant's objection, approve the application for a lesser density or for a more restrictive zoning classification than requested, the Planning Commission or City Council must determine that the proposed rezoning is inconsistent with other elements of the General Plan or is incompatible with the surrounding development in the area.



N. Site Development Plan

The Planning Commission and the City Council may, as a part of an approval motion, reserve the right to review any subsequent Site Development Plan for the site.

O. Authorization to Proceed

Approval of a rezoning application by the City Council constitutes a declaration of intent to amend the Official Zoning Map Atlas of the City to reflect the zoning district approved for the property. Such approval authorizes the applicant to proceed with the process to develop and/or use the property in accordance with the development and design standards and procedures of all City departments and in conformance with all requirements and provisions of the City of Las Vegas Municipal Code.

P. Procedures Governing Rezoning Approvals Granted Before July 1, 2007

1. Resolution of Intent. Before the City Council adopts an ordinance to effectuate a rezoning, the Council may adopt a Resolution of Intent to reflect the Council's approval of the rezoning. Such a Resolution of Intent is binding upon the City Council in accordance with its terms and shall have a time limit not to exceed two years.

2. Finalizing Rezoning by Ordinance. The final step in the rezoning process, whether or not rezoning approval is by means of a Resolution of Intent, is the adoption of a rezoning ordinance in which the zoning classification of one or more parcels is formalized.

3. Changes. No substantial change may be made to a development or to the rezoning approval which authorized that development without the approval of the City Council. This approval requirement applies to the rezoned parcel both before and after the adoption of an ordinance rezoning that parcel.

4. Termination of Rezoning Approvals Subject to a Resolution of Intent

a. Approvals Not Subject to Time Limit. If development does not occur in a timely manner or if conditions in the area change subsequent to the original approval of a rezoning that is not subject to a time limit, the City Council may schedule a hearing to reconsider the Resolution of Intent. At such time, the Council may rescind the Resolution of Intent or may change the conditions of approval. In addition, if such a rezoning approval no longer conforms to the use and density classification of the

General Plan, the City may notify the property owner that the rezoning must be exercised within one year. Thereafter, the approval shall be treated as an approval subject to a time limit in accordance with Subparagraph (b) below.

b. Approvals Subject to Time Limit. Except as otherwise provided in Paragraph (5) below, a rezoning approval which is not exercised within the time limit established for or by the Resolution of Intent shall be void.

c. Methods for Exercising Rezoning Approvals. For purposes of this Paragraph (4), a rezoning approval is exercised as follows:

i. For applications that require the creation of a residential subdivision, upon the recordation of a final subdivision map;

ii. For applications that require the construction of one or more new structures, but do not require the creation of a residential subdivision map, upon the issuance of a building permit for the new construction;

iii. For all other applications, upon the issuance of a certification of occupancy or approval of a final inspection, whichever is applicable.

5. Extension of Time-General Requirements. If the approval of a Resolution of Intent is subject to a time limit, the approval expires at the end of that time limit unless the City Council extends the approval period. Extension of an approval period may be granted only if:

a. Application therefore is made prior to the expiration of the time limit;

b. The applicant demonstrates good cause; and

c. The applicant conforms to the additional requirements set forth in Paragraph 6 below.

6. Extensions of Time-Additional Requirements. If a time-limited zoning approval that is sought to be extended continues to conform to the use and density classifications of the General Plan, the applicant must demonstrate that the rezoning remains consistent with the surrounding area and the pattern of development in the area. If the rezoning sought to be extended no longer conforms to the use and density classifications of the General Plan, the extension of time, if granted,



shall be limited to a one-year period. If, within that period, the zoning approval is not exercised by means of the recordation of a final subdivision map or by the commencement of actual construction, the approval terminates.

**Q. Procedures Governing Rezoning Approvals
Granted On or After July 1, 2007**

The approval of a rezoning application shall be formalized by the subsequent adoption of an ordinance in which the rezoning of one or more parcels is reflected. No substantial change may be made to a development or to the rezoning approval which authorized that development without the approval of the City Council.



19.16.100

SITE DEVELOPMENT PLAN

A. Purpose

The purpose of the Site Development Plan Review process is to ensure that each development:

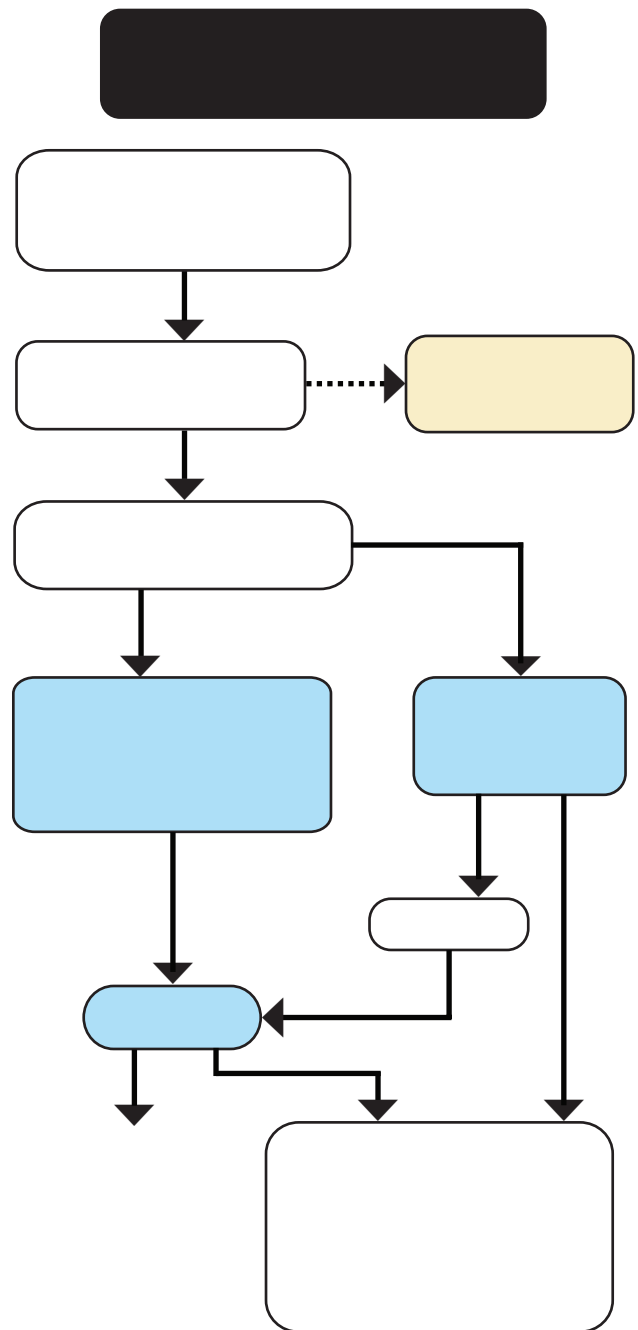
1. Is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards and other regulations, plans and policies of the City;
2. Contributes to the long term attractiveness of the City;
3. Contributes to the economic vitality of the community by ensuring compatibility of development throughout the community; and
4. Contributes to the public safety, health and general welfare.

B. Applicability

1. **Site Development Plans Required.** Except as otherwise provided in this Section (B), a Site Development Plan is required for all development in the City.
2. **Exemptions.** Except where the City Council or Planning Commission has specifically reserved the right of review through a prior action, the following activities and improvements do not require a Site Development Plan Review:
 - a. Single-family or duplex dwelling units, except as provided in Paragraph (3) below;
 - b. Residential accessory buildings;
 - c. On-site signs, walls and fences;
 - d. Demolition of a structure;
 - e. Sculptures, fountains and other similar improvements;
 - f. Normal repairs and maintenance of an existing building or structure;
 - g. Activities and improvements undertaken in conjunction with a Temporary Commercial Permit; and
 - h. Alterations which do not affect the external

Site Development Plan Typical Review Process

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dimensions of an existing building or structure, unless the alterations are made to change the use or type of occupancy within part or all of the altered building or structure.

3. **Certain Conversions.** The conversion of any development from multi-family or apartment development to condominium status shall require a Site Development Plan Review.

C. Authority

1. The Director shall have the authority to:
 - a. Determine whether an activity or improvement is exempt under Paragraph (2) of Subsection (B) of this Section;
 - b. Determine whether a Site Development Plan will be subject to a major review or a minor review under this Section; and
 - c. Approve or deny any Site Development Plan which requires a minor review; provided, however, that final approval authority shall rest with:
 - i. The Planning Commission, if the Commission specifically has reserved the right, through prior action, to review and maintain approval authority of any Site Development Plan; or
 - ii. The City Council, if the Council specifically has reserved the right, through prior action, to review and maintain approval authority of any Site Development Plan, or if a member of the City Council requests a review pursuant to this Section.
2. In approving a Site Development Plan, the Director, or if applicable, the Planning Commission or City Council, may impose conditions deemed necessary to ensure the orderly development of the site.

D. Design Standards

All required Site Development Plans shall meet or exceed the minimum standards established in this Title. In addition, the City may adopt policy documents as a resource for acceptable standards and design solutions. To the extent that such documents establish minimum requirements and standards and are formally adopted by the City Council, Site Development Plans must comply with those documents.

E. Criteria for Review of Site Development Plans

The review of Site Development Plans is intended to ensure that:

1. The proposed development is compatible with adjacent development and development in the area;
2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;
4. Building and landscape materials are appropriate for the area and for the City;
5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

F. Minor Review of Site Development Plans

1. **Minor Review Decisions.** Site Development Plans requiring Minor Reviews may be approved administratively by the Director. Minor Reviews include without limitation:
 - a. Alterations which affect the external dimensions of an existing building or structure that complies with all applicable requirements of this Title and with any previous conditions or discretionary approval.
 - b. New commercial or industrial construction of five thousand square feet or less that complies with all applicable requirements of this Title.
 - c. New residential construction consisting of no more than four dwelling units that complies with all applicable requirements of this Title and is not part of a sequential application for additional units.



2. **Minor Review Process.** A Minor Development Review is initiated by the submission of a Site Development Plan Review application or an application for a Building Permit. If submitted as part of a Building Permit application, issuance of the Building Permit shall constitute approval of the Minor Review and no further action is required.
3. **Review by City Council.** The administrative approval of a Site Development Plan pursuant to this Section (F) shall be final action unless, within 10 days following the approval, a member of the City Council files with the Director a written request for the Council to review the approval. In the event such a request is filed, the Site Development Plan shall be subject to the Major Development Review Process set forth in Subsection (G) of this Section.

G. Major Review of Site Development Plans

1. **Major Review.** A Major Review of a Site Development Plan is required if:
 - a. The Planning Commission or City Council, through prior action, has determined that the proposed project or improvement shall be processed as a Major Review;
 - b. The proposed development contains a building which is four stories or greater in height; or
 - c. The Director determines that the proposed development could significantly impact the land uses on the site or on surrounding properties.
2. **Major Review Process**
 - a. **Application.** A pre-application conference pursuant to LVMC 19.16.010(B)(3) is required prior to submitting an application for a Major Development Review. A Site Development Plan requiring a Major Development Review shall be filed with the Department. The application shall be signed and notarized:
 - i. By the owner of the property, where the development is to be undertaken by the owner or the owner's authorized agent; or
 - ii. By a prospective purchaser of the property, where the property is owned by the State of Nevada or the United States of America and the prospective purchaser has:

- A) Entered into a contract with the governmental entity to obtain ownership of the property;
- B) Provided to the Department a letter from the governmental entity indicating that it consents to the filing of the application and agrees to be bound by the application; or

- iii. Provided to the Department a letter from the governmental entity indicating that it has no objection to the filing of the application.

In the case of an application that is supported by a letter of no objection under Subparagraph (a)(ii)(C) of this Paragraph (2), the applicant shall acknowledge in writing by means of a form provided by the Department or in a form acceptable to the City Attorney, that the processing of the application is done as an accommodation only; that the application, the results thereof, and any entitlements related thereto are dependent upon the applicant's obtaining an enforceable contractual interest in the property; and that the applicant assumes the risk of proceeding without any assurance that approval of the application will lead to an ability to implement the approval.

b. Drawings and Plans Required.

- i. Plans describing the proposed development of the property shall be submitted as required by the Director. Complete working drawings are not necessary; however, proposed structures (including building elevations), streets, driveways and access points, sight visibility restriction zones (as described in LVMC 19.04.180), on-site circulation and parking, walls, landscaping, building materials, dumpster locations and other improvements must be shown. Preliminary drawings must contain sufficient information to permit the determination of compliance with good planning practices, applicable standards and ordinances. Floor plans are not normally required.
- ii. For any proposed site development plan which would be expected to generate over 100 peak hour vehicle trips, a Traffic Impact Analysis shall be submitted. The estimated peak hour vehicle trips should be made in accordance with the most recent editions



of Trip Generation and Trip Generation Handbook, as published by the Institute of Transportation Engineers (ITE).

- iii. For any development site where 20% or more of the aggregate site has a slope of natural grade above 4%, a cross section must be submitted. Each cross section must extend a minimum of 100 feet beyond the limits of the project at each property line, showing the location and finish floor elevations of adjacent structures; the maximum grade differentials; and the elevations of existing and proposed conditions.

c. **Circulation to Departments.** After an application has been determined complete, it shall be forwarded to interested City Departments for their respective comments, recommendations and requirements.

d. **Planning Commission Notice and Hearing.** After interested City Departments have had the opportunity for comment and the Department has conducted its review, each application for Major Review shall be presented to the Planning Commission. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by:

- i. Publishing the notice in a newspaper of general circulation within the City;
- ii. Mailing a copy of the notice to:
 - A) The applicant;
 - B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;
 - C) Each tenant of any mobile home park that is located within one thousand feet of the property described in the application;
 - D) The owner of each of the thirty separately-owner parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (d);

E) Any advisory board which has been established for the affected area by the City Council; and

F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

e. **Planning Commission Decision.** In making its final decision, the Planning Commission shall consider the recommendation of the City Departments, the evidence presented at the hearing and the criteria set forth in Section (F) of this subchapter. The Planning Commission may approve, approve with conditions, or deny an application for a Major Review. All actions by the Planning Commission are final unless:

- i. An appeal is filed by the applicant in accordance with Paragraph (f) below;
- ii. Otherwise required by prior action of the City Council; or
- iii. In the case of Planning Commission approval, a member of the City Council files with the City Clerk, within 10 days following the approval, a written request for the Council to review the approval.

f. **Appeal of Planning Commission Action.** If the applicant is aggrieved by the Planning Commission's denial of an application, or by any condition imposed upon an approval, the applicant may appeal the decision to the City Council by written request. In the case of an approval, an appeal may be filed by any property owner within the area of notification for the Planning Commission hearing, as well as by anyone who appeared, either in person, through an authorized representative or in writing, before the Planning Commission regarding the application. Any appeal must be filed in the Office of the City Clerk within ten days after the Planning Commission's action. Pursuant to LVMC 19.16.010(C), the City Council may establish one or more fees to be paid in connection with the filing of an appeal under this Subparagraph (f), and the amount of any fee so established shall be as set forth in the Fee Schedule.

g. **City Council Notice and Hearing.** All Major Reviews requiring review by the City Council



shall be forwarded to the Office of the City Clerk and shall be placed on the next available City Council agenda for hearing. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in case of properties whose ownership has changed in the interim.

- h. City Council Decision.** In making its final decision, the City Council shall consider the recommendation of the City Departments and the Planning Commission, the evidence presented at the hearing and the criteria set forth in Section (F) of this subchapter. The City Council may approve, approve with conditions, or deny an application for a Major Review. All actions by the City Council are final. Written notice of the decision shall be provided to the applicant, agent or both. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

H. Amendment to an Approved Site Development Plan

After a Site Development Plan has been approved, any request to amend the approved Plan shall be submitted to the Department. Upon receipt of an amendment request, the Director shall determine if the amendment is a minor or major change.

- 1. Minor Amendment.** Minor relocation or reorientation of buildings, lot lines and/or easements, relocation of internal access and circulation; relocation or rearrangement of parking areas, reduction of established square footage and/or density limitations, and increase of landscape or building setbacks are considered minor amendments and may be approved administratively. However, the Director has no authority to approve any:
 - a.** Alteration in the basic relationship of the proposed development to adjacent property;
 - b.** Change necessitating a waiver or variance of development standards set forth in this Title;
 - c.** Increase in the maximum density, floor area, or height by more than ten percent;
 - d.** Material decrease in the amount of off-street parking, unless the amount of parking remains

sufficient and conforms to the requirements of this Title;

- e.** Reduction in the minimum yards or setbacks by more than 10 percent;
- f.** Material change in the characteristics of the elevational drawings so as to alter the basic design quality and character of the proposed development; or
- g.** Other material change that is not necessitated by the minimum requirements adopted under the authority of Title 6, LVMC Chapter 20.10 or the Uniform Standard Drawings, as adopted by the City.

- 2. Major Amendment.** Any amendment which does not qualify as a Minor Amendment shall be deemed to be considered a Major Amendment and shall be processed in the same manner as a new Site Development Plan application.

I. Revocation or Modification

- 1. Notice.** The authority responsible for the final approval of a Site Development Plan may hold a hearing to revoke or modify an approved Site Development Plan. In cases where the Director was the approval authority, the Director may issue a written notice of hearing concerning a possible revocation or modification of the Plan, or may refer the item to the Planning Commission. At least ten days prior to any hearing, written notice of the hearing shall be delivered to the owner, developer, or both. Notice may be delivered in person or by certified mail, return receipt requested, to the address shown in the records of the Clark County Assessor.
- 2. Grounds.** A Site Development Plan approval may be revoked or modified by the reviewing authority for cause, including a finding of one or more of the following:
 - a.** That the Site Development Plan approval was obtained by misrepresentation or fraud;
 - b.** That the development is not in compliance with one or more of the conditions of approval;
 - c.** That the development is in violation of any State or local law, ordinance or regulation.
- 3. Notice of Decision.** Written notice of the decision shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City



Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

J. Expiration

A Site Development Plan which is not exercised within the approval period shall be void, unless an extension of time is granted upon a showing of good cause. An extension of time may be granted only if application therefor is made prior to the expiration of the approval period. For purposes of this Subsection (J):

1. The "approval period" for a Site Development Plan is the time period specified in the approval, if one is specified, and is two years otherwise.
2. A Site Development Plan is exercised upon the issuance of a building permit for the principal structure on the site or, in the case of a residential subdivision, upon the recordation of a final subdivision map.



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SPECIAL USE PERMIT

A. Purpose

The purpose of the subchapter is to establish a Special Use Permit process to ensure that a proposed use is conducted in a manner that is harmonious and compatible with uses located on the same or surrounding properties. The process recognizes that, within a given zoning district, certain uses may be appropriate and compatible in some locations but not in others. The Special Use Permit process allows a site-specific inquiry into the compatibility of a proposed use at a particular location, taking into account: the characteristics of the site and the surroundings; the relevant zoning and planning principles; and the input of the Planning Commission, City Council and other interested parties.

B. Authority

Except as otherwise provided in this Subsection (B), the Planning Commission shall have the authority to approve, approve with conditions, or deny an application for a Special Use Permit, and the decision of the Planning Commission is final. If the decision of the Planning Commission is appealed or forwarded to the City Council in accordance with this Section 19.16.110, the City Council may affirm, modify or reverse the decision of the Planning Commission. The decision of the City Council is final for purposes of judicial review.

C. Application

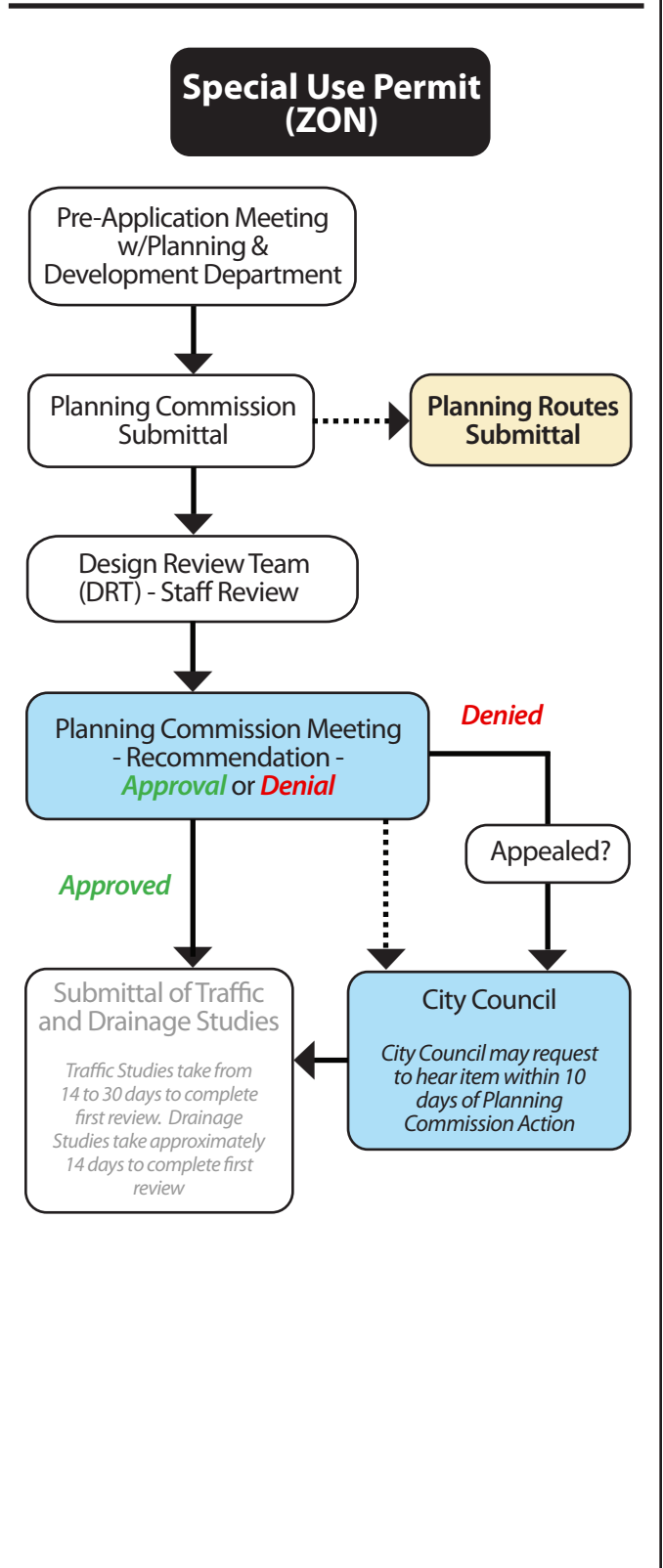
A pre-application conference shall be required prior to the submittal of any application for a Special Use Permit. An application for a Special Use Permit shall be made on a form to be provided by the Department. The application shall be filed with the Secretary of the Planning Commission at the office of the Department. The application shall be signed, notarized and acknowledged by the record owner of the property for which the Special Use Permit is sought, provided however, that:

1. **Other Governmental Ownership.** With respect to property which is owned by the State of Nevada or the United States of America, a Special Use Permit application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has entered into a contract with the governmental entity to obtain ownership of the property;
2. **Non-Owner Applicant.** A Special Use Permit application is sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property for which a Special Use

Typical Review Process

Special Use Permit

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Permit is sought. However, interest in that property must exist in a written agreement with the owner of record attached to which is a copy of the Special Use Permit application and, in which, the owner of record has authorized the lessee, contract purchaser or optionee to sign the application. The agreement must further stipulate that the owner of record consents to the filing and processing of the application and agrees to honor and be bound by the requested Special Use Permit if it is approved and by any conditions of approval attached thereto.

3. **SUP for Gaming.** Applications for a Special Use Permit to allow gaming pursuant to the requirements of LVMC 6.40.140 (C) and LVMC 6.40.150 (E) may be signed and acknowledged by a lessee of the premises; provided however, that a lessee/applicant must provide copies of lease agreements to show that there are no prohibitions therein to conducting gaming operations on the leased premises. The application need only be accompanied by the applicable lease documents, the floor plan location of the slot machines and the requisite fee.

D. Successive Applications

1. **Previous SUP Application.** An application for a Special Use Permit, of which all or any part of a previous application for the same use, a similar use or a less restrictive use has been denied, or of which a previous application has been withdrawn subsequent to the noticing of a public hearing thereon, shall not be accepted until the following periods will have elapsed between the date of the denial or withdrawal and the date of the meeting for which the proposed application would be scheduled in the normal course:
 - a. After the first denial or any withdrawal after public notice has been given – one year.
 - b. After the second or subsequent denial or withdrawal after public notice has been given – two years.
2. **Previous Similar Application.** An application for a Special Use Permit concerning all or any part of a previous application for a Variance or Rezoning for the same use, a similar use or a less restrictive use which has been denied, or concerning a previous application which has been withdrawn subsequent to the noticing of a public hearing, shall not be accepted until the periods described in Subsection 1 have elapsed.

3. **Withdrawal Without Prejudice.** The time periods that are described in Subsections 1 and 2 above, and that otherwise would become effective because of the withdrawal of an application, shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Planning Commission or the City Council specifically approves the withdrawal without prejudice.

E. Required Drawings Plans and Other Submittals

1. **General.** A Site Development Plan and a floor plan of the site which is the subject of the Special Use Permit application shall be submitted concurrently with any application for a Special Use Permit. Guidelines for the preparation of the site plan, floor plans and building elevations are available in the Department. Complete working drawings are not necessary; however, proposed improvements, streets, landscape areas and similar items must be shown. Preliminary drawings must contain sufficient information to permit the determination of compliance with good planning practices, applicable standards and ordinances.
2. **Non-stealth Design Wireless Communication Facility.** In addition to the information required by Subsection (1) of this Section, the applicant for a Special Use Permit for a non-stealth design wireless communication facility shall provide the Department with the following:
 - a. An inventory of all of the communication providers (or antenna tower owners if the providers are not yet known) for existing antenna towers that are within the City and within 1500 feet of the border thereof, including specific information about the location, height and design of each such tower. This information is required with the first Special Use Permit application, but may be waived (in conjunction with subsequent applications) at the discretion of the Director if the applicant provides a written statement indicating that no new antenna towers have been constructed since the initial application.
 - b. A map of all existing communication towers, buildings, utility poles or other structures over 60 feet in height within 1000 feet of the proposed tower; and
 - c. A photo simulation which identifies the potential visual impacts of the antenna tower, especially from public areas and residences. This requirement may be waived if the Director



determines that the visual impacts would be minimal.

- d. Assurance that the antenna planned for the proposed antenna tower cannot be accommodated as a stealth design wireless communication facility, or on an existing or approved tower, building or other structure within 1000 feet of the proposed location based on the communications grid established or to be established by the communication provider(s). Reasons which may support a finding that a proposed antenna cannot be accommodated as a stealth design wireless communication facility, or on an existing or approved tower, building or other structure include:
 - i. That the Director has determined that co-location on an existing or approved tower, building or other structure would be unsightly;
 - ii. That the owner of the existing tower, building or structure is unwilling to agree to co-location or to provide adequate space on the property for the equipment necessary to support communication antennas;
 - iii. That the structural capacity for the antenna on the existing tower, building or other structure would be inadequate;
 - iv. That the new antenna would interfere with existing or other planned equipment on the existing or approved tower, building or other structure;
 - v. That the existing or approved towers, buildings or other structures in the area are not high enough support the antenna; and
 - vi. That it is commercially impracticable or technically unfeasible to locate on the existing tower, building or other structure for other reasons. To substantiate these reasons, the applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers, buildings or other structures are not available for use in the area where the antenna is to be located.
- e. In the case of the proposed tower greater than 60 feet in height, a description of the applicant's efforts to design for and accommodate facilities for other communication providers.

3. Amphitheater. In addition to the information required by Subsection (1) of this Section, the applicant for a Special Use Permit for an amphitheater shall provide the Department with the following:

- a. A sound study that addresses how noise levels will be attenuated so as not to exceed the ambient noise levels adjacent to and beyond the subject site.
- b. An engineering and traffic study that addresses, as applicable, each of the following elements as they pertain to traffic movement and to stopping, standing and parking restrictions:
 - i. Accident analysis.
 - ii. Capacity analysis.
 - iii. Geometric review, including roadway width.
 - iv. Parking measurements, including parking angle and parking maneuvering area.
 - v. Pedestrian volume within parking and maneuvering area.
 - vi. Sight distance, including corner sight distance.
 - vii. Speed data, including speed limit.
 - viii. Traffic volumes, including peak-hour volume.

F. Request for Abeyance

Any applicant who wishes to have an application held in abeyance following the notice and posting of the agenda of the Planning Commission or the City Council shall state good cause for the request. Good cause shall be more than mere inconvenience to the applicant or lack of preparation.

G. Planning Commission Public Hearing and Action

- 1. Hearing.** The Planning Commission shall hold a public hearing on each application for a Special Use Permit within 65 days after the application is properly filed.
- 2. Notice**
 - a. **Notice Provided.** Notice of the time, place and purpose of the hearing must be given at least



10 days before the hearing by:

- i. Publishing the notice in a newspaper of general circulation within the City;
- ii. Mailing a copy of the notice to:
 - A) The applicant;
 - B) Each owner of real property located within a minimum of one thousand feet of the property described in the application, or in the case of an application to authorize the sale of alcoholic beverages, a minimum of one thousand five hundred (1500) feet;
 - C) Each tenant of any mobile home park that is located within one thousand feet of the property described in the application, or in the case of an application to authorize the sale of alcoholic beverages, a minimum of one thousand five hundred (1500) feet;
 - D) The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph 2;
 - E) Any advisory board which has been established for the affected area by the City Council; and
 - F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.
- b. **Names Provided.** The Department shall provide at the request of the applicant, the name and address of any person notified pursuant to Subparagraph (F) above.
- c. **Additional Notice.** The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least ten days before the date of the hearing.

d. **Signs.** Notification signs shall be posted in conformance with 19.16.010 (D) and NRS Chapter 278.

3. **Hearing.** The Planning Commission shall conduct a public hearing on the application. In its discretion and for good cause, the Planning Commission may hold the application in abeyance for further study. However, subject to the provisions of State law, the Commission may not grant to an applicant more than two continuances on the same matter, unless the Commission determines, upon good cause shown, that the granting of additional continuances is warranted. Following the hearing or hearings, the Planning Commission shall approve, approve with conditions, or deny the application for a Special Use Permit. The decision shall be based upon the recommendation of City departments and other evidence that makes the grant or denial of the Special Use Permit appropriate under Subsection (L) of this Section.

4. **Conditions of Approval.** In connection with the approval of a Special Use Permit, the Planning Commission may impose any conditions, restrictions or limitations as the Commission may determine to be necessary to meet to the general purpose and intent of this Title and to ensure that the public health, safety and welfare are being maintained.

5. **Notice of Planning Commission Decision.** The Planning Commission shall provide written notice of its decision, which shall include the reasons for the decision,, and if the decision is to approve the Special Use Permit, any modifications, conditions or limitations that the Planning Commission may impose. The notice shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

H. Precedents

The fact that a Special Use Permit for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

I. Burden of Proof

The applicant bears the burden of proof to establish that the approval of a Special Use Permit is warranted.



J. Appeals and City Council Review

1. Appeal and Requests for Review. Except as otherwise provided in Paragraph (2) below, a decision by the Planning Commission becomes final and effective at the expiration of ten days after the date of the decision unless, within that period, a written appeal or written request to review is filed in the office of the City Clerk. An appeal may be filed by the applicant and, with respect to an approval, by any property owner within the area of notification for the Planning Commission hearing, as well as by anyone who appeared, either in person, through an authorized representative or in writing, before the Planning Commission regarding the application. Pursuant to LVMC 19.16.010(C), the City Council may establish one or more fees to be paid in connection with the filing of an appeal under this Subparagraph (f), and the amount of any fee so established shall be as set forth in the Fee Schedule. A request to review may be filed by a member of the City Council.

2. Applications Automatically Forwarded to City Council. Special Use Permit applications of the following types, whether approved or denied by the Planning Commission, shall be forwarded automatically to the City Council for final decision:

- a. A Special Use Permit application that is required to be heard by the City Council by virtue of prior Council action;
- b. A Special Use Permit application that is related to and was filed in connection with an application for any of the following:
 - i. A General Plan Amendment;
 - ii. A Rezoning; or
 - iii. A Site Development Plan Review that, pursuant to Section 19.16.100(G) requires final action by the City Council.

K. City Council Public Hearing

1. Notice and Hearing. The City Council shall conduct a public hearing on all Special Use Permit applications which are appealed or are forwarded to the Council for final action. The City Clerk is authorized to consolidate all appeals or requests for review that have been filed regarding a particular application, or to schedule them in sequence or otherwise, in which case the City Council may hear the items separately or consolidate them for purposes of hearing, as the Council deems

appropriate. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in case of properties whose ownership has changed in the interim.

2. City Council Decision. In considering whether to affirm, modify or reverse the decision of the Planning Commission, the City Council shall consider the decision of the Planning Commission and the evidence presented at the public hearing, and shall be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020. Action by the City Council is final for purposes of judicial review. In the case of an appeal, the City Council:

- a. May not grant to an aggrieved person more than two continuances on the same matter, unless the Council determines, upon good cause shown, that the granting of additional continuances is warranted; and
- b. Must render its decision within forty-five days, unless otherwise agreed to by the person filing the appeal.

3. Notice of City Council Decision. The City Council shall provide written notice of its decision, which shall include the reasons for the decision and if the decision is to approve the Special Use Permit, any modifications, conditions or limitations that the City Council may impose. The notice shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

L. Special Use Permit - Determinations

- 1.** In order to approve a proposed Special Use Permit application, the Planning Commission or City Council must determine that:
 - a. The proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan;
 - b. The subject site is physically suitable for the type and intensity of land use being proposed;
 - c. Street or highway facilities providing access to the property are or will be adequate in size to



meet the requirements of the proposed use; and

- d. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.
2. In order to approve a Special Use Permit application for a non-stealth design wireless communication facility, the Planning Commission or City Council must determine, based upon satisfactory evidence, that:
- a. Within an area designated as a Historic Preservation District, the proposed facility has first been reviewed by the Historic Preservation Commission.
 - b. The antenna planned for the proposed facility cannot be accommodated as part of a stealth design communication facility, or on an existing or approved tower, building or other structure, within 1000 feet of the proposed location based on the communications grid established or to be established by the communication provider.

Reasons which may support such a determination include:

- i. That the co-location on an existing or approved tower, building or other structure would be unsightly;
- ii. That the owner of the existing tower, building or structure is unwilling to agree to co-location or to provide adequate space on the property for the equipment necessary to support communication antennas;
- iii. That the structural capacity for the antenna on the existing tower, building or other structure would be inadequate;
- iv. That the new antenna would interfere with existing or other planned equipment on the existing or approved tower, building or other structure;
- v. That the existing or approved towers, buildings or other structures in the area are not high enough to support the antenna; and

vi. That it is commercially impracticable or technically unfeasible to locate on the existing tower, building or other structure for other reasons.

- c. In the case of a proposed tower greater than 60 feet in height, the applicant has made satisfactory efforts to design for an accommodate facilities for other communication providers.

M. Amendments to an Approved Special Use Permit

Any request to amend or modify an approved Special Use Permit shall be submitted to the Department. Upon receipt of such a request, the Director shall determine if the request constitutes a minor amendment or a major amendment. Minor amendments may be approved administratively. A major amendment requires approval by the Planning Commission or City Council, whichever body took final action to approve the Special Use Permit. Minor and major amendments are categorized as follows:

- 1. **Minor Amendments.** An amendment qualifies as a minor amendment if it meets either of the following criteria and does not require the waiver of any minimum Special Use Permit requirement or the increase or expansion of such a waiver that was allowed previously:
 - a. A reduction or expansion of the use allowed by the Special Use Permit that represents less than fifty percent of the square footage of the original approval.
 - b. A relocation of the use on the same legal parcel as the original approval where any reduction or expansion of the use qualifies under Subparagraph (a) above.
- 2. **Major Amendment.** A major amendment includes any change which does not qualify as a minor amendment.

N. Premature Use of Property

The issuance of a building permit or business license for a use that requires a Special Use Permit, before Special Use Permit is approved, does not replace or otherwise affect the Special Use Permit requirement.

O. Revocation

- 1. **Notice.** A Special Use Permit may be revoked or modified by the Planning Commission or the City Council, whichever body took final action to



approve the Special Use Permit. Such action must be preceded by a hearing, written notice of which must be delivered to the owner, developer, or both at least ten days before the hearing. Notice may be delivered in person or by certified mail, return receipt requested, mailed to the address shown in the records of the Clark County Assessor.

2. Findings. A Special Use Permit may be revoked or modified for cause, including a finding of one or more of the following:

- a. That the Special Use Permit was obtained by misrepresentation or fraud;
- b. That conditions have changed and the use or development is no longer compatible with surrounding land uses or the General Plan;
- c. That the use or development is not in compliance with one or more of the conditions of approval;
- d. That the use permitted by the Special Use Permit is in violation of any statute, ordinance, law or regulation.

3. Notice of Decision. Written notice of a decision regarding the revocation or modification of a Special Use Permit shall be provided to the owner, developer or agent.

4. Appeal. In the case of a decision by the Planning Commission to revoke or modify a Special Use Permit that was approved as final action by the Commission, the appeal provisions of Subsection (J) and (K) of this Section shall apply.

P. Termination

1. Expiration for Failure to Exercise

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

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

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

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

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

- ii. A Special Use Permit is exercised upon the approval of a business license to conduct the activity, if one is required, or otherwise, upon the issuance of a no-work certificate of occupancy (where no structural work is required) or the approval for tenant improvements.

2. Cessation of Use. A Special Use Permit shall be void without further action if:

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



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ADMINISTRATIVE DEVIATION

A. Purpose

The purpose this subchapter is to establish a procedure (entitled an Administrative Deviation) to allow for minor adjustments of specific requirements of this Title where, because of special and unique conditions applicable to a specific lot or structure, the literal enforcement of the requirements as applied to the lot or structure would result in an unnecessary hardship. The Administrative Deviation procedure is available as an alternative to the Variance procedure, to be pursued at the option of the applicant. If an application for Administrative Deviation is denied, the Variance procedure must be followed in order for the applicant to obtain the relief sought.

B. Authority

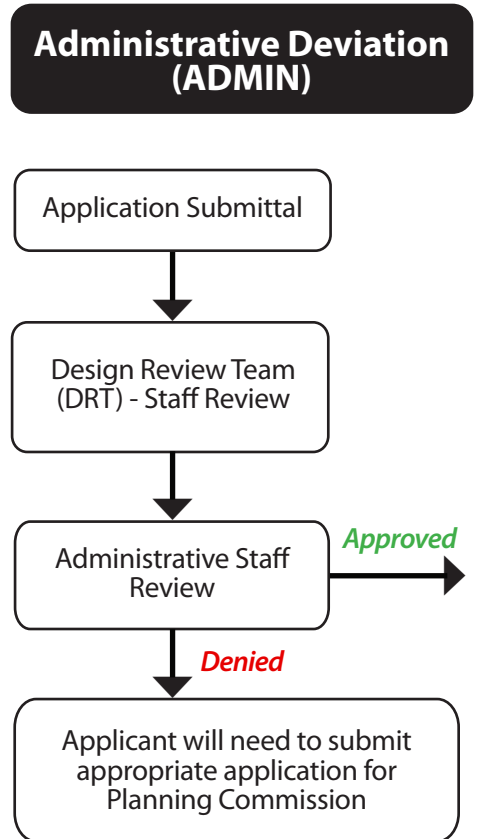
The Director shall have the authority to grant an Administrative Deviation, in accordance with the provisions of this Subchapter, to allow a deviation of up to ten percent regarding the following:

1. Front, rear and side yard building setbacks;
2. Wall heights;
3. Accessory structure setbacks and heights;
4. Planting areas and materials; and
5. Loading and stacking spaces.

C. Eligibility to Apply

1. No application for an Administrative Deviation regarding a building setback may be submitted unless:
 - a. In the case of a required side or rear setback of ten feet or less, the requested deviation will not exceed ten percent of the required setback, and construction within the reduced setback will not extend more than 15 feet parallel to the property line from which the setback is measured;
 - b. In the case of required side or rear yard setback of greater than ten feet or a required front yard setback of greater than ten feet (exclusive of front-loading garages), the requested deviation will not exceed ten percent of the required setback, and construction within the reduced setback will not extend more than 15 feet parallel to the property line from which the

Administrative Deviation Typical Review Process 19.16.120



setback is measured; and

- c. The requested deviation is for a structure that will not exceed the greater of one story or 15 feet in height.
2. No application for an Administrative Deviation may be submitted regarding the height of an accessory structure unless the requested height does not exceed 1.2 times the height of the main dwelling and does not exceed the allowable building height for the zoning district in which the property is located.

D. Application

1. An application for an Administrative Deviation shall be made to the Director on a form provided by the Department. The application shall be filed with the office of the Department.
2. The application shall be signed, notarized and acknowledged by the record owner of the property for which the Administrative Deviation is sought.

E. Decision

Within 30 days after a complete application for Administrative Deviation has been filed and accepted, the Director shall make a decision to approve, approve with conditions or deny the application.

F. Administrative Deviation Determinations

In order to approve an Administrative Deviation, the Director must determine that:

1. The request does not exceed the prescribed limitations of Section (C);
2. Granting the Administrative Deviation will not be inconsistent with the spirit and intent of the General Plan;
3. The request is not intended to be combined with a previous or future Variance request in order to achieve a deviation that would not likely be granted by means of Variance alone; and
4. That one or more of the following conditions exist:
 - a. There are special circumstances applicable to the property, such as size, shape, topography, location or surroundings and that the strict application of the Code requirement deprives the property of privileges enjoyed by other property in the vicinity and under the identical

land use district classification;

- b. Granting the Administrative Deviation is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same vicinity and land use district and is denied to the property for which the Administrative Deviation is sought;
- c. The Administrative Deviation will not be materially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located; or
- d. Granting the Administrative Deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the property is located.

G. Conditions

In connection with the approval of an Administrative Deviation, the Director may impose any conditions, restrictions or limitations as the Director determines to be necessary to meet the general purpose and intent of this Title and to ensure that the public health, safety and general welfare are being maintained.

H. Notice of Decision

The Director shall provide written notice of his or her decision, which shall include the reasons for the decision and, if the decision is to approve the Administrative Deviation, any modifications, conditions or limitations that the Director may impose. The notice shall be provided to the owner or the owner's agent.

I. Precedents

The fact that an Administrative Deviation for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

J. Burden of Proof

The applicant bears the burden of proof to establish that the approval of an Administrative Deviation is warranted.

K. Premature Use of Property

The issuance of a building permit or business license for



a development or structure that cannot be permitted without an Administrative Deviation, before an Administrative Deviation is approved, does not replace or otherwise affect the Administrative Deviation requirement.

L. Revocation

1. **Notice.** The Director may hold a hearing to revoke or modify an Administrative Deviation. At least 10 days prior to any hearing, written notice of the hearing shall be delivered to the owner or developer, or both. Notice may be delivered in person or certified mail, return receipt requested, mailed to the address shown in the records of the Clark County Assessor.
2. **Grounds.** An Administrative Deviation may be revoked or modified for cause, including a finding of one or more of the following:
 - a. That the Administrative Deviation was obtained by misrepresentation or fraud;
 - b. That the development or structure is not in compliance with one or more of the conditions of approval;
 - c. That the development or structure permitted by the Administrative Deviation is in violation of any statute, ordinance, law or regulation.
3. **Notice of Decision.** Written notice of the decision shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.





19.16.130

WAIVER

A. Purpose

The purpose this subchapter is to establish a procedure to allow for modifications of specific requirements of this Title where, the applicant can show through convincing and substantial evidence that the modification will not compromise the objective of the City in safeguarding the interests of the citizens of the City, the proposal will substantially meet the intent of the standard, and the granting of the modification will not detrimentally affect the public health, safety or general welfare. The Waiver procedure may be granted in connection with the approval of a Site Development Plan Review or Special Use Permit, or as a stand-alone item. .

B. Authority

Except as otherwise provided in this subsection (B), the Planning Commission shall have the authority to approve, approve with conditions, or deny an application for a Waiver, and the decision of the Planning Commission is final. If the decision of the Planning Commission is appealed or forwarded to the City Council in accordance with this Section 19.16.XXX, the City Council may affirm, modify or reverse the decision of the Planning Commission. The decision of the City Council is final for purposes of judicial review.

C. Application

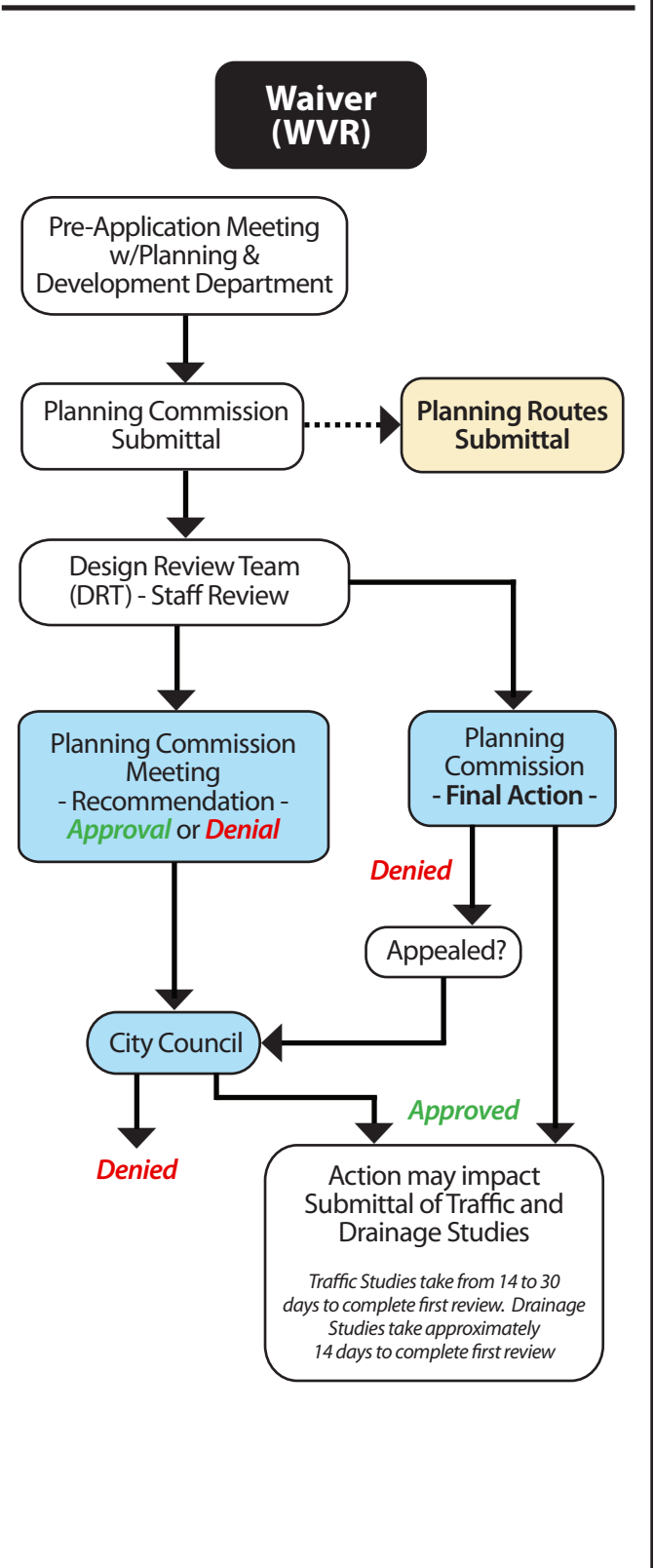
The applicant for a Waiver shall schedule and hold a pre-application conference with the Department prior to the submittal of an application. An application for a Waiver shall be filed with the Department in connection with a Site Development Plan Review or Special Use Permit, or as a stand-alone item on a form to be provided by the Department. If submitted in connection with a Site Development Plan Review or Special Use Permit, the Waiver should be requested by submitting a letter to the Director indicating the nature of the Waiver sought and stating why it should be granted. If submitted as a stand-alone item, the application shall be signed and acknowledged by the owner of record of the property for which the Waiver is sought, and shall be notarized as to the owner's signature. Waivers submitted in connection with a Special Use Permit shall follow the application requirements of Section 19.16.XXX(C).

D. Decision

The Planning Commission or City Council, as the case may be, may approve, approve with conditions or deny an application for Waiver. The decision is final, subject to the right of appeal available under State law.

Typical Review Process

Waiver 19.16.130



E. Waiver Determinations

In order to approve an Administrative Deviation, the following shall be determined:

1. The request does not exceed the prescribed limitations of Section (C);
2. Granting the Waiver will not be inconsistent with the spirit and intent of the General Plan;
3. That one or more of the following conditions exist:
 - a. There are special circumstances applicable to the property, such as size, shape, topography, location or surroundings and that the strict application of the Code requirement deprives the property of privileges enjoyed by other property in the vicinity and under the identical land use district classification;
 - b. Granting the Waiver is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same vicinity and land use district and is denied to the property for which the Waiver is sought;
 - c. The Waiver will not be materially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located; or
 - d. Granting the Waiver does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the property is located.

F. Notice of Decision

Written notice of the decision by the Planning Commission or City Council, as the case may be, including the reasons therefor, shall be provided to the applicant or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

G. Precedents

The fact that a Waiver for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

H. Burden of Proof

The applicant bears the burden of proof to establish that the approval of a Waiver is warranted.

I. Premature Use of Property

The issuance of a building permit or business license for a development or structure that cannot be permitted without a Waiver, before a Waiver is approved, does not replace or otherwise affect the Waiver requirement.



19.16.140

VARIANCE

A. Purpose

The purpose this subchapter is to establish a procedure to allow for an adjustment of certain specific requirements of this Title, as permitted by State law.

B. Scope and Limitations

Pursuant to NRS Chapter 278 and this subchapter, the Planning Commission and the City Council have the authority to act upon Variance applications as set forth in this subchapter and as they deem appropriate. Variance applications shall initially be heard by the Planning Commission. Where a Variance application is proposed in connection with another application to be heard by the Planning Commission, including an application for Special Use Permit, an application for Rezoning, or an Application for Site Development Plan Review, the Variance application shall be considered by the Planning Commission, as a separate application, in conjunction with the associated application. A Variance:

1. Is not available to permit a use in a zoning district in which the use is not allowed, or to vary any minimum spacing requirement between uses: and
2. Shall not be granted in order to relieve a hardship which is solely personal, self-created or financial in nature.

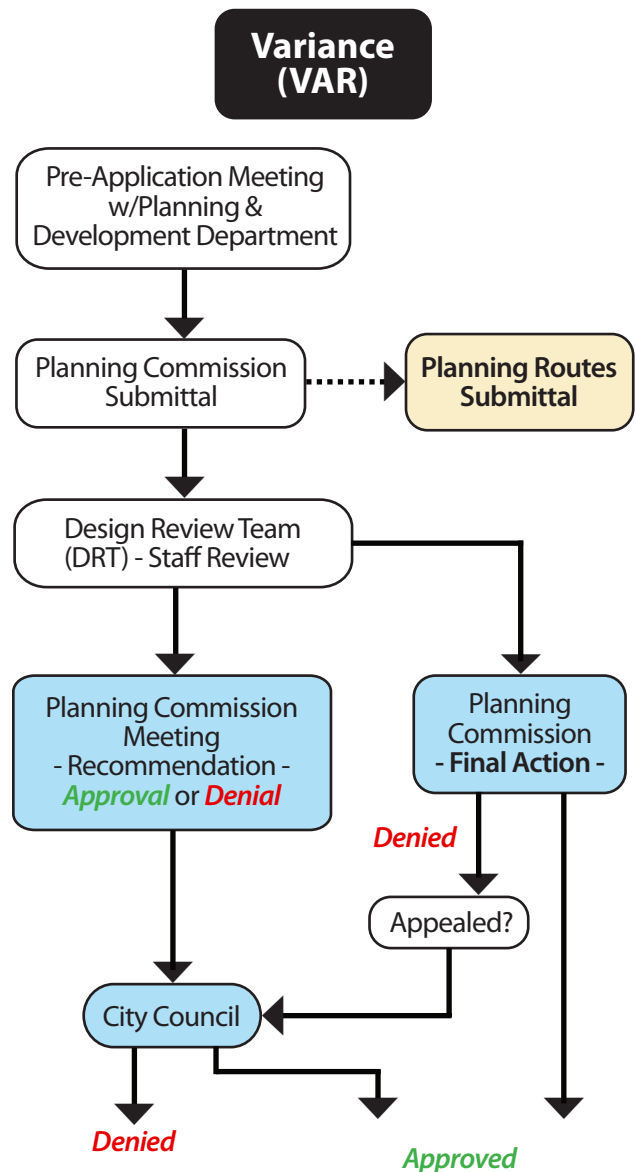
C. Application

An application for a Variance shall be made on a form provided by the Department. This application shall be filed at the office of the Department. The application shall be signed, notarized and acknowledged by the owner of record of the property for which the Variance is sought; provided however, that:

1. **Other Governmental Ownership.** With respect to property which is owned by the State of Nevada or the United States of America, a Variance application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has entered into a contract with the governmental entity to obtain ownership of the property;
2. **Non-Owner Applicant.** A Variance application is sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property for which a Variance is sought. However, interest in that property must exist in a written agreement with the owner of record attached to which is a copy of the Variance application and

Typical Review Process

Variance 19.16.140



in which the owner of record has authorized the lessee, contract purchaser or optionee to sign the application. The agreement must further stipulate that the owner of record consents to the filing and processing of the application and agrees to honor and be bound by the requested Variance if it is approved and by any conditions of approval attached thereto.

D. Successive Applications

1. Previous Variance Application. An application for a Variance on property concerning all or any part of a previous application for the same use, a similar use or a less restrictive use which has been denied, or concerning a previous application which has been withdrawn subsequent to the noticing of a public hearing, shall not be accepted until the following periods will have elapsed between the date of the denial or withdrawal and the date of the meeting for which the proposed application would be scheduled in the normal course:

- a. After the first denial or any withdrawal after public notice has been given – one year.
- b. After the second or subsequent denial or withdrawal after public notice has been given - two years.

2. Previous Similar Application. An application for a Variance concerning all or any part of a previous application for a Special Use Permit or Rezoning for the same use, a similar use or a less restrictive use which has been denied, or concerning a previous application which has been withdrawn subsequent to the noticing of a public hearing, shall not be accepted until the periods described in this Subsection 1 have elapsed.

3. Withdrawn Without Prejudice. The time periods that are described in Subsection 1 and 2 above, and that otherwise would become effective because of the withdrawal of an application, shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Planning Commission or the City Council specifically approves the withdrawal without prejudice.

E. Request for Abeyance

An applicant who wishes to have an application held in abeyance following the notice and posting of a hearing before the Planning Commission or the City Council shall state good cause for the request. Good cause shall be more than mere inconvenience to the applicant or lack of preparation. The Planning Commission may

not grant to an applicant, and the City Council may not grant to an aggrieved person, more than two continuances on the same matter, unless the Commission or Council determines, upon good cause shown, that the granting of additional continuances is warranted.

F. Drawings and Plans Required

Plans describing the proposed development of the property shall be submitted with the application. Guidelines for the preparation of the site development plan, floor plans and building elevations are available in the Department. Complete working drawings are not necessary; however, improvements, streets, landscape areas and similar items must be shown. Preliminary drawings must contain sufficient information to permit the determination of compliance with good planning practices, applicable standards and ordinances.

G. Public Hearing and Action

1. Hearing. The Planning Commission shall hold a public hearing upon each application for a Variance within 65 days after the application is properly filed.

2. Notice

a. **Notice Provided.** Notice of the time, place and purpose of the hearing must be given at least 10 days before the hearing by:

i) Publishing the notice in a newspaper of general circulation within the City; and

ii) Mailing a copy of the notice to:

A) The applicant;

B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;

C) Each tenant of any mobile home park that is located within one thousand feet of the property described in the application;

D) The owner of each of the 30 separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2);



E) Any advisory board which has been established for the affected area by the City Council; and

F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

b. **Names Provided.** The Department shall provide, at the request of the applicant, the name, address and phone number of any person notified pursuant to Subparagraph (F) above.

c. **Additional Notice.** The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least 10 days before the date of the hearing.

3. **Hearing.** The Planning Commission shall conduct a public hearing on the application. In its discretion and for good cause, the Planning Commission may hold the application in abeyance for further study. However, subject to the provisions of State law, the Commission may not grant to an applicant more than two continuances on the same matter, unless the Commission determines, upon good cause shown, that the granting of additional continuances is warranted. Following the hearing or hearings, the Planning Commission shall make a decision to approve, approve with conditions, or deny the Variance application. The decision shall be based upon evidence that makes the grant or denial of the Variance appropriate. The decision shall either be a final decision or a recommendation, as determined in accordance with Section 19.16.140(J).

4. **Conditions of Approval or Recommendation.** In approving or recommending the approval of a Variance, the Planning Commission may impose any conditions, restrictions or limitations as deemed necessary to meet the general purpose and intent of this Title and to ensure that the public health, safety and general welfare are being maintained.

5 **Notice of Decision.** The Planning Commission shall provide written notice of each decision on a Variance application, which shall include the reasons for the decision and, if the decision is to recommend approval of the Variance, any modifications, conditions or limitations that the Planning Commission may impose or recommend

to be imposed in connection with the approval. The notice shall be provided to the owner, developer or agent.

H. Precedents

The fact that a Variance for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

I. Burden of Proof

The applicant bears the burden of proof to establish that the approval of a Variance is warranted.

J. Appeals

1. **Denials Generally.** Except as otherwise provided in Subsection (3), a decision by the Planning Commission to deny a Variance application becomes final and effective at the expiration of 10 days after the date of the decision unless, within that period, the applicant appeals the decision by written request filed with the City Clerk. Pursuant to LVMC 19.16.010(C), City Council may establish a fee to be paid in connection with the filing of an appeal, and the amount of any fee so established shall be set forth in the fee schedule.

2. **Approvals Generally.** Except as otherwise provided in Paragraph (3), a decision by the Planning Commission to approve a Variance application becomes final and effective at the expiration of 10 days after the date of the decision unless, within that period, a member of the City Council requests that the item be reviewed by the Council, or an aggrieved person appeals the decision by written request filed with the City Clerk. For purposes of this Paragraph (2), an "aggrieved person" means any property owner within the area of notification for the Planning Commission hearing, as well as anyone who appeared, either in person, through an authorized representative or in writing, before the Planning Commission regarding the application. Pursuant to LVMC 19.16.010(C), the City Council may establish a fee to be paid in connection with the filing of an appeal, and the amount of any fee so established shall be as set forth in the fee schedule.

3. **Automatic Review by City Council.** With respect to any Variance application related to and filed in connection with an application for a General Plan Amendment; an application for rezoning; or an application for a Site Development Plan Review or Special Use Permit that requires final action by the City Council, the decision by the Planning

Commission, whether an approval or denial, constitutes a recommendation to the City Council, which shall make the final decision concerning that Variance application.

K. City Council Public Hearing and Action

1. **Notice and Hearing.** The City Council shall conduct a public hearing on any Variance application which is appealed or forwarded to the Council for final action. The City Clerk is authorized to consolidate all appeals or requests for review that have been filed regarding a particular application, or to schedule them in sequence or otherwise, in which case the City Council may hear the items separately or consolidate them for purposes of hearing, as the Council deems appropriate. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in case of properties whose ownership has changed in the interim.
2. **Penalty.** If a structure which is the subject of a Variance application has been or is being constructed without a building permit and is in violation of any of the provisions of this Title, the City Council, in granting the Variance, may impose a penalty in an amount that does not exceed 10 percent of the value of the structure as determined in accordance with the City's Administrative Code.
3. **City Council Decision.** The City Council may review the Variance application de novo, and has the authority to reverse, modify, or confirm any action of the Planning Commission. In making a decision regarding a Variance application, the City Council shall consider the decision of the Planning Commission and the evidence presented at the public hearing and shall be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020 Action by the City Council is final for purposes of judicial review. In the case of an appeal, the City Council:
 - a. May not grant to an aggrieved person more than two continuances on the same matter, unless the Council determines, upon good cause shown, that the granting of additional continuances is warranted; and
 - b. Must render its decision within forty-five days, unless otherwise agreed to by the person filing the appeal.

4. **Notice of City Council Decision.** The City Council shall provide written notice of its decision, which shall include the reasons for the decision and, if the decision is to approve the Variance, any modifications, conditions or limitations that the Council may impose. The notice shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

L. Determinations

1. In order to recommend approval of, or to approve a Variance application, the Planning Commission or City Council must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Subsection 2 below.
2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

M. Premature Use of Property

The issuance of a building permit or business license for a development or structure that requires a Variance, before a Variance is approved, does not replace or otherwise affect the Variance requirement.

N. Revocation

1. **Notice.** A Variance may be revoked or modified by the Planning Commission or the City Council, whichever body took final action to approve the Variance. Such action must be preceded by a hearing, written notice of which must be delivered to the owner, developer, or both, at least ten days prior to any hearing. Notice may be delivered in person or by certified mail, return receipt requested, mailed to the address shown in the records of the Clark County Assessor.



2. **Grounds.** A Variance may be revoked or modified for cause, including a finding of one or more of the following:
 - a. That the Variance was obtained by misrepresentation or fraud;
 - b. That the development or structure is not in compliance with one or more of the conditions of approval; or
 - c. That the development or structure permitted by the Variance is in violation of any statute, ordinance, law or regulation.
3. **Notice of Decision.** Written notice of a decision regarding the revocation or modification of a Variance shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.
4. **Appeal.** In the case of a decision by the Planning Commission to revoke or modify a Variance that was approved as final action by the Commission, the appeal provisions of Subsections (J) and (K) of this Section shall apply.

O. Termination

1. Expiration for Failure to Exercise

- a. A Variance which will require the construction of a new building and which is not exercised within the approval period shall be void, unless the applicant obtains an extension of time upon a showing of good cause. Application for an extension shall be made to the Planning Commission or City Council, whichever body took final action to approve the Variance. An extension of time may be granted only if application therefor is made prior to the expiration of the approval period. For purposes of this Subparagraph (a):
 - i. The "approval period" for a Variance is the time period specified in the approval, if one is specified, and two years, otherwise.
 - ii. A Variance is exercised upon the issuance of a building permit for the new construction.
- b. A Variance which will not require the construction of a new building and which is not exercised within the approval period shall be void, unless the applicant obtains an extension of time upon a showing of

good cause. Application for an extension shall be made to the Planning Commission or City Council, whichever body took final action to approve the Variance. An extension of time may be granted only if application therefore is made prior to the expiration of the approval period. For purposes of this Subparagraph (b), a Variance is exercised upon the approval of a business license to conduct the activity, if one is required, or otherwise, upon the issuance of a no-work certificate of occupancy (where no structural work is required) or the approval of a final inspection for tenant improvements.

2. **Cessation of Use.** A Variance to allow a use that is not permitted in a particular zone shall be void without further action if the use approved by the Variance ceases for a period of twelve months or more.





19.16.150

DEVELOPMENT AGREEMENT

A. Statutory Authority - Conformance Required

Pursuant to the provisions of NRS 278.0201 through 278.0207, the City Council may enter into development agreements to regulate the development of land within the City. The agreements and the procedures applicable thereto shall be governed by and must conform to NRS 278.0201 through NRS 278.0207 and the provisions of this chapter.

B. Planning Commission Review

Before the City Council enters into a development agreement pursuant to this subchapter, the agreement shall be reviewed by the Planning Commission for consistency with the City's General Plan.

C. Administration and Enforcement

Subject to review and input from other City departments, the Department shall be responsible for applying, administering and enforcing the provisions of this subchapter including the negotiation and enforcement of development agreements.

D. Application of Zoning Provisions

Except as otherwise provided in NRS 278.0201 through 278.0207 or in a development agreement entered into pursuant to this subchapter, all the procedures and requirements of this Title shall apply to the development of property that is the subject of a development agreement.

Development Agreement Typical Review Process 19.16.150

Development Agreements (DIR)

Staff sends letter to Developer indicating a report is due

Developer submits report detailing how they are meeting the terms of the Development Agreement

Staff reviews and confirms data in report

Staff prepares a Director's report for City Council consideration

City Council reviews/accepts report





19.16.160

TEMPORARY COMMERCIAL PERMIT

A. Purpose

The purpose of this subchapter is to provide for a Temporary Commercial Permit to allow certain short-term activities that otherwise would not be allowed and to limit the activities to the circumstances and conditions set forth in this subchapter. The requirements of this subchapter apply to the activities specified herein whether or not they are conducted for profit.

B. Authority

1. The Director shall have the authority to approve, approve with conditions, or deny a Temporary Commercial Permit.
2. The Director may at any time refer an application for a Temporary Commercial Permit to the Planning Commission for decision.

C. Permitted Uses

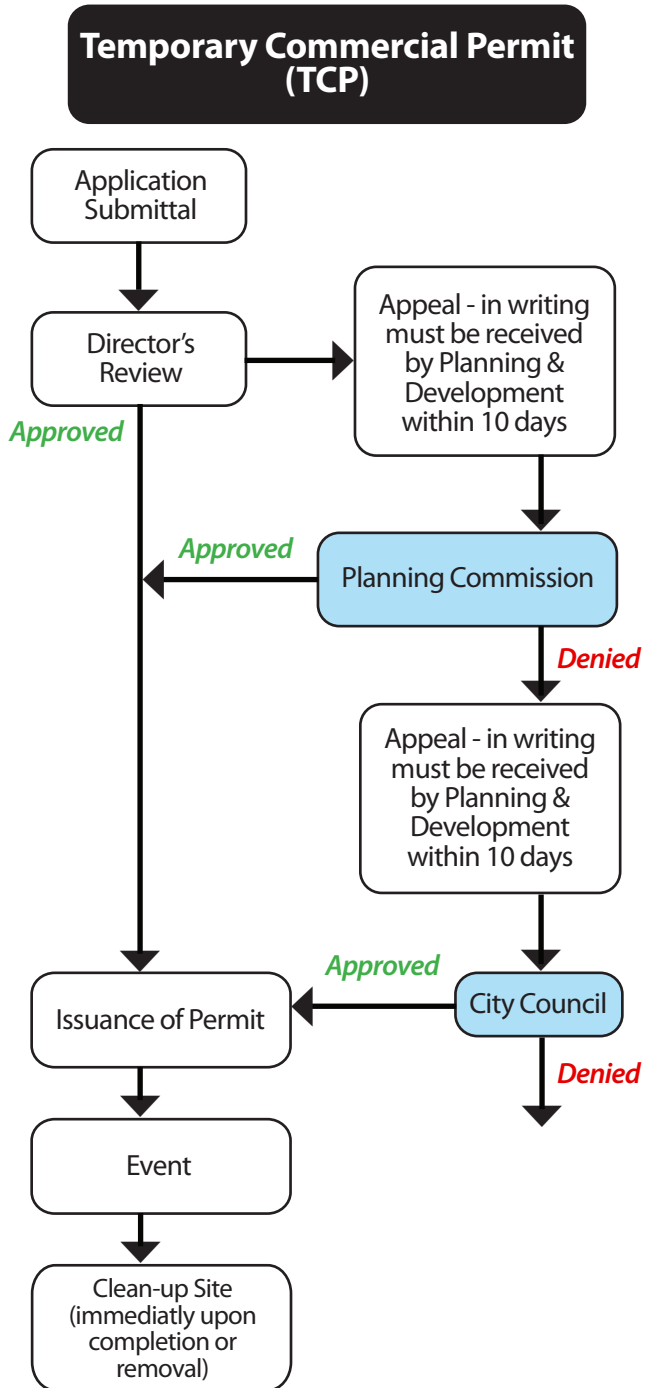
The following temporary uses may be permitted by means of the issuance of a Temporary Commercial Permit.

1. A Temporary Contractor's Construction Yard in conjunction with an approved development project; provided, however, that no Temporary Commercial Permit is required if the use is located on the same site as the approved development and is operated in conformance with all applicable City ordinances and standards.
2. Seasonal Outdoor Sales, but only if such sales are limited to a maximum of thirty days prior to the specified holiday. No Temporary Commercial Permit is required when the sales operation:
 - a. Takes place on the same site as, and is in conjunction with, the operation of an established commercial business with a valid business license for that site; and
 - b. Conforms with all applicable City ordinances and standards.
3. Parking Lot/Sidewalk Sales; provided, however, that such sales:
 - a. Must take place on the same site as, and be in conjunction with, the operation of an established commercial business with a valid business license for that site;

Typical Review Process

Temporary Commercial Permit

19.16.160



- b. Must take place on a paved or concrete area that is located on the same lot or within the same commercial subdivision as the structure that houses the business;
 - c. Are limited to a duration of seven days each; and
 - d. Occur no more than four times within a calendar year.
- 4. Temporary Outdoor Commercial Events; provided, however, that such events:
 - a. Are limited to a duration of thirty days each; and
 - b. Occur no more than six times within a calendar year.
- 5. The sales of new automobiles, new trucks, or new boats at a shopping mall of at least 90 acres in size and located in the C-1 (or a less restrictive) Zoning District. At any one shopping mall, no more than four sales events may occur within any twelve-month period, and no one sale event may last more than three days.
- 6. Any other temporary use that is similar to those enumerated in this Subsection (C) and that, in the opinion of the Director, is compatible with the zoning district and surrounding land uses.

D. Application and Decision

An application for a Temporary Commercial Permit shall be filed with the Director and shall be accompanied by a filing fee as set forth in the fee schedule. The application shall contain sufficient information and detail to enable the Director to determine the appropriateness of issuing a permit under this subchapter. Within 30 days after receipt of a complete and sufficient application, the Director shall take appropriate action to approve, approve with conditions or deny the application. The Director may approve a Temporary Commercial Permit if the Director determines that:

- 1. The proposed use is compatible with existing land uses on the same property and on surrounding properties;
- 2. The subject site is physically suitable for the type and intensity of the use being proposed;
- 3. There will be adequate public access to the site and adequate provision for on-site parking;

- 4. The application is not a continuation of consecutive applications or otherwise an attempt to circumvent the limitations contained in this subchapter.

E. Appeal

The applicant may appeal a decision of the Director to the Planning Commission by filing a written request with the Department. Any appeal pursuant to this section must be filed within 10 days after the date of the decision that is the subject of the appeal. The decision of the Planning Commission is final, unless appealed to the City Council as in the case of a Variance.

F. Conditions of Approval

In approving a Temporary Commercial Permit, the Director (or, upon appeal, the Planning Commission) may impose conditions, stipulations or limitations as are deemed necessary to ensure that the activity will be consistent with Subsection (D) of this Section. Such conditions may include, but are not limited to the following:

- 1. Provision for temporary parking facilities, including vehicle ingress and egress;
- 2. Measures to prevent or reduce nuisance factors such as glare, excessive illumination noise, vibration, smoke, dust, dirt, odors, gases and heat;
- 3. Regulation of placement, height, size and location of structures, facilities, landscaping and equipment, including provision for buffering and separation;
- 4. Provision for sanitary facilities and for waste collection and disposal;
- 5. Measures to promote safety and security;
- 6. Regulation of signs and other attention-gaining devices;
- 7. Regulation of operating hours and duration of the temporary commercial use;
- 8. Regulation of the hours and duration of set-up and dismantling activities;
- 9. Compliance with applicable provisions of the Las Vegas Municipal Code;
- 10. Any other conditions which will ensure the operation of the proposed temporary use is conducted in an orderly, efficient manner and in accordance with the intent and purpose of this subchapter.



G. Cleanup of Temporary Site

The holder of a Temporary Commercial Permit shall be responsible for leaving the property free of debris, litter or other evidence of the temporary use immediately upon completion or removal of the use. If the holder of the Temporary Commercial Permit is not the record owner of the property, the holder and the property owner(s) are jointly and severally responsible for compliance with this Subsection (G).

H. Revocation

A Temporary Commercial Permit may be revoked or modified by the Director, upon notice to the permit holder, if the Director finds that:

1. The permit was obtained by misrepresentation or fraud;
2. The activity is not in compliance with the permit or any condition of approval;
3. The use to be allowed by means of the permit is conducted in violation of any applicable statute, ordinance, or regulation; or
4. The permit is being employed as a means to circumvent the limitations contained in this Title.





19.16.170

TEMPORARY SIGN PERMIT

A. Purpose

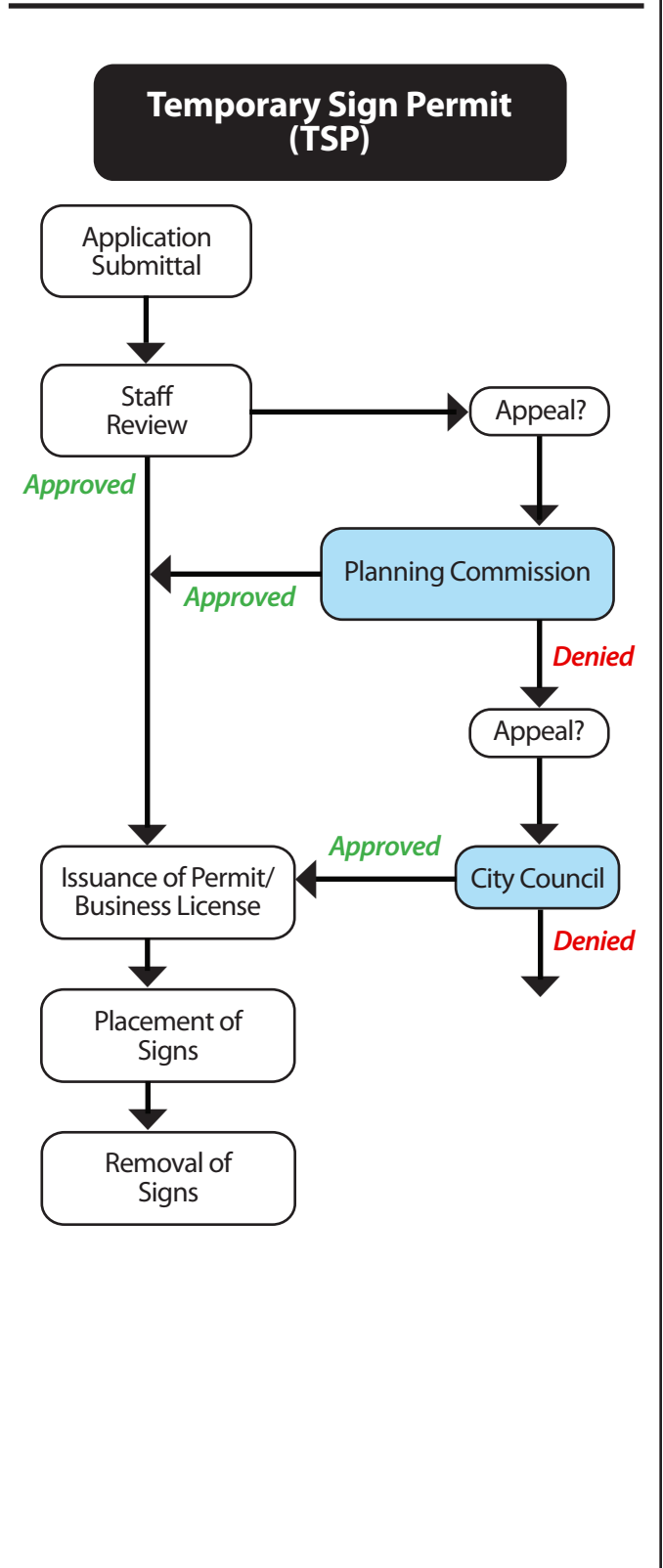
The purpose of this subchapter is

Language is still being drafted at this time based on provisions in Title 19 temporary signage

Typical Review Process

Temporary Sign Permit

19.16.170





19.16.180

HOME OCCUPATION PERMIT

A. Purpose

The purpose of this subchapter is to provide for a Home Occupation Permit to allow limited types of income producing activities within residential zoning districts. A home occupation is an incidental or secondary use so located that the average neighbor, under normal circumstances, would not be aware of its existence. Except as otherwise provided in this subchapter and Title, no residentially zoned parcel may be used for the purpose of conducting any business or income producing activity except as allowed by means of a Home Occupation Permit.

B. Exceptions

No Home Occupation Permit shall be required for educational activities, including but not limited to music lessons, academic tutoring or religious instruction, provided that no more than two students are present at any one time and the use complies with the requirements of this subchapter.

C. Authority

The Director of Planning and Development or, upon appeal, the Planning Commission, shall have the authority to approve, approve with conditions, or deny a Home Occupation Permit. In approving a Home Occupation application, the Director (or if applicable, the Planning Commission) may impose conditions, stipulations or restrictions as are deemed necessary to ensure that the activity will be consistent with the intent of this subchapter.

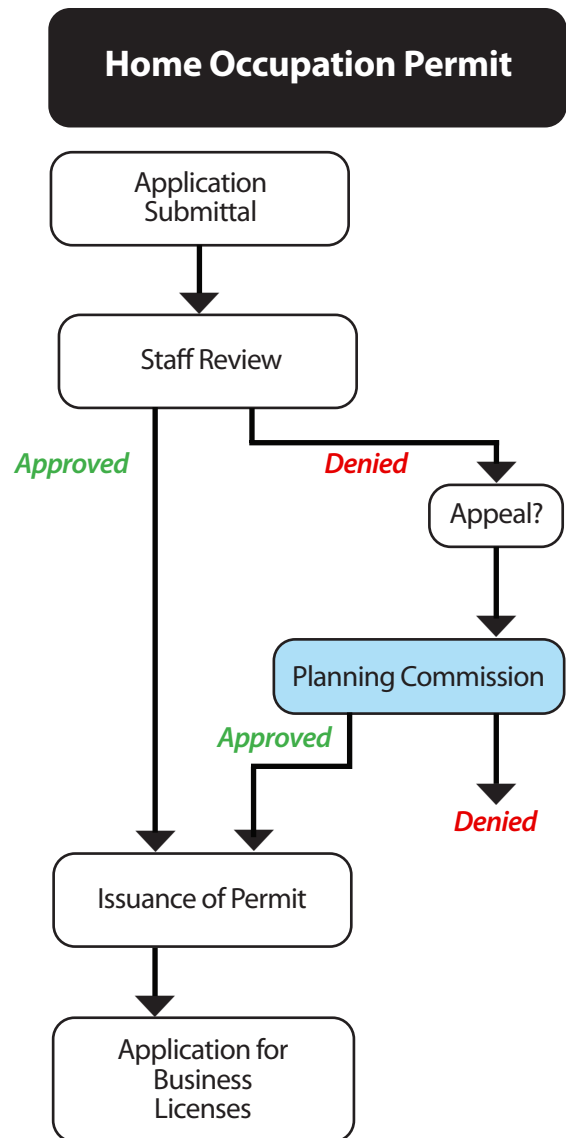
D. Application

An application for a Home Occupation Permit shall be filed with the Director. The application shall contain sufficient information and detail to enable the Director to determine the appropriateness of issuing a permit under this subchapter. If the Home Occupation is to be conducted by the tenant of property which is leased or rented, the tenant shall obtain written authorization from the property owner or property manager and submit the authorization with the Home Occupation Permit application.

E. Process and Review

Within 30 days after receipt of a complete application, the Director shall approve, approve with conditions, or deny the application.

Home Occupation Permit Typical Review Process 19.16.180



F. Decision and Notice of Decision

1. The Director shall approve a Home Occupation Permit if the Director finds that;
 - a. The proposed Home Occupation is compatible with the existing residential uses on the property and surrounding properties; and
 - b. The proposed Home Occupation will conform to the Operational Standards and requirements contained in this subchapter.
2. The Director shall provide written notice of the decision, which shall include the reasons for the decision and, if the decision is to approve the Home Occupation Permit, any modifications, conditions or limitations that the Director may impose. The notice shall be provided to the owner or the owner's agent.

G. Operational Standards

1. In order to approve a Home Occupation Permit, the Director (or if appealed, the Planning Commission) must be satisfied that the proposed Home Occupation can and will comply with the following operational standards:
 - a. Only the occupants of the dwelling unit shall be engaged in the business activity approved for the Home Occupation Permit;
 - b. No employees shall report to work or be dispatched from the property;
 - c. There shall be no transacting of business or offers to transact business with customers or clients who have come to the property;
 - d. There shall be no signage or other advertising of any kind, whether on the property or elsewhere, which advertises the address or physical location of the property or identifies the existence of a Home Occupation on the property. A home telephone number or a post office box may be advertised by any medium other than on-site signage;
 - e. No motor vehicle repair, paint or body work; commercial preparation of food for service on the premises; business related to or involving explosives, ammunitions or weapons; beauty parlor or barber shop; or ambulance or related emergency services shall be permitted as a Home Occupation;

- f. A Home Occupation shall not create pedestrian, automobile or truck traffic in excess of the normal amount associated with residential uses in the district;
 - g. A Home Occupation shall be conducted exclusively within the main dwelling or within an accessory structure which has been approved for the Home Occupation Permit, except for horticultural activities;
 - h. No more than one vehicle, with a maximum capacity of one-ton, shall be used in connection with a Home Occupation Permit;
 - i. The number of on-site parking spaces shall not be reduced to less than two;
 - j. There shall be no outdoor storage or use of any toxic chemicals or hazardous materials of any type or in any amount not normally found in a residential structure;
 - k. There shall be no electrical or mechanical equipment which is not normally found in a residential structure, and no equipment found on the premises shall cause a change in the fire safety or occupancy classification of the dwelling unit; and
 - l. No Home Occupation shall create or cause noise, dust, light, vibration, gas, fumes, toxic/hazardous materials, smoke, glare, electrical interference or other hazards or nuisances.
2. The following uses are uses that normally may be permitted by means of Home Occupation Permit if they can be conducted in compliance with the Operational Standards in subsection (1) of this section. This is not a comprehensive list but should be used to establish appropriate types of uses for Home Occupations.
 - a. 800 and 900 number telephone services;
 - b. Accounting, bookkeeping, tax preparation or related services;
 - c. Appraisal, real estate or related services;
 - d. Architectural, engineering, general contractor or related professional services;
 - e. Artist, artisans, hobbyists, jeweler or related services;
 - f. Computer based businesses, desktop



publishing, drafting or related services;

- g.** Consulting or related services;
 - h.** Employment services;
 - i.** Financial investment, brokerage or related services;
 - j.** Handicrafts, gift basket assembly, floral, ceramics or related services;
 - k.** Health fitness training services;
 - l.** Home improvement and repair services;
 - m.** Incidental office and telephone uses;
 - n.** Information services;
 - o.** Insurance services;
 - p.** Interior design and decorating services;
 - q.** Legal, court reporting or related services;
 - r.** Mail order and catalog services;
 - s.** Mobile serve businesses;
 - t.** Network marketing services;
 - u.** Janitorial, maintenance and repair services;
 - v.** Party planning services;
 - w.** Photography, video or related services;
 - x.** Secretarial, typing, answering or related services;
 - y.** Tailoring and sewing services;
 - z.** Teaching or related services with a maximum of two students at any one time;
 - aa.** Travel services;
 - bb.** Vending machine businesses; and
 - cc.** Writers, authors or related professionals.
- 3.** Any Home Occupation Permit which is found to be similar to those enumerated in this section and which, in the opinion of the Director, is compatible with the intent of this subchapter, may be approved or approved with conditions. If the Director

determines that a proposed Home Occupation would be detrimental to the public health, safety and welfare or injurious to the existing land uses on the property or to the surrounding properties, or does not substantially conform to the Operational Standards contained in this subchapter, the Director shall deny the Home Occupation Permit.

H. Appeal of Director's Action

If the applicant is aggrieved by the Director's decision, or any conditions attached thereto, the applicant may appeal the decision to the Planning Commission by written request within 10 days after the date of decision by the Director. The appeal must be filed with the Department. The appeal hearing shall be scheduled as soon as is reasonably possible, and appropriate notice of the hearing shall be provided. The Planning Commission may affirm, reverse or modify the Director's decision. Notice of the Planning Commission's decision shall be provided to the applicant or the applicant's agent, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

I. Optional Treatment of Appeal

The Director or Planning Commission may require that an appeal filed pursuant to Section (H) be heard as a public hearing item. The requirement for a public hearing must be based upon a determination that, in the instance of that particular application, the public interest will best be served by providing notice and an opportunity to be heard to surrounding property owners. In such event, the Director shall process the application in accordance with the standards and procedures for Special Use Permit applications.

J. Transfer of Permits

A Home Occupation permit shall not be transferable to:

- 1.** Another address, or
- 2.** Any person other than the applicant, a family member residing in the home, or a legal entity in which the applicant or resident family member has a controlling interest.

K. Expiration

Home Occupation Permits not exercised within one year after approval shall be void without further action unless a greater time limit is specified in the approval. Home Occupation uses which cease for more than 6 months shall be void without further action.

L. Revocation or Modification

1. **Notice and Hearing.** Upon proper notice to, and an opportunity to be heard by, the permit holder, the Director may revoke or modify a Home Occupation permit if the Director determines one or more of the following:
 - a. That the Home Occupation is not in compliance with one or more of the Operational Standards of this subchapter;
 - b. That the Home Occupation Permit was obtained by misrepresentation or fraud;
 - c. That the Home Occupation is being conducted in violation of any statute, ordinance, law or regulation.
2. **Appeal and Notice of Decision.** The Director's decision may be appealed in the same manner as the initial denial of a Home Occupation Permit, in accordance with Section (H). The provisions of Section (I) shall not apply to the appeal, except that the Director and the or the Planning Commission may provide notice and opportunity to be heard to surrounding property owners.



19.16.190

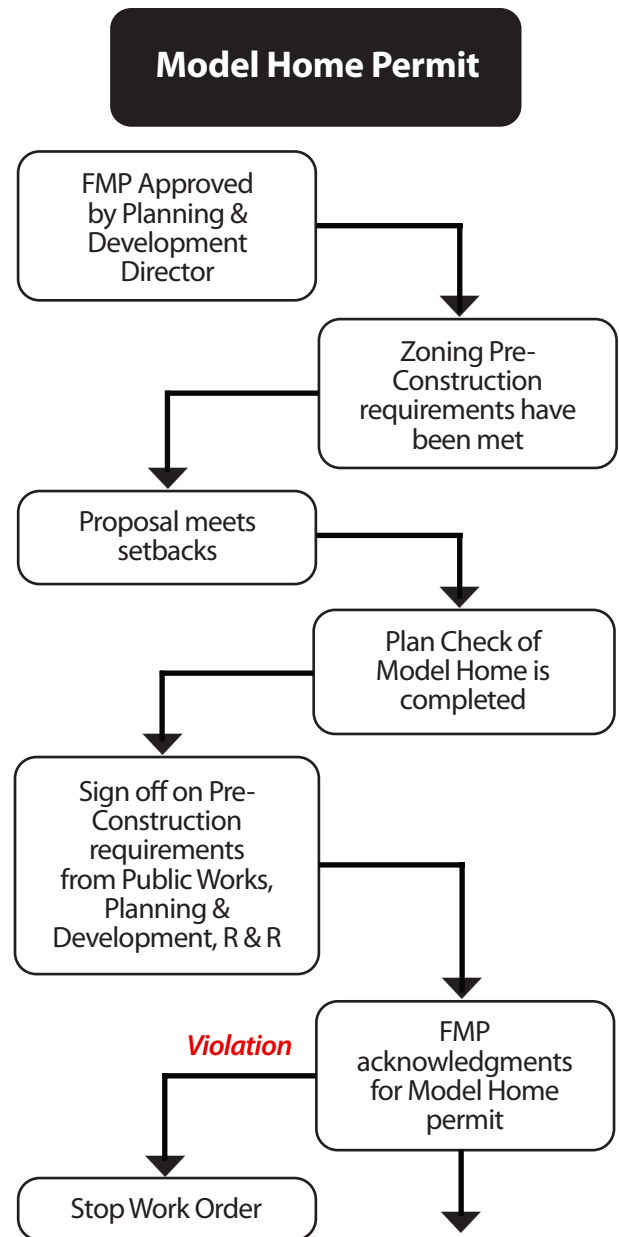
MODEL HOME PERMIT

A. Issuance -- Required Conditions

With respect to any separately identified subdivision, building permits may be issued for not more than six model homes before the final subdivision map pertaining thereto is recorded if and only if all of the following conditions are met:

1. The final map has been approved by the Director or the Planning Commission.
2. All preconstruction requirements of zoning and plot plan approvals have been met.
3. The site and setbacks of the model homes are in conformance with the final map and the approved zoning.
4. Plan checking of the model homes has been completed and all the items described in Subchapter 19.16.060 have been submitted and approved in accordance therewith.
5. The following departments have certified in writing, through their authorized representatives, that their respective preconstruction requirements have been met:
 - a. The Department of Public Works;
 - b. The Department of Planning and Development; and
 - c. The Department of Fire and Rescue.
6. The applicant for such model home permits has acknowledged and agreed in writing that:
 - a. No changes to the final map as approved will be made, except those required by the City, and all construction and improvements will conform to the approved map.
 - b. The permitted model homes will not be sold or occupied for residential purposes until the final map has been recorded.
 - c. The issuance of model home permits will be expressly limited to the model home use and will not be construed as a commitment by the City to approve the final map or to approve any zoning matter.
 - d. The applicant will indemnify, defend and hold

Model Home Permit Typical Review Process 19.16.190



the City and its officers, agents and employees harmless from any liability and from and against any claim, loss or damage it or they may incur because of the issuance of any such permit.

B. Violation -- Revocation -- Stop-Work Order

If the permittee or applicant violates or fails to comply with any requirement of this Title or breaches any promise or obligation entered into pursuant to this Subchapter, the City may deny, suspend or revoke any building permit for a model home and may issue a stop-work order with respect thereto.



19.16.200

SIGN CERTIFICATE

A. Procedures

The procedures contained in this Subchapter shall govern the application for, and issuance of, all sign certificates under this Title.

1. All applications for sign certificates of any kind shall be submitted to the Department on an application form or in accordance with application specifications published by the Department.
2. Within 5 days of receiving an application for a sign certificate, the Department shall review it for completeness. If the application is complete, then the application shall be processed. If the application is incomplete, then notice shall be sent to the applicant, within a 5-day period, of the specific ways in which the application is deficient.
3. Upon approval, the City will issue a certificate and tag for the sign. The tag shall be affixed to the sign in a location where it is plainly visible. Absence of the tag or any record of the issuance of the tag on any sign, which is required by this Title to have a certificate, shall subject that sign to removal in the same manner as in Section 19.##.###(##).
4. A renewable sign certificate for a commercial sign shall lapse automatically if not renewed or if the business license for the premise expires or is revoked.
5. Any sign that is the subject of an application received after the effective date of this Title, or any amendment thereto, shall be subject to all the provisions of this Subchapter and shall not be subject to the nonconforming sign protections described in LVMC 19.14.080. For any sign on property annexed into the City after the effective date of this Title, an application for a sign certificate shall be submitted within three months of the effective date of the annexation or within such period as may be established in an annexation agreement between the City and the land owner(s).

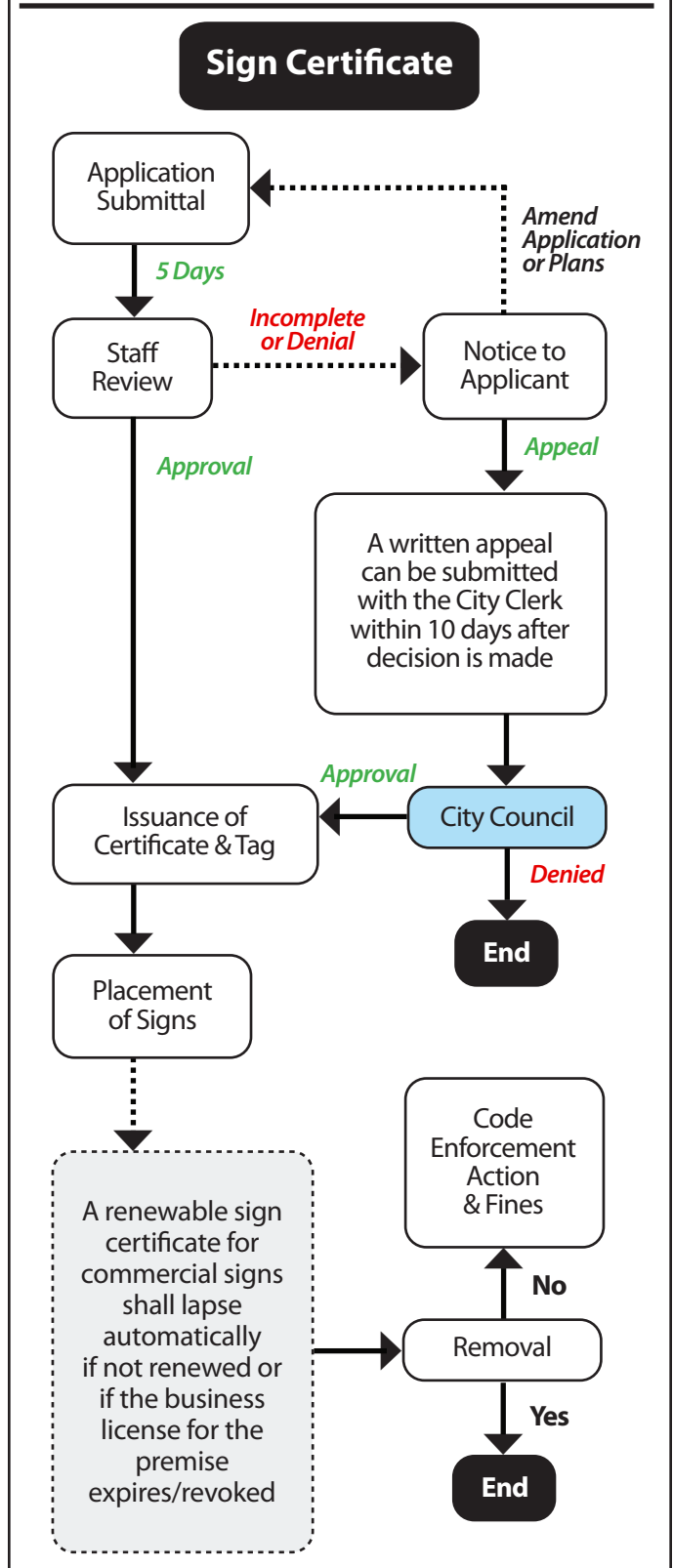
B. Removal

Any sign for which a certificate has lapsed shall be removed immediately. The owner(s) of the property on which the sign is erected or displayed, the certificate holder, the owner(s) of the sign, or any person that caused the sign to be installed shall be jointly and severally responsible for the removal of the sign, provided that nothing herein shall be construed to allow any pri-

Typical Review Process

Sign Certificate

19.16.200



vate person to enter onto the property of another person without the permission of the property owner(s).

C. State Sign Permit Required

For any sign that does not qualify as an on-premise sign and that is proposed within 660 feet of any highway classified by the State of Nevada as part of the interstate and primary highway system, a State of Nevada sign permit shall be obtained prior to the issuance of a construction permit or sign certificate by the City. The issuance of a State of Nevada permit does not take the place of the City's Special Use Permit requirement nor compel the granting of a Special Use Permit. Likewise, the approval of a Special Use Permit by the City does not affect the State of Nevada's authority or discretion to deny a state permit.

D. Appeal

Any person aggrieved in connection with the inability to obtain a sign certificate or by any other decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of any provision of this Subchapter may appeal the decision to the City Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be filed with the Department. The appeal must be filed within 10 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 City Council. This Section shall not apply to actions on Master Sign Plans, which shall follow the procedures, including appeals, set forth in LVMC 19.16.260.

E. Violations, Remedies, Penalties

1. Violations

Any of the following shall be a violation of this Subchapter and shall be subject to the enforcement remedies and penalties provided for in this Title:

- a. To install, create, erect or maintain any sign in any manner that is inconsistent with any Master Sign Plan;
- b. To install, create, erect, or maintain any sign in a way that is inconsistent with any site plan review or aesthetic review governing the sign for the lot on which sign is located;
- c. To install, create, erect, or maintain any sign requiring a certificate without such a certificate;
- d. To fail to display a tag in conformance with this

Subchapter;

- e. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Subchapter, or for which the sign certificate has lapsed;
- f. To continue any violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this Subchapter;
- g. To install, create, erect, or maintain any sign prohibited by or in violation of this Subchapter; or
- h. To abandon any sign.

2. Remedies and Penalties

Any sign installed or placed on any property in violation of the requirements of this Subchapter shall be subject to the following:

- a. With respect to any sign that constitutes a hazard to the public or a sign without proper certification that has been installed or placed on unimproved property, on public property or within public right-of-way, the sign may be immediately removed and impounded. The City shall notify the sign owner(s) or installer (or other responsible person) of the impoundment, if the person or persons are known to or reasonably can be determined by the City. The notice shall be given within 5 days after impoundment of the sign, or within the additional time as may be necessary in order to identify and locate the person or persons. The City will keep the sign for a period of 30 days following the sign's removal, during which time the owner(s) or other responsible person may reclaim the sign. At the end of the 30-day period, the sign may be destroyed.
- b. Signs that are not made subject to the impoundment provisions described in Paragraph (a) above are subject to removal and impoundment 10 days after appropriate notice has been given, or after such shorter period as the notice may indicate. Appropriate notice shall be deemed to have been given if the City provides written notice to the owner(s) or installer of the sign (or other responsible person). If the notice cannot be given after reasonable efforts to identify and locate the person or persons, the City may affix a notice of noncompliance to the sign itself. If the sign has



not been removed or brought into compliance within 10 days, or such shorter time as the notice may indicate, the City may remove and impound the sign. Following the removal and impoundment of a sign, the City will keep the sign for a period of 30 days following the sign's removal, after which the sign may be destroyed.

- c. In addition to other remedies, the City shall have the right to recover from the owner(s) or installer of such a sign, or the owner(s) of the property on which it is located, or any other responsible person, the full costs of removal and disposal of the sign. The City shall certify the removal and may charge the owner(s) or installer or other responsible person for the removal, payable within 10 days after receipt of a statement of charges or the charges may be a special assessment and a lien on the property involved and subject to the provisions of LVMC 9.12.150, 9.12.160 and 9.12.170. It is presumed that the person or entity whose identity is represented on the sign is a person responsible for installing the sign, which presumption may be rebutted by competent evidence. However, the presumption is not rebutted if the sign was erected or placed by a person or entity who, pursuant to contract or otherwise, is acting on behalf of the person or entity whose identity is represented on the sign.
- d. Removal pursuant to this Section may be accomplished by the City or its authorized agent.
- e. For any premises on which there is an existing sign that violates any part of this Subchapter, the City may withhold permits for any other signs, including temporary signs, until the violation has been corrected or the property owner(s) has entered into a written agreement with the City for abatement of the violation by a specified date. The provisions of this Paragraph shall not apply to any sign that is not under the legal control of the applicant for a new sign, whether as owner(s) or lessee(s). A sign user simply renting one space on a larger "tenant board" or other sign advertising multiple businesses shall not be considered to be in control of such sign.
- f. Any violation of this Subchapter shall be a misdemeanor. The City may issue a citation and upon conviction seek imposition of fines in accordance with the following schedule:
 - i. Upon a first conviction, a minimum of \$250;
 - ii. Upon a second conviction within a period of one year, or a first conviction within a period of one year following a finding of civil liability regarding a violation of this Subchapter, a minimum of \$500; and
 - iii. Upon each subsequent conviction a fine of \$1,000.
- g. As an alternative to a criminal prosecution regarding a particular violation, the City may process the violation as a civil nuisance under LVMC 9.04.04. et seq. Upon a finding of civil liability, the City may seek an imposition of civil liability in accordance with the following schedule:
 - i. Upon the first finding of civil liability, a minimum of \$250;
 - ii. Upon a second finding of civil liability within period of one year; a first finding of civil liability within a period of one year following a conviction; or any subsequent such finding, a minimum of \$500.
- h. Each day that any sign has been installed, created, erected, maintained or abandoned in violation of this Subchapter shall be considered a separate violation when applying the criminal or civil penalty portions of this Subchapter



19.16.210

MAINTENANCE DISTRICT

A. State Law Subjectivity

This subchapter is enacted pursuant to, and is subject to, the provisions of NRS 278.478 to 278.4787, inclusive.

B. Definitions

As set forth in this Subchapter, the following terms shall have the meanings ascribed to them:

"Assessment" means the monetary amount levied against each tract or assessment unit as an assessment against a lot or parcel of real property within a development or subdivision for any given assessment period benefitted by an improvement.

"Assessment amount" means the monthly amount established by the City as the amount necessary to pay the proportionate share of the cost to maintain the improvements included within the maintenance district, to include, without limitation, the City's administrative costs, the actual cost for contracted services performed, and the associated labor, equipment, insurance, utility, and material costs.

"Assessment period" means each successive period of time running from and including July 1 to and including June 30 of the following year.

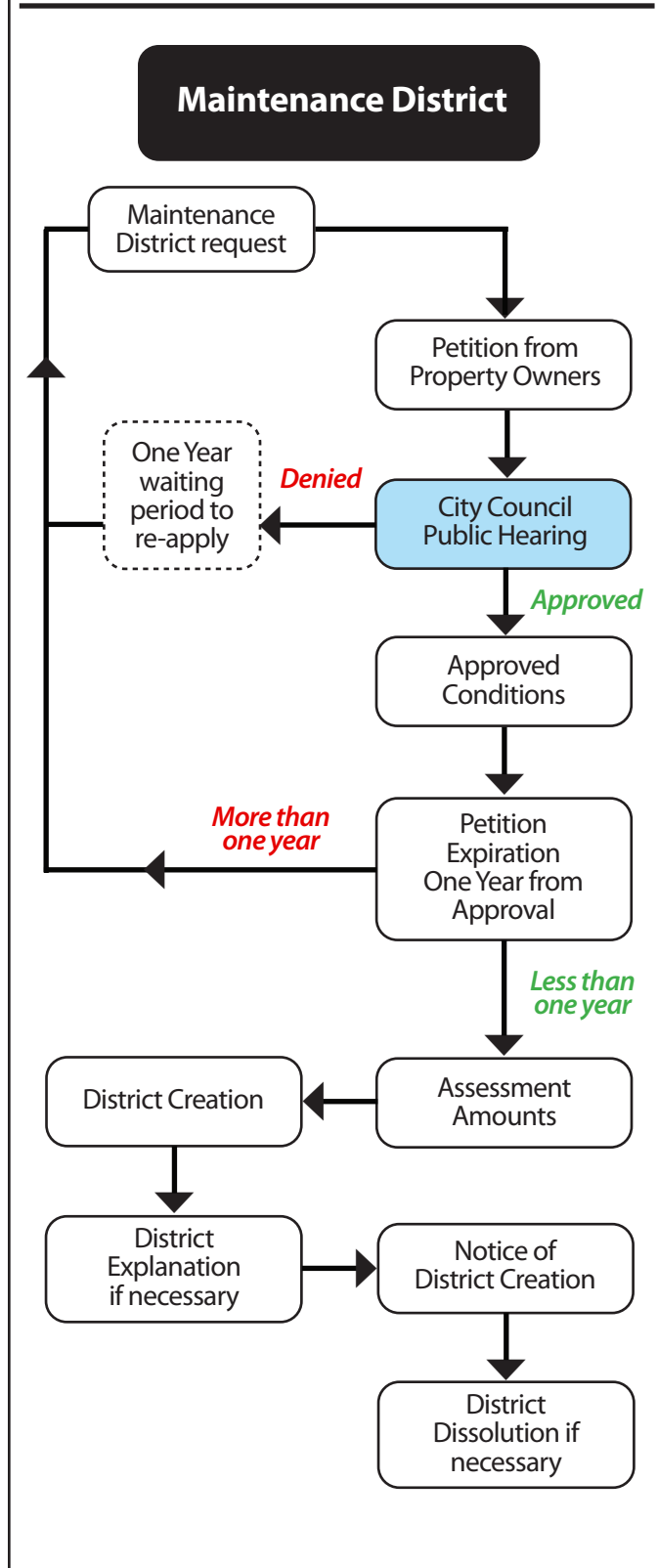
"Assessment unit" means each legal lot or parcel of real property comprising, and being included within, the boundaries of the maintenance district and upon which a building may be constructed, whether such building has been constructed or not.

"Improvement" or "improvements" means any of the following improvements that are included or proposed to be included within a maintenance district in accordance with this Subchapter:

1. Landscaping;
2. Public lighting;
3. Security walls; or
4. Trails, parks and open space that provide a substantial public benefit or are required by the City for the primary use of the public.

"Improvement plan" means the plan approved by the City which details the installation of the improvements proposed to be maintained within the maintenance district.

Maintenance District Typical Review Process 19.16.210



"Landscaping" has the meaning ascribed to it in NRS 278.4781.

"Maintenance" means the care for and upkeep of improvements, including normal repair and replacement of materials and items to sustain an improvement to a level and quality acceptable to the City.

"Maintenance district" means the assessment district created, formed, and established pursuant to this Subchapter to provide for the maintenance of improvements.

"Maintenance district property" means the sum of all legal parcels of real property containing improvements that are requested by the applicant to be included and maintained within the maintenance district. The maintenance district property shall be shown as common area on the final map for a development or subdivision. The ownership of the maintenance district property will be ownership in common shared by the applicant and all future owners of property within the development or subdivision.

"Public lighting" has the meaning ascribed to it in NRS 278.4783.

"Security wall" has the meaning ascribed to it in NRS 278.4785.

C. Right to Petition the City

Pursuant to NRS 278.4787, persons who propose to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to NRS 278.460, inclusive, or NRS Chapter 278A may, in lieu of providing for the creation of an association for a common interest community, petition the City to assume the maintenance of improvements within the development or subdivision. Additionally, if persons who own tracts of land or residential units within an existing subdivision or development with existing improvements, agree to dissolve the association for their common interest community in accordance with the governing documents of their common interest community they may, in lieu of said association, petition the City to assume the maintenance of those existing improvements.

D. Petition Requirements--General

A request for the City to maintain improvements from a person who proposes to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to NRS 278.460, inclusive, or NRS Chapter 278A, shall be filed with the Department at least one hundred twenty days before the approval of the final map for

the land, unless such time is otherwise waived by the City. The request must be made by written petition, on a form to be provided by the City. In order to be deemed complete, the petition must include, or be accompanied by the following:

1. The notarized signature(s) of at least a majority of the owners whose property will be assessed;
2. A description of all tracts of land or residential units that would be subject to an assessment;
3. A list of the improvements (including plans) that are proposed to be maintained by the City;
4. An explanation of why the City should accept maintenance of the improvements and what public benefit the City derives from the maintenance of the improvements;
5. An instrument granting the City, its officers, agents, employees, and contractors the right to enter and access the proposed maintenance district property to the extent necessary to inspect the improvements which are proposed to be maintained within the maintenance district;
6. Such other information as the City deems necessary in order to properly evaluate the petition; and
7. An application fee and inspection fee as set forth in the fee schedule.

E. Petition Requirements--Property Owners

A request for the City to maintain existing improvements from property owners in an existing development or subdivision, who propose to dissolve, or have dissolved, their common interest association in accordance with the governing documents of their common interest association, shall be filed with the Department. The request must be made by written petition, on a form to be provided by the City. In order to be deemed complete, the petition must include, or be accompanied by the following:

1. Notarized signatures from at least fifty-one percent of those property owners who would be subject to an assessment, or notarized signatures from at least the same percentage of property owners that would be required by the governing documents of the common-interest community to dissolve the common interest association, whichever is greater;
2. A description of all tracts of land or residential units that would be subject to an assessment;



3. A list of the improvements (including plans) that are proposed to be maintained by the City;
4. An explanation of why the City should accept maintenance of the improvements and what public benefit the City derives from the maintenance of the improvements;
5. Documentation evidencing that a conditional affirmative vote was had by the membership of the common interest association to dissolve the common interest association upon the City's acceptance of the petition for maintenance;
6. An instrument granting the City, its officers, agents, employees, and contractors the right to enter and access the proposed maintenance district property to the extent necessary to inspect the improvements which are proposed to be maintained within the maintenance district;
7. Such other information as the City deems necessary in order to properly evaluate the petition; and
8. An application fee and inspection fee as set forth in the fee schedule.

F. Petition--Public Hearing

1. Unless the requirement is waived by the City Council, the Council shall hold a public hearing regarding a complete petition described in Section (D) of this Subchapter at least ninety days before the approval of the final map for the land. The City Council shall hold a public hearing regarding a complete petition as described in Section (E) of this Subchapter within one hundred twenty days of its receipt of the completed petition. This time period may be extended at the discretion of the City Council. A petition shall be deemed complete if, in the City's judgment and discretion, it fully complies with the requirements of Section (D) or (E) of this Subchapter. Any petition may be reviewed by City staff, by a committee, or by both, for the purpose of providing a recommendation to the City Council.
2. The purpose of the public hearing described in Subsection (1) shall be for the City to determine the desirability of assuming the maintenance of the specified improvements. The maintenance assessments shall not, however, be effective until the City inspects and accepts the constructed improvements for maintenance. In determining if it is desirable for the City to assume maintenance of the improvements, the following factors may be considered by the City Council:
 - a. Whether the maintenance of the improvements on the subject property alone, or cumulatively with other maintenance districts in the City, would create an unreasonable administrative or financial burden upon the City;
 - b. Whether the location of the proposed maintenance district would interfere with the City's ability to efficiently and effectively maintain improvements on the subject property;
 - c. The extent to which the maintenance district property is located on parcels that are contiguous;
 - d. Whether the improvement plan submitted by the applicant is consistent with the requirements of the City, City policies, and the City's master plan, including the applicable land use guide approved by the City;
 - e. Whether the proposed improvements are compatible with the character of the area of the City in which the improvements will be located;
 - f. Whether the improvements are constructed to any standards for such improvements that have been adopted by the City and are otherwise acceptable to the City;
 - g. The number and percentage of property owners who signed the petition and the number of protests received from property owners who would be subject to the assessment;
 - h. Whether the maintenance of the proposed improvements will promote the health, safety and general welfare of the community;
 - i. The extent to which the proposed maintenance district would be in the public interest;
 - j. Any recommendation by City Staff and by any committee that may review the petition; and
 - k. Any other factor deemed by the City Council to be relevant to the petition or to the proposed maintenance district.

G. Petition--Decision by Council

1. If the City makes a determination that it is desirable to assume the maintenance of the improvements, the City shall form a maintenance district, by



ordinance, in accordance with NRS 278.4787(4).

2. If the City Council determines that it would be undesirable for the City to maintain the specified improvements, the Council shall specify the reasons therefor.
3. An applicant whose petition has been considered by the City Council and denied may not repetition the City for a maintenance district within the same development or subdivision for a period of one year.

H. Petition Approval--Council's Right to Impose Certain Conditions

1. In approving a petition, the City Council may impose conditions designed to address the impacts that otherwise would make maintenance of the improvements by the City undesirable. Such conditions may include, without limitation, a requirement to:
 - a. Submit an agreement or instrument, acceptable to the City, granting the City, its officers, agents, employees, and contractors an exclusive right to enter and access the maintenance district property to the extent necessary to maintain the improvements on the maintenance district property;
 - b. Submit a written agreement, acceptable to the City, providing a warranty for all improvements for a period of twelve months, or for a shorter period if agreed to by the City, and indemnifying the City for damage or loss resulting from the improper installation or defective design of the improvements.
 - c. Provide an assessment deposit, equal to the first year of assessments and start up costs, as estimated by the City, for the maintenance district and the costs associated with recording notice with the Clark County Recorder's Office as required in NRS 278.4787(6);
 - d. Provide an easement, in a form suitable for recordation, that will provide the necessary access by which the City, through its officers, employees, agents and contractors, may perform the maintenance associated with the maintenance district; and
 - e. If applicable, submit documentation, acceptable to the City, evidencing the costs that have been incurred in maintaining the improvements that are proposed to

be maintained by the City. Documentation regarding the maintenance costs shall be for the three-year period preceding the submission of the petition, unless a different time period is agreed to by the City.

2. The City may impose additional conditions as it deems necessary and appropriate at the time of the public hearing at which the creation of the maintenance district is considered.

I. Petition Expiration

A petition approved by the City shall expire one year from the date of the approval, unless all conditions of approval are met and construction of the improvements in question are commenced within that time period. The City shall have the discretion to establish a different expiration period for any particular maintenance district.

J. Assessment Amounts

1. The assessment amount for each assessment unit, including the billing cycle, shall be determined for each assessment period, subject, however, to an annual adjustment. The maintenance district may be considered for revision or adjustment annually and the assessment amount shall be adjusted accordingly based upon the bids received and the actual contracts approved by the City. Additionally, if costs and expenses are increased within the maintenance district by ten percent or more, the assessment amount shall be increased accordingly during the remainder of the assessment period.
2. Assessment amounts shall be payable according to the payment schedule adopted with the establishment of the maintenance district. The City, or its agent, shall mail to the property owner of the assessment unit a bill for the assessment amount to the same address for the property owner of such assessment unit as billings for real property taxes are sent by the Clark County Assessor's Office.
3. Assessment amounts for any partial assessment period shall be prorated based on a three hundred sixty-five day year.
4. The City shall assess a ten percent penalty for each assessment not paid within sixty days from the due date. Interest shall accrue on delinquent payments at the legal rate with unpaid principal, penalties, and accrued interest compounded semi-annually.



K. Improvement Installation Prior To Maintenance District Creation

1. Prior to the creation of a maintenance district, the improvements to be included therein must be fully installed:
 - a. In accordance with the City-approved improvement plan supplied by the applicant;
 - b. In accordance with any standards for such improvements that have been adopted by the City; and
 - c. In a good, workmanlike, and lien free manner.
2. The City may accept a right-of-entry for access purposes at such time as the maintenance district is created.
3. Once the improvements are installed, the applicant shall notify the City, so that the City may inspect the improvements for compliance with the approved improvement plan and other applicable requirements and standards.
4. The City may undertake, or cause to be undertaken, the maintenance of the improvements consistent with the levels and standards approved by the City upon the City's creation of the maintenance district and acceptance of the public access rights. The maintenance of the improvements may be provided by the City or by a contract approved and administered by the City or its agent, under the provisions of NRS Chapters 271, 332 and 338 where applicable.

L. Maintenance District Expansion

Upon the filing of a supplemental petition, containing the same information as required for a complete petition in Sections (D) and (E) of this Subchapter, and by compliance with all provisions of this Subchapter, the maintenance district may be expanded to include future phases of a development or subdivision provided that the same conditions as required for the creation of the original maintenance district are satisfactorily fulfilled, as determined by the City.

M. Notice Of District Creation

Subsequent to the creation of a maintenance district, the City shall record, in the office of the Clark County Recorder, a notice of the creation of the maintenance district or unit of assessment against the property located within the maintenance district that is sufficient to advise the owners of tracts of land or residential units

that the tracts of land or residential units are subject to the assessment. The costs of recording the notice shall be paid by the petitioners. The notice shall be in such form and content so as to encumber the property located within the maintenance district and run with the title thereto.

N. District Dissolution

1. A maintenance district may be dissolved by the City if:
 - a. The City determines that the improvements that are covered by the maintenance district are no longer necessary, or maintenance of those improvements is no longer necessary;
 - b. A majority of the property owners of the assessment units request that the City dissolve the maintenance district, and an association for a common-interest community has been formed to maintain the improvements in lieu of the maintenance district; or
 - c. The City otherwise determines that it is no longer desirable for the City to maintain the improvements within the maintenance district and that an association or other means has been or will be established to maintain the improvements.
2. Any money that may remain in the maintenance district fund after the dissolution of the district may be remitted to an entity that has been created within the development or subdivision to maintain the improvements.





19.16.220

UNIFIED DEVELOPMENT CODE (UDC) TEXT AMENDMENT

A. Purpose

The purpose of this subchapter is to provide for a process to amend the text of this Title.

B. Authority

1. Whenever public health, safety and general welfare may require, the City Council may amend, supplement, modify, change, or repeal any of the regulations contained in this Title.
2. Except where immediate concern for the public health, safety or general welfare dictate otherwise, the substance of any proposed amendment to the text of this Title shall be presented to the Planning Commission for its recommendation.

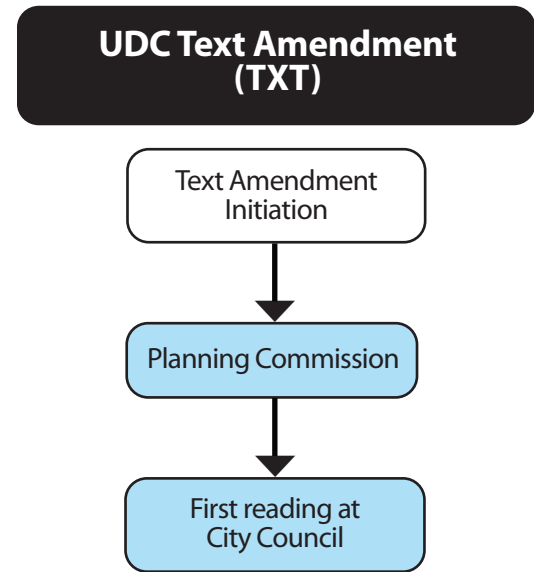
C. Planning Commission Public Hearing and Action

1. The Planning Commission shall hold a public hearing upon any proposed text amendment that has been presented to the Planning Commission for review.
2. Notice of the time, place and purpose of the hearing shall be given at least 10 days before the hearing by publishing a notice in a newspaper of general circulation within the City.
3. The Planning Commission shall hear and consider evidence and facts from any person present at the public hearing who desires to be heard and shall consider written communication from any person.
4. At the conclusion of the public hearing on the text amendment, the Planning Commission may recommend approval, approval with modification or disapproval of the amendment, or may hold the item in abeyance for further study.

D. City Council Consideration

The recommendation of the Planning Commission shall be made available to the City Council in connection with the Council's consideration, if any, of the text amendment.

UDC Text Amendment Typical Review Process 19.16.220





19.16.230

STREET NAME CHANGE

A. Purpose

1. The purpose of this subchapter is to establish a procedure to change the name of any street or a portion of a street.
2. Street name changes will be made consistent with LVMC 19.04.xxx and the edition of the City of Las Vegas Street Naming and Address Assignment Regulations adopted therein, as it may be amended from time to time.

B. Application

A petition for Street Name Change shall be made on a form to be provided by the Department. The applicant shall file two copies of the petition with the Director. The petition shall describe with certainty the portion of the street or streets to be affected. The petition shall be signed by all abutting property owners or a representative of the local government initiating the petition.

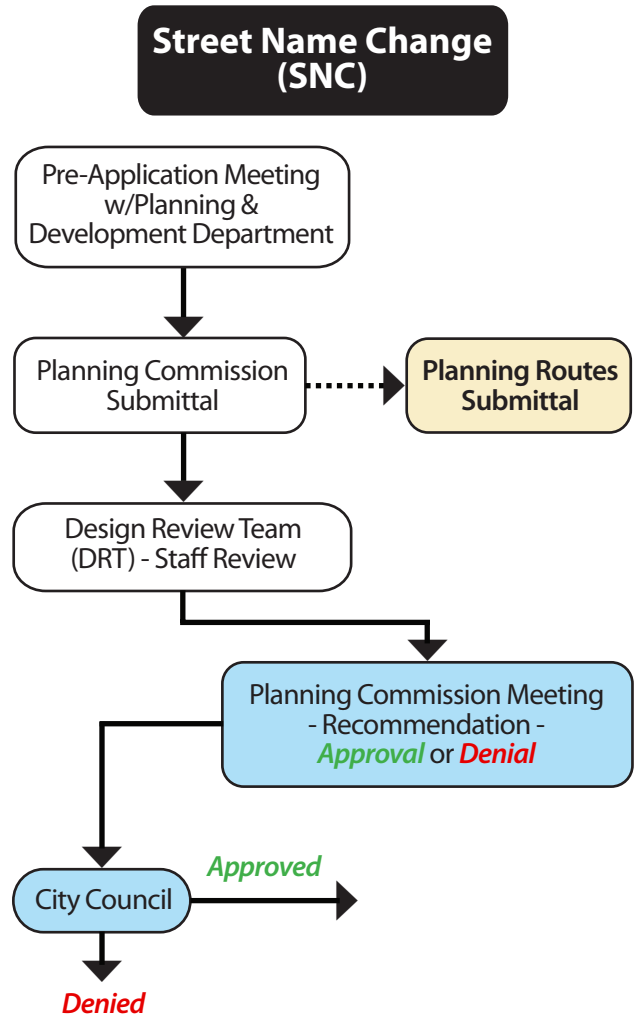
C. Time of Filing

In order to provide sufficient time for the necessary investigation by the Planning Commission and/or the Director, an application for a Street Name Change must be filed with the Director a minimum of 30 days prior to the date of the meeting of the Planning Commission at which the Street Name Change application is to be heard and considered.

D. Planning Commission Public Hearing and Action

1. **Process and Review.** The Planning Commission shall hold a public hearing upon a completed application for Street Name Change following receipt of the petition.
2. **Notice.** The Director shall endeavor to mail notices of the Planning Commission meeting at which the petition will be considered to all persons owning property abutting the street or streets to be affected by the proposed name change; however, the failure to do so shall not invalidate any action taken at the meeting.
3. **Decision and Report.** Following the conduct of a public hearing or hearings, the Planning Commission shall make its recommendation either to grant or deny the application for a Street Name Change. The Planning Commission shall transmit a report of its recommendation to the City Council.

Street Name Change Typical Review Process 19.16.230



E. City Council Public Hearing and Review

The City Council shall consider the application for Street Name Change and the recommendation of the Planning Commission at its next available meeting. If the City Council finds that it is in the best interest of the public and that no person will be materially injured, the City Council may order that the name of the street be changed.

F. Recording

The order contemplated in Section E of this subchapter shall be recorded in the office of the County Recorder and in the event the original name of the affected street is indicated on a subdivision map, parcel map or plat on file with the Recorder, the County Recorder shall make a written notation of the change on any map affected by the order.



19.16.240

REVIEW OF CONDITIONS

A. Purpose and Intent

The purpose of a Review of Condition is to provide a mechanism for reviewing proposed modifications to conditions of approval imposed by the City Council or Planning Commission. The provisions of this Section are intended to govern whenever there is a proposal to amend, modify or review a condition of approval of an application under this Chapter, notwithstanding the fact that other provisions of this Chapter regarding amendments and modifications to approved applications or plans might otherwise apply. The provisions of this Section are not intended to limit the authority of the Planning Commission or City Council.

B. Application

The applicant for a Review of Condition shall schedule and hold a pre-application conference with the Department prior to the submittal of an application. An application for Review of Condition shall be filed with the Department on a form to be provided by the Department. The application shall be signed and acknowledged by the owner of record of the property for which the Review of Condition is sought, and shall be notarized as to the owner's signature.

C. Hearing

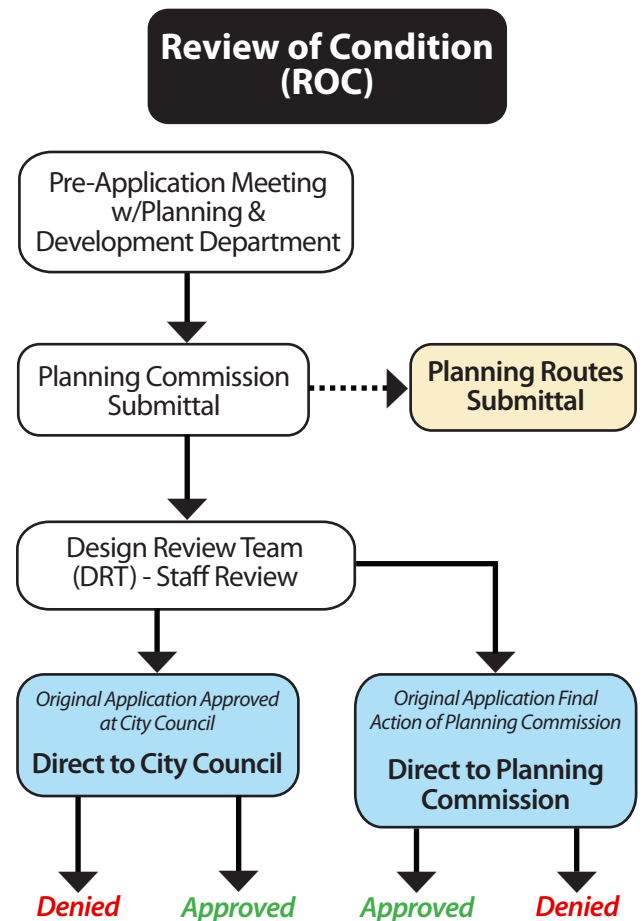
An application for Review of Condition shall be heard by the Planning Commission or City Council, depending on which body took final action to impose the condition or conditions being reviewed. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by:

1. Publishing the notice in a newspaper of general circulation within the City; and
2. Mailing a copy of the notice to:
 - a. The applicant;
 - b. Each owner of real property located within a minimum of one thousand feet of the property described in the application;
 - c. The president or head of any registered local neighborhood organization whose organization boundaries are located within the minimum of one mile of the property described in the application; and
 - d. The owner of each of the 30 separately-owned

Typical Review Process

Review of Conditions

19.16.240



parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2)

D. Decision

The Planning Commission or City Council, as the case may be, may approve, approve with conditions or deny an application for Review of Condition. The decision is final, subject to the right of appeal available under State law.

E. Notice of Decision

Written notice of the decision by the Planning Commission or City Council, as the case may be, including the reasons therefor, shall be provided to the applicant or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.



19.16.250

REQUIRED REVIEW

A. Purpose

The Planning Commission and City Council are authorized by the provisions of this Title to impose conditions in connection with their approval of applications under this Title. From time to time, such conditions of approval include a condition requiring that the application so approved (the "approved item") be brought back for review, either an administrative review or a review by the approving body. The purpose of the Required Review process described in this Section is to provide the mechanism by which approved items may be reviewed for compliance with the provisions of this Title and with conditions that were imposed in connection with the approval.

B. Application

An application for a Required Review shall be filed with the Department on a form to be provided by the Department. The application shall be signed and acknowledged by the owner of record of the property for which the Required Review is sought, and shall be notarized as to the owner's signature. In the absence of a voluntary application, the Department may process the Required Review on its own initiative.

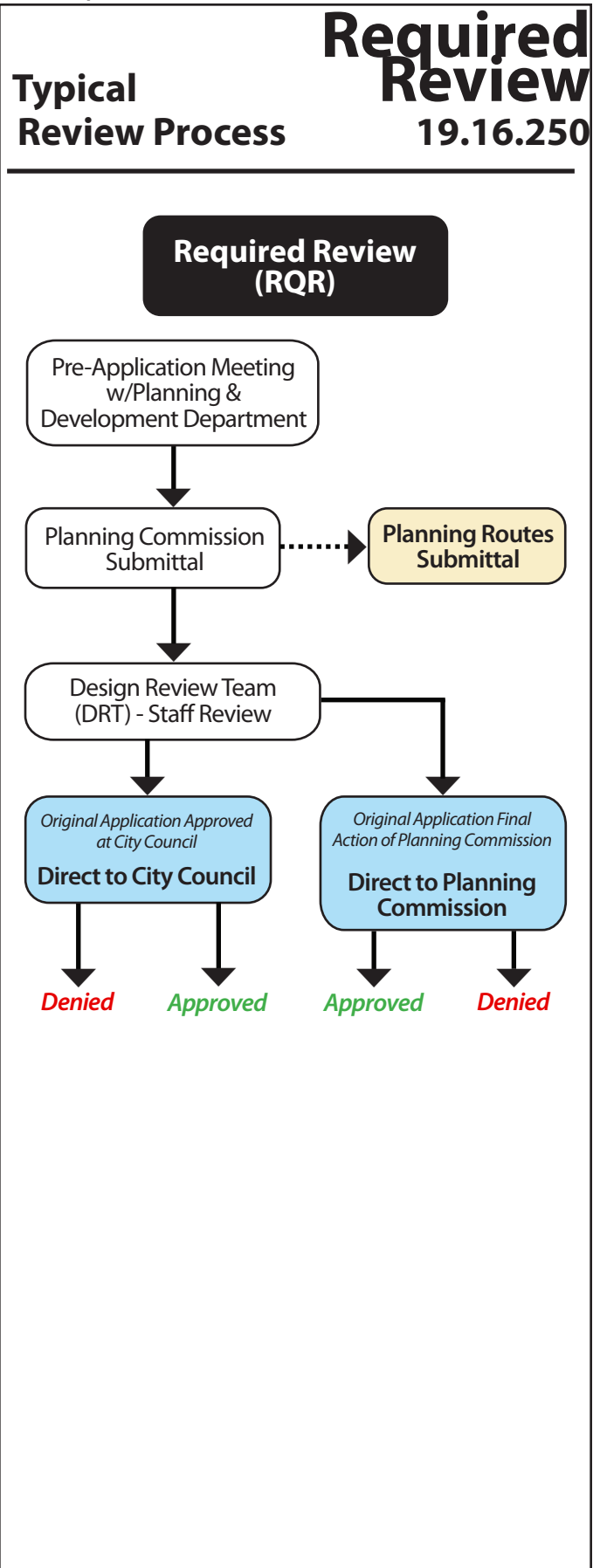
C. Types of Required Review

Where the type of review required by a condition of approval was an administrative review, the Required Review shall be performed by the Director. Where the type of review required by a condition of approval was not an administrative review, the provisions of Subsections (D) through (F) of this Section shall apply.

D. Hearing

An application or agenda item for a Required Review shall be heard by the Planning Commission or City Council, depending on which body took final action to approve the items subject to a Required Review. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by:

1. Publishing the notice in a newspaper of general circulation within the City; and
2. Mailing a copy of the notice to:
 - a. The applicant, if any, or otherwise to the property owner, operator of the use, or other representative;



- b. Each owner of real property located within a minimum of one thousand feet of the property described in the application;
- c. The president or head of any registered local neighborhood organization whose organization boundaries are located within the minimum of one mile of the property described in the application; and
- d. The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent that this notice does not duplicate the notice otherwise required by this Paragraph (2).

E. Decision

The Planning Commission or City Council, as the case may be, may take such action as it deems appropriate regarding the application, including without limitation:

- 1. Allowing the previous approval to continue subject to further review;
- 2. Allowing the previous approval to continue without further review;
- 3. Allowing the previous approval to continue subject to a different scope, or subject to conditions other than any previously imposed; or
- 4. Revoking or otherwise terminating the previous approval, but only if notice of the potential to take such action is provided at least fourteen days in advance of the hearing to:
 - a. The applicant (if any) or to the applicant's agent; or
 - b. Otherwise, to the property owner or operator of the use (or an agent).

F. Notice of Decision

Written notice of the decision by the Planning Commission or City Council, as the case may be, including the reasons therefor, shall be provided to the applicant, if any, or the applicant's agent, or otherwise to the property owner, the operator of the use, or an agent thereof. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.



19.16.260

EXTENSION OF TIME

A. Purpose

The purpose of an Extension of Time is to provide a mechanism for extending the approval period of an approved application with time limitations imposed by the City Council or Planning Commission. The provisions of this Subchapter are intended to govern whenever there is a proposal to extend an application under this Chapter. The provisions of this Section are not intended to limit the authority of the Planning Commission or City Council.

B. Application

An application for an Extension of Time shall be filed with the Department on a form to be provided by the Department. The application shall be signed and acknowledged by the owner of record of the property for which the Extension of Time is sought, and shall be notarized as to the owner's signature.

C. Hearing

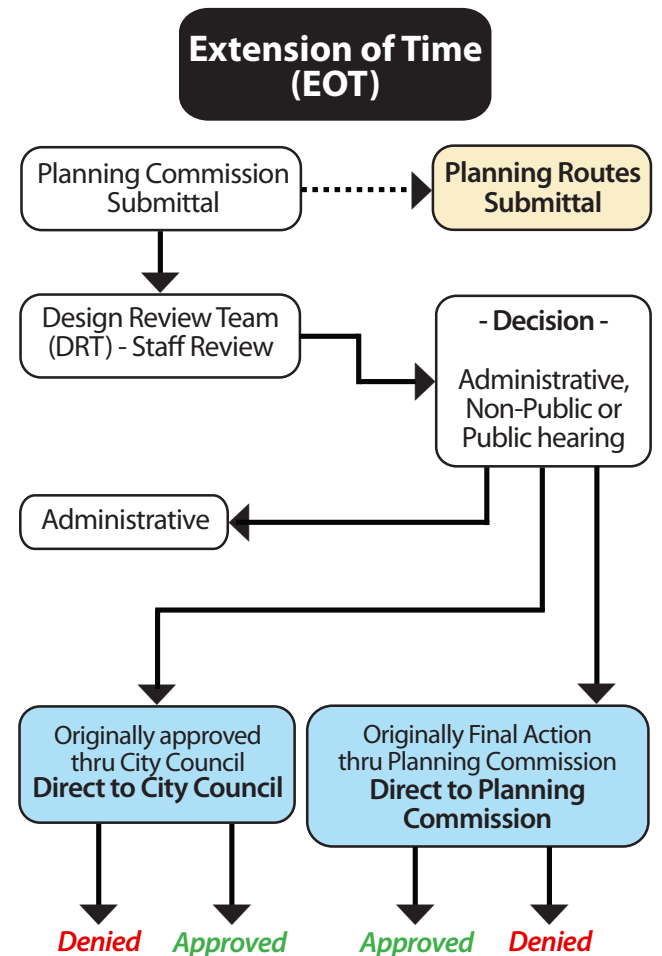
An application for an Extension of Time shall be heard by the Planning Commission or City Council, whichever body took final action to approve the item subject to an Extension of Time. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by publishing the notice in the newspaper of general circulation within the City.

D. Decision

The Planning Commission or City Council, as the case may be, may take such action as it deems appropriate regarding the application, including without limitation:

1. Allowing the previous approval to continue subject to further review;
2. Allowing the previous approval to continue without further review;
3. Allowing the previous approval to continue subject to a different scope, or subject to conditions other than any previously imposed; or
4. Revoking or otherwise terminating the previous approval, but only if notice of the potential to take such action is provided at least fourteen days in advance of the hearing to:
 - a. The applicant (if any) or the applicant's agent; or

Extension of Time Typical Review Process 19.16.260



- b. Otherwise, to the property owner or operator of the use (or an agent).

E. Notice of Decision

Written notice of the decision by the Planning Commission or City Council, as the case may be, including the reasons therefore, shall be provided to the applicant, if any, or the applicant's agent, or otherwise to the property owner, to the operator of the use, or an agent thereof. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.



19.16.270

MASTER SIGN PLAN

A. Purpose

A Master Sign Plan is required for certain types of development in order to allow the Planning Commission and City Council to ensure the appropriate relationships among building elevations, signage and circulation. Larger commercial developments are likely to generate greater impacts on surrounding residential properties than smaller commercial projects. An effective Master Sign Plan encourages integrated signage, with an emphasis on wall signs and central identification signage rather than multiple freestanding signs along the street frontage. Reducing the amount of sign clutter along street frontages allows the customer of the commercial center to readily identify establishments that have the goods and services they seek.

B. Applicability

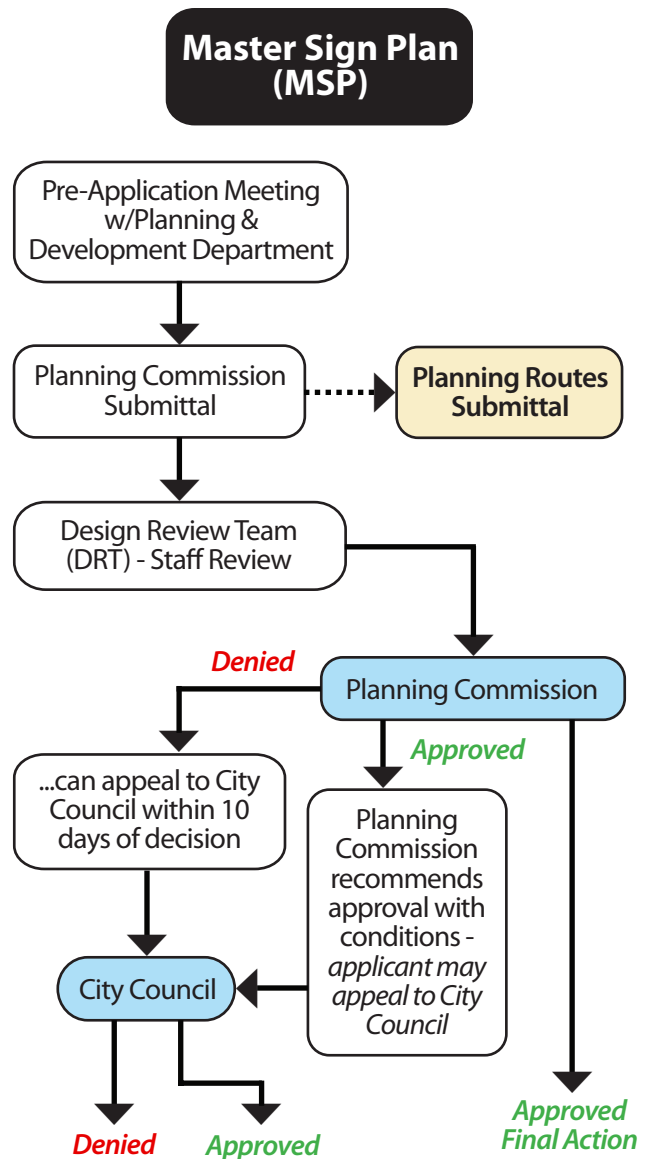
1. A Master Sign Plan shall be submitted and approved before any on-premise signage may be installed for the following:
 - a. Any non-residential project with a site larger than 15 net acres; or
 - b. Any non-restricted gaming establishment.
2. A Master Sign Plan may be submitted for any development or property not otherwise required to submit a Master Sign Plan to accomplish the following:
 - a. To establish the requirements and limitations for signs located in the Gaming and Downtown Overlay districts, and any uses not regulated elsewhere in this chapter located in the Planned Community and Planned Development districts; or
 - b. To establish requirements and limitations for signs in a specific development.

C. Master Sign Plan Requirements

A proposed Master Sign Plan generally may be submitted in connection with a Site Development Plan Review. The Master Sign Plan shall be signed by all the owners or the owner's authorized agent of the subject property on the form the Director requires, and shall include the following:

1. An accurate site plan of the lot, drawn to scale, indicating the location of buildings, parking lots,

Master Sign Plan Typical Review Process 19.16.270



driveways and landscaped areas on the lot;

2. An accurate indication of the location of each present and proposed sign of any type, whether or not the sign requires a sign certificate, except that incidental signs need not be shown;
3. Design drawings which allow the computation of the sign area and the height of any existing or proposed signs and which indicate any sign characteristics such as illumination or moving parts;
4. A copy of any private restrictions or sign criteria which the owner(s) or developer agrees will govern all signs affected by the Master Sign Plan;
5. The applicable fees set forth in the Fee Schedule;
6. If applicable, standards for window signs that indicate the general type of window signage to be allowed (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside the window); and
7. If applicable, a schedule for bringing all existing signs into conformance with the requirements in the Master Sign Plan.

D. Procedures

1. Hearing

The Planning Commission shall review a proposed Master Sign Plan within 65 days after it is properly submitted for review. The Planning Commission, in its discretion, may hold the Master Sign Plan in abeyance for good cause. Following the review, the Planning Commission shall make its recommendation to approve, approve with conditions, or deny the Master Sign Plan. The decision shall be based upon evidence that makes approval or denial of the Master Sign Plan appropriate.

2. Conditions of Approval

In approving a Master Sign Plan, the Planning Commission may impose the following conditions, restrictions or limitations as the Commission may determine to be necessary to meet the general purpose and intent of this Title and to ensure that the public health, safety and welfare are being maintained. All signs in the Master Sign Plan shall:

- a. Either conform to all standards for the zoning district in which the sign will be located, under this Title, or establish the sign requirements and

limitations consistent with the standards and criteria set forth in the following Subparagraphs (b) through (g). Master Sign Plans may also be used to establish the requirements and limitations for signs located in the Gaming and Downtown Overlay districts, and the Planned Community and Planned Development Districts;

- b. Conform to the Residential Protection Standards set forth in this Title;
- c. Conform to site plan and development standards regarding circulation and emergency exit patterns, parking and loading requirements and other standards related generally to the location of structures within a development;
- d. Be compatible with the architectural characteristics and spatial relationships of the buildings on which the signs are attached, and the placement of freestanding signs on the site, when considered in terms of location, scale, proportion, color, materials, and illumination;
- e. Be professionally designed and fabricated from materials that meet the physical demands of an urban setting;
- f. Be creative in the use of two- and three-dimensional forms, iconographic representations, illumination and graphic design, including the use of color, pattern, typography, and materials; and
- g. Be designed as attractive and complementary features of the development, which it serves.

3. Effect of Denial; Appeal

A decision by the Planning Commission to deny a Master Sign Plan becomes final and effective at the expiration of 10 calendar days after the date of the decision unless, within that period, the applicant appeals the decision by written request filed with the City Clerk.

4. Final Action Concerning Appeal or Approval

A decision by the Planning Commission to approve a Master Sign Plan constitutes final action, unless, with respect to a conditional approval, the applicant appeals the decision by written request filed with the City Clerk within ten calendar days after the date of the decision. The City Council shall review and make the final decision concerning



each Master Sign Plan which has been appealed to the City Council.

5. City Council Decision

In the case of an appeal, the City Council may approve, approve with conditions, or deny the Master Sign Plan. In doing so, the City Council shall consider the decision of the Planning Commission and the evidence presented at the public hearing. Action by the City Council is final.

6. Deemed Disapproval

If there is no final action by the Planning Commission or City Council on a Master Sign Plan within 90 days after the filing of a complete Master Sign Plan application, exclusive of any period of delay agreed to by the applicant thereof, it shall constitute a denial of the proposed Master Sign Plan. In the case of a failure by the City Council to reach final action on a Master Sign Plan, the applicant may seek direct judicial review of that denial based on the record then pending before the City Council.

E. Amendments

1. Minor Amendment

- a. **Applicability.** This Minor Amendment process shall apply to any amendment to a Master Sign Plan which does not propose any of the following:
 - i. Any increase by greater than ten percent in the number or size of freestanding or consolidated signs requiring certificates;
 - ii. Any substantial increase in the size, or illumination of wall, awning, roof, marquee or permanent window signs located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use; or
 - iii. Any substantial change in the location of wall, awning, roof, marquee or permanent window signs located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use.
- b. **Procedure.** The applicant shall file an application in writing, with supporting drawings, specifically identifying the proposed changes to the approved Master Sign Plan.

The Director shall review the application for completeness, and the applicability of the Minor Amendment process under this Section, within 5 business days of the date the application is received. After the Director finds that the application is complete, and that the Minor Amendment process applies, the Director shall review and act on the Amended Master Sign Plan application within 15 business days of the date the application is received. The application shall be reviewed for consistency with any conditions included in the original Master Sign Plan. If the "Master Sign Plan with Minor Amendments," is consistent with any conditions included in the original Master Sign Plan, the Director shall approve the application. The Director shall mark the approved plan as "Master Sign Plan with Minor Amendments," and indicate the date of approval. From that date, the amended Master Sign Plan shall be the official Master Sign Plan.

- c. **Resubmission or Appeal.** If the Minor Amendment is denied under this Paragraph (1), the applicant may revise and resubmit the application or may submit the complete application as a Major Amendment, in accordance with Paragraph (2). The submission of the application as a Major Amendment shall be in lieu of any appeal.

2. Major Amendment

- a. **Applicability.** Any amendment to a Master Sign Plan, which does not meet the criteria for a "Minor Amendment," as set forth in Paragraph (1), shall be reviewed as a Major Amendment.
- b. **Procedure.** A Major Amendment Master Sign Plan is accomplished by the same process and procedures required establishing a new Master Sign Plan. The proposed Major Amendment shall specifically identify the proposed changes to the existing Master Sign Plan that is in effect.
- c. **Schedule for Achieving Conformance.** If any application for a Major Amendment to a Master Sign Plan is filed for a property on which existing signs are located, the application for the amended Master Sign Plan shall include a schedule for bringing into conformance all signs that do not conform to the proposed amended Master Sign Plan.

F. Effect

After approval of a Master Sign Plan, or amended Mas-



ter Sign Plan, no sign shall be erected, placed, or altered, except in conformance with the Master Sign Plan, and the Master Sign Plan shall be enforced in the same way as any provision of this Chapter. The provisions of this Chapter shall be in force for any provisions not established in a Master Sign Plan. In case of any conflict between the provisions of a Master Sign Plan and any other provision of this Chapter, the Master Sign Plan shall control.



19.16.280

APPENDICES

A. Adopted

There are adopted, as part of this Chapter, seven appendices, designated as Appendices "A," "B," "C," "D," "E," "F," and "G," which are incorporated by this reference and copies of which shall be maintained in the office of the City Clerk and the Department. Appendices "A" through "F" are related to the preparation and submittal of parcel maps, tentative subdivision maps and final subdivision maps under the applicable provision of this Title. Appendix G sets forth requirements related to boundary line adjustments as authorized and described by State law.



