

BILL NO. 99-37

ORDINANCE NO. 5161

AN ORDINANCE RELATING TO ZONING; AMENDING VARIOUS PROVISIONS OF CHAPTER 19A.18 OF THE ZONING CODE OF THE CITY OF LAS VEGAS, ADOPTED AS AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO SPECIFICALLY AUTHORIZE THE CITY COUNCIL TO TAKE FINAL ACTION ON SITE DEVELOPMENT PLANS AND TO REQUIRE FINAL ACTION BY THE COUNCIL CONCERNING VARIANCE APPROVALS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:
Councilman Michael J. McDonald

Summary: Amends the Zoning Code to specifically authorize the City Council to take final action on site development plans, and to require final action by the Council concerning variance approvals.

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

SECTION 1: Section 19A.18.050(C) of the Zoning Code of the City of Las Vegas
is hereby amended to read as follows:

C. Authority

The Director shall have the authority to determine whether a Site Development Plan will be subject to a major review or a minor review and to approve or deny any Site Development Plans which requires a minor review. However, [the City Council or Planning Commission may specifically reserve the right, through prior action, to review and maintain approval authority of any Site Development Plan.] final approval authority shall rest with:

1. 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

2. 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 Subchapter.

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

1 development of the site.

2 SECTION 2: Section 19A.18.050(F) of the Zoning Code of the City of Las Vegas is
3 hereby amended to read as follows:

4 **F. Minor Review of Site Development Plans**

5 1. **Minor Review Decisions.** Site Development Plans requiring Minor Reviews
6 may be approved administratively by the Director.

7 2. **Minor Review Process.** A [minor Development] Minor Review is initiated by
8 the submission of a Site Development Plan Review application or an application for a Building
9 Permit. If submitted as part of a Building Permit application, issuance of the Building Permit shall
10 constitute approval of the Minor Review and no further action is required.

11 3. **Review By City Council.** The administrative approval of a Site Development
12 Plan pursuant to this Section (F) shall be final action unless, within 10 days following the approval,
13 a member of the City Council files with the Director a written request for the Council to review the
14 approval. In the event such a request is filed, the Council shall have final authority to approve, deny
15 or modify the Site Development Plan.

16 SECTION 3: Section 19A.18.050(G), Subsection (2), Paragraph (e), of the Zoning
17 Code of the City of Las Vegas is hereby amended to read as follows:

18 e. **Planning Commission Decision.** In making its final decision, the Planning
19 Commission shall consider the recommendation of the City Departments, the evidence presented at
20 the hearing and the criteria set forth in Section (D) of this subchapter. The Planning Commission may
21 approve, approve with conditions, or deny an application for a Major Development Review. [Unless
22 otherwise required by prior action of the City Council, all] All actions by the Planning Commission
23 are final unless: [an appeal is filed by the applicant.]

24 1. An appeal is filed by the applicant in accordance with Paragraph (f) below:

25 2. Otherwise required by prior action of the City Council; or

26 3. In the case of Planning Commission approval, a member of the City Council
27 files with the City Clerk, within 10 days following the approval, a written request for the Council to
28 review the approval.

1 SECTION 4: Section 19A.18.070(B) of the Zoning Code of the City of Las Vegas
2 is hereby amended to read as follows:

3 **B. Scope and Limitations**

4 Pursuant to NRS Chapter 278 and this subchapter, the Board of Zoning Adjustment
5 [has] and the City Council have the authority to [grant variances as it determines] act upon Variance
6 applications as they deem appropriate. However, [the Variance process is not available] a Variance
7 may not be granted in order to:

- 8 1. Permit a use in a zoning district in which the use is not allowed;
- 9 2. Vary any minimum spacing requirement between uses;
- 10 3. Relieve a hardship which is solely personal, self-created or financial in nature.

11 SECTION 5: Subsection 3, 4 and 5 of Section 19A.18.070(G) of the Zoning Code of
12 the City of Las Vegas are hereby amended to read as follows:

13 **3. Hearing.** The Board of Zoning Adjustment shall conduct a public hearing on
14 the application. In its discretion and for good cause, the Board of Zoning Adjustment may hold the
15 application in abeyance for further study. Following the hearing or hearings, the Board of Zoning
16 Adjustment shall make its decision to approve, approve with conditions, or deny the Variance
17 application. The decision shall be based upon evidence that makes the grant or denial of the Variance
18 appropriate. The decision shall either be a final decision or a recommendation, as determined in
19 accordance with Section 19A.18.070(J).

20 **4. Conditions of Approval[.] Recommendation.** In [approving] recommending
21 the approval of a Variance, the Board of Zoning Adjustment may impose any conditions, restrictions
22 or limitations as the Board may determine to be necessary to meet to the general purpose and intent
23 of this Title and to ensure that the public health, safety and welfare are being maintained.

24 **5. Notice of Board of Zoning Adjustment Decision.** The Board of Zoning
25 Adjustment shall provide written notice of its decision, which shall include the reasons for the
26 decision and, if the decision is to [approve] recommend approval of the Variance, any modifications,
27 conditions or limitations that the Board may impose. The notice shall be provided to the applicant,
28 agent, or both.

SECTION 6: Section 19A.18.070(J) of the Zoning Code of the City of Las Vegas is hereby repealed in its entirety, and a new Section 19A.18.070(J) is adopted in lieu thereof, reading as follows:

J. Appeals

1. **Appeal of Denial.** A decision of the Board of Zoning Adjustment to deny a Variance application becomes final and effective at the expiration of 10 days after the date of the decision of the Board unless, within that period, the applicant appeals the decision by written request filed with the City Clerk.

2. **Final Action by City Council Concerning Approval.** A decision by the Board of Zoning Adjustment to approve a Variance application constitutes a recommendation to the City Council. The City Council shall make the final decision concerning the application.

SECTION 7: Subsection (1) of Section 19A.18.070(K) of the Zoning Code of the City of Las Vegas is hereby amended to read as follows:

1. **Notice.** The City Council shall conduct a public hearing on any Variance application which is appealed or [requested for review.] forwarded to the Council for final action. At least ten days' written notice of the hearing shall be sent to property owners who were sent notice of the public hearing conducted by the Board of Zoning Adjustment.

SECTION 8: Section 19A.18.070(L) of the Zoning Code of the City of Las Vegas is hereby amended to read as follows:

L. Determinations

1. In order to recommend approval of, or to approve a Variance application, the Board of Zoning Adjustment [and, where applicable, the] 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

1 practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance
2 from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may
3 be granted without substantial detriment to the public good, without substantial impairment of affected
4 natural resources and without substantially impairing the intent and purpose of any ordinance or
5 resolution.

6 SECTION 9: If any section, subsection, subdivision, paragraph, sentence, clause or
7 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
8 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
9 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
10 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
11 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
13 invalid or ineffective.

14 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this 18th day of August, 1999.

18 APPROVED:

19 By 
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 
23 BARBARA JO RONEMUS, City Clerk
24 By: Beverly K. Bridges
Chief Deputy City Clerk

25 APPROVED AS TO FORM:

26 Valsted 7-14-99
27 Date
28

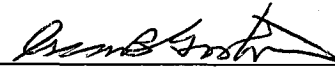
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 26th day of July, 1999 and referred to the following committee composed of the
3 Councilmen Brown and M. McDonald for recommendation; thereafter the said committee
4 reported favorably on said ordinance on the 18th day of August, 1999 which was a regular
5 meeting of said Council; that at said regular meeting, the proposed ordinance was read by title
6 to the City Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown and L. McDonald

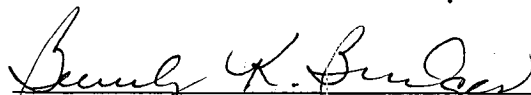
8 VOTING "NAY": NONE

9 EXCUSED: Councilman M. McDonald

10 APPROVED:

11
12 
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 
16 BARBARA JO RONEMUS, City Clerk

17 By: Beverly K. Bridges
18 Chief Deputy City Clerk
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AFFP

DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

RECEIVED
CITY CLERK

1999 AUG 31 A 10:17

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
888471

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/20/99 to 08/20/1999, on the following days: AUGUST 20, 1999

Signed:

Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE

23

day of

AUGUST

1999

Notary Public

Leah Kamer

BILL NO. 99-37
ORDINANCE NO.

AN ORDINANCE RELATING TO ZONING; AMENDING VARIOUS PROVISIONS OF CHAPTER 19A.18 OF THE ZONING CODE OF THE CITY OF LAS VEGAS, ADOPTED AS AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO SPECIFICALLY AUTHORIZE THE CITY COUNCIL TO TAKE FINAL ACTION ON SITE DEVELOPMENT PLANS AND TO REQUIRE FINAL ACTION BY THE COUNCIL CONCERNING VARIANCE APPROVALS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Councilman Michael J. McDonald

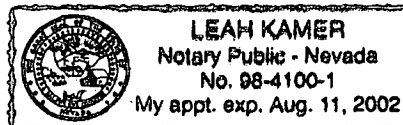
Summary: Amends the Zoning Code to specifically authorize the City Council to take final action on site development plans, and to require final action by the Council concerning variance approvals. At a City Council meeting JULY 26, 1999

BILL NO. 99-37 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:

COUNCILMEN BROWN
AND M. McDONALD

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: August 20, 1999
Las Vegas Review-Journal



AFFP

DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
864210

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/06/99 to 08/06/1999, on the following days: AUGUST 6, 1999

Signed:

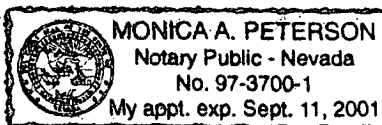
Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10

day of August 1999

Monica A. Peterson

Notary Public



BILL NO. 99-37

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At a City Council meeting
JULY 26, 1999
BILL NO. 99-37 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: COUNCILMEN BROWN AND M. McDONALD
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: August 6, 1999
Las Vegas Review-Journal

1999 AUG 13 A 10:50

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1999 OCT 12 P 4:39

AFFP

DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

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LV CITY CLERK
890310

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/21/99 to 08/21/1999, on the following days: AUGUST 21, 1999

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of OCTOBER 1999

Leah Kamer
Notary Public



B
L
D
BILL NO. 99-37
ORDINANCE NO. 5161

AN ORDINANCE RELATING TO ZONING; AMENDING VARIOUS PROVISIONS OF CHAPTER 19A.18 OF THE ZONING CODE OF THE CITY OF LAS VEGAS, ADOPTED AS AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO SPECIFICALLY AUTHORIZE THE CITY COUNCIL TO TAKE FINAL ACTION ON SITE DEVELOPMENT PLANS AND TO REQUIRE FINAL ACTION BY THE COUNCIL CONCERNING VARIANCE APPROVALS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

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VOTING "AYE" Councilmembers Reese, Brown, L. B. McDonald and Mayor Goodman
VOTING "NAY" NONE
EXCUSED: Councilman M. McDonald
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1st FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: August 21, 1999
Las Vegas Review-Journal