

FIRST AMENDMENT

BILL NO. 2001-28

ORDINANCE NO. 5314

AN ORDINANCE TO AMEND THE ZONING CODE TO EXPAND THE APPLICABILITY OF THE RESIDENTIAL ADJACENCY STANDARDS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilwoman Lynette Boggs McDonald

Summary: Amends the Zoning Code to expand the applicability of the residential adjacency standards.

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

SECTION 1: Section 19A.08.060(A) of the Zoning Code of the City of Las Vegas is hereby deleted in its entirety and a new Section 19A.08.060(A) is adopted in its place, reading as follows:

A. Applicability

1. Except as otherwise provided in Subsection (3) of this Section (A), development of the following property shall conform to the residential adjacency standards set forth in this Subchapter:

a. All property to be developed for nonresidential use that is located adjacent to residential property which is either developed for sale or designated for such development in the General Plan; and

b. All property to be developed for multi-family residential use that is located adjacent to either single-family residential property or property which is designated for such development in the General Plan.

2. For purposes of this Subchapter:

a. Property is "adjacent" to other property if the properties share a common property line or are separated only by a street right-of-way or easement.

b. "Property subject to the standards of this Subchapter" means the property that is described in Subsection (1) of this Section (A) that must conform to the residential adjacency standards of the Subchapter.

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1 c. “Protected property” means residential property that is developed for sale or designated
2 for such development, and single-family residential property, as those types of property are described
3 in Subsection (1) of this Section (A).

4 3. The following property is not subject to the residential adjacency standards set forth in this
5 Subchapter:

6 a. Property located within the boundaries of the Downtown Overlay District, as described
7 by ordinance.

8 b. Property located within the boundaries of the Las Vegas Redevelopment Area, as
9 described by ordinance.

10 SECTION 2: Section 19A.08.060(B) of the Zoning Code of the City of Las Vegas is
11 hereby amended to read as follows:

12 **B. [Non-Residential] Building Height And Setback Requirements**

13 1. **[Residential] Proximity Slope.**

14 a. Except as otherwise provided in this [section,] Section (B), no building [in a
15 non-residential district] subject to the standards of this Subchapter may exceed the height of a line
16 drawn from [a residential property line in a residential district] the property line of a protected
17 property at a 3:1 slope directly into the [subject non-residential property,] property subject to the
18 standards of this Subchapter (see Figure 6 below). For example, a 100 foot high building must be set
19 back 300 ft. from the [residential property line, if both the residential] property line of the protected
20 property, if both the property line of that property and the grade of the [non-residential] building
21 subject to the standards of this Subchapter are at the same elevation. The [Residential] Proximity
22 Slope limitation contained in this Paragraph (a) applies to architectural projections above roof lines.

23 b. The [Residential] Proximity Slope limitation contained in Paragraph (a) does
24 not apply when nonresidential buildings, such as schools and churches, are built on the [residentially-
25 zoned] protected property.

26 c. Notwithstanding the [Residential] Proximity Slope limitation contained in
27 Paragraph (a), a one story building up to 15 feet in height may be constructed to the applicable setback
28

1 line that is established for the [non-residential] zoning district in which the property subject to the
2 standards of this Subchapter is located or which is established by Subsection (4) of this Section (B).

3 (Figure 6 appears here)

4 **2. Changes in Grade.** Notwithstanding the [Residential] Proximity Slope limitation
5 contained in Paragraph 1 (a) above, if the natural slope of the ground rises or falls from the point of
6 origin of the slope line, the actual building height may be greater or lesser by the difference in grade.

7 **3. Exceptions.**

8 **a.** The following structures may project a maximum of 12 feet above the
9 [residential proximity slope:] Proximity Slope:

10 1) Chimney and vent stacks.

11 2) Roof structures for the use of elevators, stairs, tanks, ventilation and similar
12 necessary mechanical equipment.

13 3) Visual screens which surround mounted mechanical equipment.

14 4) Skylights.

15 5) Whip and mounted antennas.

16 **b.** Church steeples, utility transmission lines and towers, and municipal utility
17 facilities such as water towers are exempt from the maximum height provisions.

18 **4. Building Setback.** In addition to the required building setback line, no building
19 setback on [a non-residentially zoned] property subject to the standards of this Subchapter shall be less
20 than the required building setback for the [residentially zoned] protected property [where they share
21 common boundaries or where they are separated by an alley or utility easement] (see Figure 7 below).

22 **5. Waiver.** The requirements of this Section (B) may be waived by the City Council for:

23 **a.** [any] Any multi-family residential project that is intended to meet the
24 affordable housing objectives of the General Plan if the City Council determines that the waiver is
25 critical to the viability of the project and that the intent of this Section (B) can be achieved[.] ; or

26 **b.** Any mixed-use development that contains a significant residential element.

27 (Figure 7 appears here)

1 SECTION 3: Figure 6, as it appears in Section 19A.08.060(B) of the Zoning Code of
2 the City of Las Vegas is hereby amended as follows:

3 1. The title of Figure 6 is changed from "RESIDENTIAL PROXIMITY SLOPE" to
4 "PROXIMITY SLOPE."

5 2. The term "RESIDENTIAL PROPERTY LINE" is changed to "PROPERTY LINE OF
6 PROTECTED PROPERTY."

7 3. Each occurrence of the term "RESIDENTIAL SETBACK" is changed to "SETBACK
8 FOR PROTECTED PROPERTY."

9 4. The term "NON-RESIDENTIAL USE" is changed to "PROPERTY SUBJECT TO
10 THE STANDARDS OF THIS SUBCHAPTER."

11 SECTION 4: Figure 7, as it appears in Section 19A.08.060(B) of the Zoning Code of
12 the City of Las Vegas is hereby amended as follows:

13 1. The title of Figure 7 is changed from "NON-RESIDENTIAL SETBACK" to
14 "BUILDING SETBACK."

15 2. The term "RESIDENTIALLY ZONED LOT" is changed to "PROTECTED
16 PROPERTY."

17 3. The term "RESIDENTIAL SETBACK LINE" is changed to "SETBACK LINE OF
18 PROTECTED PROPERTY."

19 4. Each remaining occurrence of the term "RESIDENTIAL SETBACK" is changed to
20 "SETBACK FOR PROTECTED PROPERTY."

21 5. The term "NON-RESIDENTIAL SETBACK LINE" is changed to "SETBACK LINE
22 OF PROPERTY SUBJECT TO THE STANDARDS OF THIS SUBCHAPTER."

23 6. The term "NON-RESIDENTIAL BUILDING" is changed to "BUILDING ON
24 PROPERTY SUBJECT TO THE STANDARDS OF THIS SUBCHAPTER."

25 SECTION 5: Section 19A.08.060(C) of the Zoning Code of the City of Las Vegas is
26 hereby amended to read as follows:

27 ...

28

1 **C. Spill-Over Lighting**

2 **1. Lighting Standard.** No lighting from a [non-residential] property subject to the
3 standards of this Subchapter shall create greater than 0.5 of one foot-candle at [a residential property
4 line.] the property line of a protected property.

5 **2. Redirecting/Screening of Light Sources.** All sources of light, including security
6 lighting, illuminated signs, vehicular headlights and other sources, shall be directed away from
7 [residential] protected property or screened so that the light level above is not exceeded.

8 SECTION 6: Section 19A.08.060(D) of the Zoning Code of the City of Las Vegas is
9 hereby amended to read as follows:

10 **D. Traffic**

11 Site Development Plans [of non-residential properties] for properties subject to the standards of this
12 Subchapter shall be reviewed to avoid access locations which would encourage cut-through traffic
13 through [residential areas.] protected properties.

14 SECTION 7: Section 19A.08.060(E) of the Zoning Code of the City of Las Vegas is
15 hereby amended to read as follows:

16 **E. Use Of Alleys**

17 Commercial truck and automobile traffic shall be prohibited on alleys or service drives which are
18 shared with [residential] protected properties between the hours of 10 PM and 6 AM. This prohibition
19 includes, but is not limited to, deliveries, loading and unloading, and commercial parking lot access.

20 SECTION 8: Section 19A.08.060(F) of the Zoning Code of the City of Las Vegas is
21 hereby amended to read as follows:

22 **F. Screening**

23 Screening of [non-residential] properties subject to the standards of this Subchapter from [residential]
24 protected properties shall conform to the provisions of Chapter 19A.12.

25 SECTION 9: Section 19A.08.060(G) of the Zoning Code of the City of Las Vegas is
26 hereby amended to read as follows:

27 ...

1 **G. Trash Receptacles**

2 Garbage storage areas for [commercial uses] properties subject to the standards of this Subchapter
3 shall be screened and odor controlled, and trash pickup shall be scheduled to minimize any impact on
4 [neighboring residential uses.] protected properties. In addition, trash receptacles shall be located a
5 minimum of 50 feet from any [residential property line.] property line of a protected property.

6 SECTION 10: Subchapter 19A.20.020 of the Zoning Code of the City of Las Vegas is
7 hereby amended by deleting in their entirety the terms "Residential Adjacency" and "Residential
8 Proximity," together with their corresponding definitions.

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

17 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, in conflict herewith are hereby repealed.

20 PASSED, ADOPTED and APPROVED this 24th day of April, 2001.
21 APPROVED:

22 By Oscar B. Goodman
23 OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 Barbara Jo Ronemus
26 BARBARA JO RONEMUS, City Clerk

27 APPROVED AS TO FORM:

28 Val Steed 4-9-01
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th
2 day of March, 2001, and referred to the following committee composed of Councilmembers Weekly
3 and Mack for recommendation; thereafter the said committee reported favorably on said ordinance on
4 the 4th day of April, 2001, which was a regular meeting of said Council; that at said regular meeting,
5 the proposed ordinance was read by title to the City Council as amended and adopted by the following

6 vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, M. McDonald, Brown,
8 L.B. McDonald and Weekly

9 VOTING "NAY": None

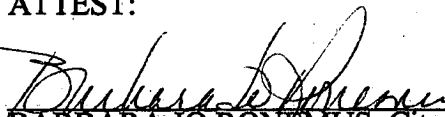
10 ABSENT: None

11 NOT VOTING: Councilmember Mack

12 APPROVED:

13 By 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 
17 BARBARA JO RONEMUS, City Clerk

BILL NO. 2001-28

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING CODE TO EXPAND THE APPLICABILITY OF THE RESIDENTIAL ADJACENCY STANDARDS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilwoman Lynette Boggs McDonald

Summary: Amends the Zoning Code to expand the applicability of the residential adjacency standards.

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

SECTION 1: Section 19A.08.060(A) of the Zoning Code of the City of Las Vegas is hereby deleted in its entirety and a new Section 19A.08.060(A) is adopted in its place, reading as follows:

A. Applicability

1. Except as otherwise provided in Subsection (3) of this Section (A), the residential adjacency standards set forth in this Subchapter shall apply to:

a. All property to be developed for nonresidential use that is located adjacent to residential property which is either developed for sale or designated for such development in the General Plan; and

b. All property to be developed for multi-family residential use that is located adjacent to either single-family residential property or property which is designated for such development in the General Plan.

2. For purposes of this Subchapter:

a. Property is "adjacent" to other property if the properties share a common property line or are separated only by a street right-of-way or easement.

b. "Property subject to the standards of this Subchapter" means property to be developed for nonresidential use and property to be developed for multi-family residential use, as those properties are described in Subsection (1) of this Section (A).

c. "Protected property" means residential property which is developed for sale or designated for such development, and single-family residential property, as those properties are

described in Subsection (1) of this Section (A).

3. The residential adjacency standards set forth in this Subchapter shall not apply to any property in the Downtown Overlay District.

SECTION 2: Section 19A.08.060(B) of the Zoning Code of the City of Las Vegas is hereby amended to read as follows:

B. [Non-Residential] Building Height And Setback Requirements

1. [Residential] Proximity Slope.

a. Except as otherwise provided in this [section,] Section (B), no building [in a non-residential district] subject to the standards of this Subchapter may exceed the height of a line drawn from [a residential property line in a residential district] the property line of a protected property at a 3:1 slope directly into the [subject non-residential property,] property subject to the standards of this Subchapter (see Figure 6 below). For example, a 100 foot high building must be set back 300 ft. from the [residential property line, if both the residential] property line of the protected property, if both the property line of that property and the grade of the [non-residential] building subject to the standards of this Subchapter are at the same elevation. The [Residential] Proximity Slope limitation contained in this Paragraph (a) applies to architectural projections above roof lines.

b. The [Residential] Proximity Slope limitation contained in Paragraph (a) does not apply when nonresidential buildings, such as schools and churches, are built on the [residentially-zoned] protected property.

c. Notwithstanding the [Residential] Proximity Slope limitation contained in Paragraph (a), a one story building up to 15 feet in height may be constructed to the applicable setback line that is established for the [non-residential] zoning district in which the property subject to the standards of this Subchapter is located or which is established by Subsection (4) of this Section (B).

(Figure 6 appears here)

2. **Changes in Grade.** Notwithstanding the [Residential] Proximity Slope limitation contained in Paragraph 1 (a) above, if the natural slope of the ground rises or falls from the point of origin of the slope line, the actual building height may be greater or lesser by the difference in grade.

3. Exceptions.

a. The following structures may project a maximum of 12 feet above the [residential proximity slope:] Proximity Slope:

- 1) Chimney and vent stacks.
- 2) Roof structures for the use of elevators, stairs, tanks, ventilation and similar necessary mechanical equipment.
- 3) Visual screens which surround mounted mechanical equipment.
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b. Church steeples, utility transmission lines and towers, and municipal utility facilities such as water towers are exempt from the maximum height provisions.

4. Building Setback. In addition to the required building setback line, no building setback on [a non-residentially zoned] property subject to the standards of this Subchapter shall be less than the required building setback for the [residentially zoned] protected property [where they share common boundaries or where they are separated by an alley or utility easement] (see Figure 7 below).

5. Waiver. The requirements of this Section (B) may be waived by the City Council for any multi-family residential project that is intended to meet the affordable housing objectives of the General Plan if the City Council determines that the waiver is critical to the viability of the project and that the intent of this Section (B) can be achieved.

(Figure 7 appears here)

SECTION 3: Figure 6, as it appears in Section 19A.08.060(B) of the Zoning Code of the City of Las Vegas is hereby amended as follows:

1. The title of Figure 6 is changed from "RESIDENTIAL PROXIMITY SLOPE" to "PROXIMITY SLOPE."

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17 is hereby amended to read as follows:

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19 1. **Lighting Standard.** No lighting from a [non-residential] property subject to the
20 standards of this Subchapter shall create greater than 0.5 of one foot-candle at [a residential property
21 line.] the property line of a protected property.

22 2. **Redirecting/Screening of Light Sources.** All sources of light, including security
23 lighting, illuminated signs, vehicular headlights and other sources, shall be directed away from
24 [residential] protected property or screened so that the light level above is not exceeded.

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26 is hereby amended to read as follows:

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28 Site Development Plans [of non-residential properties] for properties subject to the standards of this

1 Subchapter shall be reviewed to avoid access locations which would encourage cut-through traffic
2 through [residential areas.] protected properties.

3 SECTION 7: Section 19A.08.060(E) of the Zoning Code of the City of Las Vegas is
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7 shared with [residential] protected properties between the hours of 10 PM and 6 AM. This prohibition
8 includes, but is not limited to, deliveries, loading and unloading, and commercial parking lot access.

9 SECTION 8: Section 19A.08.060(F) of the Zoning Code of the City of Las Vegas is
10 hereby amended to read as follows:

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12 Screening of [non-residential] properties subject to the standards of this Subchapter from [residential]
13 protected properties shall conform to the provisions of Chapter 19A.12.

14 SECTION 9: Section 19A.08.060(G) of the Zoning Code of the City of Las Vegas
15 is hereby amended to read as follows:

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17 Garbage storage areas for [commercial uses] properties subject to the standards of this Subchapter
18 shall be screened and odor controlled, and trash pickup shall be scheduled to minimize any impact on
19 [neighboring residential uses.] protected properties. In addition, trash receptacles shall be located a
20 minimum of 50 feet from any [residential property line.] property line of a protected property.

21 SECTION 10: Subchapter 19A.20.020 of the Zoning Code of the City of Las Vegas
22 is hereby amended by deleting in their entirety the terms "Residential Adjacency" and "Residential
23 Proximity," together with their corresponding definitions.

24 SECTION 11: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
26 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

4 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this _____ day of _____, 2001.

8 APPROVED:

9
10 By _____
OSCAR B. GOODMAN, Mayor

11 ATTEST:

12
13 BARBARA JO RONEMUS, City Clerk

14 APPROVED AS TO FORM:

15 Val Steed 2-23-01
16 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2001, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2001, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

15
16 BARBARA JO RONEMUS, City Clerk

RECEIVED
CITY CLERK

2001 APR -2 A 10:52

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
1642805

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 03/24/01 to 03/24/2001, on
the following days: MARCH 24, 2001

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

27

day of *March* 2001

Mary B. Sheffield

Notary Public

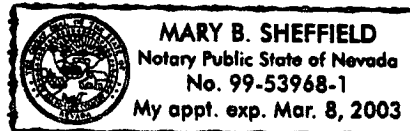
BILL NO. 2001-28

AN ORDINANCE TO AMEND
THE ZONING CODE TO EX-
PAND THE APPLICABILITY
OF THE RESIDENTIAL AD-
JACENCY STANDARDS,
AND TO PROVIDE FOR
OTHER RELATED MAT-
TERS.

Sponsored by: Council-
man Michael Mack Spon-
sored by: Councilwoman
Lynette Boggs McDonald
Summary: Amends the
Zoning Code to expand
the applicability of the
residential adjacency
standards.

At a City Council meeting
MARCH 7, 2001
BILL NO. 2001-28 WAS
READ BY TITLE AND RE-
FERRED TO RECOMMEND-
ING COMMITTEE:
Councilmembers Weekly
and Mack

COPIES OF THE COMPLETE
BILL ARE AVAILABLE FOR
PUBLIC INFORMATION IN
THE OFFICE OF THE CITY
CLERK, 1ST FLOOR, CITY
HALL, 400 STEWART AVE-
NUE, LAS VEGAS, NEVADA.
PUB: March 24, 2001
LV Review-Journal



RECEIVED
CITY CLERK

2001 APR 13 A 10:23

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
1666067

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/07/01 to 04/07/2001, on the following days: APRIL 7, 2001

BILL NO. 2001-28
FIRST AMENDMENT
ORDINANCE NO. 5314

AN ORDINANCE TO AMEND THE ZONING CODE TO EXPAND THE APPLICABILITY OF THE RESIDENTIAL ADJACENCY STANDARDS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael Mack
Sponsored by: Councilwoman Lynette Boggs McDonald
Summary: Amends the Zoning Code to expand the applicability of the residential adjacency standards.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of March, 2001, and referred to the following committee composed of Councilmembers Weekly and Mack for recommendation; thereafter the said committee reported favorably on said ordinance on the 4th day of April, 2001, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, M. McDonald, Brown, L.B. McDonald and Weekly.

VOTING "NAY": NONE
EXCUSED: NONE
NOT VOTING: Councilmember Mack

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA. PUB: April 7, 2001 LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 9

day of April 2001

Mary B. Sheffield
Notary Public

