

1 BILL NO. 97-83

2 ORDINANCE NO. 5032

3 AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE NO. 5009 OF THE CITY  
4 OF LAS VEGAS AND SECTION 19A.18.040(O) OF THE ZONING CODE OF THE CITY OF LAS  
5 VEGAS, ADOPTED AS AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF  
6 THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROVIDE FOR THE  
7 TERMINATION OF RESOLUTIONS OF INTENT TO REZONE CONCERNING PROPERTIES  
8 WHICH ARE NOT BEING DEVELOPED AND WHICH DO NOT CONFORM TO THE USE AND  
9 DENSITY CLASSIFICATIONS OF THE GENERAL PLAN; PROVIDING FOR OTHER  
10 MATTERS RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF  
11 ORDINANCES IN CONFLICT HEREWITH.

8 Sponsored by:  
9 Councilman Larry Brown

Summary: Provides for the termination of  
resolutions of intent to rezone concerning  
properties which are not being developed and  
which do not conform to the use and density  
classifications of the General Plan.

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

13 SECTION 1: Section 4 of Ordinance No. 5009 of the City of Las Vegas, and Section  
14 19A.18.040(O) of the Zoning Code of the City of Las Vegas are hereby amended so that Section  
15 19A.18.040(O) reads as follows:

16 **O. Rezoning Procedures**

17 **1. Resolution of Intent.** Before the City Council adopts an ordinance to effectuate  
18 a rezoning, the Council may adopt a Resolution of Intent to reflect the Council's approval of the  
19 rezoning. Such a Resolution of Intent is binding upon the Council in accordance with its terms. [If  
20 the approval of a Resolution of Intent is subject to a time limit, the approval expires at the end of that  
21 time limit unless the City Council extends the approval period. Extension of an approval period, or  
22 reinstatement and extension, may be granted only if:

23 a. Application therefor is made no later than six months after the approval has  
24 expired;

25 b. The applicant demonstrates good cause; and

26 c. The rezoning remains consistent with the surrounding area and the pattern  
27 of development in the area.]

28 **2. Finalizing Rezoning by Ordinance.** The final step in the rezoning process is the

1 adoption of a rezoning ordinance in which the zoning classification of one or more parcels is  
2 formalized.

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

7           **4. [Rescinding] Termination of Rezoning Approval Without Time Limit.** If  
8 development does not occur in a timely manner or conditions in the area change subsequent to the  
9 original approval of a rezoning that is not subject to a time limit, the City Council may schedule a  
10 hearing to reconsider the Resolution of Intent. At such time, the Council may rescind the Resolution  
11 of Intent or may change the conditions of approval. In addition, if such a rezoning approval no longer  
12 conforms to the use and density classifications of the General Plan, the City may notify the property  
13 owner that the rezoning must be exercised within one year. If, within that period, the zoning approval  
14 is not exercised by means of the recordation of a final subdivision map or by the commencement of  
15 actual construction, the approval terminates.

16           **5. Extensions of Time-General Requirements.** If the approval of a Resolution of  
17 Intent is subject to a time limit, the approval expires at the end of that time limit unless the City  
18 Council extends the approval period. Extension of an approval period, or reinstatement and extension,  
19 may be granted only if:

20                   a. Application therefor is made no later than six months after the approval has  
21 expired; and

22                   b. The applicant demonstrates good cause; and

23                   c. The application conforms to the additional requirements set forth in  
24 Subsection 6 below.


25           **6. Extensions of Time-Additional Requirements.** If a time-limited zoning approval  
26 that is sought to be extended (or reinstated and extended) continues to conform to the use and density  
27 classifications of the General Plan, the applicant must demonstrate that the rezoning remains  
28 consistent with the surrounding area and the pattern of development in the area. If the rezoning sought

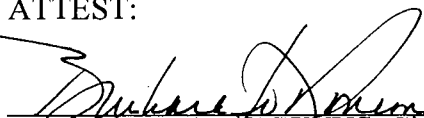
1 to be extended (or reinstated and extended) no longer conforms to the use and density classifications  
2 of the General Plan, the extension of time, if granted, shall be limited to a one-year period. If, within  
3 that period, the zoning approval is not exercised by means of the recordation of a final subdivision  
4 map or by the commencement of actual construction, the approval terminates.

5 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or  
6 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid  
7 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
8 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
9 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
10 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
11 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
12 invalid or ineffective.

13 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,  
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this 27<sup>th</sup> day of November, 1997.

17 APPROVED:  
18   
19 By JAN LAVERTY JONES, Mayor

20 ATTEST:  
21   
22 BARBARA JO RONEMUS, City Clerk

23 APPROVED AS TO FORM:  
24 Val Heed 10-16-97  
25 Date

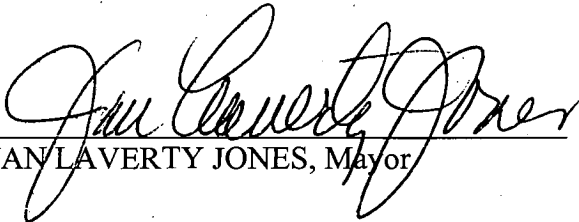
1 The above and foregoing ordinance was first proposed and read by title to the City Council on  
2 the 27<sup>th</sup> day of October, 1997 and referred to the following committee composed of  
3 Councilmen McDonald and Brown recommendation; thereafter the said committee reported  
4 favorably on said ordinance on the 24<sup>th</sup> day of November, 1997 which was a regular meeting  
5 of said Council; that at said regular meeting, the proposed ordinance was read by title to the  
6 City Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, McDonald, Brown and Mayor Jones


8 VOTING "NAY": NONE

9 EXCUSED: Councilman Reese

10 APPROVED:

11   
12 JAN LAVERTY JONES, Mayor

13 ATTEST:

14   
15 BARBARA JO RONEMUS, City Clerk

# AFFIDAVIT OF PUBLICATION

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BILL NO. 97-83  
ORDINANCE NO. 5032

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE NO. 5009 OF THE CITY OF LAS VEGAS AND SECTION 19A.18.040(D) 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 PROVIDE FOR THE TERMINATION OF RESOLUTIONS OF INTENT TO REZONE CONCERNING PROPERTIES WHICH ARE NOT BEING DEVELOPED AND WHICH DO NOT CONFORM TO THE USE AND DENSITY CLASSIFICATIONS OF THE GENERAL PLAN, PROVIDING FOR OTHER MATTERS RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman Larry Brown

SUMMARY: Provides for the termination of resolutions of intent to rezone concerning properties which are not being developed and which do not conform to the use and density classifications of the General Plan.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 27th day of October, 1997, and referred to the following committee composed of Councilmen McDonald and Brown for recommendation; thereafter the said committee reported favorably on said ordinance on the 24th day of November, 1997, 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 first introduced and adopted by the following vote:

VOTING "AYE": Councilmen Adamsen, McDonald, Brown and Mayor Jones  
VOTING "NAY": NONE  
EXCUSED: Councilman Reese

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: November 26, 1997  
Las Vegas Review-Journal

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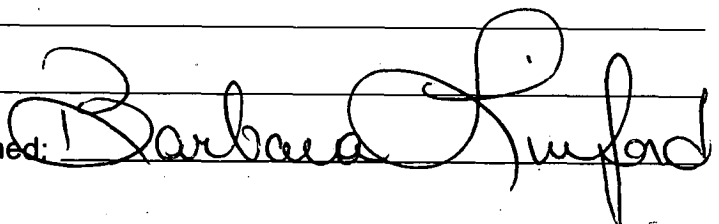
DEC 5 3 15 PM '97

STATE OF NEVADA)  
COUNTY OF CLARK)      SS:

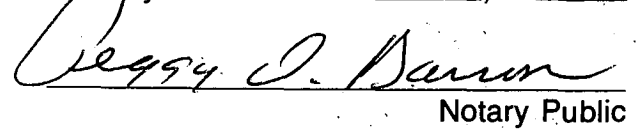
BARBARA LINFORD, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of NOVEMBER 26, 1997 to NOVEMBER 26, 1997, on the following days:

NOVEMBER 26, 1997

Signed: 

Subscribed and sworn to before me this 26 day of NOV, 1997

  
Notary Public



PEGGY D. BARRON  
Notary Public - Nevada  
Clark County  
My appt. exp. Feb. 17, 1998

# AFFIDAVIT OF PUBLICATION

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 Nov 26 10 43 AM '97

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STATE OF NEVADA)  
 COUNTY OF CLARK)      SS:

BARBARA LINFORD, being first duly sworn, deposes and says:

BILL NO. 97-83  
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 SPONSORED BY: Councilman Larry Brown  
 SUMMARY: Provides for the termination of resolutions of intent to rezone concerning properties which are not being developed and which do not conform to the use and density classifications of the General Plan.  
 At a City Council meeting OCTOBER 27, 1997  
 BILL NO. 97-83 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE.  
 Councilmen McDonald and Brown  
 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: November 13, 1997  
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That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of NOVEMBER 13, 1997 to NOVEMBER 13, 1997, on the following days:

NOVEMBER 13, 1997

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Signed: Barbara Linford

Subscribed and sworn to before me this 13 day of NOV, 19 97

Peggy D. Barron  
 Notary Public



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VOTING "NAY" NONE

EXCUSED: Councilman Reese

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DEC 5 3 10 PM '97

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