

Bill No. 95-12

Ordinance No 3883

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 92 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, ADDING AND AMENDING SECTIONS OF CHAPTER 92 OF SAID TITLE RELATING TO ZONING AND THE GENERAL PLAN; ADDING A SEPARATE APPLICATION REQUIREMENT FOR A GENERAL PLAN AMENDMENT; SPECIFYING THE ELEMENTS OF SAID APPLICATION; INCREASING THE TIME PERIODS FOR THE FILING OF A NEW APPLICATION AFTER A DENIAL OR WITHDRAWAL WITH PREJUDICE; SETTING STANDARDS FOR A REQUESTED CONTINUANCE; DISALLOWING ANY RECLASSIFICATION OF LAND INCONSISTENT WITH THE GENERAL PLAN; ESTABLISHING REGISTRATION AND NOTIFICATION REQUIREMENTS FOR NEIGHBORHOOD GROUPS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Councilman Frank Hawkins

Summary: Amends and adds to Title 19, Chapter 92 relating to zoning by changing application and notification requirements, and other matters relating to General Plan amendments and reclassification.

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

SECTION 1: Title 19, Chapter 92 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition is hereby amended as follows:

19.92.010 Amendments to text. Whenever public necessity, safety, general welfare and convenience may require, the City Council may, from time to time, upon recommendation by the Planning Commission, amend, supplement, modify, change or repeal any of the regulations contained in this Title, following at all times the procedures prescribed in the Chapter of the City of any applicable State statute.

19.92.020 Reclassification permitted when. Whenever the public health, welfare, safety or convenience requires, or subsequent growth and development factors in the community

1 indicate, the need, in pursuit of the objectives identified in the comprehensive general plan, the
2 City Council may, from time to time, upon recommendation by the Planning Commission,
3 reclassify any parcel or area of land within the City, other than a parcel or area in the PC
4 District, from one zoning district to another by realignment of the zoning district boundary lines.

5 **19.92.025 General Plan Amendment permitted when.** *Whenever the public*
6 *health, safety and general welfare requires, the Council may, from time to time, upon a resolution*
7 *of the Planning Commission carried by the affirmative votes of not less than five members of the*
8 *Planning Commission, or upon appeal from a denial by the Planning Commission of a requested*
9 *General Plan amendment, change the General Plan for any parcel or area of land with in the City*
10 *to allow different zoning classifications. Subsequent growth and development factors in the*
11 *community may be considered, among other factors, as when determining whether such*
12 *amendment to the General Plan promotes the public health, safety, and general welfare. A*
13 *request for a General Plan Amendment, other than a request initiated by the Planning Commission*
14 *or the City Council, shall require a separate application form as specified in 19.92.040.*

15 **19.92.030 Who may initiate a General Plan Amendment and/or reclassification.**

16 An application for a *General Plan Amendment and/or* reclassification of a parcel or parcels of
17 property may be initiated in any of the following ways:

- 18 (A) By the Planning Commission upon its own motion;
19 (B) By the City Council upon its own motion;
20 (C) By petition of the owner of each parcel of property proposed for a *General*
21 *Plan amendment and/or* reclassification;
22 (D) With respect to property which is owned by the State of Nevada or the
23 United States of America, by petition of a prospective purchaser of that
24 property who has entered into a contract with the governmental entity to
25 obtain ownership of the property;
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(E) By petition of a lessee, a contract purchaser or an optionee of the property proposed for *a General Plan amendment and/or* reclassification whose interest in that property exists by virtue of a written agreement with the owner of record thereof if the owner of record executes a document, duly acknowledged, to which is attached a copy of the application for reclassification and in which the owner of record authorizes such lessee, contract purchaser or optionee to sign the application, consents to the filing and processing thereof and agrees to honor and be bound by the requested reclassification, if it is granted, unless the same is changed pursuant to a subsequent application for *a General Plan amendment and/or* reclassification.

19.92.040 Application filing.

(A) A petition for the *a General Plan Amendment and/or* reclassification of property shall be made in the form of [an] *separate* applications to be provided by the Department of Community Planning and Development. The [applicant] *application* shall be filed with the Secretary of the Planning Commission at the office of the Department of Community Planning and Development. The application shall be signed and acknowledged by the owner of record of each parcel of property sought to be reclassified or by such other person as may qualify to petition for reclassification under Subsection (D) or (E) of Section 19.92.030. In the case of multiple ownership of a parcel, only one of the owners of record shall be required to sign the application. *A preliminary traffic impact study may be required by the Department of Planning and Community Development before the application is considered by the Planning Commission.*

1 (B) *In addition to the information required in subsection (A), any application*
2 *for a General Plan amendment shall specifically list reasons for the request*
3 *and state why the proposed amendment works to promote the public health,*
4 *safety and general welfare of the community. The application shall contain*
5 *a list of factors requiring comment by the applicant, including:*

6 1) *Whether there has been growth and development of the community*
7 *in the area surrounding the application site unanticipated or not*
8 *specifically considered when the General Plan was adopted;*

9 2) *Whether the proposed amendment to the General Plan will allow a*
10 *zoning classification which imposes burdens similar to the burdens*
11 *imposed by the classifications currently provided for under the*
12 *General Plan;*

13 3) *Whether the amendment to the General Plan continues to promote*
14 *the objectives of the General Plan as designated in NRS 278 et. seq.*

15 [(B)](C) Upon receipt of a properly executed application(s), the Secretary of
16 the Planning Commission shall maintain said application, together
17 with all pertinent attachments and exhibits, in the permanent files of
18 the Planning Commission as a public record.

19 [(C)](D) With respect to any application to *amend the General Plan and/or*
20 *reclassify any parcel concerning which all or any part of a previous*
21 *application for reclassification has been denied, or concerning which*
22 *a previous application has been withdrawn subsequent to the*
23 *noticing of a public hearing thereon and subject to the provisions of*
24 *subsection (F) of this Section, no such application to amend the*
25 *General Plan and/or reclassify said parcel to the same zoning*
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classification applied for previously, to a less restrictive classification or for the same use or one of a similar density shall 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 ordinary course:

1. After the first denial or withdrawal, [four months] *one year*.
2. After the second or a subsequent denial or withdrawal, [twelve months] *two years*.

(E) Any applicant who wishes to have their 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. A failure to establish good cause shall result in the involuntary withdrawal of the application with prejudice.

[(D)](F) An application for a zone change for a use permitted in a more restrictive zone will be considered as an application for the more restrictive zone.

[(E)](G) Subject to the provisions of subsection [(F)](H) of this Section, no application for a rezoning concerning which 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 has been denied, or concerning which a previous application has been withdrawn subsequent to the noticing of a public hearing thereon, shall be accepted until the time periods described in this subsection have

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elapsed.

[(F)](H) The time periods that are described in subsections [(C) and (E)] (D) and (G) 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 upon a finding of good cause.

[(G)](I) Except with respect to rezoning applications initiated by the Planning Commission or the City Council, no application to reclassify more than one parcel of land may include any parcel which is more than 300 feet from any other parcel included in the application.

19.92.050 Drawings, plans, data required. Complete working drawings are not necessary; however, proposed improvements, utilities, streets, landscape areas and similar items should be shown. Preliminary drawings must contain sufficient information to permit the determination of compliance with good planning practices, applicable standards and ordinances. [Except as is otherwise provided in subsection (C) of this Section, p]Plans will not be required for R-A, R-D, R-E and R-1 zoning requests, and may be waived by the Director of the Department of Community Planning and Development in any other case when such waiver is deemed necessary. Basic requirements:

- (A) The drawing sheet size shall be twenty-four inches by thirty-six inches.
- (B) The plot plan scale shall be one inch equals one hundred feet or one inch equals fifty feet, preferably larger, depending on size of site plan, and shall include:

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- (1) Legal description of property (may be attached as exhibit);
- (2) Natural features such as preservable trees, planting or dry washes;
- (3) Existing buildings or structures;
- (4) Height in stories and size of proposed buildings;
- (5) Building designation and use;
- (6) Off-street parking and access;
- (7) Landscaping;
- (8) Elevations or renderings shall be submitted with each application

which involves new buildings or major additions, other than single-family residences. The elevations or renderings shall show the views of the buildings or structures from all public streets and from any other location required by the Director of the Department of Community Planning and Development. For existing buildings or structures where there will not be major changes to the exterior, photographs may be substituted for elevations or renderings. The Director of the Department of Community Planning and Development may determine that elevations, renderings or photographs are not necessary for incidental buildings, incidental structures or uses which cannot be visually defined.

[(C) Any application that proposes a use or density which deviates from the general plan must include a statement which sets forth the circumstances which the applicant believes warrant such deviation.]

19.92.060 Filing deadline. In order to provide sufficient time for the necessary investigation by the Planning Commission and/or its Secretary and agents, an application *to amend the General Plan and/or* for the reclassification of property must be filed with the Secretary of

1 the Planning Commission a minimum of thirty days prior to the date of the meeting of the
2 Planning Commission at which said application for reclassification is to be heard and considered.

3 **19.92.070 Fee.** The Secretary of the Planning Commission is authorized to charge
4 fees related to the processing of an application *to amend the General Plan and/or* for
5 reclassification in accordance with Sections 19.98.010 to 19.98.030, inclusive, of this Title and
6 the fee schedule.

7 **19.92.080 Public Hearing -- Scheduling -- Notice.**

8 (A) The Planning Commission shall hold a public hearing upon any application
9 *to amend the General Plan and/or* for reclassification of property. A public
10 hearing shall be held within six months after the date of filing of an
11 application, on such dates and within six months after the date of filing of
12 an application, on such dates and under such conditions as may be
13 determined from time to time by resolution of the Planning Commission and
14 spread upon the minutes of the Commission.

15 (B) Notice of the time, place and purpose of the hearing must be given at least
16 ten days before the hearing by publishing the notice in a newspaper of
17 general circulation within the City.

18 (C) Additional notice must be given by mailing a copy of the notice to:

- 19 (1) The applicant; and
20 (2) Each owner of real property located within a minimum of six
21 hundred feet of the property described in the application;
22 (3) Each tenant of any mobile home park that is located within three
23 hundred feet of the property described in the application;
24 (4) Each owner of at least thirty parcels nearest to the property
25 described in the application, to the extent this notice does not
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duplicate the notice otherwise required by this Section; [and]

(5) Any advisory board which has been established for the affected area by the City Council[.], and

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

(a) A neighborhood organization shall be considered registered upon the public filing of the following with the Department of Planning and Community Development:

(1) The name of the organization;

(2) The name of the president or head of the organization;

(3) The address of the organization;

(4) The boundaries of the neighborhood making up the organization;

(5) The telephone and/or fax number of the organization.

(7) The Department of Community Planning and Development shall timely provide, at the request of the applicant, the name, address and phone number of any person notified pursuant to subsection (C)(6) of this section.

(D) The Department of Community Planning and Development shall also provide notice of the hearing by causing a sign to be posted on the property in accordance with NRS 278.260. The applicant shall pay a fee for the posting as set forth in the fee schedule.

(E) The Secretary of the Planning Commission may give additional notice of the hearing by expanding the area of notification or using other means of

1 notification, or both. The Secretary shall endeavor to provide any such
2 additional notice at least ten days before the date of the hearing.

3 **19.98.090 Public hearing -- Conduct.**

4 (A) The Planning Commission shall conduct all public hearings on applications
5 for the reclassification of property in strict compliance with the rules and
6 regulations officially adopted by the Planning Commission, in such form as
7 the members of said Commission may from time to time determine by
8 majority vote of the entire Commission, provided that:

9 (1) The rules and regulations shall in no way be in conflict with the
10 provisions of the ordinance codified in this Title or any other
11 ordinance of the City or related state statutes;

12 (2) The rules and regulations shall be ratified by a majority vote of the
13 City Council.

14 (B) Notwithstanding the above, the Planning Commission shall hear and
15 consider evidence and fact from any person present at the public hearing
16 who desires to be heard, and shall consider written communication from
17 any person relative to reclassification of property. The right of any person
18 to present such evidence or fact shall not be denied for the reason that such
19 person who was required by the provisions of this Title to be notified of the
20 particular public hearing.

21 **19.92.100 Scope revisions by Commission.** In considering whether to
22 recommend approval or denial of an approval for the reclassification of property, the Planning
23 Commission may, when it appears necessary or expedient, consider other adjacent property for
24 reclassification in addition to the property described in the application, and may also consider the
25 reclassification of only a portion of the land described in the application for reclassification.

1 **19.92.110 Planning Commission decision.**

2 (A) Following the conduct of a public hearing, and in all instances within not
3 to exceed thirty days following the date of said hearing, the Planning
4 Commission shall report its findings and recommendation on said
5 application to the City Council. Prior to the next subsequent meeting of the
6 City Council, the Secretary of the Planning Commission shall transmit a
7 copy of said report and recommendation to the Clerk for inclusion on the
8 agenda of the next regular meeting of the City Council.

9 [(B) In order to recommend the approval of a reclassification that deviates from
10 the general plan, the Planning Commission must find, based upon evidence
11 in the record, that there are applicable to the property which forms the
12 subject matter of such application circumstances and conditions that warrant
13 such deviation, or that the proposed development is compatible with, or is
14 appropriate in view of, the existing developments in the surrounding area
15 or conforms to the trend of development in such area.]

16 [(C)](B) In order to recommend the denial of a reclassification that conforms
17 to the general plan, the Planning Commission must find, based upon
18 evidence in the record, that there are applicable to the property
19 which forms the subject matter of such application circumstances
20 and conditions that warrant such recommendation, or that the
21 proposed development is not compatible with, or is not appropriate
22 in view of, the existing developments in the surrounding area or
23 does not conform to the trend of development in such area.

24 **19.92.120 City Council approval -- Resolution of intent.**

25 (A) The City Council shall consider the application for reclassification of
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1 property and the report and recommendation of the Planning Commission
2 thereon, at its next regular meeting following the receipt of said
3 recommendation.

4 (B) If, from the facts presented and the findings in the report and
5 recommendation of the Planning Commission, the City Council determines
6 that the public health, safety, welfare, and convenience will best be served
7 by this reclassification or any portion thereof, the City Council may indicate
8 its general approval in principle of the reclassification by the adoption of
9 a "resolution of intent to reclassify" said property.

10 [(C) The motion for the approval of a reclassification that deviates from the
11 general plan must include the findings which must be made by the City
12 Council to the effect that there are applicable to the property that forms the
13 subject matter of such application circumstances and conditions that warrant
14 such deviation, or that the proposed development is compatible with, or is
15 appropriate in view of, the existing developments in the surrounding area
16 or conforms to the trend of development in such area.]

17 [(D)](C) The motion for the denial of a reclassification that conforms to the
18 general plan must include the findings which must be made by the
19 City Council to the effect that there are applicable to the property
20 that forms the subject matter of such application circumstances and
21 conditions that warrant such denial, or that the proposed
22 development is not compatible with, or is not appropriate in view
23 of, the existing developments in the surrounding area or does not
24 conform to the trend of development in such area.

25 **19.92.130 Ordinance passage -- Resolution noncompliance.**
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1 (A) Upon compliance by the applicant with the resolution contemplated in
2 Section 19.92.120, the City Council shall by ordinance effect such
3 reclassification. The failure of the applicant to make substantial progress
4 toward the fulfillment of any or all conditions, stipulations or limitations
5 contained in said resolution within the time limit placed in the resolution
6 shall render said resolution of intent to reclassify null and void, unless, for
7 good cause shown, an extension of time is granted by the City Council
8 upon recommendation of the Planning Commission.

9 (B) If, for lack of substantial progress, a resolution expires before an extension
10 of time is granted, the City Council, upon recommendation of the Planning
11 Commission, may reinstate said resolution within the six-month period
12 following the expiration date and grant an extension of time if the Council
13 is satisfied that there has not been a material change of circumstances such
14 that the resolution is no longer warranted.

15 **19.92.140 Changes, additions, eliminations.**

16 (A) After the resolution has been effected by ordinance, all conditions,
17 stipulations, requirements or limitations applicable to the resolution shall
18 remain in effect and no changes, additions or eliminations may be made
19 without approval of the Planning Commission. Actions taken by the
20 Planning Commission under this Section shall be final, except in the
21 following cases.

22 (1) With respect to any application which is denied by the Planning
23 Commission, the Planning Commission's decision may be appealed
24 to the City Council by written request filed with the City Clerk no
25 later than eleven days after the date of said decision.
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(2) With respect to any application which is approved by the Planning Commission and which, in the judgment of the Director of the Department of Community Planning and Development or his designee, proposes a significant change to a previous resolution, the application shall be forwarded to the City Council for final action.

(B) In the event a proposed change, addition or elimination involves a condition, stipulation, requirement or limitation originally imposed as the result of a public hearing, the Planning Commission shall require a new public hearing to be held and a new filing fee to be paid. The requirement of a public hearing shall not apply to minor changes, additions or eliminations and the requirement of a public hearing shall be within the discretion of the Planning Commission.

19.92.150 Approval without resolution.

(A) In the event a reclassification is approved by the City Council, but not on the basis of a resolution of intent to reclassify, the City Council shall effect such reclassification directly by ordinance. [If such reclassification will deviate from the general plan, the approval thereof must be in accordance with Subsection (C) of Section 19.92.120.]


(B) No change in any condition, stipulation, requirement or limitation applicable to all reclassification pursuant to this Section may be made except in accordance with the procedures set forth in Section 19.92.140.

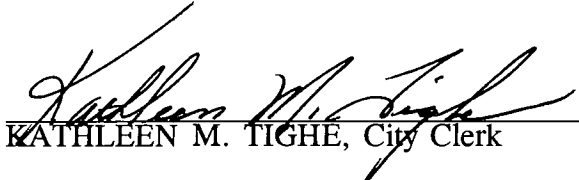
SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City

1 Council of the City of Las Vegas hereby declares that it would have passed each section,
2 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
3 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be
4 declared unconstitutional, invalid or ineffective.

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

8 PASSED, ADOPTED and APPROVED this 19th day of April, 1995.

9 APPROVED:
10 By 
11 JAN LAVERTY JONES, MAYOR
12 4/19/95

12 ATTEST:
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14 KATHLEEN M. TIGHE, City Clerk
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1 The above and foregoing ordinance was first proposed and read by title to the City
2 Council on the 15th day of March, 1995, and referred to the following committee
3 composed of Councilmen Hawkins Jr. _____ and
4 Brass for recommendation; thereafter the said
5 committee reported favorably on said ordinance on the 19th day of April, 1995,
6 which was a regular meeting of said Council; that at said regular
7 meeting the proposed ordinance was read by title to the City Council as first introduced and
8 adopted by the following vote.

9 VOTING "AYE": Councilmen Adamsen, Hawkins Jr. Brass, Callister and Mayor Jones

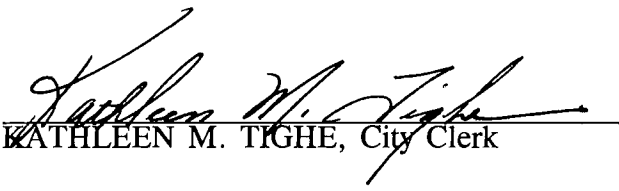
10 VOTING "NAY": NONE

11 ABSENT: NONE

12 APPROVED:

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14 By 
JAN LAVERTY JONES, MAYOR
4/21/95

15 ATTEST:

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18 KATHLEEN M. TIGHE, City Clerk
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2 Ordinance No _____

3 AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 92 OF THE
4 MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, ADDING
5 AND AMENDING SECTIONS OF CHAPTER 92 OF SAID TITLE RELATING TO ZONING
6 AND THE GENERAL PLAN; ADDING A SEPARATE APPLICATION REQUIREMENT FOR
7 A GENERAL PLAN AMENDMENT; SPECIFYING THE ELEMENTS OF SAID
8 APPLICATION; INCREASING THE TIME PERIODS FOR THE FILING OF A NEW
9 APPLICATION AFTER A DENIAL OR WITHDRAWAL WITH PREJUDICE; SETTING
10 STANDARDS FOR A REQUESTED CONTINUANCE; DISALLOWING ANY
11 RECLASSIFICATION OF LAND INCONSISTENT WITH THE GENERAL PLAN;
12 ESTABLISHING REGISTRATION AND NOTIFICATION REQUIREMENTS FOR
13 NEIGHBORHOOD GROUPS; REQUIRING A VOTE OF TWO-THIRDS OF THE COUNCIL
14 MEMBERS PRESENT TO GRANT A GENERAL PLAN AMENDMENT OR
15 RECLASSIFICATION OF PROPERTY; PROVIDING FOR OTHER MATTERS PROPERLY
16 RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF
17 ORDINANCES IN CONFLICT HEREWITH.

11 Sponsored by:

12 Councilman Frank Hawkins

Summary: Amends and adds to Title 19, Chapter 92
relating to zoning by changing
application, notification, and voting
requirements, and other matters
relating to General Plan amendments
and reclassification.

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

18 SECTION 1: Title 19, Chapter 92 of the Municipal Code of the City of Las
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21 welfare and convenience may require, the City Council may, from time to time, upon
22 recommendation by the Planning Commission, amend, supplement, modify, change or repeal any
23 of the regulations contained in this Title, following at all times the procedures prescribed in the
24 Chapter of the City of any applicable State statute.

25 **19.92.020 Reclassification permitted when.** Whenever the public health, welfare,
26 safety or convenience requires, or subsequent growth and development factors in the community

1 indicate, the need, in pursuit of the objectives identified in the comprehensive general plan, the
2 City Council may, from time to time, upon recommendation by the Planning Commission,
3 reclassify any parcel or area of land within the City, other than a parcel or area in the PC
4 District, from one zoning district to another by realignment of the zoning district boundary lines.
5 *Any motion to reclassify land must be carried by two-thirds of the members of the City Council*
6 *who are present for the meeting, and under no circumstances less than three votes. The failure*
7 *to receive a two-thirds vote for a land reclassification shall be deemed a denial. No*
8 *reclassification shall be approved that deviates from the General Plan.*

9 **19.92.025 General Plan Amendment permitted when.** *Whenever the public*
10 *health, safety and general welfare requires, the Council may, from time to time, upon a resolution*
11 *of the Planning Commission carried by the affirmative votes of not less than five members of the*
12 *Planning Commission, or upon appeal from a denial by the Planning Commission of a requested*
13 *General Plan amendment, change the General Plan for any parcel or area of land with in the City*
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15 *community may be considered as when determining whether such amendment to the General Plan*
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17 *Amendment, other than a request made initiated by the Planning Commission or the City Council,*
18 *shall require a separate application form as specified in 19.92.040. Any motion to amend the*
19 *General Plan must be carried by two-thirds of the members of the City Council who are present*
20 *for the meeting, and under no circumstances less than three votes. The failure to receive a two-*
21 *thirds vote for a General Plan amendment shall be deemed a denial.*

22 **19.92.030 Who may initiate a General Plan Amendment and/or reclassification.**

23 An application for a *General Plan Amendment and/or* reclassification of a parcel or parcels of
24 property may be initiated in any of the following ways:

- 25 (A) By the Planning Commission upon its own motion;

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- (B) By the City Council upon its own motion;
- (C) By petition of the owner of each parcel of property proposed for a *General Plan amendment and/or* reclassification;
- (D) With respect to property which is owned by the State of Nevada or the United States of America, by petition of a prospective purchaser of that property who has entered into a contract with the governmental entity to obtain ownership of the property;
- (E) By petition of a lessee, a contract purchaser or an optionee of the property proposed for a *General Plan amendment and/or* reclassification whose interest in that property exists by virtue of a written agreement with the owner of record thereof if the owner of record executes a document, duly acknowledged, to which is attached a copy of the application for reclassification and in which the owner of record authorizes such lessee, contract purchaser or optionee to sign the application, consents to the filing and processing thereof and agrees to honor and be bound by the requested reclassification, if it is granted, unless the same is changed pursuant to a subsequent application for a *General Plan amendment and/or* reclassification.

19.92.040 Application filing.

- (A) A petition for the a *General Plan Amendment and/or* reclassification of property shall be made in the form of [an] *separate* applications to be provided by the Department of Community Planning and Development. The [applicant] *application* shall be filed with the Secretary of the Planning Commission at the office of the Department of Community Planning and Development. The application shall be signed and acknowledged by the

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owner of record of each parcel of property sought to be reclassified or by such other person as may qualify to petition for reclassification under Subsection (D) or (E) of Section 19.92.030. In the case of multiple ownership of a parcel, only one of the owners of record shall be required to sign the application. *A traffic impact study may be required by the Department of Planning and Community Development before the application is considered.*

(B) *In addition to the information required in subsection (A), 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:*

- 1) *Whether there has been growth and development of the community in the area surrounding the application site unanticipated or not specifically considered when the General Plan was adopted;*
- 2) *Whether the proposed amendment to the General Plan will allow a zoning classification which imposes burdens similar to the burdens imposed by the classifications currently provided for under the General Plan;*
- 3) *Whether the amendment to the General Plan continues to promote the objectives of the General Plan as designated in NRS 278 et. seq.*

[(B)](C) Upon receipt of a properly executed application(s), the Secretary of the Planning Commission shall maintain said application, together with all pertinent attachments and exhibits, in the permanent files of the Planning Commission as a public record.

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[(C)](D) With respect to any application to *amend the General Plan and/or* reclassify any parcel concerning which all or any part of a previous application for reclassification has been denied, or concerning which a previous application has been withdrawn subsequent to the noticing of a public hearing thereon and subject to the provisions of subsection (F) of this Section, no such application to *amend the General Plan and/or* reclassify said parcel to the same zoning classification applied for previously, to a less restrictive classification or for the same use or one of a similar density shall 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 ordinary course:

1. After the first denial or withdrawal, [four months] *one year*.
2. After the second or a subsequent denial or withdrawal, [twelve months] *two years*.

(E) *Any applicant who wishes to have their 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, including, but not limited to whether the applicant demonstrates that diligent efforts were used to contact individuals and local neighborhood groups noticed for the meeting. Good cause shall be more than mere inconvenience to the applicant or lack of preparation. A failure to establish good cause shall result in the involuntary withdrawal of the application with prejudice.*

[(D)](F) An application for a zone change for a use permitted in a more

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restrictive zone will be considered as an application for the more restrictive zone.

[(E)](G) Subject to the provisions of subsection [(F)](H) of this Section, no application for a rezoning concerning which 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 has been denied, or concerning which a previous application has been withdrawn subsequent to the noticing of a public hearing thereon, shall be accepted until the time periods described in this subsection have elapsed.

[(F)](H) The time periods that are described in subsections [(C) and (E)] (D) and (G) 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 *upon a finding of good cause*.

[(G)](I) Except with respect to rezoning applications initiated by the Planning Commission or the City Council, no application to reclassify more than one parcel of land may include any parcel which is more than 300 feet from any other parcel included in the application.

19.92.050 Drawings, plans, data required. Complete working drawings are not necessary; however, proposed improvements, utilities, streets, landscape areas and similar items should be shown. Preliminary drawings must contain sufficient information to permit the

1 determination of compliance with good planning practices, applicable standards and ordinances.
2 Except as is otherwise provided in subsection (C) of this Section, plans will not be required for
3 R-A, R-D, R-E and R-1 zoning requests, and may be waived by the Director of the Department
4 of Community Planning and Development in any other case when such waiver is deemed
5 necessary. Basic requirements:

6 (A) The drawing sheet size shall be twenty-four inches by thirty-six inches.

7 (B) The plot plan scale shall be one inch equals one hundred feet or one inch
8 equals fifty feet, preferably larger, depending on size of site plan, and shall
9 include:

10 (1) Legal description of property (may be attached as exhibit);

11 (2) Natural features such as preservable trees, planting or dry washes;

12 (3) Existing buildings or structures;

13 (4) Height in stories and size of proposed buildings;

14 (5) Building designation and use;

15 (6) Off-street parking and access;

16 (7) Landscaping;

17 (8) Elevations or renderings shall be submitted with each application
18 which involves new buildings or major additions, other than single-
19 family residences. The elevations or renderings shall show the
20 views of the buildings or structures from all public streets and from
21 any other location required by the Director of the Department of
22 Community Planning and Development. For existing buildings or
23 structures where there will not be major changes to the exterior,
24 photographs may be substituted for elevations or renderings. The
25 Director of the Department of Community Planning and
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Development may determine that elevations, renderings or photographs are not necessary for incidental buildings, incidental structures or uses which cannot be visually defined.

[(C) Any application that proposes a use or density which deviates from the general plan must include a statement which sets forth the circumstances which the applicant believes warrant such deviation.]

19.92.060 Filing deadline. In order to provide sufficient time for the necessary investigation by the Planning Commission and/or its Secretary and agents, an application *to amend the General Plan and/or* for the reclassification of property 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 application for reclassification is to be heard and considered.

19.92.070 Fee. The Secretary of the Planning Commission is authorized to charge fees related to the processing of an application *to amend the General Plan and/or* for reclassification in accordance with Sections 19.98.010 to 19.98.030, inclusive, of this Title and the fee schedule.

19.92.080 Public Hearing -- Scheduling -- Notice.

(A) The Planning Commission shall hold a public hearing upon any application *to amend the General Plan and/or* for reclassification of property. A public hearing shall be held within six months after the date of filing of an application, on such dates and within six months after the date of filing of an application, on such dates and under such conditions as may be determined from time to time by resolution of the Planning Commission and spread upon the minutes of the Commission.

(B) 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 a newspaper of

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general circulation within the City.

(C) Additional notice must be given by mailing a copy of the notice to:

- (1) The applicant; and
- (2) Each owner of real property located within a minimum of six hundred feet of the property described in the application;
- (3) Each tenant of any mobile home park that is located within three hundred feet of the property described in the application;
- (4) Each owner of at least thirty parcels nearest to the property described in the application, to the extent this notice does not duplicate the notice otherwise required by this Section; [and]
- (5) Any advisory board which has been established for the affected area by the City Council[.], and
- (6) *The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one-half mile of the property described in the application.*

(a) A neighborhood organization shall be considered registered upon the public filing of the following with the Department of Planning and Community Development:

- (1) The name of the organization;*
- (2) The name of the president or head of the organization;*
- (3) The address of the organization;*
- (4) The boundaries of the neighborhood making up the organization;*
- (5) The telephone and/or fax number of the organization.*

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(D) The Department of Community Planning and Development shall also provide notice of the hearing by causing a sign to be posted on the property in accordance with NRS 278.260. The applicant shall pay a fee for the posting as set forth in the fee schedule.

(E) The Secretary of the Planning Commission may give additional notice of the hearing by expanding the area of notification or using other means of notification, or both. The Secretary shall endeavor to provide any such additional notice at least ten days before the date of the hearing.

19.98.090 Public hearing -- Conduct.

(A) The Planning Commission shall conduct all public hearings on applications for the reclassification of property in strict compliance with the rules and regulations officially adopted by the Planning Commission, in such form as the members of said Commission may from time to time determine by majority vote of the entire Commission, provided that:

(1) The rules and regulations shall in no way be in conflict with the provisions of the ordinance codified in this Title or any other ordinance of the City or related state statutes;

(2) The rules and regulations shall be ratified by a majority vote of the City Council.

(B) Notwithstanding the above, the Planning Commission shall hear and consider evidence and fact from any person present at the public hearing who desires to be heard, and shall consider written communication from any person relative to reclassification of property. The right of any person to present such evidence or fact shall not be denied for the reason that such person who was required by the provisions of this Title to be notified of the

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particular public hearing.

19.92.100 Scope revisions by Commission. In considering whether to recommend approval or denial of an approval for the reclassification of property, the Planning Commission may, when it appears necessary or expedient, consider other adjacent property for reclassification in addition to the property described in the application, and may also consider the reclassification of only a portion of the land described in the application for reclassification.

19.92.110 Planning Commission decision.

(A) Following the conduct of a public hearing, and in all instances within not to exceed thirty days following the date of said hearing, the Planning Commission shall report its findings and recommendation on said application to the City Council. Prior to the next subsequent meeting of the City Council, the Secretary of the Planning Commission shall transmit a copy of said report and recommendation to the Clerk for inclusion on the agenda of the next regular meeting of the City Council.

[(B) In order to recommend the approval of a reclassification that deviates from the general plan, the Planning Commission must find, based upon evidence in the record, that there are applicable to the property which forms the subject matter of such application circumstances and conditions that warrant such deviation, or that the proposed development is compatible with, or is appropriate in view of, the existing developments in the surrounding area or conforms to the trend of development in such area.]

[(C)](B) In order to recommend the denial of a reclassification that conforms to the general plan, the Planning Commission must find, based upon evidence in the record, that there are applicable to the property which forms the subject matter of such application circumstances

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and conditions that warrant such recommendation, or that the proposed development is not compatible with, or is not appropriate in view of, the existing developments in the surrounding area or does not conform to the trend of development in such area.

19.92.120 City Council approval -- Resolution of intent.

(A) The City Council shall consider the application for reclassification of property and the report and recommendation of the Planning Commission thereon, at its next regular meeting following the receipt of said recommendation.

(B) If, from the facts presented and the findings in the report and recommendation of the Planning Commission, the City Council determines that the public health, safety, welfare, and convenience will best be served by this reclassification or ant portion thereof, the City Council may indicate its general approval in principle of the reclassification by the adoption of a "resolution of intent to reclassify" said property.

[(C) The motion for the approval of a reclassification that deviates from the general plan must include the findings which must be made by the City Council to the effect that there are applicable to the property that forms the subject matter of such application circumstances and conditions that warrant such deviation, or that the proposed development is compatible with, or is appropriate in view of, the existing developments in the surrounding area or conforms to the trend of development in such area.]

[(D)](C) The motion for the denial of a reclassification that conforms to the general plan must include the findings which must be made by the City Council to the effect that there are applicable to the property

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that forms the subject matter of such application circumstances and conditions that warrant such denial, or that the proposed development is not compatible with, or is not appropriate in view of, the existing developments in the surrounding area or does not conform to the trend of development in such area.

19.92.130 Ordinance passage -- Resolution noncompliance.

- (A) Upon compliance by the applicant with the resolution contemplated in Section 19.92.120, the City Council shall by ordinance effect such reclassification. The failure of the applicant to make substantial progress toward the fulfillment of any or all conditions, stipulations or limitations contained in said resolution within the time limit placed in the resolution shall render said resolution of intent to reclassify null and void, unless, for good cause shown, an extension of time is granted by the City Council upon recommendation of the Planning Commission.
- (B) If, for lack of substantial progress, a resolution expires before an extension of time is granted, the City Council, upon recommendation of the Planning Commission, may reinstate said resolution within the six-month period following the expiration date and grant an extension of time if the Council is satisfied that there has not been a material change of circumstances such that the resolution is no longer warranted.

19.92.140 Changes, additions, eliminations.

- (A) After the resolution has been effected by ordinance, all conditions, stipulations, requirements or limitations applicable to the resolution shall remain in effect and no changes, additions or eliminations may be made without approval of the Planning Commission. Actions taken by the

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Planning Commission under this Section shall be final, except in the following cases.

(1) With respect to any application which is denied by the Planning Commission, the Planning Commission's decision may be appealed to the City Council by written request filed with the City Clerk no later than eleven days after the date of said decision.

(2) With respect to any application which is approved by the Planning Commission and which, in the judgment of the Director of the Department of Community Planning and Development or his designee, proposes a significant change to a previous resolution, the application shall be forwarded to the City Council for final action.

(B) In the event a proposed change, addition or elimination involves a condition, stipulation, requirement or limitation originally imposed as the result of a public hearing, the Planning Commission shall require a new public hearing to be held and a new filing fee to be paid. The requirement of a public hearing shall not apply to minor changes, additions or eliminations and the requirement of a public hearing shall be within the discretion of the Planning Commission.

19.92.150 Approval without resolution.

(A) In the event a reclassification is approved by the City Council, but not on the basis of a resolution of intent to reclassify, the City Council shall effect such reclassification directly by ordinance. [If such reclassification will deviate from the general plan, the approval thereof must be in accordance with Subsection (C) of Section 19.92.120.]

(B) No change in any condition, stipulation, requirement or limitation

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applicable to all reclassification pursuant to this Section may be made
except in accordance with the procedures set forth in Section 19.92.140.

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

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 1995.

APPROVED:

By _____
JAN LAVERTY JONES, MAYOR

ATTEST:

KATHLEEN M. TIGHE, City Clerk

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The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day of _____, 1995, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the ____ day of _____, 1995, which was a _____ meeting of said Council; that at said _____ meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote.

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
JAN LAVERTY JONES, MAYOR

ATTEST:

KATHLEEN M. TIGHE, City Clerk

2 Ordinance No _____

3 AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 92 OF THE
4 MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, ADDING
5 AND AMENDING SECTIONS OF CHAPTER 92 OF SAID TITLE RELATING TO ZONING
6 AND THE GENERAL PLAN; ADDING A SEPARATE APPLICATION REQUIREMENT FOR
7 A GENERAL PLAN AMENDMENT; SPECIFYING THE ELEMENTS OF SAID
8 APPLICATION; INCREASING THE TIME PERIODS FOR THE FILING OF A NEW
9 APPLICATION AFTER A DENIAL OR WITHDRAWAL WITH PREJUDICE; SETTING
10 STANDARDS FOR A REQUESTED CONTINUANCE; DISALLOWING ANY
11 RECLASSIFICATION OF LAND INCONSISTENT WITH THE GENERAL PLAN;
12 ESTABLISHING REGISTRATION AND NOTIFICATION REQUIREMENTS FOR
13 NEIGHBORHOOD GROUPS; REQUIRING A VOTE OF TWO-THIRDS OF THE COUNCIL
14 MEMBERS PRESENT TO GRANT A GENERAL PLAN AMENDMENT OR
15 RECLASSIFICATION OF PROPERTY; PROVIDING FOR OTHER MATTERS PROPERLY
16 RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF
17 ORDINANCES IN CONFLICT HEREWITH.

11 Sponsored by:

12 Councilman Frank Hawkins

Summary: Amends and adds to Title 19, Chapter 92
13 relating to zoning by changing
14 application, notification, and voting
15 requirements, and other matters
relating to General Plan amendments
and reclassification.

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

18 SECTION 1: Title 19, Chapter 92 of the Municipal Code of the City of Las
19 Vegas, Nevada, 1983 Edition is hereby amended as follows:

20 **19.92.010 Amendments to text.** Whenever public necessity, safety, general
21 welfare and convenience may require, the City Council may, from time to time, upon
22 recommendation by the Planning Commission, amend, supplement, modify, change or repeal any
23 of the regulations contained in this Title, following at all times the procedures prescribed in the
24 Chapter of the City of any applicable State statute.

25 **19.92.020 Reclassification permitted when.** Whenever the public health, welfare,
26 safety or convenience requires, or subsequent growth and development factors in the community

1 indicate, the need, in pursuit of the objectives identified in the comprehensive general plan, the
2 City Council may, from time to time, upon recommendation by the Planning Commission,
3 reclassify any parcel or area of land within the City, other than a parcel or area in the PC
4 District, from one zoning district to another by realignment of the zoning district boundary lines.
5 *Any motion to reclassify land must be carried by two-thirds of the members of the City Council*
6 *who are present for the meeting, and under no circumstances less than three votes. The failure*
7 *to receive a two-thirds vote for a land reclassification shall be deemed a denial. No*
8 *reclassification shall be approved that deviates from the General Plan.*

9 **19.92.025 General Plan Amendment permitted when.** *Whenever the public*
10 *health, safety and general welfare requires, the Council may, from time to time, upon a resolution*
11 *of the Planning Commission carried by the affirmative votes of not less than five members of the*
12 *Planning Commission, change the General Plan for any parcel or area of land with in the City*
13 *to allow different zoning classifications. Subsequent growth and development factors in the*
14 *community may be considered as when determining whether such amendment to the General Plan*
15 *promotes the public health, safety, and general welfare. A request for a General Plan*
16 *Amendment, other than a request made initiated by the Planning Commission or the City Council,*
17 *shall require a separate application form as specified in 19.92.040. Any motion to amend the*
18 *General Plan must be carried by two-thirds of the members of the City Council who are present*
19 *for the meeting, and under no circumstances less than three votes. The failure to receive a two-*
20 *thirds vote for a General Plan amendment shall be deemed a denial.*

21 **19.92.030 Who may initiate a General Plan Amendment and/or reclassification.**

22 An application for a *General Plan Amendment and/or* reclassification of a parcel or parcels of
23 property may be initiated in any of the following ways:

- 24 (A) By the Planning Commission upon its own motion;
25 (B) By the City Council upon its own motion;

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- (C) By petition of the owner of each parcel of property proposed for a *General Plan amendment and/or* reclassification;
- (D) With respect to property which is owned by the State of Nevada or the United States of America, by petition of a prospective purchaser of that property who has entered into a contract with the governmental entity to obtain ownership of the property;
- (E) By petition of a lessee, a contract purchaser or an optionee of the property proposed for a *General Plan amendment and/or* reclassification whose interest in that property exists by virtue of a written agreement with the owner of record thereof if the owner of record executes a document, duly acknowledged, to which is attached a copy of the application for reclassification and in which the owner of record authorizes such lessee, contract purchaser or optionee to sign the application, consents to the filing and processing thereof and agrees to honor and be bound by the requested reclassification, if it is granted, unless the same is changed pursuant to a subsequent application for a *General Plan amendment and/or* reclassification.

19.92.040 Application filing.

- (A) A petition for the a *General Plan Amendment and/or* reclassification of property shall be made in the form of [an] *separate* applications to be provided by the Department of Community Planning and Development. The [applicant] *application* shall be filed with the Secretary of the Planning Commission at the office of the Department of Community Planning and Development. The application shall be signed and acknowledged by the owner of record of each parcel of property sought to be reclassified or by

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such other person as may qualify to petition for reclassification under Subsection (D) or (E) of Section 19.92.030. In the case of multiple ownership of a parcel, only one of the owners of record shall be required to sign the application. *A traffic impact study may be required by the Department of Planning and Community Development before the application is considered.*

(B) *In addition to the information required in subsection (A), any application for a General Plan amendment shall specifically list reasons for the request and state why the proposed amendment works to preserve the public health, safety and general welfare of the community.*

[(B)](C) Upon receipt of a properly executed application(s), the Secretary of the Planning Commission shall maintain said application, together with all pertinent attachments and exhibits, in the permanent files of the Planning Commission as a public record.

[(C)](D) With respect to any application to *amend the General Plan and/or* reclassify any parcel concerning which all or any part of a previous application for reclassification has been denied, or concerning which a previous application has been withdrawn subsequent to the noticing of a public hearing thereon and subject to the provisions of subsection (F) of this Section, no such application to *amend the General Plan and/or* reclassify said parcel to the same zoning classification applied for previously, to a less restrictive classification or for the same use or one of a similar density shall be accepted until the following periods will have elapsed between the date of the denial or withdrawal and the date of the meeting for

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which the proposed application would be scheduled in the ordinary course:

1. After the first denial or withdrawal, [four months] *one year*.
2. After the second or a subsequent denial or withdrawal, [twelve months] *two years*.

(E) Any applicant who wishes to have their 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 and demonstrate that diligent efforts were used to contact individuals and local neighborhood groups noticed for the meeting. Good cause shall be more than mere inconvenience to the applicant or lack of preparation. A failure to establish good cause shall result in the involuntary withdrawal of the application with prejudice.

[(D)](F) An application for a zone change for a use permitted in a more restrictive zone will be considered as an application for the more restrictive zone.

[(E)](G) Subject to the provisions of subsection [(F)](H) of this Section, no application for a rezoning concerning which 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 has been denied, or concerning which a previous application has been withdrawn subsequent to the noticing of a public hearing thereon, shall be accepted until the time periods described in this subsection have elapsed.

[(F)](H) The time periods that are described in subsections [(C) and (E)] (D)

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and (G) 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 upon a finding of good cause.

[(G)](I) Except with respect to rezoning applications initiated by the Planning Commission or the City Council, no application to reclassify more than one parcel of land may include any parcel which is more than 300 feet from any other parcel included in the application.

19.92.050 Drawings, plans, data required. Complete working drawings are not necessary; however, proposed improvements, utilities, streets, landscape areas and similar items should be shown. Preliminary drawings must contain sufficient information to permit the determination of compliance with good planning practices, applicable standards and ordinances. Except as is otherwise provided in subsection (C) of this Section, plans will not be required for R-A, R-D, R-E and R-1 zoning requests, and may be waived by the Director of the Department of Community Planning and Development in any other case when such waiver is deemed necessary. Basic requirements:

- (A) The drawing sheet size shall be twenty-four inches by thirty-six inches.
- (B) The plot plan scale shall be one inch equals one hundred feet or one inch equals fifty feet, preferably larger, depending on size of site plan, and shall include:
 - (1) Legal description of property (may be attached as exhibit);
 - (2) Natural features such as preservable trees, planting or dry washes;

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- (3) Existing buildings or structures;
- (4) Height in stories and size of proposed buildings;
- (5) Building designation and use;
- (6) Off-street parking and access;
- (7) Landscaping;
- (8) Elevations or renderings shall be submitted with each application which involves new buildings or major additions, other than single-family residences. The elevations or renderings shall show the views of the buildings or structures from all public streets and from any other location required by the Director of the Department of Community Planning and Development. For existing buildings or structures where there will not be major changes to the exterior, photographs may be substituted for elevations or renderings. The Director of the Department of Community Planning and Development may determine that elevations, renderings or photographs are not necessary for incidental buildings, incidental structures or uses which cannot be visually defined.

[(C) Any application that proposes a use or density which deviates from the general plan must include a statement which sets forth the circumstances which the applicant believes warrant such deviation.]

19.92.060 Filing deadline. In order to provide sufficient time for the necessary investigation by the Planning Commission and/or its Secretary and agents, an application *to amend the General Plan and/or* for the reclassification of property 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 application for reclassification is to be heard and considered.

1 **19.92.070 Fee.** The Secretary of the Planning Commission is authorized to charge
2 fees related to the processing of an application *to amend the General Plan and/or* for
3 reclassification in accordance with Sections 19.98.010 to 19.98.030, inclusive, of this Title and
4 the fee schedule.

5 **19.92.080 Public Hearing -- Scheduling -- Notice.**

6 (A) The Planning Commission shall hold a public hearing upon any application
7 *to amend the General Plan and/or* for reclassification of property. A public
8 hearing shall be held within six months after the date of filing of an
9 application, on such dates and within six months after the date of filing of
10 an application, on such dates and under such conditions as may be
11 determined from time to time by resolution of the Planning Commission and
12 spread upon the minutes of the Commission.

13 (B) Notice of the time, place and purpose of the hearing must be given at least
14 ten days before the hearing by publishing the notice in a newspaper of
15 general circulation within the City.

16 (C) Additional notice must be given by mailing a copy of the notice to:

- 17 (1) The applicant; and
18 (2) Each owner of real property located within a minimum of six
19 hundred feet of the property described in the application;
20 (3) Each tenant of any mobile home park that is located within three
21 hundred feet of the property described in the application;
22 (4) Each owner of at least thirty parcels nearest to the property
23 described in the application, to the extent this notice does not
24 duplicate the notice otherwise required by this Section; [and]
25 (5) Any advisory board which has been established for the affected area
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by the City Council[.], and

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

(a) *A neighborhood organization shall be considered registered upon the public filing of the following with the Department of Planning and Community Development:*

- (1) *The name of the organization;*
- (2) *The name of the president or head of the organization;*
- (3) *The address of the organization;*
- (4) *The boundaries of the neighborhood making up the organization.*

(D) The Department of Community Planning and Development shall also provide notice of the hearing by causing a sign to be posted on the property in accordance with NRS 278.260. The applicant shall pay a fee for the posting as set forth in the fee schedule.

(E) The Secretary of the Planning Commission may give additional notice of the hearing by expanding the area of notification or using other means of notification, or both. The Secretary shall endeavor to provide any such additional notice at least ten days before the date of the hearing.

19.98.090 Public hearing -- Conduct.

(A) The Planning Commission shall conduct all public hearings on applications for the reclassification of property in strict compliance with the rules and regulations officially adopted by the Planning Commission, in such form as

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the members of said Commission may from time to time determine by majority vote of the entire Commission, provided that:

- (1) The rules and regulations shall in no way be in conflict with the provisions of the ordinance codified in this Title or any other ordinance of the City or related state statutes;
- (2) The rules and regulations shall be ratified by a majority vote of the City Council.

(B) Notwithstanding the above, the Planning Commission shall hear and consider evidence and fact from any person present at the public hearing who desires to be heard, and shall consider written communication from any person relative to reclassification of property. The right of any person to present such evidence or fact shall not be denied for the reason that such person who was required by the provisions of this Title to be notified of the particular public hearing.

19.92.100 Scope revisions by Commission. In considering whether to recommend approval or denial of an approval for the reclassification of property, the Planning Commission may, when it appears necessary or expedient, consider other adjacent property for reclassification in addition to the property described in the application, and may also consider the reclassification of only a portion of the land described in the application for reclassification.

19.92.110 Planning Commission decision.

(A) Following the conduct of a public hearing, and in all instances within not to exceed thirty days following the date of said hearing, the Planning Commission shall report its findings and recommendation on said application to the City Council. Prior to the next subsequent meeting of the City Council, the Secretary of the Planning Commission shall transmit a

1 copy of said report and recommendation to the Clerk for inclusion on the
2 agenda of the next regular meeting of the City Council.

3 [(B) In order to recommend the approval of a reclassification that deviates from
4 the general plan, the Planning Commission must find, based upon evidence
5 in the record, that there are applicable to the property which forms the
6 subject matter of such application circumstances and conditions that warrant
7 such deviation, or that the proposed development is compatible with, or is
8 appropriate in view of, the existing developments in the surrounding area
9 or conforms to the trend of development in such area.]

10 [(C)](B) In order to recommend the denial of a reclassification that conforms
11 to the general plan, the Planning Commission must find, based upon
12 evidence in the record, that there are applicable to the property
13 which forms the subject matter of such application circumstances
14 and conditions that warrant such recommendation, or that the
15 proposed development is not compatible with, or is not appropriate
16 in view of, the existing developments in the surrounding area or
17 does not conform to the trend of development in such area.

18 **19.92.120 City Council approval -- Resolution of intent.**

19 (A) The City Council shall consider the application for reclassification of
20 property and the report and recommendation of the Planning Commission
21 thereon, at its next regular meeting following the receipt of said
22 recommendation.

23 (B) If, from the facts presented and the findings in the report and
24 recommendation of the Planning Commission, the City Council determines
25 that the public health, safety, welfare, and convenience will best be served
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by this reclassification or any portion thereof, the City Council may indicate its general approval in principle of the reclassification by the adoption of a "resolution of intent to reclassify" said property.

[(C) The motion for the approval of a reclassification that deviates from the general plan must include the findings which must be made by the City Council to the effect that there are applicable to the property that forms the subject matter of such application circumstances and conditions that warrant such deviation, or that the proposed development is compatible with, or is appropriate in view of, the existing developments in the surrounding area or conforms to the trend of development in such area.]

[(D)](C) The motion for the denial of a reclassification that conforms to the general plan must include the findings which must be made by the City Council to the effect that there are applicable to the property that forms the subject matter of such application circumstances and conditions that warrant such denial, or that the proposed development is not compatible with, or is not appropriate in view of, the existing developments in the surrounding area or does not conform to the trend of development in such area.

19.92.130 Ordinance passage -- Resolution noncompliance.

(A) Upon compliance by the applicant with the resolution contemplated in Section 19.92.120, the City Council shall by ordinance effect such reclassification. The failure of the applicant to make substantial progress toward the fulfillment of any or all conditions, stipulations or limitations contained in said resolution within the time limit placed in the resolution shall render said resolution of intent to reclassify null and void, unless, for

1 good cause shown, an extension of time is granted by the City Council
2 upon recommendation of the Planning Commission.

3 (B) If, for lack of substantial progress, a resolution expires before an extension
4 of time is granted, the City Council, upon recommendation of the Planning
5 Commission, may reinstate said resolution within the six-month period
6 following the expiration date and grant an extension of time if the Council
7 is satisfied that there has not been a material change of circumstances such
8 that the resolution is no longer warranted.

9 **19.92.140 Changes, additions, eliminations.**

10 (A) After the resolution has been effected by ordinance, all conditions,
11 stipulations, requirements or limitations applicable to the resolution shall
12 remain in effect and no changes, additions or eliminations may be made
13 without approval of the Planning Commission. Actions taken by the
14 Planning Commission under this Section shall be final, except in the
15 following cases.

16 (1) With respect to any application which is denied by the Planning
17 Commission, the Planning Commission's decision may be appealed
18 to the City Council by written request filed with the City Clerk no
19 later than eleven days after the date of said decision.

20 (2) With respect to any application which is approved by the Planning
21 Commission and which, in the judgment of the Director of the
22 Department of Community Planning and Development or his
23 designee, proposes a significant change to a previous resolution, the
24 application shall be forwarded to the City Council for final action.

25 (B) In the event a proposed change, addition or elimination involves a
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1 condition, stipulation, requirement or limitation originally imposed as the
2 result of a public hearing, the Planning Commission shall require a new
3 public hearing to be held and a new filing fee to be paid. The requirement
4 of a public hearing shall not apply to minor changes, additions or
5 eliminations and the requirement of a public hearing shall be within the
6 discretion of the Planning Commission.

7 **19.92.150 Approval without resolution.**

8 (A) In the event a reclassification is approved by the City Council, but not on
9 the basis of a resolution of intent to reclassify, the City Council shall effect
10 such reclassification directly by ordinance. [If such reclassification will
11 deviate from the general plan, the approval thereof must be in accordance
12 with Subsection (C) of Section 19.92.120.]

13 (B) No change in any condition, stipulation, requirement or limitation
14 applicable to all reclassification pursuant to this Section may be made
15 except in accordance with the procedures set forth in Section 19.92.140.

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

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 1995.

APPROVED:

By _____
JAN LAVERTY JONES, MAYOR

ATTEST:

KATHLEEN M. TIGHE, City Clerk

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The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day of _____, 1995, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the ____ day of _____, 1995, which was a _____ meeting of said Council; that at said _____ meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote.

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
JAN LAVERTY JONES, MAYOR

ATTEST:

KATHLEEN M. TIGHE, City Clerk

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SECOND AMENDMENT
BILL NO. 95-12
ORDINANCE NO. 3883

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 92 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, ADDING AND AMENDING SECTIONS OF CHAPTER 92 OF SAID TITLE RELATING TO ZONING AND THE GENERAL PLAN; ADDING A SEPARATE APPLICATION REQUIREMENT FOR A GENERAL PLAN AMENDMENT; SPECIFYING THE ELEMENTS OF SAID APPLICATION; INCREASING THE TIME PERIODS FOR THE FILING OF A NEW APPLICATION AFTER A DENIAL OR WITHDRAWAL WITH PREJUDICE; SETTING STANDARDS FOR A REQUESTED CONTINUANCE; DISALLOWING ANY RECLASSIFICATION OF LAND INCONSISTENT WITH THE GENERAL PLAN; ESTABLISHING REGISTRATION AND NOTIFICATION REQUIREMENTS FOR NEIGHBORHOOD GROUPS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:
Councilman Frank Hawkins
SUMMARY: Amends and adds Title 19, Chapter 92 relating to zoning by changing application and notification requirements, and other matters relating to General Plan amendments and reclassification.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of March, 1995, and referred to the following committee composed of Councilmen Hawkins Jr. and Brass for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 19th day of April, 1995, 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" Councilmen Adamsen, Hawkins Jr., Brass, Callister, and Mayor Jones
VOTING "NAY" None
EXCUSED None
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: April 22, 1995
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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

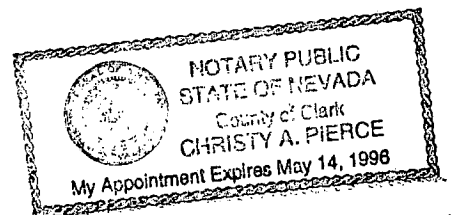
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of April 22, 1995 to April 22, 1995, on the following days:

April 22, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 24 day of April, 19 95

Christy A. Pierce
Notary Public



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FIRST AMENDMENT
BILL NO. 95-12

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SPONSORED BY:
Councilman Frank Hawkins
SUMMARY: Amends and adds Title 19, Chapter 92 relating to zoning by changing application, notification, and voting requirements, and other matters relating to General Plan amendments and reclassification. At a City Council meeting MARCH 15, 1995
BILL NO. 95-12 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Hawkins Jr. and Brass
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: April 1, 1995
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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

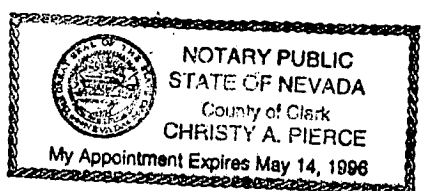
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of APRIL 1, 1995 to APRIL 1, 1995, on the following days:

APRIL 1, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 13 day of April, 19 95

Christy A Pierce
Notary Public



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FIRST AMENDMENT
BILL NO. 95-12

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 92 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; ADDING AND AMENDING SECTIONS OF CHAPTER 92 OF SAID TITLE RELATING TO ZONING AND THE GENERAL PLAN; ADDING A SEPARATE APPLICATION REQUIREMENT FOR A GENERAL PLAN AMENDMENT; SPECIFYING THE ELEMENTS OF SAID APPLICATION; INCREASING THE TIME PERIODS FOR THE FILING OF A NEW APPLICATION AFTER A DENIAL OR WITHDRAWAL WITH PREJUDICE; SETTING STANDARDS FOR A REQUESTED CONTINUANCE; DISALLOWING ANY RECLASSIFICATION OF LAND INCONSISTENT WITH THE GENERAL PLAN; ESTABLISHING REGISTRATION AND NOTIFICATION REQUIREMENTS FOR NEIGHBORHOOD GROUPS; REQUIRING A VOTE BY TWO-THIRDS OF THE COUNCIL MEMBERS PRESENT TO GRANT A GENERAL PLAN AMENDMENT OR RECLASSIFICATION OF PROPERTY; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:
Councilman Frank Hawkins
SUMMARY: Amends and adds Title 19, Chapter 92 relating to zoning by changing application, notification, and voting requirements, and other matters relating to General Plan amendments and reclassification.
At a City Council meeting
MARCH 15, 1995
BILL NO. 95-12 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:
Councilmen Hawkins Jr. and Brass
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PUB: April 1, 1995
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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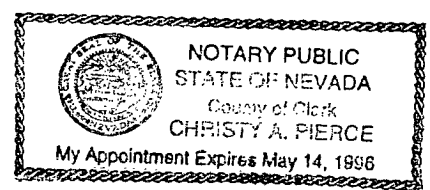
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APRIL 1, 1995

Signed: Barbara Carr

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Christy A. Pierce
Notary Public



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SECOND AMENDMENT
BILL NO. 95-12
ORDINANCE NO. 3883

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 92 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, ADDING AND AMENDING SECTIONS OF CHAPTER 92 OF SAID TITLE RELATING TO ZONING AND THE GENERAL PLAN; ADDING A SEPARATE APPLICATION REQUIREMENT FOR A GENERAL PLAN AMENDMENT; SPECIFYING THE ELEMENTS OF SAID APPLICATION; INCREASING THE TIME PERIODS FOR THE FILING OF A NEW APPLICATION AFTER A DENIAL OR WITHDRAWAL WITH PREJUDICE; SETTING STANDARDS FOR A REQUESTED CONTINUANCE; DISALLOWING ANY RECLASSIFICATION OF LAND INCONSISTENT WITH THE GENERAL PLAN; ESTABLISHING REGISTRATION AND NOTIFICATION REQUIREMENTS FOR NEIGHBORHOOD GROUPS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:
Councilman Frank Hawkins
SUMMARY: Amends and adds Title 19, Chapter 92 relating to zoning by changing application and notification requirements, and other matters relating to General Plan amendments and reclassification. The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of March, 1995, and referred to the following committee composed of Councilmen Hawkins Jr. and Brass for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 19th day of April, 1995, 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" Councilmen Adamsen, Hawkins Jr., Brass, Callister, and Mayor Jones
VOTING "NAY" None
EXCUSED None
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: April 22, 1995
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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

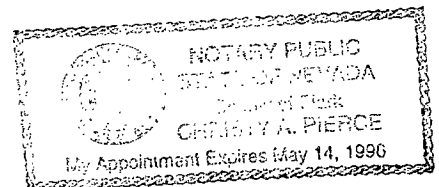
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Signed: Barbara Carr

Subscribed and sworn to before me this 24 day of April, 1995

Christy A. Pierce
Notary Public



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