

BILL NO. 2005-49

ORDINANCE NO. 5792

AN ORDINANCE TO EXPAND THE MINIMUM NOTIFICATION REQUIREMENTS FOR CERTAIN ZONING APPLICATIONS, TO AMEND RELATED PROVISIONS SO AS TO CONFORM TO STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler,
Director of Planning and Development

Summary: Expands the minimum notification requirements for certain zoning applications, and amends related provisions so as to conform to State law.

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

SECTION 1: Title 19, Chapter 18, Section 30, Subsection (F), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(F) Planning Commission Public Hearing and Action.

(1) Hearing. Subject to the provisions of Section 19.18.030(C)(7), upon receipt of a complete General Plan Amendment application or an Amendment proposed by the Planning Commission or City Council, the Planning Commission shall hold a public hearing.

(2) Notice.

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

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

(ii) Mailing a copy of the notice to:

A. The applicant;

B. Each owner of real property located within a minimum of [five hundred] one thousand feet of the property described in the application; [or, in the case of an application proposing a project of regional significance (as described in NRS 278.02542), a minimum of seven hundred fifty feet;]

C. Each tenant of any mobile home park that is located within [three hundred] one thousand feet of the property described in the application, [or, in the case of an

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1 application proposing a project of regional significance (as described in NRS 278.02542), a minimum
2 of seven hundred feet;]

3 D. The owner of each of the thirty separately-owned parcels nearest
4 to the property described in the application to the extent this notice does not duplicate the notice
5 otherwise required by this [Section;] Paragraph (2);

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

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

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

14 (c) Additional Notice. The [Secretary] Department may give additional notice of
15 the hearing by expanding the area of notification or using other means of notification or both. The
16 [Director] Department shall endeavor to provide any additional notice at least ten days before the date
17 of the hearing.

18 (d) Signs. Notification signs shall be posted in conformance with Section
19 19.18.010(D).

20 (3) Planning Commission Decision.

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

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

1 or a portion of the application to a more restrictive land use category.

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

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

11 SECTION 2: Title 19, Chapter 18, Section 40, Subsection (H), of the Municipal Code
12 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 (H) Planning Commission Public Hearing and Action.

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

16 (2) Notice.

17 (a) Notice Provided. Notice of the time, place and purpose of the hearing must be
18 given at least ten days before the hearing by:

19 (i) Publishing the notice in a newspaper of general circulation within the
20 City;

21 (ii) Mailing a copy of the notice to:

22 A. The applicant;

23 B. Each owner of real property located within a minimum of [seven
24 hundred fifty] one thousand feet of the property described in the application;

25 C. Each tenant of any mobile home park that is located within
26 [seven hundred fifty] one thousand feet of the property described in the application;

27 D. The owner of each of the thirty separately-owned parcels nearest
28 to the property described in the application to the extent this notice does not duplicate the notice

1 otherwise required by this [Section;] Paragraph (2);

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

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

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

10 (c) Additional Notice. The [Secretary] Department may give additional notice of
11 the hearing by expanding the area of notification or using other means of notification or both. The
12 [Director] Department shall endeavor to provide any additional notice at least ten days before the date
13 of the hearing.

14 (d) Signs. Notification signs shall be posted in conformance with Section
15 19.18.010 (D).

16 (3) Planning Commission Decision. Following the public hearing or hearings, the
17 Planning Commission shall make its recommendations concerning the application for rezoning. The
18 recommendation may be for approval, approval with conditions, or denial. In considering whether
19 to recommend approval or denial of an application, the Planning Commission may, when it appears
20 necessary or expedient, consider the rezoning of only a portion of the land described in the application
21 for rezoning, or it may recommend that all or a portion of the property be rezoned to a more restrictive
22 classification.

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

1 SECTION 3: Title 19, Chapter 18, Section 60, Subsection (G), of the Municipal Code
2 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 (G) Planning Commission Public Hearing and Action.

4 (1) Hearing. The Planning Commission shall hold a public hearing on each application
5 for a Special Use Permit within sixty-five days after the application is properly filed.

6 (2) Notice.

7 (a) Notice Provided. Notice of the time, place and purpose of the hearing must be
8 given at least ten days before the hearing by:

9 (i) Publishing the notice in a newspaper of general circulation within the
10 City;

11 (ii) Mailing a copy of the notice to:

12 A. The applicant;

13 B. Each owner of real property located within a minimum of [five
14 hundred] one thousand feet of the property described in the application, or in the case of an application
15 to authorize the sale of alcoholic beverages, a minimum of one thousand five hundred feet;

16 C. Each tenant of any mobile home park that is located within [three
17 hundred] one thousand feet of the property described in the application, or in the case of an application
18 to authorize the sale of alcoholic beverages, a minimum of one thousand five hundred feet;

19 D. The owner of each of the thirty separately-owned parcels nearest
20 to the property described in the application to the extent this notice does not duplicate the notice
21 otherwise required by this [Section;] Paragraph (2);

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

24 [1.] F. The president or head of any registered local neighborhood
25 organization whose organization boundaries are located within a minimum of one mile of the property
26 described in the application.

27 [2.] (b) Names Provided. The Department of Planning and Development shall provide
28 at the request of the applicant, the name, address and phone number of any person notified pursuant

1 to Subparagraph [F] (F) above.

2 [3.] (c) Additional Notice. The [Secretary] Department may give additional notice of
3 the hearing by expanding the area of notification or using other means of notification or both. The
4 [Director] Department shall endeavor to provide any additional notice at least ten days before the date
5 of the hearing.

6 [4.] (d) Signs. Notification signs shall be posted in conformance with Section
7 19.18.010(D) and NRS Chapter 278.

8 (3) Hearing. The Planning Commission shall conduct a public hearing on the application.
9 In its discretion and for good cause, the Planning Commission may hold the application in abeyance
10 for further study. However, subject to the provisions of State law, the Commission may not grant to
11 an applicant more than two continuances on the same matter, unless the Commission determines, upon
12 good cause shown, that the granting of additional continuances is warranted. Following the hearing
13 or hearings, the Planning Commission shall make its recommendation to approve, approve with
14 conditions, or deny the application for Special Use Permit. The recommendation shall be based upon
15 evidence that makes the grant or denial of the Special Use Permit appropriate.

16 (4) Conditions of Approval Recommendation. In recommending the approval of a Special
17 Use Permit, the Planning Commission may impose any conditions, restrictions or limitations as the
18 Commission may determine to be necessary to meet to the general purpose and intent of this Title and
19 to ensure that the public health, safety and welfare are being maintained.

20 (5) Notice of Planning Commission Decision. Written notice of the Planning
21 Commission's decision shall be provided to the applicant, agent, or both.

22 SECTION 4: Title 19, Chapter 18, Section 60, Subsection (J), of the Municipal Code
23 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 (J) Appeals and City Council Review.

25 (1) Appeal of Denial. A decision by the Planning Commission to deny a Special Use
26 Permit application becomes final and effective at the expiration of ten days after the date of the
27 decision unless, within that period, the applicant appeals the decision by written request filed with the
28 City Clerk. The City Council may establish a fee for the filing of an appeal, and the amount of any

1 fee so established shall be as set forth in the fee schedule.

2 (2) Final Action by City Council Concerning Approval. A decision by the Planning
3 Commission to approve a Special Use Permit application constitutes a recommendation to the City
4 Council. The City Council shall make the final decision concerning the application.

5 SECTION 5: Title 19, Chapter 18, Section 60, Subsection (K), of the Municipal Code
6 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 (K) City Council Public Hearing.

8 (1) Notice and Hearing. The City Council shall conduct a public hearing on all Special
9 Use Permit applications which are appealed or are forwarded to the Council for final action. For any
10 application that is appealed to the Council, [Public] written notice of the Council hearing shall be
11 mailed at least ten days before the hearing to the property owners who were notified by mail of the
12 Planning Commission hearing.

13 (2) City Council Decision. The City Council may approve, approve with conditions, or
14 deny a Special Use Permit application. In so doing, the City Council shall consider the
15 recommendation of the Planning Commission and the evidence presented at the public hearing, [
16 Action by the City Council is final.] and shall be guided by the statement of purpose underlying the
17 regulation of the improvement of land expressed in NRS 278.020. Action by the City Council is final
18 for purposes of judicial review. In the case of an appeal, the City Council:

19 (a) May not grant to an aggrieved person more than two continuances on the same
20 matter, unless the Council determines, upon good cause shown, that the granting of additional
21 continuances is warranted; and

22 (b) Must render its decision within forty-five days, unless otherwise agreed to by
23 the person filing the appeal.

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

1 filed with the City Clerk.

2 SECTION 6: Title 19, Chapter 18, Section 70, Subsection (G), of the Municipal Code
3 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 (G) Public Hearing and Action.

5 (1) Hearing. The Planning Commission shall hold a public hearing upon each application
6 for a Variance within sixty-five days after the application is properly filed.

7 (2) Notice.

8 (a) Notice Provided. Notice of the time, place and purpose of the hearing must be
9 given at least ten days before the hearing by:

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

12 (ii) Mailing a copy of the notice to:

13 A. The applicant;

14 B. Each owner of real property located within a minimum of [five
15 hundred] one thousand feet of the property described in the application;

16 C. Each tenant of any mobile home park that is located within [five
17 hundred] one thousand feet of the property described in the application;

18 D. The owner of each of the thirty separately-owned parcels nearest
19 to the property described in the application to the extent this notice does not duplicate the notice
20 otherwise required by this [Section:] Paragraph (2);

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

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

26 (b) Names Provided. The Department of Planning and Development shall provide,
27 at the request of the applicant, the name, address and phone number of any person notified pursuant
28 to [Paragraph (2)] Subparagraph (F) above.

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

4 (3) Hearing. The Planning Commission shall conduct a public hearing on the application.
5 [As a matter of] In its discretion and for good cause, the Planning Commission may hold the
6 application in abeyance for further study. However, subject to the provisions of State law, the
7 Commission may not grant to an applicant more than two continuances on the same matter, unless the
8 Commission determines, upon good cause shown, that the granting of additional continuances is
9 warranted. Following the hearing or hearings, the Planning Commission shall make a decision to
10 approve, approve with conditions, or deny the Variance application. The decision shall be based upon
11 evidence that makes the grant or denial of the Variance appropriate. The decision shall either be a
12 final decision or a recommendation, as determined in accordance with Section 19.18.070(J).

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

17 (5) Notice of Decision. The Planning Commission shall provide written notice of each
18 decision on a Variance application, which shall include the reasons for the decision and, if the decision
19 is to recommend approval of the Variance, any modifications, conditions or limitations that the
20 Planning Commission may impose or recommend to be imposed in connection with the approval. The
21 notice shall be provided to the owner, developer or agent.

22 SECTION 7: Title 19, Chapter 18, Section 70, Subsection (K), of the Municipal Code
23 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 (K) City Council Public Hearing and Action.

25 (1) Notice. The City Council shall conduct a public hearing on any Variance application
26 which is appealed or forwarded to the Council for final action. The City Clerk is authorized to
27 consolidate all appeals or requests for review that have been filed regarding a particular application,
28 or to schedule them in sequence or otherwise, in which case the City Council may hear the items

1 separately or consolidate them for purposes of hearing, as the Council deems appropriate. [At least
2 ten days' written notice of the hearing shall be sent to property owners who were sent notice of the
3 public hearing conducted by the Planning Commission.] For any application that is appealed to the
4 Council or that is requested for review by a member of the Council, written notice of the Council
5 hearing shall be mailed at least ten days before the hearing to the property owners who were notified
6 by mail of the Planning Commission hearing.

7 (2) Penalty. If a structure which is the subject of a Variance application has been or is
8 being constructed without a building permit and is in violation of any of the provisions of this Title,
9 the City Council, in granting the Variance, may impose a penalty in an amount that does not exceed
10 ten percent of the value of the structure as determined in accordance with the City's Administrative
11 Code.

12 (3) City Council Decision. The City Council may review the Variance application de
13 novo, and has the authority to reverse, modify, or confirm any action of the Planning Commission. In
14 making a decision regarding a Variance application, the City Council shall consider the decision of
15 the Planning Commission and the evidence presented at the public hearing, and shall be guided by the
16 statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020.
17 Action by the City Council is final for purposes of judicial review. [Except as otherwise agreed to by
18 the person filing the appeal, the City Council must render its decision on an appeal within forty-five
19 days.] In the case of an appeal, the City Council:

20 (a) May not grant to an aggrieved person more than two continuances on the same
21 matter, unless the Council determines, upon good cause shown, that the granting of additional
22 continuances is warranted; and

23 (b) Must render its decision within forty-five days, unless otherwise agreed to by
24 the person filing the appeal.

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

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

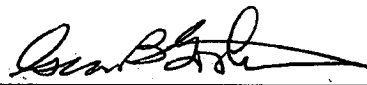
3 SECTION 8: For purposes of Section 2.100(3) of the City Charter, LVMC 19.18.030,
4 19.18.040, 19.18.060, and 19.18.070 are deemed to be subchapters rather than sections.

5 SECTION 9: 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 or
7 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 10: 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 5TH day of OCTOBER, 2005.

17 APPROVED:

18
19 By 
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:

25  8-23-05
26 Date
27
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 7th day of September, 2005, and referred to a committee for recommendation;
3 thereafter the committee reported favorably on said ordinance on the 5th day of October,
4 2005, which was a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as first introduced and adopted by
6 the following vote:

7 VOTING "AYE": Mayor Goodman
Councilmembers: Reese, Brown, Weekly, Wolfson, and Ross

8 VOTING "NAY": None

9 EXCUSED: Tarkanian

10 ABSTAINED: None

11 APPROVED:

12 
13 _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 
16 BARBARA JO RONEMUS, City Clerk

RECEIVED
CITY CLERK

2005 SEP 29 A 10:29

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, being 1st duly sworn, deposes and says:

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

LV CITY CLERK
4262838

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/23/2005 to 09/23/2005, on the following days: SEPT. 23, 2005

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

26

day of September 2005

Mary B. Sheffield

Notary Public

BILL NO. 2005-49

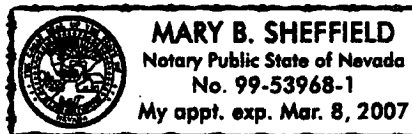
AN ORDINANCE TO EXPAND THE MINIMUM NOTIFICATION REQUIREMENTS FOR CERTAIN ZONING APPLICATIONS, TO AMEND RELATED PROVISIONS SO AS TO CONFORM TO STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler, Director of Planning and Development
Summary: Expands the minimum notification requirements for certain zoning applications, and amends related provisions so as to conform to State law.

At the City Council meeting of SEPTEMBER 7, 2005 BILL NO. 2005-49 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

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

PUB: Sept. 23, 2005
LV Review-Journal



RECEIVED
CITY CLERK

2005 OCT 13 A 10: 58

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, being 1st duly sworn, deposes and says:

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

LV CITY CLERK
4291845

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 10/08/2005 to 10/08/2005, on
the following days: OCT. 8, 2005

BILL NO. 2005-49
Ordinance No. 5792

AN ORDINANCE TO EXPAND THE MINIMUM NOTIFICATION REQUIREMENTS FOR CERTAIN ZONING APPLICATIONS, TO AMEND RELATED PROVISIONS SO AS TO CONFORM TO STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler, Director of Planning and Development
Summary: Expands the minimum notification requirements for certain zoning applications, and amends related provisions so as to conform to State law.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of September 2005 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of October 2005, 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": Mayor Goodman and Councilmembers Reese, Brown, Weekly, Wolfson, and Ross
VOTING "NAY": NONE
EXCUSED: Councilwoman Tarkanian

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

PUB: October 8, 2005
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 11

day of October 2005

Mary B. Sheffield
Notary Public

