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Bill No. 97-97

Ordinance No. **5045**

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19A, CHAPTER 16, OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY AMENDING SUBCHAPTERS 10 AND 30 THEREOF TO CLARIFY THE TIME PERIOD WITHIN WHICH CERTAIN NONCONFORMING USES MUST BE TERMINATED; REPEALING IN ITS ENTIRETY SUBCHAPTER 40 OF SAID TITLE AND CHAPTER; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Michael McDonald

Summary: Clarifies the time period for the termination of certain nonconforming uses.

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

SECTION 1: Title 19A, Chapter 16, Subchapter 10 of the Zoning Code of the City of Las Vegas, is hereby amended to read as follows:

19.16.010 INTENT

Within the zoning districts established by this Title, there may exist lots, structures, and uses of land which were lawful before the effective date of this Title and which would be prohibited, regulated, or restricted under the terms of this Title. It is the intent of this Title to permit these non-conformities to continue until they are removed or abandoned , or until such earlier time as they are ordered to be removed, but not to encourage their survival. It is further the intent of this Title that such non-conforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as provided. In addition, such non-conforming lots, buildings, or uses may not be used as justification for adding other lots, buildings or uses prohibited elsewhere in the same zoning district. Non-conforming uses are declared by this Title to be incompatible with permitted uses in the same zoning districts.

SECTION 2: Title 19A, Chapter 16, Subchapter 30 of the Zoning Code of the City of Las Vegas is hereby amended to read as follows:

...
...

1 19.16.030 REGULATIONS

2 **A. Non-Conforming Use of a Conforming Building**

3 1. **Expansion of Use.** A non-conforming use of a conforming building
4 shall not be extended or expanded into any other portion of the conforming building.

5 2. **Discontinuation of Use.** If a non-conforming use of a conforming
6 building is discontinued for a period of 90 days, the future use of such building shall be only in
7 conformance with the provisions of this Title. Non-conforming uses of a conforming building shall
8 be discontinued upon written notice from the City to the owner to discontinue the use. The use shall
9 be discontinued no later than the date described in the notice, which in no event shall be later than five
10 years from the date notice is given, [to the owner of record.] Notice shall be provided by mailing to
11 the [address] owner of the property as shown by the County Assessor's records and recording a copy
12 of the notice in the office of the County Recorder,]; such] Such notice shall contain the legal
13 description of the property, a description of the use required to be discontinued, the date that the use
14 is to cease and desist and the section of this Title which declares the use to be non-conforming.

15 **B. Non-Conforming Use of a Non-Conforming Building**

16 The non-conforming use of a non-conforming building legally existing on the effective
17 date of this Title or an amendment thereto may be continued subject to the following conditions:

18 1. **Unoccupied Structure.** A non-conforming building occupied by a non-
19 conforming use which is or becomes vacant and remains unoccupied for one year, shall not be
20 occupied thereafter, except by a use which conforms to the use regulations of that zoning district.

21 2. **Expansion of Use.** A non-conforming use of a non-conforming
22 building may be extended or expanded into any other portion of the non-conforming building,
23 provided no structural alterations are made thereto, except those required by law or ordinance.

24 **C. Additions to Non-Conforming Buildings**

25 The Director may approve additions to non-conforming buildings when the non-
26 conformance is a result of inadequate setbacks and provided that the addition conforms to all other
27 provisions of this Title. The addition shall not encroach beyond the encroachment of the existing
28 building, must be located in either a side or rear yard, and must not encroach more than 50 percent.

1 In addition, the total of all such additions or enlargements shall not exceed more than 50 percent of
2 the size of the original footprint of the structure.

3 Additions may also be approved to non-conforming residential buildings in
4 nonresidential zoning districts. Additions may be approved to any residential building made non-
5 conforming by an action of a public entity. The addition, in either instance, shall be secondary in
6 nature to the existing use on the property and will not substantially perpetuate the non-conforming use.

7 **D. Non-Conforming Use of Land**

8 A non-conforming use of land[, where no main building is involved,] that does not take
9 place within a principal building, legally existing on the effective date of this Title [may be continued
10 for a period not to exceed five years from the date notice is given to the owner of record.] or an
11 amendment thereto shall be discontinued upon written notice from the City to the owner to
12 discontinue the use. The use shall be discontinued no later than the date described in the notice, which
13 in no event shall be later than five years from the date notice is given. Notice shall be [given] provided
14 by mailing to the [address] owner of the property as shown by the County Assessor's records and
15 recording a copy of the notice in the office of the County Recorder, [, which notice contains] Such
16 notice shall contain the legal description of the property, a description of the use required to be
17 discontinued, the date that the use is to cease and desist and the section of this Title which declares
18 the use to be non-conforming.

19 **1. Expansion of Use.** No such non-conforming use of land shall in any
20 way be extended or expanded either on the same or adjoining property;

21 **2. Discontinuation of Use.** If a non-conforming use of land is
22 discontinued for a period of 90 days or changed to a conforming use, any future use of the land shall
23 be in conformity with the provisions of this Title.

24 SECTION 3: Title 19A, Chapter 16, Subchapter 40 of the Zoning Code of the City of
25 Las Vegas is hereby repealed in its entirety.

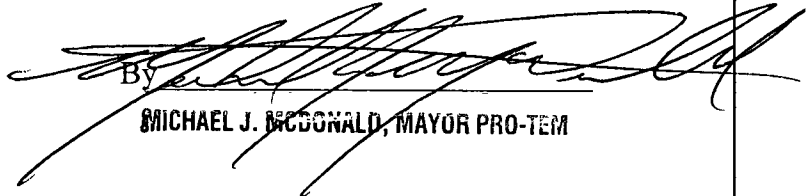
26 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
28 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

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

6 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this 12th day of January, 1998.

10 APPROVED:

11 
12 BY
13 MICHAEL J. McDONALD, MAYOR PRO-TEM

13 ATTEST:

14 
15 BARBARA JO RONEMUS, City Clerk

16 APPROVED AS TO FORM:

17 Val Steed 12-3-97
18 _____ Date

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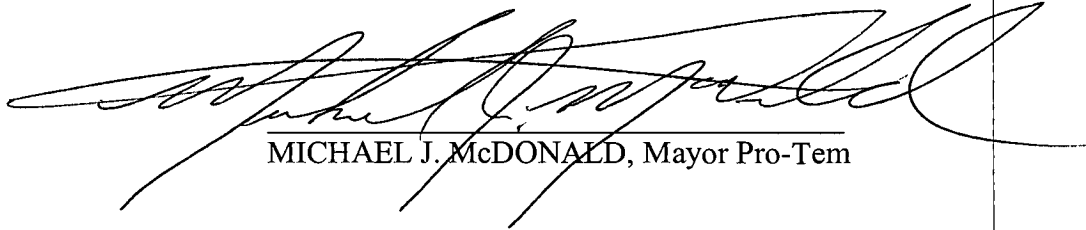
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 15th day of December, 1997 and referred to the following committee composed of
3 Councilmen Brown and Adamsen for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 12th day of January, 1998 which was a regular meeting of
5 said Council; that at said regular meeting, the proposed ordinance was read by title to the City
6 Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, McDonald, Brown and Reese

8 VOTING "NAY": NONE

9 EXCUSED: Mayor Jones

10 APPROVED:

11 
12 MICHAEL J. McDONALD, Mayor Pro-Tem

13 ATTEST:

14 
15 BARBARA JO RONEMUS, City Clerk

AFFIDAVIT OF PUBLICATION

1998 JAN -9 P 2: 25

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BILL NO 97-97

AN ORDINANCE RELATING TO ZONING, AMENDING TITLE 19A, CHAPTER 16, OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY AMENDING SUBCHAPTERS 10 AND 30 THEREOF TO CLARIFY THE TIME PERIOD WITHIN WHICH CERTAIN NONCONFORMING USES MUST BE TERMINATED, REPEALING IN ITS ENTIRETY SUBCHAPTER 40 OF SAID TITLE AND CHAPTER, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith

SPONSORED BY Councilman Michael McDonald
SUMMARY Clarifies the time period for the termination of certain nonconforming uses
At a City Council meeting DECEMBER 15, 1997
BILL NO 97-97 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE
Councilmen Brown and Adamsen
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1st FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB January 1, 1998
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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

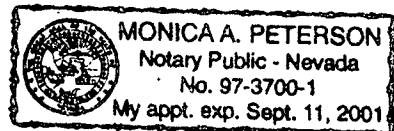
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JANUARY 1, 1998 to JANUARY 1, 1998, on the following days:

JANUARY 1, 1998

Signed: Barbara Linford

Subscribed and sworn to before me this 9 day of Jan, 1998

Monica A. Peterson
Notary Public



AFFIDAVIT OF PUBLICATION

PASTE CLIPPING HERE

BILL NO 97-97
ORDINANCE NO 5045

AN ORDINANCE RELATING TO ZONING, AMENDING TITLE 19A, CHAPTER 16, OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY AMENDING SUBCHAPTERS 10 AND 3D THEREOF TO CLARIFY THE TIME PERIOD WITHIN WHICH CERTAIN NONCONFORMING USES MUST BE TERMINATED, REPEALING IN ITS ENTIRETY SUBCHAPTER 40 OF SAID TITLE AND CHAPTER, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY Councilman Michael McDonald
SUMMARY Clarifies the time period for the termination of certain nonconforming uses

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of December, 1997, and referred to the following committee composed of Councilmen Brown and Adamsen for recommendation; thereafter the said committee reported favorably on said ordinance on the 12th day of January, 1998, 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, McDonald, Brown and Reese
VOTING "NAY" NONE
EXCUSED: Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB January 15, 1998
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

MARY ANN HERRON

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 JANUARY 15, 1998 to JANUARY 15, 1998, on the following days:

JANUARY 15, 1998

Signed: Mary Ann Herron

Subscribed and sworn to before me this 15 day of Jan, 1998

Peggy D. Barron
Notary Public



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

1998 JAN 30
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1998 JAN - 9 P 2: 25

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STATE OF NEVADA)
COUNTY OF CLARK) SS:

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

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JANUARY 1, 1998 to JANUARY 1, 1998, on the following days:

JANUARY 1, 1998

BILL NO. 97-97
AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19A, CHAPTER 16, OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY AMENDING SUBCHAPTERS 10 AND 30 THEREOF TO CLARIFY THE TIME PERIOD WITHIN WHICH CERTAIN NONCONFORMING USES MUST BE TERMINATED; REPEALING IN ITS ENTIRETY SUBCHAPTER 40 OF SAID TITLE AND CHAPTER; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.
SPONSORED BY: Councilman Michael McDonald
SUMMARY: Clarifies the time period for the termination of certain nonconforming uses.
At a City Council meeting DECEMBER 15, 1997
BILL NO. 97-97 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:
Councilmen Brown and Adamsen
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1st FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: January 1, 1998
Las Vegas Review-Journal

Signed: Barbara Linford

Subscribed and sworn to before me this 9 day of Jan, 19 98
Monica A. Peterson
Notary Public

MONICA A. PETERSON
Notary Public - Nevada
No. 97-3700-1
My appt. exp. Sept. 11, 2001



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AFFIDAVIT OF PUBLICATION

JAN 30 P 2:33
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BILL NO. 97-97
 ORDINANCE NO. 5045
 AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19A, CHAPTER 16, OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY AMENDING SUBCHAPTERS 10 AND 30 THEREOF TO CLARIFY THE TIME PERIOD WITHIN WHICH CERTAIN NONCONFORMING USES MUST BE TERMINATED; REPEALING IN ITS ENTIRETY SUBCHAPTER 40 OF SAID TITLE AND CHAPTER; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.
 SPONSORED BY: Councilman Michael McDonald
 SUMMARY: Clarifies the time period for the termination of certain nonconforming uses.
 The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of December, 1997, and referred to the following committee composed of Councilmen Brown and Adamsen for recommendation; thereafter the said committee reported favorably on said ordinance on the 12th day of January, 1998, 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, McDonald, Brown and Reese
 VOTING "NAY" NONE
 EXCUSED: Mayor Jones
 COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
 PUB: January 15, 1998
 Las Vegas Review-Journal

STATE OF NEVADA)
 COUNTY OF CLARK) SS:

MARY ANN HERRON, 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 JANUARY 15, 1998 to JANUARY 15, 1998, on the following days:

JANUARY 15, 1998

Signed: Mary Ann Herron

Subscribed and sworn to before me this 15 day of Jan, 1998

Peggy D. Barron
 Notary Public



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



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