

BILL NO. 2001-94

ORDINANCE NO. 5372

AN ORDINANCE TO AMEND THE ZONING CODE REGARDING THE EXPANSION AND REDEVELOPMENT OF CERTAIN NONCONFORMING USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer,
Director of Planning and Development

Summary: Amends the Zoning Code regarding the expansion and redevelopment of certain nonconforming uses.

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

SECTION 1: Section 19A.16.030(A) of the Zoning Code of the City of Las Vegas is hereby amended to read as follows:

A. Nonconforming Use of a Conforming Building

1. Expansion or Redevelopment of Use. A nonconforming use of a conforming building shall not be continued following redevelopment of the property nor extended or expanded into any other portion of the conforming building; provided, however, that an existing use which was made [nonforming] nonconforming by one or more of the following may be continued following redevelopment or expanded in accordance with Subsection (2) of this Section (A):

- a. The adoption of a Special Use Permit requirement for that type of use;
- b. The adoption of a 400-foot or 1500-foot separation requirement between that type of use and a protected use;
- c. The adoption of a 1500-foot separation requirement between two uses of that type;
- [or]
- d. The establishment of a protected use that, by virtue of a 400-foot or 1500-foot separation requirement, would otherwise prohibit the existing use from expanding or from continuing following redevelopment; or

[d.] e. The adoption of a different method of measuring distance for purposes of a separation requirement.

2. Allowable Expansion[.] or Redevelopment. If the proposed expansion or continuation of a nonconforming use following redevelopment qualifies under Subsection (1) of this Section (A)

1 and no Variance from (or Waiver of) a separation requirement has previously been granted for the
2 property, the nonconforming use may be expanded or continued following redevelopment if the
3 proposed expansion[:] or continuation:

4 a. Will not increase the size or extent of the use by more than 50%; and

5 b. Will not require a Variance or Waiver regarding any other provision of Title 19A,
6 including those that pertain to parking, landscaping and residential adjacency requirements.

7 **3. Discontinuation of Use.** If a nonconforming use of a conforming building is discontinued
8 for a period of 180 days, or one year in the case of a conforming building that has been damaged or
9 partially destroyed by fire, flood, wind, another calamity or an act of God. the future use of such
10 building shall be only in conformance with the provisions of this Title. Nonconforming uses of a
11 conforming building 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 provided by
14 mailing to the owner of the property as shown by the County Assessor's records and recording a copy
15 of the notice in the office of the County Recorder. Such notice shall contain the legal description of
16 the property, a description of the use required to be discontinued, the date that the use is to cease and
17 desist and the section of this Title which declares the use to be nonconforming.

18 SECTION 2: Section 19A.16.050(A) of the Zoning Code of the City of Las Vegas
19 is hereby amended to read as follows:

20 **A. Use of a Damaged or Destroyed Building**

21 1. Except as otherwise provided in Subsection (2) of this Section (A), a nonconforming use
22 which was located in a building that has been damaged or partially destroyed by fire, flood, wind, an
23 other calamity or an act of God shall not be continued when the extent of damage or destruction is
24 more than 50 percent of the replacement value of the building.

25 2. Subsection (1) of this Section (A) does not apply to a use which was made nonconforming
26 by one or more of the following:

27 a. The adoption of a Special Use Permit requirement for that type of use;

28 b. The adoption of a 400-foot or 1500-foot separation requirement between that type

1 of use and a protected use;

2 c. The adoption of a 1500-foot separation requirement between two uses of that type;
3 [or]

4 d. The establishment of a protected use that, by virtue of a 400-foot or 1500-foot
5 separation requirement, would otherwise prohibit the existing use from expanding or from continuing
6 following redevelopment; or

7 [d.] e. The adoption of a different method of measuring distance for purposes of a
8 separation requirement.

9 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
10 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
11 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
12 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
13 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
14 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
15 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
16 invalid or ineffective.

17 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,

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1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 7th day of November, 2001.

4 APPROVED:

5 By 
6 OSCAR B. GOODMAN, Mayor

7 ATTEST:

8 
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Steed 9-19-01
12 Date

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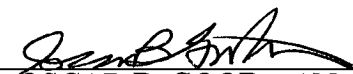
1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 3rd day of October, 2001, and referred to the following committee composed of Councilmembers
3 Weekly and L. B. McDonald for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 7th day of November, 2001, 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": Mayor Goodman and Councilmembers Reese, M. McDonald, Brown, L.B.
8 McDonald, Weekly and Mack

9 VOTING "NAY": None

10 ABSENT: None

11 APPROVED:

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13 _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 _____
18 BARBARA JO RONECUS, City Clerk
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RECEIVED
CITY CLERK

AFFP DISTRICT COURT
Clark County, Nevada

2001 OCT 31 P 1:57

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
1944818

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/25/01 to 10/25/2001, on the following days: OCTOBER 25, 2001

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

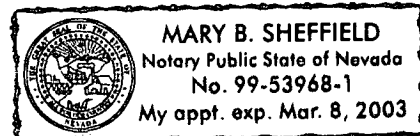
25

day of _____ 2001

October

Mary B. Sheffield

Notary Public



BILL NO. 2001-94

AN ORDINANCE TO AMEND THE ZONING CODE REGARDING THE EXPANSION AND REDEVELOPMENT OF CERTAIN NONCONFORMING USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer, Director of Planning and Development
Summary: Amends the Zoning Code regarding the expansion and redevelopment of certain nonconforming uses.

At a City Council meeting October 3, 2001
BILL NO. 2001-94 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmembers Weekly and L. B. McDonald

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR

PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: Oct. 25, 2001
LV Review-Journal

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
1965500

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/10/01 to 11/10/2001, on the following days: NOVEMBER 10, 2001

BILL NO. 2001-94
ORDINANCE NO. 5372

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of October, 2001, and referred to the following committee composed of Councilmembers Weekly and L.B. McDonald for recommendation; thereafter the said committee reported favorably on said ordinance on the 7th day of November, 2001, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, M. McDonald, Brown, L.B. McDonald, Weekly and Mack
VOTING "NAY": NONE
EXCUSED: NONE

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: Nov. 10, 2001
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 12

day of November 2001

Mary B. Sheffield
Notary Public



MARY B. SHEFFIELD
Notary Public State of Nevada
No. 99-53968-1
My appt. exp. Mar. 8, 2003

RECEIVED
CITY CLERK
NOV 19 P 2:57