

BILL NO. 83-47

ORDINANCE No. 3073

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 88, SECTION 130, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROVIDE FOR REVIEW BY THE CITY COUNCIL OF CERTAIN VARIANCE APPLICATIONS; AMENDING SECTION 170 OF SAID TITLE AND CHAPTER TO PROVIDE VOTING REQUIREMENTS WITH REGARD TO VARIANCE APPEALS; AMENDING SECTIONS 70 AND 80 OF CHAPTER 90 OF SAID TITLE TO PROVIDE FOR CITY COUNCIL REVIEW OF SPECIAL USE PERMIT APPLICATIONS FOR RETAIL DEMONSTRATION MERCHANDISE STORES AND SECONDHAND DEALERS, OTHER THAN ANTIQUE STORES AND USED CAR LOTS; AMENDING SAID TITLE AND CHAPTER FURTHER BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 90, TO PROVIDE THAT USES WHICH REQUIRE BOTH A SPECIAL USE PERMIT AND A VARIANCE MAY BE APPROVED BY MEANS OF VARIANCE ALONE; PROVIDING FOR OTHER MATTERS PROPERTY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

|                      |                                                                                                                                                         |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sponsored By:        | Summary:                                                                                                                                                |
| Councilman Ron Lurie | Provides for City Council review of certain uses which require both a special use permit and a variance, and clarifies the procedures relating thereto. |

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

SECTION 1: Title 19, Chapter 88, Section 130, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19.88.130: (A) Once the [Mayor and the Board of Commissioners have] City Council has rendered a decision on an application and thereafter a subsequent application for variance involving the same property for the same or similar or more intensive use is filed, then the same procedure set forth herein shall apply, except that if the application is approved by the Board of Zoning Adjustment, then there shall be an automatic appeal to the [Mayor and Board of Commissioners] City Council, whether or not an aggrieved person files, and the Secretary of the Board of Zoning Adjustment shall file with the City Clerk a proper notice of the appeal within ten days of the decision of the Board of Zoning Adjustment, and all notices and procedures shall be the same as provided for other appeals. Furthermore, if an application is approved by the Board of Zoning Adjustment concerning any matter

1 which the [Board of Commisisoners] City Council has indicated a  
2 specific position, it shall be transmitted to the [Mayor and  
3 Board of Commissioners] City Council for final decision. Any  
4 request to deviate from the provisions of the C-D Design  
5 Commercial District, approved by the Board of Zoning Adjustment,  
6 shall be transmitted to the [Mayor and Board of Commissioners]  
7 City Council for final decision.

8 (B) A variance application for any of the following uses  
9 shall be transmitted to the City Council for final decision in  
10 accordance with the procedures set forth in Section 19.90.080:

- 11 (1) Sexually oriented businesses,
- 12 (2) Pawnshops,
- 13 (3) Class III or other secondhand dealers, except for  
14 antique shops and used car lots,
- 15 (4) Transient sales lots or open sales lots,
- 16 (5) Retail demonstration merchandise sales stores,
- 17 (6) Custodial institutions or detention facilities.

18 SECTION 2: Title 19, Chapter 88, Section 170, of the  
19 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is  
20 hereby amended to read as follows:

21 19.88.170: The action by the [Mayor and Board of Commis-  
22 sioners] City Council on such matters, following a public  
23 hearing, shall be by majority vote [of the entire Board] and  
24 shall be final and conclusive. In case, however, the granting of  
25 said variance is contrary to the Master Plan as it exists at the  
26 time of the decision on the variance, then such variance shall  
27 not be approved except by a majority vote of the [Board] entire  
28 Council.

29 SECTION 3: Title 19, Chapter 90, Section 70, of the  
30 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is  
31 hereby amended to read as follows:

32 19.90.070: Except as otherwise provided in Section 19.90.080,

1 [The] the procedure for the action, decision, notification,  
2 appeal and subsequent action by the [Board of Commissioners] City  
3 Council on a application for a special use permit shall be preci-  
4 sely in conformity with the procedure set forth herein for an  
5 application for a variance. [; except, however, that each applica-  
6 tion for a special use permit to operate a pawnshop, a Class III  
7 secondhand dealer, a transient sales lot, an open sales lot, a  
8 custodial institution or a detention facility shall follow the  
9 procedure set forth in Section 19.90.080.]

10 SECTION 4: Title 19, Chapter 90, Section 80, of the  
11 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is  
12 hereby amended to read as follows:

13 19.90.080: Following the conduct of a public hearing on any  
14 application for a special use permit to allow a pawnshop[,]; a  
15 retail demonstration merchandise sales store[,]; a Class III or  
16 other secondhand dealer, except for an antique store or used car  
17 lot; a transient sales lot[,]; an open sales lot[,]; a custodial  
18 institution or a detention facility, the Board of Zoning  
19 Adjustment shall report its recommendation on said application to  
20 the [Board of Commissioners] City Council. Prior to the next  
21 subsequent meeting of the [Board of Commissioners] City Council,  
22 the Secretary of the Board of Zoning Adjustment shall transmit a  
23 copy of said recommendation to the City Clerk. Within not to  
24 exceed thirty days from the date of the Board of Zoning  
25 Adjustment's recommendation, the [Board of Commissioners] City  
26 Council shall set the date for a public hearing, and public  
27 notice shall be given by the City Clerk not less than ten days  
28 prior to the public hearing to all property owners who received  
29 notice of the public hearing conducted by the Board of Zoning  
30 Adjustment. The [Board of Commissioners] City Council shall con-  
31 sider the application for said special use permit and the recom-  
32 mendation of the Board of Zoning Adjustment at the public

1 hearing. Action by the [Board of Commissioners] City Council on  
2 such application, following a public hearing, shall be by  
3 majority vote of the entire [Board] Council and shall be final  
4 and conclusive.

5 SECTION 5: Title 19, Chapter 90, of the Municipal  
6 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby  
7 amended by adding thereto a new section, designated as Section  
8 90, reading as follows:

9 19.90.090: Any use which requires both a special use permit  
10 and a variance may be approved by means of a variance alone if  
11 the variance application is processed in accordance with the pro-  
12 cedures established by Section 19.90.080.

13 SECTION 6: If any section, subsection, subdivision,  
14 paragraph, sentence, clause or phrase in this Chapter or any part  
15 thereof, is for any reason held to be unconstitutional or invalid  
16 or ineffective by any court of competent jurisdiction, such deci-  
17 sion shall not affect the validity or effectiveness of the  
18 remaining portions of this Chapter or any part thereof. The  
19 City Council of the City of Las Vegas, Nevada, hereby declares  
20 that it would have passed each section, subsection, subdivision,  
21 paragraph, sentence, clause or phrase thereof irrespective of the  
22 fact that any one or more sections, subsections, subdivisions,  
23 paragraphs, sentences, clauses or phrases be declared unconstitu-  
24 tional, invalid or ineffective.

25 SECTION 7: All ordinances or parts of ordinances,  
26 sections, subsections, phrases, sentences, clauses or paragraphs

27 . . .  
28 . . .  
29 . . .  
30 . . .  
31 . . .  
32 . . .

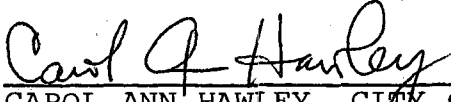
1 contained in the Municipal Code of the City of Las Vegas, Nevada,  
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED AND APPROVED this 21st day of September,  
4 1983.

5 APPROVED:

6   
7 By WILLIAM H. BRIARE, MAYOR

8  
9 ATTEST:

10   
11 CAROL ANN HAWLEY, CITY CLERK

12 The above and foregoing ordinance was first proposed and  
13 read by title to the City Council on the 17th day of August,  
14 1983, and referred to the following committee composed of  
15 Councilmen Lurie and Levy  
16 \_\_\_\_\_ for recommendation; thereafter the  
17 said committee reported favorably on said ordinance on the 21st  
18 day of September, 1983, which was a regular meeting of  
19 said Council; that at said regular meeting, the proposed  
20 ordinance was read by title to the City Council as first intro-  
21 duced and adopted by the following vote:

22 VOTING "AYE" Councilmen: Christensen, Levy, Lurie, Nolen and Mayor Briare

23 VOTING "NAY" Councilmen: None

24 ABSENT: None

25 APPROVED:

26   
27 WILLIAM H. BRIARE, MAYOR

28  
29 ATTEST:

30   
31 CAROL ANN HAWLEY, CITY CLERK

BILL NO. 83-47

ORDINANCE No. 3073

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 88, SECTION 130, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROVIDE FOR REVIEW BY THE CITY COUNCIL OF CERTAIN VARIANCE APPLICATIONS; AMENDING SECTION 170 OF SAID TITLE AND CHAPTER TO PROVIDE VOTING REQUIREMENTS WITH REGARD TO VARIANCE APPEALS; AMENDING SECTIONS 70 AND 80 OF CHAPTER 90 OF SAID TITLE TO PROVIDE FOR CITY COUNCIL REVIEW OF SPECIAL USE PERMIT APPLICATIONS FOR RETAIL DEMONSTRATION MERCHANT AND NOISE STORES AND SECONDHAND DEALERS, OTHER THAN ANTIQUE STORES AND USED CAR LOTS; AMENDING SAID TITLE AND CHAPTER FURTHER BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 90, TO PROVIDE THAT USES WHICH REQUIRE BOTH A SPECIAL USE PERMIT AND A VARIANCE MAY BE APPROVED BY MEANS OF VARIANCE ALONE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by

Councilman Ron Lurie

Summary: Provides for City Council review of certain uses which require both a special use permit and a variance, and clarifies the procedures relating thereto.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of August, 1983, and referred to the following committee composed of Councilmen Lurie and Levy for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of September, 1983, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE" Councilmen:

Christensen, Levy, Lurie, Nolen and Mayor Briare

VOTING "NAY" Councilmen: None

ABSENT: None

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA

PUB: September 24, 1983

Las Vegas SUN

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,  
COUNTY OF CLARK

ss.

Coralee M. Wilson

, being first duly sworn,

Legal Clerk

deposes and says: That he is \_\_\_\_\_ of the  
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published  
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was  
continuously published in said newspaper for a period of 1 time.

from September 24, 1983 to September 24, 1983

inclusive, being the issues of said newspaper for the following dates, to-wit:

September 24, 1983.

That said newspaper was regularly issued and circulated on each of the dates  
above named.

Signed

*Coralee M. Wilson*

Subscribed and sworn to before me this 26th  
day of September 1983.

*Ruth V. Deskin*

Notary Public in and for Clark County, Nevada

RUTH V. DESKIN

Notary Public-State of Nevada  
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires



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CITY CLERK

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BILL NO. 83-47  
AN ORDINANCE RELATING TO ZONING, AMENDING TITLE 19, CHAPTER 88, SECTION 130, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROVIDE FOR REVIEW BY THE CITY COUNCIL OF CERTAIN VARIANCE APPLICATIONS; AMENDING SECTION 170 OF SAID TITLE AND CHAPTER TO PROVIDE VOTING REQUIREMENTS WITH REGARD TO VARIANCE APPEALS; AMENDING SECTIONS 70 AND 80 OF CHAPTER 90 OF SAID TITLE TO PROVIDE FOR CITY COUNCIL REVIEW OF SPECIAL USE PERMIT APPLICATIONS FOR RETAIL DEMONSTRATION, MERCHANDISE STORES AND SECONDHAND DEALERS, OTHER THAN ANTIQUE STORES AND USED CAR LOTS; AMENDING SAID TITLE AND CHAPTER FURTHER BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 90, TO PROVIDE THAT USES WHICH REQUIRE BOTH A SPECIAL USE PERMIT AND A VARIANCE MAY BE APPROVED BY MEANS OF VARIANCE ALONE, PROVIDING FOR OTHER MATTERS PROPERTY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored By:  
Councilman Ron Lurie

Summary: Provides for City Council review of certain uses which require both a special use permit and a variance, and clarifies the procedures relating thereto.

At a City Council Meeting on  
August 17, 1983  
BILL NO. 83-47 WAS READ BY TITLE  
AND REFERRED TO RECOMMENDING  
COMMITTEE:  
COUNCILMEN Lurie and Levy  
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC  
INFORMATION IN THE OFFICE OF THE  
CITY CLERK, 10TH FLOOR, CITY HALL,  
400 EAST STEWART AVENUE, LAS  
VEGAS, NEVADA  
PUB: August 31, 1983  
Las Vegas SUN

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.  
COUNTY OF CLARK

Coralee M. Wilson, being first duly sworn,

deposes and says: That he is Legal Clerk of the  
**LAS VEGAS SUN**, a daily newspaper of general circulation, printed and published  
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was  
continuously published in said newspaper for a period of 1 time.

from August 31, 1983 to August 31, 1983

inclusive, being the issues of said newspaper for the following dates, to-wit:  
August 31, 1983.

That said newspaper was regularly issued and circulated on each of the dates  
above named.

Signed

Coralee M. Wilson

Subscribed and sworn to before me this 31st  
day of August 1983.

Ruth V. Deskin

Notary Public in and for Clark County, Nevada  
RUTH V. DESKIN

My Commission Expires



Notary Public-State of Nevada  
COUNTY OF CLARK  
My Appointment Expires Apr. 14, 1985

06943

