

BILL NO. 94-67

ORDINANCE NO. 3835

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER TO ALLOW CERTAIN TEMPORARY COMMERCIAL ACTIVITIES TO BE CONDUCTED BY MEANS OF A TEMPORARY COMMERCIAL PERMIT, AND ESTABLISHING THE PROCEDURES, STANDARDS AND CONDITIONS APPLICABLE THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:

Councilman Scott Higginson

Summary: Allows temporary commercial activities by means of a temporary commercial permit.

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

SECTION 1: Title 19, Chapter 76, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter consisting of the provisions set forth as Sections 3 to 11, inclusive, of this Ordinance.

SECTION 3: The purpose of this Chapter is to provide for a temporary commercial permit to allow certain short-term activities that otherwise would not be allowed, but to limit such activities to the circumstances and conditions set forth in this Chapter. The requirements of this Chapter apply to the activities specified herein, whether or not they are conducted for profit. To the extent a temporary commercial use conforms to the limitations contained in this Chapter and is the subject of a valid temporary commercial permit, the requirements of this Title concerning permanent uses, including those that pertain to open sales lots and transient sales lots, shall not apply.

SECTION 4: For purposes of this Chapter, the term "Director" means the Director of the Department of Community Planning and Development or the Director's designee.

1 SECTION 5: The following temporary uses may be permitted by means of
2 the issuance of a temporary commercial permit:

3 (A) A temporary real estate sales office located within a recorded
4 subdivision; provided, however, that such use is limited to the sale of new homes within that
5 subdivision. The approval of such use shall be limited in duration to a maximum of two years
6 or such shorter period as may be approved by the Director, but shall expire at any earlier time
7 at which all lots within the subdivision have been sold;

8 (B) A contractor's construction yard in conjunction with an approved
9 development project;

10 (C) A Christmas tree sales lot during the period of November 1 through
11 December 31; provided, however, that no permit is required when such sales are in conjunction
12 with the operation of an established commercial business with a valid business license;

13 (D) A pumpkin sales lot during the period of October 1 through
14 November 5; provided, however, that no permit is required when such sales are in conjunction
15 with the operation of an established commercial business with a valid business license;

16 (E) A haunted house operated in conjunction with the Halloween season;
17 provided, however, that the operation shall be limited to a duration of 31 days;

18 (F) A fair, circus, rodeo, festival, carnival or concert at a location other
19 than a stadium, auditorium or other public assembly facility designed to accommodate such an
20 event; provided, however, that the event shall be limited to a duration of one week;

21 (G) A fireworks stand during the period of June 28 through July 4;
22 provided, however, that the operation shall be subject to Chapter 9.28 of this Code and all other
23 applicable statutes, ordinances and regulations; and

24 (H) Any other temporary use that is similar to those enumerated in this
25 Section and which, in the opinion of the Director, is compatible with the zoning district and
26 surrounding land uses.

1 SECTION 6: An application for a temporary commercial permit shall be
2 filed with the Director and shall be accompanied by a filing fee as set forth in the fee schedule.
3 The application shall contain sufficient information and detail to enable the Director to determine
4 the appropriateness of issuing a permit under this Chapter. Within 30 days after receipt of a
5 complete and sufficient application, the Director shall take appropriate action to approve, approve
6 with conditions or deny the application. The Director may approve a temporary commercial
7 permit if the Director finds that:

8 (A) The proposed use is compatible with existing land uses on the
9 property and on surrounding properties;

10 (B) The subject site is physically suitable for the type and intensity of
11 the use being proposed;

12 (C) There will be adequate public access to the site and adequate
13 provision for on-site parking; and

14 (D) The application is not a continuation of consecutive applications or
15 otherwise an attempt to circumvent the limitations contained in this Chapter.

16 SECTION 7: The applicant may appeal a decision of the Director to the
17 Planning Commission by filing a written request with the Department of Community Planning and
18 Development. The applicant may appeal a decision of the Planning Commission to the City
19 Council by filing a written request with the City Clerk. Any appeal pursuant to this Section must
20 be filed within 10 days after the date of the decision that is the subject of the appeal.

21 SECTION 8: In approving a temporary commercial permit, the Director
22 (or, upon appeal, the Planning Commission or City Council) may impose such conditions as are
23 deemed necessary to ensure that the activity will be consistent with the findings described in
24 Section 6 of this Ordinance. Such conditions may include but are not limited to the following:

25 (A) Provision for temporary parking facilities, including vehicle ingress
26 and egress;

1 (B) Measures to prevent or reduce nuisance factors such as glare,
2 excessive illumination, noise, vibration, smoke, dust, dirt, odors, gases and heat;

3 (C) Regulation of the placement, height, size and location of structures,
4 facilities and equipment, including provision for buffering and separation;

5 (D) Provision for sanitary facilities and for waste collection and disposal;

6 (E) Measures to promote safety and security;

7 (F) Regulation of signs and other attention-gaining devices;

8 (G) Limitations on the duration and hours of operation of the use or
9 activity;

10 (H) Compliance with applicable provisions of the Las Vegas Municipal
11 Code; and

12 (I) Any other condition to ensure that the activity is conducted in an
13 orderly, efficient manner and in accordance with the intent and purpose of this Chapter.

14 SECTION 9: The holder of a temporary commercial permit shall be
15 responsible for leaving the site upon which the permitted use takes place free of debris, litter or
16 other evidence of the temporary use upon completion or removal of the use.

17 SECTION 10: A temporary commercial permit may be revoked or
18 modified by the Director, upon notice to the permit holder, if the Director finds that:

19 (A) The permit was obtained by misrepresentation or fraud;

20 (B) The activity is not in compliance with the permit or any condition
21 of approval;

22 (C) The use to be allowed by means of the permit is conducted in
23 violation of any applicable statute, ordinance or regulation; or

24 (D) The permit is being employed as a means to circumvent the
25 limitations contained in this Chapter or Title 19 of this Code.

26 . . .

1 SECTION 11: It is unlawful to:

2 (A) Conduct or allow to be conducted any temporary commercial activity
3 described in this Chapter unless in accordance with a valid temporary commercial permit or as
4 otherwise permitted pursuant to this Title; or

5 (B) Conduct any such activity in violation of the provisions of this
6 Chapter.

7 SECTION 12: Nothing in this Chapter shall be deemed to diminish
8 or supersede the applicability or operation of any other provision of this Code.

9 SECTION 13: Whenever in this ordinance any act is prohibited or
10 is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance
11 the doing of any act is required or the failure to do any act is made or declared to be unlawful
12 or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such
13 required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a
14 fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or
15 by any combination of such fine and imprisonment. Any day or any violation of this ordinance
16 shall constitute a separate offense.

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

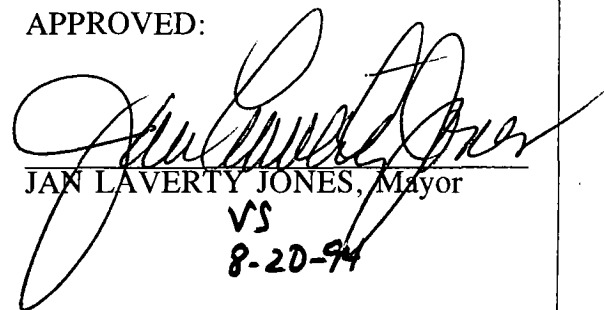
25 SECTION 15: All ordinances or parts of ordinances, sections,
26 subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City

1 of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

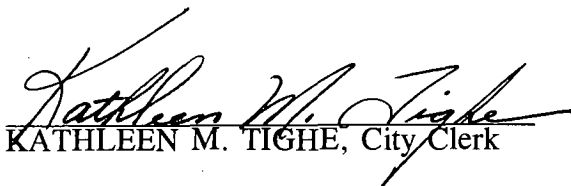
2 SECTION 16: That certain resolution of the City of Las Vegas
3 Planning Commission relative to certain outdoor events, adopted the 10th day of December, 1981,
4 and authorized by LVMC 19.44.010(N) and its predecessor provision, is hereby repealed in its
5 entirety. All other Planning Commission resolutions or parts thereof in conflict herewith are
6 hereby repealed.

7 PASSED, ADOPTED and APPROVED this 17th day of August, 1994.

8 APPROVED:

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10 
11 JAN LAVERTY JONES, Mayor
12 VS
13 8-20-94

11 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 Council
2 on the 20th day of July, 1994, and referred to the following committee composed of ____
3 Councilmen Hawkins Jr. and Higginson for recommendation; thereafter the said
4 committee reported favorably on said ordinance on the 17th day of August, 1994, which
5 was a regular meeting of said Council; that at said regular meeting, the proposed
6 ordinance was read by title to the City Council as first introduced and adopted by the
7 following vote:

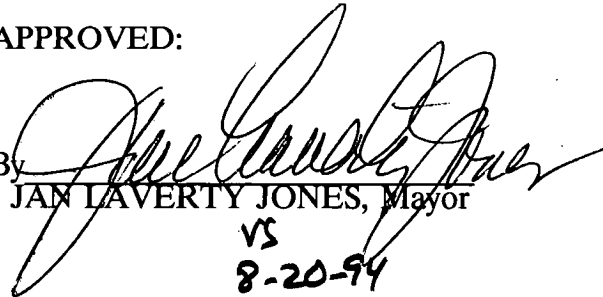
8 VOTING "AYE": Councilmen Adamsen, Higginson, and Hawkins Jr.

9 VOTING "NAY": NONE

10 ABSENT: NONE

11 DID NOT VOTE: Councilman Brass and Mayor Jones

12 APPROVED:

13
14 By 
JAN LAVERTY JONES, Mayor

VS
8-20-94

15 ATTEST:

16 
17 KATHLEEN M. TIGHE, City Clerk
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BILL NO. 94-67
ORDINANCE NO. 3835

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER TO ALLOW CERTAIN TEMPORARY COMMERCIAL ACTIVITIES TO BE CONDUCTED BY MEANS OF A TEMPORARY COMMERCIAL PERMIT, AND ESTABLISHING THE PROCEDURES, STANDARDS AND CONDITIONS APPLICABLE THERETO; PROVIDING PENALTIES FOR THE VIOLATION HERE-OF; PROVIDING FOR OTHER MATTERS PROPERLY RELAT- ING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by: Councilman Scott Higginson

Summary: Allows temporary commercial activities by means of a temporary commercial permit.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of July, 1994, and referred to the follow- ing committee composed of Council- men Hawkins Jr. and Higginson, for recommendation; thereafter the said committee reported favorably on said ordinance on the 17th day of August, 1994, 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": Councilmen: Adamsen, Higginson and Hawkins Jr.

VOTING "NAY": NONE

VOTING "ABSTAIN": NONE

DID NOT VOTE Councilman Brass and Mayor Jones

COPIES OF THE COMPLETE OR- DINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: August 20, 1994

Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, 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 AUGUST 20, 1994 to AUGUST 20, 1994, on the following days:

AUGUST 20, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

20 day of Aug, 19 94

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada

Clark County
My appt. exp. Feb. 17, 1998

AFFIDAVIT OF PUBLICATION

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BILL NO. 94-67
AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER TO ALLOW CERTAIN TEMPORARY COMMERCIAL ACTIVITIES TO BE CONDUCTED BY MEANS OF A TEMPORARY COMMERCIAL PERMIT, AND ESTABLISHING THE PROCEDURES, STANDARDS AND CONDITIONS APPLICABLE THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.
SPONSORED BY: Councilman Scott Higginson
SUMMARY: Allows temporary commercial activities by means of a temporary commercial permit.
At a City Council meeting
JULY 20, 1994
BILL NO. 94-67 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Hawkins Jr. AND Higginson
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: August 5, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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AUGUST 5, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

10 day of Aug, 19 94

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
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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: August 4, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly sworn, deposes and says:

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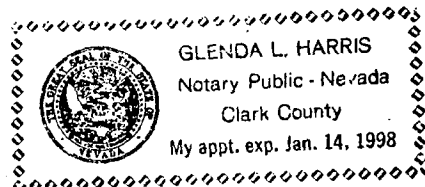
AUGUST 4, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

5 day of Aug, 1994

Glenda L. Harris
Notary Public



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SPONSORED BY: Councilman Scott
Higginson
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Councilmen Hawkins Jr.
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FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.
PUB: August 5, 1994
Las Vegas Review-Journal

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AUGUST 5, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

10 day of Aug, 1994

Peggy D. Barron

Notary Public



PEGGY D. BARRON
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VOTING "AYE" Councilmen: Adamsen, Higginson and Hawkins Jr.
VOTING "NAY": NONE
VOTING "ABSTAIN":
DID NOT VOTE: Councilman Brass and Mayor Jones

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Signed: Andrea Davis

Subscribed and sworn to before me this

5 day of Aug, 1994

Glenda L Harris

Notary Public

