

AN ORDINANCE CREATING A BOARD OF ADJUSTMENT TO ACT ON CERTAIN MATTERS DEALING WITH ZONING WITHIN THE CITY; PROVIDING FOR THE APPOINTMENT OF MEMBERS; DEFINING THEIR POWERS AND DUTIES; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DO ORDAIN AS FOLLOWS:

SECTION 1. PURSUANT TO SECTION 5063.14, N.C.L. 1931-1941 SUPPLEMENT, THERE IS HEREBY CREATED A BOARD OF ADJUSTMENT CONSISTING OF THREE (3) MEMBER ALL MEMBERS OF SUCH BOARD SHALL BE APPOINTED CONCURRENTLY. ONE MEMBER SHALL BE APPOINTED FOR A TERM OF ONE YEAR; ONE MEMBER SHALL BE APPOINTED FOR A TERM OF TWO YEARS; AND ONE MEMBER SHALL BE APPOINTED FOR A TERM OF THREE YEARS. SUBSEQUENT APPOINTMENTS OF ALL MEMBERS SHALL BE FOR A TERM OF THREE YEARS. ONE MEMBER OF SAID BOARD SHALL BE AN APPOINTED MEMBER OF THE CITY PLANNING COMMISSION OF THE CITY OF LAS VEGAS. THE BOARD SHALL ADOPT RULES AND REGULATIONS FOR THE CONDUCT OF ITS BUSINESS.

SECTION 2. ALL ACTIONS OF THE BOARD UNDER THE PROVISIONS OF THIS ORDINANCE, AND THE ZONING ORDINANCE OF THE CITY (CHAPTER 24, CODE OF LAS VEGAS, NEVADA, 1949, AS AMENDED) SHALL BE LIMITED TO ADMINISTRATIVE ACTIONS TO INSURE THAT THE INTENT AND PURPOSE OF THIS ORDINANCE SHALL APPLY IN SPECIAL CASES PROVIDED IN THIS ORDINANCE AND THE ZONING ORDINANCE. ANY ACTION OF THE BOARD WHICH HAS THE EFFECT OF CHANGING EITHER THE LAND USE PLAN OR THIS ORDINANCE, WHETHER OR NOT SUCH IS THE INTENT OF THE BOARD SHALL BE DEEMED IN VIOLATION OF THIS ORDINANCE AND SHALL BE OF NO FORCE AND EFFECT; PROVIDED, HOWEVER, THAT THE BOARD MAY RECOMMEND TO THE CITY PLANNING COMMISSION OR THE MAYOR AND BOARD OF CITY COMMISSIONERS THAT EITHER COMMISSION INITIATE A CHANGE IN, OR AMENDMENT, TO SAID LAND USE PLAN OR ZONING ORDINANCE.

SECTION 3. APPEALS TO THE BOARD OF ADJUSTMENT MAY BE TAKEN BY ANY PERSON AGGRIEVED BY HIS INABILITY TO OBTAIN A BUILDING PERMIT, OR BY THE DECISION OF ANY ADMINISTRATIVE OFFICER OR AGENCY BASED UPON OR MADE IN THE COURSE OF THE ADMINISTRATION OR ENFORCEMENT OF THE PROVISIONS OF ANY ZONING RESOLUTION OR ANY RESOLUTION RELATING TO LOCATION OF STRUCTURES. APPEALS TO THE BOARD OF ADJUSTMENT MAY BE TAKEN BY ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE CITY AFFECTED BY THE GRANT OR REFUSAL OF A BUILDING PERMIT OR BY OTHER DECISION OF AN ADMINISTRATIVE OFFICER OR AGENCY BASED ON OR MADE IN THE COURSE OF THE ADMINISTRATION OR ENFORCEMENT OF THE PROVISIONS OF ANY ZONING RESOLUTIONS.

SECTION 4. THE BOARD OF ADJUSTMENT SHALL HEAR AND DECIDE ALL MATTERS REFERRED TO IT OR UPON WHICH IT IS REQUIRED TO PASS BY THIS ORDINANCE, AND SUCH DECISION SHALL BE FINAL EXCEPT AS PROVIDED IN SECTIONS 5 AND 6 OF THIS ORDINANCE.

SECTION 5. THE BOARD OF ADJUSTMENT MAY IN APPROPRIATE CASES AND UNDER APPROPRIATE CONDITIONS AND SAFEGUARDS, VARY THE STRICT APPLICATION OF THE ZONING ORDINANCE (CHAPTER 24, CODE OF LAS VEGAS, NEVADA, 1949, AS AMENDED) IN HARMONY WITH ITS GENERAL PURPOSES AND INTENT, IN ACCORDANCE WITH RULES AND CONDITIONS SET FORTH THEREIN BY THE GRANTING OF VARIANCES UNDER THE PROVISIONS OF SAID ZONING ORDINANCE, IN THE MANNER SET FORTH THEREIN, AS THE SAME MAY BE AMENDED FROM TIME TO TIME. APPLICATIONS FOR VARIANCES SHALL BE MADE TO THE BOARD OF ADJUSTMENT IN THE FIRST INSTANCE, AND THE PROCEDURE THEREAFTER SHALL BE AS SET FORTH IN CHAPTER 24, SECTION 27, CODE OF LAS VEGAS, NEVADA, 1949, AS AMENDED.

SECTION 6. THE BOARD OF ADJUSTMENT MAY IN APPROPRIATE CASES AND UNDER APPROPRIATE CONDITIONS AND SAFEGUARDS ALLOW AND PERMIT A DIFFERENT USE OF LAND WITHIN THE CITY THAN THAT PROVIDED BY THE ZONING ORDINANCE (CHAPTER 24, CODE OF LAS VEGAS, NEVADA, 1949, AS AMENDED) IN HARMONY WITH

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ITS GENERAL PURPOSES AND INTENT, IN ACCORDANCE WITH RULES AND CONDITIONS SET FORTH THEREIN, BY THE GRANTING OF SPECIAL USE PERMITS UNDER THE PROVISIONS OF SAID ZONING ORDINANCE, IN THE MANNER SET FORTH THEREIN. APPLICATIONS FOR USE PERMITS AND SPECIAL USES FOR LAND SHALL BE MADE TO THE BOARD OF ADJUSTMENT IN THE FIRST INSTANCE, AND THE PROCEDURE THEREAFTER SHALL BE AS SET FORTH IN CHAPTER 24, SECTION 28, CODE OF LAS VEGAS, NEVADA 1949, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.

SECTION 7. THE DIRECTOR OF PLANNING OF THE CITY OF LAS VEGAS SHALL ACT AS AGENT FOR THE RECEIPT OF APPLICATIONS DIRECTED TO THE BOARD OF ADJUSTMENT, AND SHALL PERFORM SUCH DUTIES FOR SAID BOARD AS SHALL BE DIRECTED BY THE CITY MANAGER.

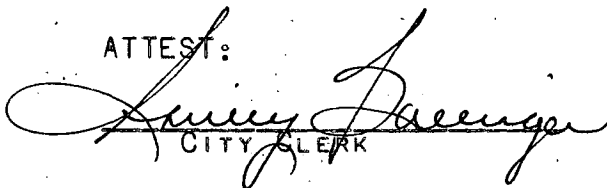
SECTION 8. IT IS HEREBY DECLARED TO BE THE INTENT OF THE BOARD OF COMMISSIONERS IN ADOPTING THIS ORDINANCE TO PROVIDE THAT THE BOARD OF ADJUSTMENT SHALL DETERMINE VARIANCES, ADJUSTMENTS, AND APPLICATIONS FOR SPECIAL USES IN ACCORDANCE WITH THE ZONING ORDINANCE AND THAT WHEREVER IN SAID ZONING ORDINANCE IN SECTIONS 27, 28, 29, CODE OF LAS VEGAS, NEVADA, 1949, AS AMENDED, THERE IS A REFERENCE TO THE "PLANNING COMMISSION", IT SHALL MEAN "BOARD OF ADJUSTMENT", FROM AND AFTER THE ADOPTION OF THIS ORDINANCE.

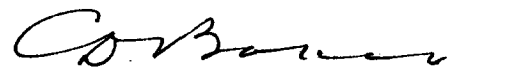
SECTION 9. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

SECTION 10. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT UPON ITS PUBLICATION, AS IN THE NEXT SECTION PROVIDED, AND FINAL PASSAGE.

SECTION 11. THE CITY CLERK AND CLERK OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS SHALL CAUSE THIS ORDINANCE TO BE PUBLISHED ONCE A WEEK FOR TWO SUCCESSIVE WEEKS IMMEDIATELY FOLLOWING ITS FIRST READING AND ADOPTION IN THE LAS VEGAS REVIEW JOURNAL, A DAILY NEWSPAPER PUBLISHED IN THE CITY OF LAS VEGAS.

ATTEST:


CITY CLERK

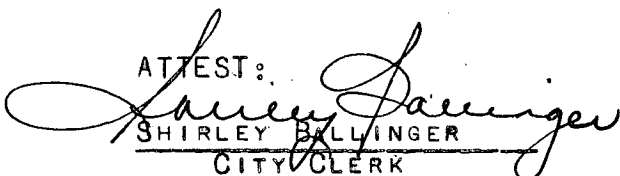

MAYOR

THE ABOVE AND FOREGOING ORDINANCE WAS FIRST PROPOSED AND READ BY TITLE TO THE BOARD OF COMMISSIONERS ON THE 2ND DAY OF DECEMBER, 1953, AND REFERRED TO THE FOLLOWING COMMITTEE COMPOSED OF COMMISSIONERS Sharp AND Whipple FOR RECOMMENDATION; THEREAFTER THE SAID COMMITTEE REPORTED FAVORABLY ON SAID ORDINANCE ON THE 20th DAY OF January, 1954; WHICH WAS THE REGULAR MEETING OF SAID BOARD OF COMMISSIONERS; THAT AT SAID REGULAR MEETING HELD ON SUCH DAY THE PROPOSED ORDINANCE WAS READ IN FULL TO THE BOARD OF CITY COMMISSIONERS AND WAS ADOPTED BY THE FOLLOWING VOTE:

VOTING "AYE": Commissioners Jarrett, Sharp, Whipple and Mayor Baker

VOTING "NAY": Commissioner Bunker ABSENT: None

ATTEST:


SHIRLEY BALLINGER
CITY CLERK

APPROVED:


MAYOR

ORDINANCE NO. 584
AN ORDINANCE FOR CREATING A BOARD OF ADJUSTMENT TO ACT ON CERTAIN MATTERS DEALING WITH ZONING WITHIN THE CITY; PROVIDING FOR THE APPOINTMENT OF MEMBERS; DEFINING THEIR POWERS AND DUTIES; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

SECTION 1. Pursuant to Section 5063.14, N.C.L. 1931-1941 Supplement, there is hereby created a Board of Adjustment consisting of three (3) members. All members of such Board shall be appointed concurrently. One member shall be appointed for a term of one year; one member shall be appointed for a term of two years; and one member shall be appointed for a term of three years. Subsequent appointments of all members shall be for a term of three years. One member of said Board shall be an appointed member of the City Planning Commission of the City of Las Vegas. The Board shall adopt rules and regulations for the conduct of its business.

SECTION 2. All actions of the Board under the provisions of this Ordinance, and the Zoning Ordinance of the City (Chapter 21, Code of Las Vegas, Nevada, 1949, as amended) shall be limited to administrative actions to insure that the intent and purpose of this Ordinance shall apply in special cases provided in this Ordinance and the Zoning Ordinance. Any action of the Board which has the effect of changing either the Land Use Plan or this Ordinance, whether or not such is the intent of the Board shall be deemed in violation of this Ordinance and shall be of no force and effect; provided, however, that the Board may recommend to the City Planning Commission or the Mayor and Board of City Commissioners that either Commission initiate a change in, or amendment, to said Land Use Plan or Zoning Ordinance.

SECTION 3. Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency, based upon or made in the course of the administration, or enforcement of the provisions of any zoning resolution or any resolution relating to location of structures. Appeals to the Board of Adjustment may be taken by any officer, department, Board or bureau of the city affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of any zoning resolutions.

SECTION 4. The Board of Adjustment shall hear and decide all matters referred to it or upon which it is required to pass by this ordinance, and such decision shall be final except as provided in sections 3 and 6 of this Ordinance.

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

} ss.

A. F. Schellack

, being first duly sworn, deposes and says: That he is Foreman of the LAS VEGAS REVIEW-JOURNAL, 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

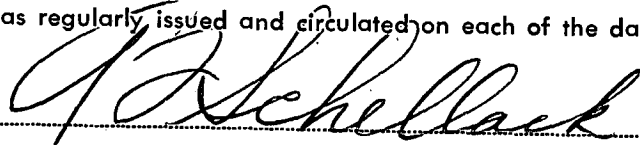
published in said newspaper for a period of two (2) insertions from January 27, 1954 to February 3, 1954

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

January 27; February 3, 1954

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

SIGNED



Subscribed and sworn to before me this 3rd day of February, 1954

NOTARY PUBLIC IN AND FOR CLARK COUNTY, NEVADA

My Commission Expires April 14, 1954.

SECTION 5. The Board of Adjustment may in appropriate cases and under appropriate conditions and safeguards, vary the strict application of the Zoning Ordinance (Chapter 24, Code of Las Vegas, Nevada, 1949, as amended) in harmony with its general purposes and intent, in accordance with rules and conditions set forth therein by the granting of variances under the provisions of said Zoning Ordinance, in the manner set forth therein, as the same may be amended from time to time. Applications for variances shall be made to the Board of Adjustment in the first instance, and the procedure thereafter shall be as set forth in Chapter 24, Section 27, Code of Las Vegas, Nevada, 1949, as amended.

SECTION 6. The Board of Adjustment may in appropriate cases and under appropriate conditions and safeguards allow and permit a different use of land within the City than that provided by the Zoning Ordinance (Chapter 24, Code of Las Vegas, Nevada, 1949, as amended) in harmony with its general purposes and intent, in accordance with rules and conditions set forth therein, by the granting of special use permits under the provisions of said Zoning Ordinance, in the manner set forth therein. Applications for use permits and special uses for land shall be made to the Board of Adjustment in the first instance, and the procedure thereafter shall be as set forth in Chapter 24, Section 28, Code of Las Vegas, Nevada 1949, as the same may be amended from time to time.

SECTION 7. The Director of Planning of the City of Las Vegas shall act as agent for the receipt of applications directed to the Board of Adjustment, and shall perform such duties for said Board as shall be directed by the City Manager.

SECTION 8. It is hereby declared to be the intent of the Board of Commissioners in adopting this Ordinance to provide that the Board of Adjustment shall determine variances, adjustments, and applications for special uses in accordance with the Zoning Ordinance and that wherever in said Zoning Ordinance in Sections 27, 28, 29, Code of Las Vegas, Nevada, 1949, as amended, there is a reference to the "Planning Commission," it shall mean "Board of Adjustment," from and after the adoption of this Ordinance.

SECTION 9. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 10. This ordinance shall be in full force and effect upon its publication, as in the next section provided, and final passage.

SECTION 11. The City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its first reading and adoption in the Las Vegas Review-Journal, a daily newspaper published in the City of Las Vegas.

s/ C. D. Baker
Mayor

ATTEST:
s/ Shirley Ballinger
City Clerk

The above and foregoing Ordinance was first proposed and read by title to the Board of Commissioners on the 2nd day of December, 1953, and referred to the following committee composed of Commissioners Sharp and Whipple for recommendation; thereafter the said committee reported favorably on said Ordinance on the 20th day of January, 1954; which was the regular meeting of said Board of Commissioners; that at said regular meeting held on such day the proposed Ordinance was read in full to the Board of City Commissioners and was adopted by the following vote:

Voting "Aye": Commissioners Jarrett, Sharp, Whipple and Mayor Baker
Voting "Nay": Commissioner Bunker
Absent: None

APPROVED:
s/ C. D. Baker
Mayor

ATTEST:
Shirley Ballinger
City Clerk
Jan. 27, Feb. 3