

BILL NO. 89-80

ORDINANCE No. 3483

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 88, SECTION 30, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REQUIRE A TWELVE-MONTH WAITING PERIOD IN ORDER FOR A PROPERTY OWNER TO APPLY FOR A VARIANCE AFTER A PREVIOUS ZONING APPLICATION FOR THE SAME OR A SIMILAR USE, OR A LESS RESTRICTIVE USE, HAS BEEN DENIED OR WITHDRAWN MORE THAN ONE TIME AFTER A PUBLIC HEARING THEREON HAS BEEN NOTICED; AMENDING CHAPTER 90, SECTION 20, AND CHAPTER 92, SECTION 40, OF SAID TITLE TO ESTABLISH THE SAME REQUIREMENTS FOR SPECIAL USE PERMIT AND REZONING APPLICATIONS, RESPECTIVELY; AMENDING EACH OF THE AFOREMENTIONED SECTIONS TO PROVIDE A MECHANISM FOR WITHDRAWING A ZONING APPLICATION WITHOUT PREJUDICE TO THE REFILEING OF A SUBSEQUENT APPLICATION SOONER THAN OTHERWISE PERMITTED; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored By:	Summary:
Councilman Scott Higginson	Establishes a twelve-month waiting period to reapply for zoning approval after an application for the same or similar use has been denied or withdrawn more than one time.

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

SECTION 1: Title 19, Chapter 88, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19.88.030: (A) An application for a variance shall be made to the Board of Zoning Adjustment on a form to be provided by the Department of Community Planning and Development. This application shall be filed with the Secretary of the Board of Zoning Adjustment at the office of the Department of Community Planning and Development. The application shall be signed and acknowledged by the record owner of the property for which the variance is sought; provided, however, that:

(1) With respect to property which is owned by the State of Nevada or the United States of America, a variance application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has entered into a

1 contract with the governmental entity to obtain ownership of the
2 property;

3 (2). A variance application is sufficient if it is
4 signed and acknowledged by a lessee, a contract purchaser or an
5 optionee of the property for which a variance is sought whose
6 interest in that property exists by virtue of a written agreement
7 with the owner of record thereof if the owner of record executes
8 a document, duly acknowledged, to which is attached a copy of the
9 variance application and in which the owner of record authorizes
10 such lessee, contract purchaser or optionee to sign the applica-
11 tion, consents to the filing and processing thereof and agrees to
12 honor and be bound by the requested variance, if it is approved,
13 and by any conditions of approval attached thereto.

14 (B) Upon receipt of a properly executed application,
15 the Secretary of the Board of Zoning Adjustment shall maintain
16 the application, together with all pertinent attachments and
17 exhibits, in the permanent files of the Department of Community
18 Planning and Development as a public record.

19 (C) [An] Subject to the provisions of subsection (D) of
20 this Section, no application for a variance on property [for]
21 concerning which all or any part of a previous application for
22 the same use, a similar use or a less restrictive use has been
23 [previously] denied, or [an] concerning which a previous appli-
24 cation [which was] has been withdrawn subsequent to the noticing
25 of a public hearing[,] thereon, [within the four-month period
26 first preceding the date of the meeting for which the proposed
27 application would be scheduled, for the same use, a similar use,
28 or a more intensive use,] shall [not] be accepted[.] until the
29 following periods will have elapsed between the date of such
30 denial or withdrawal and the date of the meeting for which the
31 proposed application would be scheduled in the normal course:

32 (1) After the first denial or withdrawal, four

1 months.

2 (2) After the second or a subsequent denial or
3 withdrawal, twelve months.

4 In addition, [a period of eight months from the date of a second
5 denial must elapse before an application may be filed for the
6 same use, a similar use, or a more intensive use. Any] subject
7 to the provisions of subsection (D) of this Section, no applica-
8 tion for a variance [for which there has been previously filed
9 an] concerning which all or any part of a previous application
10 for a special use permit or a reclassification for the same use,
11 a similar use[,] or a [more intensive] less restrictive use[,]
12 has been denied, or concerning which a previous application has
13 been withdrawn subsequent to the noticing of a public hearing
14 thereon, shall [not] be accepted until the [above time limits
15 have] time periods described in this subsection have elapsed.

16 (D) The time periods that are described in subsection
17 (C) of this Section and that otherwise would become effective
18 because of the withdrawal of an application shall not become
19 effective if, after consideration of the timing and circumstances
20 of the withdrawal, the Board of Zoning Adjustment or the City
21 Council specifically approves the withdrawal without prejudice.

22 SECTION 2: Title 19, Chapter 90, Section 20, of the
23 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
24 hereby amended to read as follows:

25 19.90.020 (A) An application for a special use permit shall
26 be filed with the Secretary of the Board of Zoning Adjustment at
27 the office of the Department of Community Planning and Develop-
28 ment, upon a form provided by the Department of Community
29 Planning and Development. The application shall be signed and
30 acknowledged in the same manner as is provided for with respect
31 to variance applications under Chapter 19.88 and shall be accom-
32 panied by the same plans, attachments and exhibits, including

1 elevations and renderings where necessary, as are required for
2 variance applications.

3 (B) Subject to the provisions of subsection (C) of this
4 Section, no [No] application for a special use permit on property
5 concerning which all or any part of a previous application for
6 the same use, a similar use[,] or a less restrictive use[, for
7 which all or any part] has been [previously] denied, or [for]
8 concerning which a previous application has been withdrawn sub-
9 sequent to the noticing of a public hearing[,] thereon, shall be
10 accepted until [at least four months] the following periods will
11 have elapsed between the date of such denial or withdrawal and
12 the date of the meeting for which the proposed application would
13 be scheduled in the ordinary course[.]:

14 (1) After the first denial or withdrawal, four
15 months.

16 (2) After the second or a subsequent denial or
17 withdrawal, twelve months.

18 In addition, [a period of eight months from the date of a second
19 denial or any subsequent denial must elapse before an application
20 may be filed for the same use, a similar use, or a more intensive
21 use. No] subject to the provisions of subsection (C) of this
22 Section, no application for a special use permit [for which there
23 has been previously filed an] concerning which all or any part
24 of a previous application for a variance or a reclassification
25 for the same use, a similar use[,] or a [more intensive] less
26 restrictive use has been denied, or concerning which a previous
27 application has been withdrawn subsequent to the noticing of a
28 public hearing thereon, shall be accepted until the [above time
29 limits have] time periods described in this subsection have
30 elapsed.

31 (D) The time periods that are described in subsection
32 (B) of this Section and that otherwise would become effective

1 because of the withdrawal of an application shall not become
2 effective if, after consideration of the timing and circumstances
3 of the withdrawal, the Board of Zoning Adjustment or the City
4 Council specifically approves the withdrawal without prejudice.

5 SECTION 3: Title 19, Chapter 92, Section 40, of the
6 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
7 hereby amended to read as follows:

8 19.92.040 (A) A petition for the reclassification of prop-
9 erty shall be made in the form of an application to be provided
10 by the Department of Community Planning and Development. The
11 application shall be filed with the Secretary of the Planning
12 Commission at the office of the Department of Community Planning
13 and Development. The application shall be signed and acknowledged
14 by the owner of record of each parcel of property sought to be
15 reclassified or by such other person as may qualify to petition
16 for reclassification under Subsection (D) or (E) of Section
17 19.92.030. In the case of multiple ownership of a parcel, only
18 one of the owners of record shall be required to sign the appli-
19 cation.

20 (B) Upon receipt of a properly executed application,
21 the Secretary of the Planning Commission shall maintain said
22 application, together with all pertinent attachments and exhi-
23 bits, in the permanent files of the Planning Commission as a
24 public record.

25 (C) With respect to any application to reclassify any
26 parcel concerning which all or any part of a previous application
27 for reclassification has been denied, or concerning which a pre-
28 vious application has been withdrawn subsequent to the noticing
29 of a public hearing[,] thereon and subject to the provisions of
30 subsection (F) of this Section, no such application to reclassify
31 said parcel to the same zoning classification applied for pre-
32 viously, [or] to a less restrictive classification or for the

1 same use or one of a similar density shall be accepted until [at
2 least four months] the following periods will have elapsed bet-
3 ween the date of the denial or withdrawal and the date of the
4 meeting for which the proposed application would be scheduled in
5 the ordinary course[.]:

6 (1) After the first denial or withdrawal, four
7 months.

8 (2) After the second or a subsequent denial or
9 withdrawal, twelve months.

10 [In addition, no such application shall be accepted until at
11 least eight months after the date of a second denial.]

12 (D) An application for a zone change for a use per-
13 mitted in a more restrictive zone will be considered as an appli-
14 cation for the more restrictive zone.

15 (E) [No] Subject to the provisions of subsection (F) of
16 this Section, no application for a rezoning [for which there has
17 been previously filed an] concerning which all or any part of a
18 previous application for a special use permit or a variance for
19 the same use, a similar use[,] or a [more intensive] less
20 restrictive use has been denied, or concerning which a previous
21 application has been withdrawn subsequent to the noticing of a
22 public hearing thereon, shall be accepted until the [time limits
23 set out] time periods described in this [Section] subsection have
24 elapsed.

25 (F) The time periods that are described in subsections
26 (C) and (E) of this Section and that otherwise would become
27 effective because of the withdrawal of an application shall not
28 become effective if, after consideration of the timing and cir-
29 cumstances of the withdrawal, the Planning Commission or the
30 City Council specifically approves the withdrawal without preju-
31 dice.

32 [(F)](G) Except with respect to rezoning applications

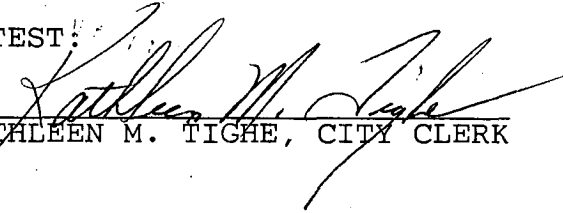
1 initiated by the Planning Commission or the City Council, no
2 application to reclassify more than one parcel of land may
3 include any parcel which is more than 300 feet from any other
4 parcel included in the application.

5 SECTION 4: If any section, subsection, subdivision,
6 paragraph, sentence, clause or phrase in this ordinance or any
7 part thereof, is for any reason held to be unconstitutional or
8 invalid or ineffective by any court of competent jurisdiction,
9 such decision shall not affect the validity or effectiveness of
10 the remaining portions of this ordinance or any part thereof.
11 The City Council of the City of Las Vegas, Nevada, hereby
12 declares that it would have passed each section, subsection, sub-
13 division, paragraph, sentence, clause or phrase thereof irrespec-
14 tive of the fact that any one or more sections, subsections, sub-
15 divisions, paragraphs, sentences, clauses or phrases be declared
16 unconstitutional, invalid or ineffective.

17 SECTION 5: All ordinances or parts of ordinances,
18 sections, subsections, phrases, sentences, clauses or paragraphs
19 contained in the Municipal Code of the City of Las Vegas, Nevada,
20 1983 Edition, in conflict herewith are hereby repealed.

21 PASSED, ADOPTED AND APPROVED this 7th day of February,
22 1990.

23 APPROVED:
24 By 
25 RON LURIE, MAYOR OK 2-12-90 RAL


26 ATTEST:
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28 KATHLEEN M. TIGHE, CITY CLERK

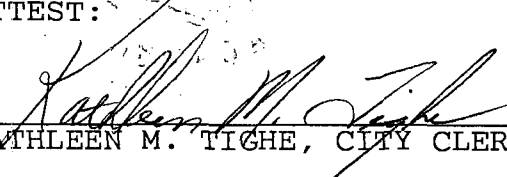
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of December, 1989, and referred to the following committee composed of Councilmen Higginson and Nolen for recommendation; thereafter the said committee reported favorably on said ordinance on the 7th day of February, 1990, 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 amended and adopted by the following vote:

VOTING "AYE": Councilmen Adamsen, Higginson, Miller, Nolen and Mayor Lurie
VOTING "NAY": NONE
ABSENT: NONE

APPROVED:
BY 
RON LURIE, MAYOR *OK 2-17-90*
RAV

ATTEST:

KATHLEEN M. TICHE, CITY CLERK

see FIRST AMENDMENT.

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BILL NO. 89-80

ORDINANCE No. _____

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 88, SECTION 30, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REQUIRE A TWELVE-MONTH WAITING PERIOD IN ORDER FOR A PROPERTY OWNER TO APPLY FOR A VARIANCE AFTER A PREVIOUS ZONING APPLICATION FOR THE SAME OR A SIMILAR USE, OR A LESS RESTRICTIVE USE, HAS BEEN DENIED OR WITHDRAWN AFTER A PUBLIC HEARING THEREON HAS BEEN NOTICED; AMENDING CHAPTER 90, SECTION 20, AND CHAPTER 92, SECTION 40, OF SAID TITLE TO ESTABLISH THE SAME REQUIREMENTS FOR SPECIAL USE PERMIT AND REZONING APPLICATIONS, RESPECTIVELY; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored By: Councilman Scott Higginson
Summary: Establishes a twelve-month waiting period to reapply for zoning approval after an application for the same or similar use has been denied or withdrawn.

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

SECTION 1: Title 19, Chapter 88, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19.88.030: (A) An application for a variance shall be made to the Board of Zoning Adjustment on a form to be provided by the Department of Community Planning and Development. This application shall be filed with the Secretary of the Board of Zoning Adjustment at the office of the Department of Community Planning and Development. The application shall be signed and acknowledged by the record owner of the property for which the variance is sought; provided, however, that:

(1) With respect to property which is owned by the State of Nevada or the United States of America, a variance application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has entered into a contract with the governmental entity to obtain ownership of the property;

(2) A variance application is sufficient if it is

1 signed and acknowledged by a lessee, a contract purchaser or an
2 optionee of the property for which a variance is sought whose
3 interest in that property exists by virtue of a written agreement
4 with the owner of record thereof if the owner of record executes
5 a document, duly acknowledged, to which is attached a copy of the
6 variance application and in which the owner of record authorizes
7 such lessee, contract purchaser or optionee to sign the applica-
8 tion, consents to the filing and processing thereof and agrees to
9 honor and be bound by the requested variance, if it is approved,
10 and by any conditions of approval attached thereto.

11 (B) Upon receipt of a properly executed application,
12 the Secretary of the Board of Zoning Adjustment shall maintain
13 the application, together with all pertinent attachments and
14 exhibits, in the permanent files of the Department of Community
15 Planning and Development as a public record.

16 (C) [An] No application for a variance on property
17 [for] concerning which all or any part of a previous application
18 for the same use, a similar use or a less restrictive use has
19 been [previously] denied, or [an] concerning which a previous
20 application [which was] has been withdrawn subsequent to the
21 noticing of a public hearing[,] thereon, [within the four-month
22 period first preceding the date of the meeting for which the pro-
23 posed application would be scheduled, for the same use, a similar
24 use, or a more intensive use,] shall [not] be accepted[.] until
25 at least twelve months will have elapsed between the date of
26 such denial or withdrawal and the date of the meeting for which
27 the proposed application would be scheduled in the normal course.
28 [In addition, a period of eight months from the date of a second
29 denial must elapse before an application may be filed for the
30 same use, a similar use, or a more intensive use. Any] No appli-
31 cation for a variance [for which there has been previously filed
32 an] concerning which all or any part of a previous application

1 for a special use permit or a reclassification for the same use,
2 a similar use[,] or a [more intensive] less restrictive use[,]
3 has been denied, or concerning which a previous application has
4 been withdrawn subsequent to the noticing of a public hearing
5 thereon, shall [not] be accepted until the [above time limits
6 have] twelve-month time period described in this Section has
7 elapsed.

8 SECTION 2: Title 19, Chapter 90, Section 20, of the
9 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
10 hereby amended to read as follows:

11 19.90.020 An application for a special use permit shall be
12 filed with the Secretary of the Board of Zoning Adjustment at the
13 office of the Department of Community Planning and Development,
14 upon a form provided by the Department of Community Planning and
15 Development. The application shall be signed and acknowledged in
16 the same manner as is provided for with respect to variance
17 applications under Chapter 19.88 and shall be accompanied by the
18 same plans, attachments and exhibits, including elevations and
19 renderings where necessary, as are required for variance applica-
20 tions. No application for a special use permit on property
21 concerning which all or any part of a previous application for
22 the same use, a similar use[,] or a less restrictive use[, for
23 which all or any part] has been [previously] denied, or [for]
24 concerning which a previous application has been withdrawn sub-
25 sequent to the noticing of a public hearing[,] thereon, shall be
26 accepted until at least [four] twelve months will have elapsed
27 between the date of such denial or withdrawal and the date of the
28 meeting for which the proposed application would be scheduled in
29 the ordinary course. [In addition, a period of eight months from
30 the date of a second denial or any subsequent denial must elapse
31 before an application may be filed for the same use, a similar
32 use, or a more intensive use.] No application for a special use

1 permit [for which there has been previously filed an] concerning
2 which all or any part of a previous application for a variance or
3 a reclassification for the same use, a similar use[,] or a [more
4 intensive] less restrictive use has been denied, or concerning
5 which a previous application has been withdrawn subsequent to the
6 noticing of a public hearing thereon, shall be accepted until the
7 [above time limits have] twelve-month time period described in
8 this Section has elapsed.

9 SECTION 3: Title 19, Chapter 92, Section 40, of the
10 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
11 hereby amended to read as follows:

12 19.92.040 (A) A petition for the reclassification of prop-
13 erty shall be made in the form of an application to be provided
14 by the Department of Community Planning and Development. The
15 application shall be filed with the Secretary of the Planning
16 Commission at the office of the Department of Community Planning
17 and Development. The application shall be signed and acknowledged
18 by the owner of record of each parcel of property sought to be
19 reclassified or by such other person as may qualify to petition
20 for reclassification under Subsection (D) or (E) of Section
21 19.92.030. In the case of multiple ownership of a parcel, only
22 one of the owners of record shall be required to sign the appli-
23 cation.

24 (B) Upon receipt of a properly executed application,
25 the Secretary of the Planning Commission shall maintain said
26 application, together with all pertinent attachments and exhi-
27 bits, in the permanent files of the Planning Commission as a
28 public record.

29 (C) With respect to any application to reclassify any
30 parcel concerning which all or any part of a previous application
31 for reclassification has been denied, or concerning which a pre-
32 vious application has been withdrawn subsequent to the noticing

1 of a public hearing[,] thereon, no such application to reclassify
2 said parcel to the same zoning classification applied for pre-
3 viously, [or] to a less restrictive classification or for the
4 same use or one of a similar density shall be accepted until at
5 least [four] twelve months will have elapsed between the date of
6 the denial or withdrawal and the date of the meeting for which
7 the proposed application would be scheduled in the ordinary
8 course. [In addition, no such application shall be accepted
9 until at least eight months after the date of a second denial.]

10 (D) An application for a zone change for a use per-
11 mitted in a more restrictive zone will be considered as an appli-
12 cation for the more restrictive zone.

13 (E) No application for a rezoning [for which there has
14 been previously filed an] concerning which all or any part of a
15 previous application for a special use permit or a variance for
16 the same use, a similar use[,] or a [more intensive] less
17 restrictive use has been denied, or concerning which a previous
18 application has been withdrawn subsequent to the noticing of a
19 public hearing thereon, shall be accepted until the [time limits
20 set out] twelve-month period described in this Section [have] has
21 elapsed.

22 (F) Except with respect to rezoning applications ini-
23 tiated by the Planning Commission or the City Council, no appli-
24 cation to reclassify more than one parcel of land may include any
25 parcel which is more than 300 feet from any other parcel included
26 in the application.

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

1 The City Council of the City of Las Vegas, Nevada, hereby
2 declares that it would have passed each section, subsection, sub-
3 division, paragraph, sentence, clause or phrase thereof irrespec-
4 tive of the fact that any one or more sections, subsections, sub-
5 divisions, paragraphs, sentences, clauses or phrases be declared
6 unconstitutional, invalid or ineffective.

7 SECTION 5: All ordinances or parts of ordinances,
8 sections, subsections, phrases, sentences, clauses or paragraphs
9 contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED AND APPROVED this ____ day of _____,
12 1989.

13 APPROVED:

14 By _____
15 RON LURIE, MAYOR

16 ATTEST:
17 _____
18 KATHLEEN M. TIGHE, CITY CLERK
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The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 1989, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 1989, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____
VOTING "NAY": _____
ABSENT: _____

APPROVED:

By _____
RON LURIE, MAYOR

ATTEST:

KATHLEEN M. TIGHE, CITY CLERK

AFFIDAVIT OF PUBLICATION

RECEIVED
CITY CLERK
FEB 18 11:21 AM '90

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being, first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper 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 ONE insertions from period of FEBRUARY 10, 1990 to FEBRUARY 10, 1990 inclusive, being the issue of said newspaper for the following dates, to wit:

FEBRUARY 10, 1990

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

FIRST AMENDMENT
BILL NO. 89-80
ORDINANCE NO. 3483

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 88, SECTION 30, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REQUIRE A TWELVE-MONTH WAITING PERIOD IN ORDER FOR A PROPERTY OWNER TO APPLY FOR A VARIANCE AFTER A PREVIOUS ZONING APPLICATION FOR THE SAME OR A SIMILAR USE, OR A LESS RESTRICTIVE USE, HAS BEEN DENIED OR WITHDRAWN MORE THAN ONE TIME AFTER A PUBLIC HEARING THEREON HAS BEEN NOTICED; AMENDING CHAPTER 90, SECTION 20, AND CHAPTER 92, SECTION 40, OF SAID TITLE TO ESTABLISH THE SAME REQUIREMENTS FOR SPECIAL USE PERMIT AND REZONING APPLICATIONS, RESPECTIVELY; AMENDING EACH OF THE AFOREMENTIONED SECTIONS TO PROVIDE A MECHANISM FOR WITHDRAWING A ZONING APPLICATION WITHOUT PREJUDICE TO THE REFILE OF A SUBSEQUENT APPLICATION SOONER THAN OTHERWISE PERMITTED; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:
Councilman Scott Higginson
SUMMARY: Establishes a twelve-month waiting period to reapply for zoning approval after an application for the same or similar use has been denied or withdrawn more than one time.

The above and foregoing amended ordinance was first proposed and read by title to the City Council on the 20th day of December, 1989, and referred to the following committee composed of Councilmen Higginson and Nolen, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 7th day of February, 1990, which was a regular meeting of said City Council; 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, Higginson, Miller, Nolen and Mayor Lurie

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: February 10, 1990

SIGNED

GEORGE J. VASCONI

Subscribed and sworn to before me this 12 day of Feb, 19 90

NOTARY PUBLIC, IN AND FOR CLARK COUNTY, NEVADA



MARJORIE E. OUELLETTE
Notary Public - State of Nevada
CLARK COUNTY
My Appointment Expires Dec. 2, 1993

UNPAID DEBIT
FEB 12 11:55 AM '90
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FINANCE DEPT



U.S. DEPARTMENT OF THE TREASURY

OFFICE OF THE ASSISTANT SECRETARY

FOR TECHNICAL ASSISTANCE

WASHINGTON, D.C.

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AFFIDAVIT OF PUBLICATION

RECEIVED
CITY CLERK
JAN 29 3 58 PM '90

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper 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 02 insertions from period of JANUARY 19, 1990 to JANUARY 19, 1990 inclusive, being the issue of said newspaper for the following dates, to wit:

JANUARY 19, 1990

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

**FIRST AMENDMENT
BILL NO. 89-80**
AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 88, SECTION 20, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REQUIRE A TWELVE-MONTH WAITING PERIOD IN ORDER FOR A PROPERTY OWNER TO APPLY FOR A VARIANCE AFTER A PREVIOUS ZONING APPLICATION FOR THE SAME OR A SIMILAR USE, OR A LESS RESTRICTIVE USE, HAS BEEN DENIED OR WITHDRAWN MORE THAN ONE TIME AFTER A PUBLIC HEARING THEREON HAS BEEN NOTICED; AMENDING CHAPTER 90, SECTION 20, AND CHAPTER 92, SECTION 40, OF SAID TITLE TO ESTABLISH THE SAME REQUIREMENTS FOR SPECIAL USE PERMIT AND REZONING APPLICATIONS, RESPECTIVELY; AMENDING EACH OF THE AFOREMENTIONED SECTIONS TO PROVIDE A MECHANISM FOR WITHDRAWING A ZONING APPLICATION WITHOUT PREJUDICE TO THE REFILEING OF A SUBSEQUENT APPLICATION SOONER THAN OTHERWISE PERMITTED; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.
SPONSORED BY:
Councilman Scott Higginson
SUMMARY: Establishes a twelve-month waiting period to reapply for zoning approval after an application for the same or similar use has been denied or withdrawn more than one time.
At a City Council meeting December 20, 1989
BILL NO. 89-80 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:
Councilman Higginson and Nolan
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: January 19, 1990

SIGNED George J. Vasconi
GEORGE J. VASCONI

Subscribed and sworn to before me this 19th day of Jan., 19 90

Carselettie Young
NOTARY PUBLIC, IN AND FOR CLARK COUNTY, NEVADA



Carselettie Young
Notary Public - State of Nevada
CLARK COUNTY
My Appointment Expires Sept. 1, 1992

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STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper 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 ONE insertions from period of JANUARY 19, 1990 to JANUARY 19, 1990 inclusive, being the issue of said newspaper for the following dates,

JANUARY 19, 1990

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

FIRST AMENDMENT
BILL NO. 89-80
AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 88, SECTION 30, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REQUIRE A TWELVE-MONTH WAITING PERIOD IN ORDER FOR A PROPERTY OWNER TO APPLY FOR A VARIANCE AFTER A PREVIOUS ZONING APPLICATION FOR THE SAME OR A SIMILAR USE, OR A LESS RESTRICTIVE USE, HAS BEEN DENIED OR WITHDRAWN MORE THAN ONE TIME AFTER A PUBLIC HEARING THEREON HAS BEEN NOTICED; AMENDING CHAPTER 90, SECTION 20, AND CHAPTER 92, SECTION 40, OF SAID TITLE TO ESTABLISH THE SAME REQUIREMENTS FOR SPECIAL USE PERMIT AND REZONING APPLICATIONS, RESPECTIVELY; AMENDING EACH OF THE AFOREMENTIONED SECTIONS TO PROVIDE A MECHANISM FOR WITHDRAWING A ZONING APPLICATION WITHOUT PREJUDICE TO THE REFILEING OF A SUBSEQUENT APPLICATION SOONER THAN OTHERWISE PERMITTED; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.
SPONSORED BY:
Councilman Scott Higginson
SUMMARY: Establishes a twelve-month waiting period to reapply for zoning approval after an application for the same or similar use has been denied or withdrawn more than one time.
At a City Council meeting December 20, 1989
BILL NO. 89-80 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:
Councilman Higginson and Notes
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: January 19, 1990

SIGNED George J. Vasconi
GEORGE J. VASCONI

Subscribed and sworn to before me
this 19th day of Jan., 1990

Carselettie Young
NOTARY PUBLIC, IN AND FOR CLARK COUNTY, NEVADA



Carselettie Young
Notary Public - State of Nevada
CLARK COUNTY
My Appointment Expires Sept. 1, 1992



AFFIDAVIT OF PUBLICATION

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CITY CLERK

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper 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 ONE insertions from period of FEBRUARY 10, 1990 to FEBRUARY 10, 1990 inclusive, being the issue of said newspaper for the following dates,

to wit:

FEBRUARY 10, 1990

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

**FIRST AMENDMENT
BILL NO. 89-86
ORDINANCE NO. 3483**

AN ORDINANCE RELATING TO ZONING; AMENDING TITLE 19, CHAPTER 88, SECTION 30, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REQUIRE A TWELVE-MONTH WAITING PERIOD IN ORDER FOR A PROPERTY OWNER TO APPLY FOR A VARIANCE AFTER A PREVIOUS ZONING APPLICATION FOR THE SAME OR A SIMILAR USE, HAS BEEN DENIED OR WITHDRAWN MORE THAN ONE TIME AFTER A PUBLIC HEARING THEREON HAS BEEN NOTICED; AMENDING CHAPTER 90, SECTION 20, AND CHAPTER 92, SECTION 40, OF SAID TITLE TO ESTABLISH THE SAME REQUIREMENTS FOR SPECIAL USE PERMIT AND REZONING APPLICATIONS, RESPECTIVELY; AMENDING EACH OF THE AFOREMENTIONED SECTIONS TO PROVIDE A MECHANISM FOR WITHDRAWING A ZONING APPLICATION WITHOUT PREJUDICE TO THE REPLYING OF A SUBSEQUENT APPLICATION SOONER THAN OTHERWISE PERMITTED; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:
Councilman Scott Higginson

SUMMARY: Establishes a twelve-month waiting period to reapply for zoning approval after an application for the same or similar use has been denied or withdrawn more than one time.

The above and foregoing amended ordinance was first proposed and read by title to the City Council on the 20th day of December, 1989, and referred to the following committee composed of Councilmen Higginson and Nolen, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 7th day of February, 1990, which was a regular meeting of said City Council; 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: Adamson, Higginson, Miller, Nolen and Mayor Lurie
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: February 10, 1990

SIGNED *George J. Vasconi*
GEORGE J. VASCONI

Subscribed and sworn to before me
this 12 day of Feb, 19 90

Marjorie E. Ouellette
NOTARY PUBLIC, IN AND FOR CLARK
COUNTY, NEVADA



MARJORIE E. OUELLETTE
Notary Public - State of Nevada
CLARK COUNTY
My Appointment Expires Dec. 2, 1993

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