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BILL NO. 2021-15

ORDINANCE NO. 6778

AN ORDINANCE TO AMEND LVMC 19.16.100 TO ADD A NEW SUBSECTION TO PROVIDE AUTHORITY AND STANDARDS FOR GRANTING VOLUNTARY EXPUNGEMENTS OF LAND USE APPROVALS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Tom Perrigo, Chief Operations and Development Officer

Summary: Amends LVMC 19.16.100 to add a new subsection to provide authority and standards for granting voluntary expungements of land use approvals.

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

SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Section 2 of this Ordinance. The amendment is deemed to be an amendment to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 16, Section 10, is hereby amended by adding thereto a new Subsection K, reading as follows:

K. Voluntary Expungement of an Approved Land Use

1. Except as allowed under LVMC 19.16.100(K) for concurrent temporary development, this Title does not authorize any parcel of land to be approved for more than one comprehensive development at the same time. This limitation may give rise to requests by property owners to voluntarily expunge their land use approvals.

2. Land use approvals of the following kinds may be voluntarily expunged to allow for additional future development:

a. A land use that is approved with a specified expiration period may be voluntarily expunged prior to exercising the entitlement.

b. A land use may be voluntarily expunged as part of a new request that would replace the existing entitlement.

1 c. A land use that has been exercised, but may expire in the future, may be voluntarily
2 expunged if it is not currently used and will not be used in the future.

3 d. A nonconforming land use may be voluntarily expunged if it is not currently used
4 and will not be used in the future.

5 3. Request for Expungement

6 a. A written request for voluntary expungement may be included within or as part of
7 the submittal of a new land use application, or may be submitted to the Director separately. The request shall
8 include:

9 i. The reason for expungement; and

10 ii. A statement acknowledging that the applicant is willingly surrendering all
11 rights to the subject land use, including but not limited to any time otherwise allotted in this title to re-
12 establish the use due to discontinuation or abandonment.

13 b. The written request shall be accompanied by an application signed by the property
14 owner or, in the case of a land use approval concerning multiple parcels, a separate application signed by a
15 property owner for each individual property. In the case of multiple ownership of a single parcel, only one
16 of the owners of record shall be required to sign the request. A list of all other owners shall be provided with
17 the application. The application shall be notarized prior to submittal.

18 4. Granting of Expungement

19 a. The Director shall consider the request and, if the Director approves the request,
20 shall provide a letter acknowledging the expungement and noting the effective date.

21 b. If the request is part of a new land use application submittal, the existing land use(s)
22 may be expunged by a condition of approval that is effective on the date of final action approval for the new
23 application.

24 SECTION 3: For purposes of Section 2.100(3) of the City Charter, Section 19.16.010 is
25 deemed to be a subchapter rather than a section.

26 SECTION 4: The Department of Planning is authorized and directed to incorporate into

1 the Unified Development Code the amendment set forth in Section 2 of this Ordinance.

2 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
3 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
4 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
5 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
6 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
7 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
8 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.


9 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
10 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, in conflict herewith are hereby repealed.

12 PASSED, ADOPTED and APPROVED this 5th day of May, 2021.


13 APPROVED:

14 By 
15 CAROLYN Q. GOODMAN, Mayor

16 ATTEST:

17 
18 LUANN D. HOLMES, MMC
City Clerk

19 APPROVED AS TO FORM:

20  3-29-21
21 Val Steed, Date
Deputy City Attorney

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of April, 2021, and referred to a committee for recommendation; hereafter the committee reported favorably on said ordinance on the 5th day of May, 2021, which as a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Fiore, Crear, Knudsen, Seaman and Diaz
VOTING "NAY": None
EXCUSED: None
ABSTAINED: None

APPROVED:


CAROLYN G. GOODMAN, Mayor

ATTEST:


LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2021 APR 26 P 12: 13

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001144802

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/22/2021 to 04/22/2021, on the following days:

04 / 22 / 21

BILL NO. 2021-15

AN ORDINANCE TO AMEND LVMC 19.16.100 TO ADD A NEW SUBSECTION TO PROVIDE AUTHORITY AND STANDARDS FOR GRANTING VOLUNTARY EXPUNGEMENTS OF LAND USE APPROVALS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Tom Perrigo, Chief Operations
and Development Officer

Summary: Amends LVMC 19.16.100 to add a new subsection to provide authority and standards for granting voluntary expungements of land use approvals.

At the City Council meeting of
April 7, 2021

BILL NO. 2021-15 WAS READ BY
TITLE
AND REFERRED TO A
RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA

PUB: April 22, 2021
LV Review-Journal

Eileen Gallagher

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of April, 2021

Notary *Mary Lee*



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2021 MAY 13 A 11:55

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001147111

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/08/2021 to 05/08/2021, on the following days:

05 / 08 / 21

**BILL NO. 2021-15
ORDINANCE NO. 6778**

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of April, 2021, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of May, 2021, 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 Anthony, Fiore, Crear, Knudsen, Seaman, and Diaz

VOTING "NAY": NONE

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: May 8, 2021
LV Review-Journal

Eileen Gallagher

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 10th day of May, 2021

Notary *Mary Lee*

