

TABLE OF CONTENTS

CHAPTER 19.00 GENERAL PROVISIONS

19.00.010 SHORT TITLE 1

19.00.020 AUTHORITY 1

19.00.030 PURPOSE AND INTENT 1

19.00.035 REGULATION OF WIRELESS COMMUNICATION FACILITIES 2

19.00.040 RELATIONSHIP TO GENERAL PLAN 2

19.00.050 EFFECTIVENESS AND APPLICABILITY..... 3

 A. General 2

 B. Exceptions 3

 C. Transitional Provisions 3

19.00.060 INTERPRETATION AND ADMINISTRATION 3

 A. Rules of Interpretation 3

 B. Meaning and Intent 3

 C. Text Controls 4

 D. Computation of Time 4

 E. Other Clarifications 4

 F. Director Defined 5

 G. Delegation of Authority 5

 H. Implementation 5

 I. Minimum Requirements 5

 J. Private Covenants or Deed Clauses 5

 K. Regulatory Conflicts 5

 L. Limitations on City Action 6

 M. Other Limitations 6

19.00.070 ENFORCEMENT 6

 A. General 6

 B. Violation- Misdemeanor 7

 C. Violation- Administrative Action 7

 D. Violation- Nuisance 7

 E. Remedies Cumulative 7

 F. Appeals of Interpretation 7

CHAPTER 19.00 GENERAL PROVISION**19.00.010 SHORT TITLE**

The provisions of this Title shall be known and may be cited as the Zoning Code of the City of Las Vegas and may be referred to as “this Title”.

19.00.020 AUTHORITY

This Title is adopted pursuant to the provisions of the Nevada Revised Statutes (NRS), including NRS Chapter 278. The City Council may amend the text of this Title or the Official Zoning Map Atlas which is a part of this Title whenever public necessity, safety, general welfare or convenience requires.

19.00.030 PURPOSE AND INTENT

{Ord 5436 - 02/20/02}

It is the purpose and intent of the City Council that this Title promote the following purposes:

General

1. To preserve and enhance the present qualities and advantages that exist in the City;
2. To encourage the most appropriate use of land, water and natural resources consistent with the public interest;
3. To overcome present problems and handicaps and effectively manage future problems that may result from the use and development of land and property;
4. To prevent the impacts of both overcrowding of land and undue concentrations of population as well as the negative effects of leapfrogging sprawl and under-utilization of land and property;
5. To manage the orderly and efficient provision of adequate levels of public facilities and services necessary to support planned development;
6. To protect human, environmental, social, natural and economic resources;
7. To maintain, through orderly growth and development, the character and stability of present and future land use and development in the City.

Implementation of General Plan

8. To coordinate and ensure the execution of the City’s General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

Comprehensive, Consistent and Equitable Regulations

9. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for the review and approval of all proposed land development within the City.

Efficiently and Effectively Managed Procedures

10. To promote fair procedures that are efficient and effective in terms of time and expense;
11. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
12. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

19.00.035 REGULATION OF WIRELESS COMMUNICATION FACILITIES

This Title includes standards and procedures for the siting and approval of wireless communication facilities, including wireless communication antennas and antenna towers. In establishing those standards and procedures, it is the purpose and intent of the City Council to:

- A. Protect residential areas and land uses from the potential impacts of such facilities;
- B. Encourage the co-location of new and existing facilities when such co-location aesthetically enhances the City;
- C. Encourage the placement of such facilities in areas where the impact on the community is minimal;
- D. Encourage the configuration of such facilities in a way that minimizes the visual impact through careful design, placement, landscape screening, and innovative camouflaging techniques; and
- E. Ensure that facilities that have a significant impact will be removed when no longer used for communications.

19.00.040 RELATIONSHIP TO GENERAL PLAN

The adoption of this Title is consistent and compatible with and furthers the goals, policies, objectives and programs of the General Plan. It is the intent of the City Council that regulatory decisions made pursuant to this Title be consistent with the General Plan.

For purposes of this subchapter, “consistency with the General Plan” means not only consistency with the Plan’s land use and density designations, but also consistency with all aspects of the General Plan, including those that promote compatibility of uses and densities, and orderly development consistent with available resources.

19.00.050 EFFECTIVENESS AND APPLICABILITY**A. General**

The provisions of this Title take effect upon adoption by the City Council and shall apply to the development of all land, public or private, within the corporate limits of the City, except as specifically provided otherwise in this Title or in Nevada Revised Statutes. No development shall be undertaken except in accordance with the substantive standards and procedural requirements of the Title. No land shall be used, or structure constructed, except in accordance with the regulations and requirements of this Title, including the requirement to obtain applicable permits prior to the use or development of the property. All development applications filed on or after the effective date of this Title, whether for new development or for the expansion or alteration of existing development, shall be processed in accordance with the standards, requirements and procedures established herein. For development applications which were filed before and are pending on the effective date of this Title, the City may require compliance with the standards and procedures set forth in this Title unless the applicant demonstrates that it is inequitable for the City to do so.

B. Exceptions

The provisions of this Title and any amendments hereto shall not affect the validity of any lawfully issued and effective building permits for development or structures issued prior to the effective date of this Title, if the construction was prior to the effective date of this ordinance, and if the construction continued uninterrupted until complete. If any such permit expires prior to completion, all future development shall be in conformance with the requirements of this Title.

C. Transitional Provisions

Notwithstanding any other provision of this Title, the Director of the Department of Planning and Development is authorized to delay the implementation of the procedural elements of this Title as necessary in order to effect a smooth, orderly and efficient transition from one set of zoning regulations to another. During this transitional period, if the Director determines in a particular case or class of cases that it is inefficient or inequitable to apply the substantive aspects of Title 19 in connection with the procedural elements of Title 19, the Director may elect to apply the substantive aspects of Title 19 as well.

19.00.060 INTERPRETATION AND ADMINISTRATION**A. Rules of Interpretation**

In interpreting the language of this Title, the rules set out in this subchapter shall be observed unless the interpretation would be inconsistent with the express language of this Title or with the manifest intent of the City Council.

B. Meaning and Intent

All provisions, terms, phrases and expressions contained in this Title shall be liberally construed in order to carry out the intent of the City Council. Terms used in this ordinance, unless otherwise specifically defined, shall have the meanings prescribed by NRS for the same terms.

C. Text Controls

In case of any conflict between the text of this Title and any figure, the text shall control.

D. Computation of Time

The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. The following time-related words shall have the meanings ascribed below:

“Day” means a calendar day unless otherwise stated.

“Week” means seven calendar days.

“Month” means one calendar month.

“Year” means a calendar year, unless a fiscal year is indicated.

E. Other Clarifications

1. Headings

- a. Levels of headings used in this Title include Chapters (for example “Chapter 19.00”), Subchapters (for example “19.00.010”), Sections (for example “A.”), Subsections (for example “1.”) and Paragraphs (for example “a”).
 - b. The headings contained in this Title are for convenience only and do not limit or modify the intent or meaning of the provisions.
2. **Tense.** Unless clearly indicated to the contrary, words used in the present tense shall include the future, words used in the plural shall include the singular, words used in the singular shall include the plural, and words of one gender shall include the other.
 3. **Use of Certain Words.** The words “shall,” “must,” and “will” are always mandatory. The term “may” is discretionary. Words and phrases shall be construed according to the common and approved usage in the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that meaning.
 4. **Written Information.** References to “written” information shall mean any representation of words, letters or figures whether by printing or other form or method of writing.
 5. **Conjunctions.** Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

“And” indicates that all connected items or provisions apply; and

“Or” indicates that the connected items or provisions may apply singularly or in any combination.

F. Director Defined

For the purposes of this Title, the term “Director” means the Director of the Department of Planning and Development or the Director’s designee. The Director is hereby designated as the Secretary of the Planning Commission.

G. Delegation of Authority

Whenever reference is made to the head of a Department or to some other City officer or employee, the reference shall be construed as authorizing the head of the Department or other officer to designate, delegate to and authorize subordinates to perform the required act or duty, unless expressly provided otherwise.

H. Implementation

All applications which have been accepted as complete by the Director prior to the effective date of this Title shall be processed in accordance with, and subject to, the regulations and requirements in effect at the time the application was accepted as complete. Unless otherwise provided in this Title, the review of previously approved Special Use Permits and other zoning actions bearing a time limitation or subject to periodic review may be evaluated with reference to the requirements of this Title, as amended, unless the property owner or developer demonstrates that it is inequitable for the City to do so. Except as otherwise provided in Section 19.00.050 (C), any application accepted as complete after the effective date of this Title shall be processed in accordance with and subject to this Title.

I. Minimum Requirements

Within the scope and authority of this Title, the provisions hereof are intended to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Where the provisions of this Title impose greater restrictions than those of any other ordinance, resolution or regulation, the provisions of this Title shall prevail. Where the provisions of any other ordinance, resolution or regulation impose greater restrictions than those of this Title, the provisions of that other ordinance, resolution or regulation shall prevail.

J. Private Covenants or Deed Clauses

No provision of this Title is intended to interfere with or abrogate or annul any easement, private covenants, deed restriction or other agreement between parties. In cases in which this Title imposes a greater restriction upon the use of land or structures, the provisions of this Title shall prevail and control. By virtue of this Title, the City has no power or authority to enforce private deed covenants, conditions or restrictions. Private covenants or deed restrictions which impose conditions more restrictive than those imposed by this Title, or which impose restrictions not covered by this Title, are not superseded by this Title.

K. Regulatory Conflicts

{Ord 5616 – 07/16/03}

Except as otherwise specifically provided, it is not the intent of this Title to repeal, abrogate, annul, or in any way to impair or interfere with any other existing provisions or law or ordinance, or any other rules, regulations or permits previously adopted or issued, or which will be adopted or issued pursuant

to law relating to the use of land, buildings or premises; the erection, construction or alteration of an establishment; moving or enlargement of any buildings; or improvements.

L. Limitations on City Action

{Ord 5607 – 06/18/03}

The issuance or granting of a building permit or approval of plans or specifications under the authority of the Building Code shall not be construed to be a permit for, or an approval of, any violation of any provisions of this Title or any amendments thereto, or of any other law. No permit, approval, representation, action or inaction on the part of a City officer or employee which purports, or could be interpreted, to authorize the violation or cancellation of any of the provisions of this Title shall limit the City's authority to enforce the provisions of this Title or any other provision of the Municipal Code. No permit or other approval issued under the provisions of this Title shall constitute or imply approval of any business license or permit required by any provision of the Municipal Code. Any permit, license or other approval which is issued in conflict with this Title is voidable by order of the City.

M. Other Limitations

Nothing in this Title amounts to a guarantee, warranty or promise that any particular type of construction will be free from defect, will perform in a certain manner, or will be exempt from other legal requirements applicable thereto. The issuance of a permit, or the inspection or approval of any permit, plans or work under this Title, shall in no way constitute a guarantee, warranty or promise that any particular material, labor or construction will be free from defect, or perform in a certain manner, or will be durable, safe or fit for a particular purpose or use. Compliance with this Title is not intended to substitute for the performance of any private duty, nor to reduce or eliminate any private liability on the part of an owner, developer or permittee.

19.00.070 ENFORCEMENT

A. General

- 1. Purpose.** Enforcement of the provisions of this Title shall be pursued in order to provide for its effective administration, to ensure compliance with any condition of development approval, to promote the City's planning efforts, and to protect the public health, safety and general welfare.
- 2. Responsibility.** The provisions of this Title, and any conditions of development approval which have been imposed thereunder, may be enforced by the Director of the Department of Neighborhood Services; the Director of the Department of Planning and Development; the Director of the Department of Finance and Business Services; the Las Vegas Metropolitan Police Department; and any other officers and employees designated to do so. Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this Title shall be subject to the remedies and penalties set forth in this chapter. A building permit, business license, subdivision plat or other application may be denied or withheld for failure to comply with this Title, including any condition or standard imposed on any application granted under this Title.

3. **Stop Work Order.** A “Stop Work Order” may be issued with respect to any construction which is in violation of this Title or in violation of any condition which has been imposed on a permit or other approval under this Title.

B. Violation-Misdemeanor

It is unlawful for any person, whether acting as a principal, agent or employee, to violate any provision of this Title, or of any condition imposed upon a Rezoning, Special Use Permit, Site Development Review, Variance, Administrative Deviation, Home Occupation Permit or Temporary Commercial Permit granted hereunder. It is unlawful for the owner, general agent, lessee or tenant of a building or premises or for any other person to cause, permit or assist in the occurrence or commitment of a violation of any provision of this Title or of any condition imposed upon a Rezoning, Special Use Permit, Site Development Review, Variance, Administrative Deviation, Home Occupation Permit or Temporary Commercial Permit granted hereunder.

C. Violation—Administrative Action

{Ord 6098 – 07/21/10}

For any violation of this Title, or of any approval granted or condition of approval imposed hereunder, the City may pursue administrative action to:

1. Review, modify, suspend, or revoke a zoning approval or permit issued hereunder;
2. Require the discontinuance of a use operating as a conditional use under Section 19.04.040; or
3. As an alternative to requiring discontinuance under Paragraph (2) above, require that a use operating as a conditional use under Section 19.04.040 comply with additional conditions or limitations.

D. Violation-Nuisance

Any building or structure set up, erected, built, moved, or maintained or any use of property contrary to the provisions of this Title shall be, and is declared to be, unlawful and a public nuisance and the City Attorney shall, upon order of the City Council, immediately commence actions or proceedings for the abatement, removal and enjoinder of it in a manner provided by law and shall take such other steps and shall apply to the court as may have jurisdiction to grant relief to abate or remove the building, structure or use, and restrain and enjoin any person from setting up, erecting, building, moving, or maintaining any building or structure, or using any property contrary to the provisions of this Title.

E. Remedies Cumulative

All remedies provided herein shall be cumulative and not exclusive.

F. Appeals of Interpretation

{Ord 6095 – 06/02/10}

- (1) **General.** Except as otherwise provided in Paragraph (2) below, any person aggrieved in connection with the 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 any provision of this Title may appeal the decision to the City Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be filed in the office of the Department. The appeal must be filed within ten days after the administrative decision is made and shall specifically describe the decision at issue and the basis for the appeal. The appeal shall be considered on the next available agenda of the City Council.
- (2) **Appeal Unavailable.** An appeal pursuant to Paragraph (1) is not available:

- a) For the purpose of avoiding or circumventing the application procedures set forth in LVMC Chapter 19.18; or
- b) Regarding a decision where the result of, or the remedy or relief from, that decision is specifically provided for by means of an application or process described in Chapter 19.18. Such decisions include without limitation:
 - i. An administrative decision to deny a particular application where Chapter 19.18 specifically provides for a subsequent application or process to follow such a denial; or
 - ii. An administrative decision that a particular development or activity does not qualify or is ineligible for a particular type of application, where Chapter 19.18 specifically provides for a subsequent application or process to follow such a decision.