BILL NO. 2007-23

ORDINANCE NO. 5909

AN ORDINANCE TO ELIMINATE THE "RESOLUTION OF INTENT" PROCESS AS AN ALTERNATIVE PROCESS FOR FUTURE REZONING APPROVALS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler,
Director of Planning and Development

Summary: Eliminates the "resolution of intent" process as an alternative process for future rezoning approvals.

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

SECTION 1: Title 19, Chapter 18, Section 40, Subsection (O), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(O) [Rezoning Procedures.] <u>Procedures Governing Rezoning Approvals Granted Before July 1, 2007.</u>

(1) Resolution of Intent. Before the City Council adopts an ordinance to effectuate a rezoning, the Council may adopt a Resolution of Intent to reflect the Council's approval of the rezoning. Such a Resolution of Intent is binding upon the City Council in accordance with its terms and shall have a time limit not to exceed two years.

(2) Finalizing Rezoning by Ordinance. The final step in the rezoning process, whether or not rezoning approval is by means of a Resolution of Intent, is the adoption of a rezoning ordinance in which the zoning classification of one or more parcels is formalized.

(3) Changes. No substantial change may be made to a development or to the rezoning approval which authorized that development without the approval of the City Council. This approval requirement applies to the rezoned parcel both before and after the adoption of an ordinance rezoning that parcel.

(4) Termination of Rezoning Approvals Subject to a Resolution of Intent.

(a) Approvals Not Subject to Time Limit. If development does not occur in a timely manner or if conditions in the area change subsequent to the original approval of a rezoning that is not subject to a time limit, the City Council may schedule a hearing to reconsider the Resolution of Intent. At such time, the Council may rescind the Resolution of Intent or may change the conditions

of approval. In addition, if such a rezoning approval no longer conforms to the use and density classification of the General Plan, the City may notify the property owner that the rezoning must be exercised within one year. Thereafter, the approval shall be treated as an approval subject to a time limit in accordance with Subparagraph (b) below.

(b) Approvals Subject to Time Limit. Except as otherwise provided in Paragraph (5) below, a rezoning approval which is not exercised within the time limit established for or by the Resolution of Intent shall be void.

(c) Methods for Exercising Rezoning Approvals. For purposes of this Paragraph (4), a rezoning approval is exercised as follows:

(i) For applications that require the creation of a residential subdivision, upon the recordation of a final subdivision map;

(ii) For applications that require the construction of a one or more new structures, but do not require the creation of a residential subdivision map, upon the issuance of a building permit for the new construction;

(iii) For all other applications, upon the issuance of a certificate of occupancy or approval of a final inspection, whichever is applicable.

(5) Extension of Time--General Requirements. If the approval of a Resolution of Intent is subject to a time limit, the approval expires at the end of that time limit unless the City Council extends the approval period. Extension of an approval period, or reinstatement and extension, may be granted only if:

(a) Application therefor is made prior to the expiration of the time limit;

(b) The applicant demonstrates good cause; and

(c) The applicant conforms to the additional requirements set forth in Paragraph (6) below.

(6) Extensions of Time-Additional Requirements. If a time-limited zoning approval that is sought to be extended continues to conform to the use and density classifications of the General Plan, the applicant must demonstrate that the rezoning remains consistent with the surrounding area and the pattern of development in the area. If the rezoning sought to be extended no longer conforms

to the use and density classifications of the General Plan, the extension of time, if granted, shall be limited to a one-year period. If, within that period, the zoning approval is not exercised by means of the recordation of a final subdivision map or by the commencement of actual construction, the approval terminates.

SECTION 2: Subsection (P) of Title 19, Chapter 18, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby redesignated as Subsection (Q).

SECTION 3: Title 19, Chapter 18, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new subsection, designated as Subsection (P), reading as follows:

(P) Procedures Governing Rezoning Approvals Granted On or After July 1, 2007.

The approval of a rezoning application shall be formalized by the subsequent adoption of an ordinance in which the rezoning of one or more parcels is reflected. No substantial change may be made to a development or to the rezoning approval which authorized that development without the approval of the City Council.

SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.18.040 is deemed to be a subchapter rather than a section.

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

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

PASSED, ADOPTED and APPROVED this 20TH day of June, 2007.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY BRIDGES, ~~Acting~~ City Clerk

APPROVED AS TO FORM:

Val Steed 8-3-07
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the 16th day of May, 2007, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 20th day of June, 2007, which as a regular meeting of said Council; 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 Pro Tem Reese, Councilmembers Brown, Tarkanian, Ross and Barlow
VOTING "NAY":	None
EXCUSED:	Mayor Goodman and Councilman Wolfson
ABSTAINED:	None

APPROVED:

OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, City Clerk