

1 **FIRST AMENDMENT**

2 **BILL NO. 2014-4**

3 **ORDINANCE NO. 6297**

4 AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO ESTABLISH THE
5 MEANS OF ALLOWING A SITE WITH DEVELOPMENT APPROVAL ENTITLEMENTS TO
6 OBTAIN SEPARATE AND CONCURRENT APPROVAL FOR TEMPORARY DEVELOPMENT, AND
7 TO PROVIDE FOR OTHER RELATED MATTERS

8 Proposed by: Scott D. Adams, Deputy City
9 Manager

Summary: Amends the Unified Development
Code to establish the means of allowing a site
with development approval entitlements to obtain
separate and concurrent approval for temporary
development.

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

12 SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title
13 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth
14 in Sections 2 and 3 of this Ordinance. The amendments are deemed to be amendments to both Ordinance
15 No. 6289 and the Unified Development Code adopted as Title 19.

16 SECTION 2: Title 19, Chapter 16, Section 100, Subsection (I), Paragraph (2), is hereby
17 amended to read as follows:

18 2. Grounds. A Site Development Plan approval may be revoked or modified by the reviewing
19 authority for cause, including a finding of one or more of the following:

- 20 a. That the Site Development Plan approval was obtained by misrepresentation or fraud;
21 b. That the development is not in compliance with one or more of the conditions of approval;
22 c. That the development is in violation of any State or local law, ordinance or regulation[.] ;

23 or

- 24 d. That the time limits specified in Paragraph (1) of Subsection (K) have expired.

25 SECTION 3: Title 19, Chapter 16, Section 100, is hereby amended by adding thereto a
26 new Subsection, designated as Subsection (K), reading as follows:

1 K. Concurrent Approvals—Temporary Development

2 At the discretion of the City Council, a Site Development Plan may be approved, concurrent with other
3 development approval, to allow a temporary development to be constructed without expunging or
4 invalidating an active, unexpired Site Development Plan, Special Use Permit or associated approval(s). For
5 purposes of this Subsection, “temporary development” means development that is distinct from the long-
6 term development otherwise approved for the site and is intended as an interim use of the site for a limited
7 period of time. Any such concurrent approval for temporary development is subject to the following
8 requirements and limitations:

9 1. Approval for a temporary development may be for a period not to exceed three years,
10 except as may be extended by means of one Extension of Time for a period not to exceed three years. A
11 request for Extension of Time shall be by means of an application for Extension of Time pursuant to
12 Section 19.16.260, and shall be subject to review and approval by the City Council.

13 2. No more than one temporary development may be approved for a particular site at any one
14 time.

15 3. At the conclusion of the time period specified in Paragraph (1) above, including any
16 approved Extension of Time, the developer must agree to abandon the temporary development in favor of
17 the initial, unexpired Site Development Plan approval. Otherwise, the original entitlements are subject to
18 revocation as provided for under Subsection (I) of this Section, and the temporary development shall
19 become the entitled development for the site. Notwithstanding the preceding sentence, if an approval for
20 temporary development under this Subsection (K) included any deviations from standards, including
21 exceptions, waivers, or variances, the developer will be required to resubmit to the entitlement process for
22 approval of the temporary development as the long-term development for the site. This requirement is in
23 recognition of the possibility that 1) the rationale for seeking and granting such deviations may have been
24 that the development was intended to be temporary only and 2) as a result, such deviations might not have
25 been granted otherwise.

26 SECTION 4: For purposes of Section 2.100(3) of the City Charter, Section 19.16.100 is

1 deemed to be a subchapter rather than a section.

2 SECTION 5: The Department of Planning is authorized and directed to incorporate into
3 the Unified Development Code the amendments set forth in Sections 2 and 3 of this Ordinance.

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

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

14 PASSED, ADOPTED and APPROVED this ____ day of _____, 2014.

15 APPROVED:

16 By _____
17 CAROLYN G. GOODMAN, Mayor

18 ATTEST:

19 _____
20 BEVERLY K. BRIDGES, MMC
City Clerk

21
22 APPROVED AS TO FORM:

23 Val Steed 1-21-14
24 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____
4 _____;

5 thereafter the said committee reported favorably on said ordinance on the _____ day of
6 _____, 2014, which was a _____ meeting of said Council; that at said
7 _____ meeting, the proposed ordinance was read by title to the City Council as
8 amended and adopted by the following vote:

9 VOTING "AYE": _____

10 VOTING "NAY": _____

11 ABSENT: _____

12 APPROVED:

13
14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

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5 OBTAIN SEPARATE AND CONCURRENT APPROVAL FOR TEMPORARY DEVELOPMENT, AND
6 TO PROVIDE FOR OTHER RELATED MATTERS

6 Proposed by: Scott D. Adams, Deputy City
7 Manager

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10 FOLLOWS:

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12 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth
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- 19 a. That the Site Development Plan approval was obtained by misrepresentation or fraud;
20 b. That the development is not in compliance with one or more of the conditions of approval;
21 c. That the development is in violation of any State or local law, ordinance or regulation[.] ;

22 or

- 23 d. That the time limits specified in Paragraph (1) of Subsection (K) have expired.

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25 new Subsection, designated as Subsection (K), reading as follows:

26 K. Concurrent Approvals—Temporary Development

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2 development approval, to allow a temporary development to be constructed without expunging or
3 invalidating an active, unexpired Site Development Plan, Special Use Permit or associated approval(s). For
4 purposes of this Subsection, “temporary development” means development that is distinct from the long-
5 term development otherwise approved for the site and is intended as an interim use of the site for a limited
6 period of time. Any such concurrent approval for temporary development is subject to the following
7 requirements and limitations:

8 1. Approval for a temporary development may be for a period not to exceed five years, except
9 as may be extended by means of one Extension of Time for a period not to exceed five years. A request for
10 Extension of Time shall be by means of an application for Extension of Time pursuant to Section
11 19.16.260, and shall be subject to review and approval by the City Council.

12 2. No more than one temporary development may be approved for a particular site at any one
13 time.

14 3. At the conclusion of the time period specified in Paragraph (1) above, including any
15 approved Extension of Time, the developer must agree to abandon the temporary development in favor of
16 the initial, unexpired Site Development Plan approval. Otherwise, the original entitlements are subject to
17 revocation as provided for under Subsection (I) of this Section, and the temporary development shall
18 become the entitled development for the site. Notwithstanding the preceding sentence, if an approval for
19 temporary development under this Subsection (K) included any deviations from standards, including
20 exceptions, waivers, or variances, the developer will be required to resubmit to the entitlement process for
21 approval of the temporary development as the long-term development for the site. This requirement is in
22 recognition of the possibility that 1) the rationale for seeking and granting such deviations may have been
23 that the development was intended to be temporary only and 2) as a result, such deviations might not have
24 been granted otherwise.

25 SECTION 4: For purposes of Section 2.100(3) of the City Charter, Section 19.16.100 is
26 deemed to be a subchapter rather than a section.

1 SECTION 5: The Department of Planning is authorized and directed to incorporate into
2 the Unified Development Code the amendments set forth in Sections 2 and 3 of this Ordinance.

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

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

13 PASSED, ADOPTED and APPROVED this 5th day of February, 2014.

14 APPROVED:

15 By Carolyn G. Goodman
16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 Beverly K. Bridges
19 BEVERLY K. BRIDGES, MMC
City Clerk

20
21 APPROVED AS TO FORM:

22 Val Steed 12-16-13
23 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____
4 _____;

5 thereafter the said committee reported favorably on said ordinance on the _____ day of
6 _____, 2014, which was a _____ meeting of said Council; that at said
7 _____ meeting, the proposed ordinance was read by title to the City Council as first
8 introduced and adopted by the following vote:

9 VOTING "AYE": _____

10 VOTING "NAY": _____

11 ABSENT: _____

12 APPROVED:

13
14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

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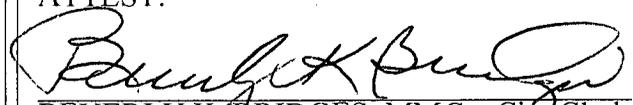
1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 8th day of January, 2014, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 5th day of
4 February, 2014, which was a regular meeting of said Council; that at said regular meeting,
5 the proposed ordinance was read by title to the City Council as amended and adopted by
6 the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Ross,
Barlow, Coffin and Beers
8 VOTING "NAY": None
9 EXCUSED: None
10 ABSTAINED: None

12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 BEVERLY K. BRIDGES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2014 FEB -3 A 11:40

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000076703

Stacey M. Lewis, 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 01/23/2014 to 01/23/2014, on the following days:

01 / 23 / 14

FIRST AMENDMENT
BILL NO. 2014-4

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Proposed by: Scott D. Adams, Deputy City Manager
Summary: Amends the Unified Development Code to establish the means of allowing a site with development approval entitlements to obtain separate and concurrent approval for temporary development.

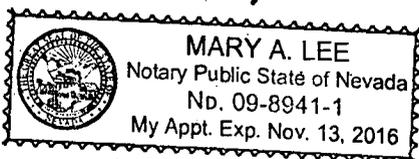
At the City Council meeting of January 8, 2014
BILL NO. 2014-4 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

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: January 23, 2014
LV Review-Journal

Stacey M. Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of January, 2014

Notary *Mary Lee*



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

**LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101**

**Account # 22515
Ad Number 0000089398**

Stacey M. Lewis, 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 02/08/2014 to 02/08/2014, on the following days:

02 / 08 / 14

**FIRST AMENDMENT
BILL NO. 2014-4
ORDINANCE NO. 6297**

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO ESTABLISH THE MEANS OF ALLOWING A SITE WITH DEVELOPMENT APPROVAL ENTITLEMENTS TO OBTAIN SEPARATE AND CONCURRENT APPROVAL FOR TEMPORARY DEVELOPMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS

Proposed by: Scott D. Adams, Deputy City Manager
Summary: Amends the Unified Development Code to establish the means of allowing a site with development approval entitlements to obtain separate and concurrent approval for temporary development.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 8th day of January 2014 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of February 2014, 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 amended and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Ross, Barlow, Coffin and Beers
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: February 8, 2014
LV Review-Journal

Stacey M. Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 10th day of February, 2014

Notary *Mary Lee*

