

BILL NO. 361 (Amended 1/28/69)

introduced by: FRENCH

ORDINANCE NO. 322

AN ORDINANCE TO AMEND ORDINANCE NO. 176, WHICH ORDINANCE PROVIDES FOR LAND USE ZONES AND RELATED REGULATIONS, TO CHANGE THE ZONING OF CERTAIN AREAS; TO CHANGE CERTAIN WALL REQUIREMENTS; TO PROVIDE FOR A "TEMPORARY NON-CONFORMING USE PERMIT"; TO CLARIFY THE PURPOSE OF "CONDITIONAL USES"; TO DELETE THE TENTATIVE MAP REQUIREMENT FOR TRAILER ESTATE ZONE CHANGES; AND OTHER MATTERS PROPERLY PERTAINING THERETO.

The City Council of Boulder City do ordain:

SECTION 1. Section 401, Article IV, Ordinance No. 176, is hereby amended to add new subsections 6.B and 6.C as follows:

"B. Approximately 9.99+ acres, designated as Tract 14 and recorded March 22, 1963, as Instrument No. 347352 in Official Records Book No. 431, in the Office of the County Recorder, Clark County, Nevada, from 'T, Trailer' to 'C-2, General Commercial,' for the 2+ acres fronting U. S. Highway 93-466 and to a depth of approximately 150', and to 'TE, Trailer Estate,' for the remaining 7.99+ acres.

"C. Approximately 9.23+ acres, designated as Tract 39 and recorded December 14, 1964, as Instrument No. 476293 in Official Records Book No. 592, in the Office of the County Recorder, Clark County, Nevada, from 'T, Trailer' to 'C-2, General Commercial.'"

SECTION 2. Section 1402, Article XIV, "TE" TRAILER ESTATE ZONE, Ordinance No. 176, is hereby amended to delete subsection 2 in its entirety.

SECTION 3. Section 1901, Article XIX, "CM" COMMERCIAL MANUFACTURING ZONE, Ordinance No. 176, is hereby amended to revise Subsection 3(k) to read as follows:

"3(k). Any storage or repair yards, when enclosed within a solid masonry wall or a screened chain link fence not less than six feet (6') high in a manner satisfactory to the Planning Commission."

SECTION 4. Section 2002, Article XX, "M" LIGHT MANUFACTURING ZONE, Ordinance No. 176, is hereby amended to delete subsections 2.(a), (b), and (c), and to revise Subsection 2 to read as follows:

"2. Any storage or repair yard use (Auto wrecking yards, Junk yards, Heavy construction equipment yards, etc.) when enclosed within a solid masonry wall or a screened chain link fence not less than six feet (6') high in a manner satisfactory to the Planning Commission."

SECTION 5. Section 2404, Article XXIV, GENERAL PROVISIONS RELATING TO USES, Ordinance No. 176, is hereby amended to revise Subsection 2 to read as follows:

SECTION 5, to Amend Section 2404.2, cont'd.:

"2. Where such areas adjoin residential districts, unless otherwise separated by a public street, they shall be separated therefrom by a solid masonry wall six feet (6') in height, provided that said wall shall not exceed thirty-six inches (36") in height where it is in the front yard area of an abutting zone which requires a front setback area."

SECTION 6. Section 2601, Article XXVI, NON-CONFORMING BUILDINGS AND USES, Ordinance No. 176, is hereby amended to add a new Subsection 3, as follows:

"3. If exceptional or extraordinary circumstances or conditions exist, a TEMPORARY NON-CONFORMING USE PERMIT may be granted by the Planning Commission without a public hearing, whether or not such non-conforming use was in existence at the time of the adoption of Ordinance No. 176. No filing fee shall be required.

"(a) The TEMPORARY NON-CONFORMING USE PERMIT shall not exceed ninety (90) days. An investigation and report by the City Engineer to determine that such use, in the place specified, will not be injurious to public health, safety, or welfare must be submitted to the Planning Commission not less than ten (10) days after the filing of the application for such TEMPORARY NON-CONFORMING USE PERMIT.

"(b) The TEMPORARY NON-CONFORMING USE PERMIT may be renewed not to exceed ninety (90) days providing the exceptional or extraordinary circumstances or conditions still exist, that do not apply generally to the other property or classes of use in the same vicinity and zone."

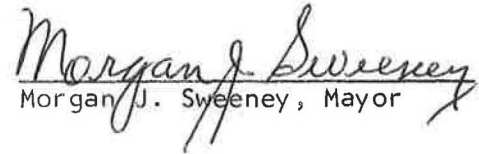
SECTION 7. Section 2900, Article XXIX, CONDITIONAL USES, Ordinance No. 176, is hereby amended to read as follows:

"In certain districts Conditional Uses are permitted in order to give the zoning district use regulations of this ordinance the flexibility necessary to achieve the objectives of the zoning ordinance. Conditional Uses include certain types of community facilities, institutions, and public utility installations appropriately located in residential, professional and administrative office, commercial and industrial districts. Because of their unusual characteristics, Conditional Uses require special consideration so that they may be properly integrated into the community of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed or laid out in a particular manner on the site. Conditional use shall ordinarily be construed as to mean the allowing of an activity as opposed to a variance, which is construed to refer to a physical variation."


SECTION 8. Validity. Each section and each provision or requirement of any section of this Ordinance shall be considered separable, and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

SECTION 9. This Ordinance shall be in full force and effect as of the 24th day of March, 1969.

SECTION 10. The City Clerk shall cause this Ordinance to be published on Thursday, the 20th day of February, 1969, in the Boulder City News, a weekly newspaper published in Boulder City, Nevada.


Morgan J. Sweeney, Mayor

ATTEST:


Lorraine H. Kautz, City Clerk

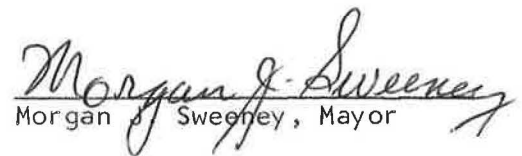
Following a Public Hearing held by the Boulder City Planning Commission on the 18th day of December, 1968, the foregoing Ordinance was proposed and read by title to the City Council on the 14th day of January, 1969, which was a regular meeting; thereafter, the foregoing proposed Ordinance was amended, reintroduced, and read by title on the 28th day of January, 1969, which was a regular meeting; thereafter, a Public Hearing was held by the City Council on the 18th day of February, 1969, and thereafter, on the 18th day of February, 1969, a special meeting was held and the proposed Ordinance was read in the manner required by law and adopted by the following vote:

VOTING AYE: Brockett, Curtis, French, and Sweeney

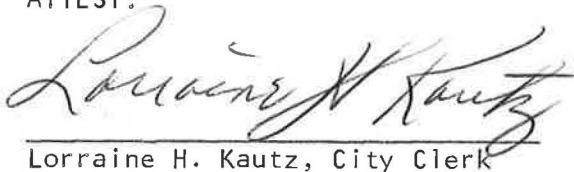
VOTING NAY: None

ABSENT : Franklin

APPROVED:


Morgan J. Sweeney, Mayor

ATTEST:


Lorraine H. Kautz, City Clerk

(City Seal)

MEMORANDUM:

January 16, 1969

TO: City Council
FROM: City Clerk and Planning Commission Secretary
SUBJECT: Amendments to the Land Use Zoning Ordinance, No. 176

Attached for your information is a copy of the following Planning Commission Resolutions which were approved at the Commission's Public Hearing on January 15, 1969:

- No. 52 - McCollum Amendment 68-16 for rezoning Tract 39 from "T, Trailer" to "C-2, General Commercial"
- No. 53 - City Amendment 68-15 for various changes regarding walls, temporary non-conforming use permits, etc.

We now have three amendments proposed for the Land Use Zoning Ordinance, No. 176, due to the delay in the Commission's consideration and action on City Amendment 68-15 for proposed Bill No. 359, the subsequent McCollum Amendment 68-16 for rezoning on Tract 39, and the prior Moore-Leseberg Amendment 68-13 for rezoning on Tract 14. At your last meeting, February 11, 1969, was set as the Public Hearing date on the Moore-Leseberg Amendment 68-13, and Bill No. 361 was introduced for consideration and action following such public hearing. Publication of the required Notices of Public Hearing and Bill Filing were planned for January 23, 1969, however, to consolidate and expedite the Council action on these three Amendments to the Land Use Zoning Ordinance, No. 176, we (the City Manager, City Attorney, and I) propose the following:

- A. Combine the provisions in proposed Bill No. 359 (which has not been introduced yet) with those in Bill No. 361 (which was introduced on January 14, 1969) and add the provisions required for the McCollum Amendment 68-16.
- B. Publish Notice of Hearing on January 23, 1969, for the three Amendments as recommended by the Planning Commission.
- C. Amend Bill No. 361 on January 28, 1969, to include the additional provisions proposed by Amendments 68-15 and 68-16, for consideration on February 11, 1969, following the public hearing.
- D. Publish Notice of Filing on amended Bill No. 361 on January 30, 1969.

These proposed actions will eliminate Bill No. 359, together with its separate notice of filing and publication costs, and consolidate all the zoning amendments proposed to date into one ordinance. Unless any of you have any objection, I shall proceed on the foregoing schedule for publication purposes.

pub 3/22

Lorraine H. Kautz

Lorraine H. Kautz, City Clerk

cc: Planning Commission