



Memorandum

Department of Planning
Administration Division

To: Mayor and City Council Members

From: Robert Summerfield, AICP
Director of Planning

Date: March 24, 2020

Subject: Discontinuation of Land Use Due to State of Emergency
(COVID-19) Policy

In response to the COVID-19 Declaration of Emergency Directive 003, the Department of Planning will toll the date in which a use has ceased to operate until the day after the State of Emergency has ended. When a business can no longer operate in accordance with the code, they have a limited time to reopen or they may need new entitlements or they may not be able to reestablish. This policy addresses the fact businesses and property owners might not be able to comply with code requirements during this emergency period. In order to provide relief and make sure businesses and property owners don't lose their rights, Planning is proposing the following administrative changes. This action will not in any way impact Council discretion on land use actions. All actions will still go through the normal processes once the State of Emergency ends.

Uses prior to the State of Emergency

If a use ceased prior to the March 20, 2020 declaration of State of Emergency by the Governor, the amount of time the business was closed will not include the duration in which the declaration of State of Emergency was in effect. Specifically, the duration of time in which a use ceased will equal the time before the use had ceased prior to the declaration of a State of Emergency, as well as the time in which the use continued to cease after the termination of the declared State of Emergency.

Uses during the State of Emergency

SUPs exercised, SOBs and Marijuana uses: For land use rights that cannot be extended by Planning Commission or City Council action, pursuant to Title 19.12, Title 19.14.030(A), and/or Title 19.16, those land use rights being sought to be preserved will not be harmed. For any land owner or applicants seeking to preserve certain land use rights, the Department of Planning will toll the date in which a use has ceased to operate till the day after the termination of the declared State of Emergency. The land use right will then be subject to the applicable code provisions for re-establishment.

SUPs not exercised and nonconforming uses: For land use rights that can be extended by Planning Commission or City Council action, pursuant to Title 12, Title 19.14.030(A), and/or Title 19.16, property owners and applicants shall file an Extension of Time application with the City of Las Vegas Department of Planning prior to the entitlement expiration date, the end of the abandonment period, or no later than 30 days of the termination of the declared State of Emergency, whichever is later.