

BILL NO. 2013-47

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO UPDATE THE PROCESSES AND REQUIREMENTS PERTAINING TO THE INSTALLATION OF COMMON AREA AND OFF-SITE IMPROVEMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Christopher Knight, Director of Building and Safety

Summary: Amends the Unified Development Code to update the processes and requirements pertaining to the installation of common area and off-site improvements.

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

SECTION 1: Ordinance No. 6190 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Sections 2 and 3 of this Ordinance. The amendments are deemed to be amendments to both Ordinance No. 6190 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 2, Section 130, Subsection (D), is hereby amended to read as follows:

D. Common Area and Off-Site Improvements Requirements

1. In connection with the approval of any parcel map or final map, the developer or subdivider must provide for the installation of common area and off-site improvements by obtaining the City's approval of either a phasing plan or a development agreement, as determined by the Director and the Director of Public Works.

2. The phasing plan or development agreement shall set out a development schedule for all common area and off-site improvements, including but not limited to water, sewer and storm drainage lines; streets; open space improvement; trails; parks; and landscaping. Except as otherwise provided in [Paragraph (3),] Paragraphs 3 and 4, completion of common area and off-site improvements within any residential subdivision shall be scheduled to be concurrent with development (e.g., when fifty percent of the development is completed, at least fifty percent of the common area and off-site improvements shall be completed). Calculation of the percentage of the development that is completed shall be based upon the number of building permits issued.

1 3. Except as otherwise provided in Paragraph (4), [All] all common area and off-site improvements
2 within any residential subdivision shall be completed when seventy-five percent of the development
3 is completed (e.g., when seventy-five percent of the development is completed, one hundred percent
4 shall be completed). Calculations of the percentage of the development that is completed shall be
5 based on the number of building permits issued.

6 4. A phasing plan is subject to review and approval by the Director of Public Works, as are revisions
7 to the plan. Notwithstanding any other provision of this Subsection (D), the Director of Public Works,
8 in the interest of convenience, shall have the discretion to:

9 a. Determine the appropriateness of, and level of compliance with, phasing under this
10 Subsection (D); and

11 b. Issue additional building permits beyond those that otherwise would be allowed based
12 upon the progress of the development within the preceding 180 days. The issuance of additional
13 building permits shall be in accordance with a written policy developed by the Director of Public
14 Works and shall be contingent on the developer's execution of a binding completion schedule that is
15 mutually agreeable to the developer and the Director of Public Works.

16 5. A development agreement is subject to review and approval pursuant to LVMC 19.16.150.

17 6. In the case of either a phasing plan or development agreement, the City is authorized to require
18 security or a performance guarantee for the installation of common area and off-site improvements.
19 The amount of the required security or performance guarantee shall be established by the Director of
20 Public Works, and the form of security or performance guarantee must be acceptable to the City
21 Attorney. To the extent possible, the provisions of Subsection (C) shall apply directly or by analogy
22 to the installation of improvements and security required under this Section.

23 7. In accordance with LVMC 19.16.050(K), a specific parks in-lieu-of plan must be approved with
24 the tentative map if the developer proposes park improvements in lieu of paying residential
25 construction taxes.

26 SECTION 3: Title 19, Chapter 2, Section 130, is hereby amended by adding thereto
27 a new Subsection (I) (meaning the letter "I"), reading as follows:

28 **I. Director Includes Designee**

1 Any reference in this Section to the Director of Public Works includes a designee of the Director.

2 SECTION 4: For purposes of Section 2.100(3) of the City Charter, Section 19.02.130
3 is deemed to be a subchapter rather than a section.

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

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

14 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this ____ day of _____, 2013.

18 APPROVED:

19
20 By _____
CAROLYN G. GOODMAN, Mayor

21 ATTEST:

22 _____
23 BEVERLY K. BRIDGES, MMC
City Clerk

24 APPROVED AS TO FORM:

25 Val Steed 8-19-13
26 Date
27
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____
11

12 APPROVED:

13
14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk
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