

1 **PROPOSED FIRST AMENDMENT**

2 **BILL NO. 2018-24**

3 **ORDINANCE NO. _____**

4 AN ORDINANCE TO AMEND LVMC TITLE 19 (THE UNIFIED DEVELOPMENT CODE) TO ADOPT
5 ADDITIONAL STANDARDS AND REQUIREMENTS REGARDING THE REPURPOSING OF
6 CERTAIN GOLF COURSES AND OPEN SPACES, CONSOLIDATE THOSE PROVISIONS WITH
PREVIOUSLY-ADOPTED PUBLIC ENGAGEMENT PROVISIONS REGARDING SUCH
REPURPOSING PROPOSALS, AND PROVIDE FOR OTHER RELATED MATTERS.

7 Sponsored by: Councilman Steven G. Seroka

Summary: Amends LVMC Title 19 (the Unified
Development Code) to adopt additional standards
regarding the repurposing of certain golf courses
and open spaces, and to consolidate those
provisions with previously-adopted public
engagement provisions regarding such
repurposing proposals.

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

13 SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19
14 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, together with Ordinance No. 6617,
15 are hereby amended as set forth in Sections 2 and 3 of this Ordinance. The amendments in those Sections
16 are deemed to be amendments to Ordinance Nos. 6289 and the Unified Development Code adopted as Title
17 19, as well as to Ordinance No. 6617.

18 SECTION 2: Title 19, Chapter 16, Section 10, as amended by Ordinance No. 6617, is
19 hereby amended to delete and repeal Subsection (G) thereof, and to reletter Subsections (H), (I) and (J) of
20 LVMC 19.16.10 so that they are lettered, respectively, Subsections (G), (H) and (I).

21 SECTION 3: Title 19, Chapter 16, is hereby amended by adding thereto, at the appropriate
22 location, a new Section 105, reading as follows:

23 **19.16.105: Repurposing of Certain Golf Courses or Open Spaces**

24 **A. General.** Except as otherwise provided in this Section, any proposal by or on behalf of a property
25 owner to repurpose a golf course or open space, whether or not currently in use as such, is subject to the
26 Public Engagement Program requirements set forth in Subsections (C) and (D), as well as the requirements

1 pertaining to the Development Review and Approval Process, Development Standards, and the Closure
2 Maintenance Plan set forth in Subsections (E) to (G), inclusive. The requirements of this Section apply to
3 repurposing a golf course or open space located within 1) an existing residential development, 2) a
4 development within an R-PD District, 3) an area encompassed by a Special Area Plan adopted by the City,
5 or 4) an area subject to a Master Development Plan within a PD District. For purposes of this Section,
6 “repurposing” includes changing or converting all or a portion of the use of the golf course or open space to
7 one or more other uses.

8 **B. Exceptions.** This Section does not apply to:

9 1. Any project that has been approved as part of the City of Las Vegas Capital Improvement
10 Plan.

11 2. Any project that is governed by a development agreement that has been approved pursuant
12 to LVMC 19.16.150.

13 3. The repurposing of any area that has served as open space pertaining to a nonresidential
14 development where that open space functions as an area for vehicle parking, landscaping, or any similar
15 incidental use.

16 4. The reprogramming of open space recreational amenities that simply changes or adds to the
17 programming or activities available at or within that open space.

18 5. The repurposing of any area where the currently-required development application or
19 applications to accomplish the repurposing already have been approved by the approval authority, with no
20 further discretionary approval pending.

21 **C. Public Engagement Program Requirements.** In connection with the scheduling of a pre-
22 application conference pursuant to LVMC 19.16.010(B)(5), the applicant for a repurposing project subject
23 to this Section must provide to the Department in writing a proposed Public Engagement Program meeting
24 the requirements of this Subsection (C). The requirements of Subsections (C) and (D) must be completed
25 before the submission and processing of the land use application(s) to which the pre-application conference
26 applies. A PEP shall include, at a minimum, one in-person neighborhood meeting regarding the repurposing

1 proposal and a summary report documenting public engagement activities. The applicant is encouraged, but
2 not required, to conduct additional public engagement activities beyond those required by the preceding
3 sentence. Additional public engagement activities may include, but are not limited to, the following
4 components:

5 1. Applicant's Alternatives Statement. This document is designed to inform the Department
6 and stakeholders about the applicant's options and intentions, including the following statements:

7 a. A statement summarizing the alternatives if the golf course or open space is not
8 repurposed and the current use of the property ceases.

9 b. A statement summarizing the rationale for repurposing in lieu of continuing to
10 operate or maintain the golf course or open space, or finding another party to do so.

11 c. A statement summarizing the proposal to repurpose the golf course or open space
12 with a compatible use.

13 d. A statement summarizing how the applicant's proposal will mitigate impacts of the
14 proposed land uses on schools, traffic, parks, emergency services, and utility infrastructure.

15 e. A statement summarizing the pertinent portions of any covenants, conditions and
16 restrictions for the development area and the applicant's intentions regarding compliance therewith.

17 f. If applicable, a statement summarizing any negotiations with the City in regards to
18 a new or amended Development Agreement for the area.

19 2. Neighborhood Meeting. The PEP shall include at a minimum the neighborhood meeting that
20 is described in this Subsection (C). Notice of such meeting shall be provided in general accordance with the
21 notice provisions and procedures for a General Plan Amendment in LVMC Title 19.16.030(F)(2), except that
22 no newspaper publication is required and the providing of notice shall be the responsibility of the applicant
23 rather than the City. The applicant shall develop a written plan for compliance with the notice requirements
24 of the preceding sentence, which shall be submitted to the Department for review and approval in advance
25 of implementation. The required neighborhood meeting must be scheduled to begin between the hours of
26 5:30 pm and 6:30 pm, except that the Department in particular cases may require that a meeting begin earlier

1 in the day to allow greater participation levels. Additional neighborhood meetings are encouraged, but not
2 required.

3 3. Design Workshops. The applicant may provide conceptual development plans at design
4 workshops and solicit input from stakeholder groups. The applicant is encouraged (without requirement or
5 limitation) to provide separate design workshops for each of the following stakeholder groups, as applicable:

6 a. Owners of properties that are adjacent to the area proposed for repurposing;
7 b. The owners of all other property within the same subdivision (master subdivision, if
8 applicable), Master Development Plan Area or Special Area Plan area; and

9 c. Local neighborhood organizations and business owners located within the same
10 Master Development Plan Area or Special Area Plan area.

11 **D. Summary Report.** Upon completion of a PEP, the applicant shall provide a report to the Department
12 detailing the PEP's implementation, activities and outcomes. The summary report shall be included with any
13 land use entitlement application related to a repurposing proposal. To document the applicant's public
14 engagement activities, the summary report shall include the following, as applicable:

15 1. The original Applicant's Alternatives Statement.
16 2. Any revised Applicant's Alternatives Statement that has been produced as a result of the
17 process.

18 3. Affidavit of mailings pertaining to the mailing of notice of the Applicant's Alternative
19 Statements to prescribed stakeholders, and of the means by which the Alternatives Statements were made
20 available to stakeholders.

21 4. Affidavits of mailings for the notices to prescribed stakeholders for all required
22 neighborhood meetings and any design workshops.

23 5. Scanned copies of any and all sign-in sheets that were used for all required neighborhood
24 meetings and any design workshops.

25 6. Meeting notes that may have been taken from all required neighborhood meetings and any
26 design workshops.

1 7. Electronic copy of a spreadsheet with all comments received at meetings and workshops and
2 the applicant's statement of how each of those comments were addressed, if applicable.

3 8. Affidavit of mailing for, and results of, a public engagement survey sent to all meeting and
4 workshop attendees.

5 9. Accounting of City staff time devoted to required neighborhood meetings and any design
6 workshops.

7 10. A copy of all materials distributed or displayed by the applicant at all neighborhood meetings
8 and design workshops.

9 11. Statements from any facilitator of design workshops summarizing the input and results.

10 12. A statement acknowledging that additional public comment heard through a land use
11 application's public hearing process will be taken into consideration by the applicant.

12 **E. Development Review and Approval Process.**

13 1. Purpose. The City's review of golf course or open space repurposing projects is intended to
14 ensure that:

15 a. The proposed repurposing is compatible and harmonious with adjacent
16 development;

17 b. The proposed repurposing is consistent with the General Plan, this Title and other
18 duly-adopted City plans, policies and standards;

19 c. Impacts of the proposed repurposing on schools, traffic, parks, emergency services,
20 utility infrastructure, and environmental quality are mitigated;

21 d. Open space is preserved in furtherance of the goals and objectives of the City's 2020
22 Master Plan with regard to the preservation of open space; and

23 e. Appropriate measures are taken to secure and protect the public health, safety and
24 general welfare.

25 2. General Provisions.

26 a. Development of the area within a repurposing project subject to this Section will be

1 governed by a development agreement and specific standards adopted by the City in conjunction with
2 applications filed pursuant to this Title. The approval of a development agreement and these applications
3 (the "Development Approvals") will include design criteria, infrastructure and public facility requirements,
4 allowable land uses and densities, etc.

5 b. Development of the area within a repurposing project shall be in accordance with all
6 applicable City Plans and policies, including the Centennial Hills Sector Plan, the Las Vegas 2020 Master
7 Plan (and subsequent City of Las Vegas Master Plans) and Title 19.

8 c. Any General Plan Land Use designation and/or Special Area Plan Land Use
9 designations that pertain to the area within a repurposing project shall be proposed to be made consistent
10 with that of the proposed density and use of the project by means of a request to do so that is filed concurrently
11 with any other required application. The means of doing so, whether by a General Plan Amendment or Major
12 Modification, shall be determined in accordance with the Land Use & Rural Neighborhood Preservation
13 Element of the Las Vegas 2020 Master Plan, as may be amended from time to time.

14 3. Additional Application Submittal Requirements. In addition to the requirements for
15 submitting an application for Site Development Plan Review as detailed in LVMC 19.16.100, or any other
16 required application under Title 19, the applicant for a repurposing project subject to this Section must submit
17 the following items in conjunction with any such applications:

- 18 a. A certificate of survey regarding the repurposing project area, depicting:
- 19 i. Legal property description: lot, block, subdivision name;
 - 20 ii. Name, address, and phone number of property owner and developer;
 - 21 iii. Bearings and lot line lengths;
 - 22 iv. Building locations and dimensions;
 - 23 v. Existing grade contours;
 - 24 vi. Proposed grade contours;
 - 25 vii. North arrow and scale;
 - 26 viii. Street name and adjacent street names;

- ix. Benchmark and benchmark locations;
- x. Complete name, address and phone number of engineering firm;
- xi. Drainage arrows;
- xii. List of symbols;
- xiii. Registered Surveyor number and signature;
- xiv. Wetlands, conservation easements, and flood zone and elevation, if applicable;
- xv. Location of any wells or septic drain field or septic tanks; and
- xvi. Other existing easements (public or private) of record.
- b. A proposed master land use plan for the repurposing project area, depicting:
 - i. Areas proposed to be retained as golf course or open space, including acreage, any operation agreements, and easement agreements;
 - ii. Areas proposed to be converted to open space, including acreage, recreational amenities, wildlife habitat, easements, dedications or conveyances;
 - iii. Areas proposed to be converted to residential use, including acreage, density, unit numbers and type;
 - iv. Areas proposed to be converted to commercial use, including acreage, density and type; and
 - v. Proposed easements and grants for public utility purposes and conservation.
- c. A density or intensity exhibit for the repurposing project area, depicting:
 - i. Developed commercial gross floor areas and residential densities;
 - ii. Undeveloped but entitled commercial gross floor area and residential densities;
 - iii. Proposed residential densities; and
 - iv. Proposed commercial gross floor areas.
- d. For a repurposing project area of one acre or more in size, an environmental

1 assessment worksheet for the repurposing project area, consisting of:

2 i. Documentation of the project's impacts on wildlife, water, drainage, and
3 ecology; and

4 ii. A copy of a Phase I environmental site assessment report for the repurposing
5 project area.

6 e. For a repurposing project area of one acre or more in size, conceptual master studies
7 that have been conditionally approved by the Department of Public Works prior to submittal of any formal
8 Title 19 application, including:

9 i. A conceptual master drainage study (for any repurposing project of 2 acres
10 or larger in size);

11 ii. A conceptual master traffic study for any repurposing project that will
12 generate 100 or more peak hour trips; and

13 iii. A conceptual master sanitary sewer study. Regarding this study, the
14 applicant must contact the City's Sanitary Sewer Planning Section to submit the initial draft of the study, to
15 address all comments provided by that Section, and thereafter to receive approval of the study. The study
16 shall identify locations where public sewer easements with drivable access will be provided to service the
17 proposed development by gravity means. The study shall also include the total land use(s) proposed,
18 anticipated connection point(s) to existing sewer system, calculations and exhibits to identify diameter and
19 capacity of all on-property and off-property sewer improvements necessary to meet the needs of the
20 development and the City.

21 f. For a repurposing project area of one acre or more in size, a 3D model of the
22 repurposing project with accurate topography to illustrate potential visual impacts, as well as an edge
23 condition cross section with improvements callouts and maintenance responsibility.

24 g. One or more construction and development phasing plans for any repurposing
25 project to be completed in more than one phase.

26 h. A PEP Summary Report as required pursuant to Subsection (D).

1 **F. Development Standards.** Except as otherwise provided in this Subsection (F), each repurposing
2 project subject to this Section shall conform to the standards as set forth in LVMC Chapters 9.02, 19.06 and
3 19.08, as well as any applicable development agreements and special area plans. In addition, in connection
4 with the consideration of any development applications filed pursuant to LVMC Chapter 19.16, the Planning
5 Commission and City Council shall take into account (and may impose conditions and requirements related
6 to) the purpose set forth in Paragraph (1) of Subsection (E) of this Section, as well as the standards and
7 considerations set forth in this Subsection (F).

8 1. When new development within the area of the repurposing project will be adjacent to
9 existing residential development, the new development shall:

- 10 a. Provide minimum setbacks that meet or exceed those of the existing development.
- 11 b. Ensure that accessory structures are limited to a height of one story and 15 feet.
- 12 c. Provide screening of the uses and equipment listed in LVMC 19.08.040(E)(4) so
13 that they are screened from view from all existing residential development adjacent to the repurposing project
14 area and from public view from all rights-of-way, pedestrian areas, and parking lots.
- 15 d. Provide landscape buffering on all lots adjacent to existing residential development.
- 16 e. Screen all parking lots within the repurposing project area from view of existing
17 residential properties adjacent to that area.

18 2. Existing channels or washes shall be retained or the developer shall provide additional means
19 for drainage and flood control, as shown in a master drainage study approved by the Department of Public
20 Works.

21 3. Where repurposing will result in the elimination or reduction in size of a contiguous golf
22 course or open space, the developer shall consider providing for other facilities or amenities or resources that
23 might help offset or mitigate the impact of the elimination or reduction.

24 4. The additional requirements imposed by this Subsection (F) shall not apply to the
25 repurposing of property that is governed by covenants, conditions and restrictions (CC&R's) which address
26 the repurposing of golf courses or open spaces in any manner whatsoever, whether or not the provisions of

those CC&R's are similar to or consistent with this Section. This exemption applies whether or not there is any likelihood that the applicable provisions of the CC&R's will be enforced.

G. Closure Maintenance Plan. At any time after the Department becomes aware that a golf course that would be subject to this Section if repurposed has ceased operation or will be ceasing operation, the Department may notify the property owner of the requirement to comply with this Section. Similarly, at any time after the Department becomes aware that an open space that would be subject to this Section if repurposed has been withdrawn from use or will be withdrawn from use, the Department may notify the property owner of the requirement to comply with this Section. Any such notification shall be by means of certified mail and by posting at the subject site. Within 10 days after the mailing and posting of the notice, the property owner shall meet with the Department to discuss the proposed plans for the property and process of complying with this Section. Within 30 days after the mailing and posting of the notice, the property owner shall submit to the Department a closure maintenance plan ("the maintenance plan") for review by the Department.

1. Purpose. The purpose of a maintenance plan is to address and protect the health, safety, and general welfare of occupants of properties surrounding the subject site, as well as to protect the neighborhood against nuisances, blight and deterioration that might result by the discontinuance of golf course operations or the withdrawal from use of an open space. The maintenance plan will accomplish those objectives by establishing minimum requirements for the maintenance of the subject site. Except as otherwise provided in the next succeeding sentence, the maintenance plan must ensure that the subject site is maintained to the same level as existed on the date of discontinuance or withdrawal until a repurposing project and related development applications have been approved pursuant to this Title. For discontinuances or withdrawals occurring before the effective date of this Ordinance, the required maintenance level shall be as established by the Department, taking into account the lapse of time, availability of resources, and other relevant factors.

2. Maintenance Plan Requirements. In addition to detailing how the subject property will be maintained so as to be in compliance with LVMC Chapter 9.04, LVMC 16.02.010, and LVMC 19.06.040(F), the maintenance plan must, at a minimum and with respect to the property:

1 a. Ensure that all exterior areas are kept free from dry vegetation, tumbleweeds, weeds,
2 bushes, tall grass, and trees which present a visual blight upon the area, which may harbor insect or rodent
3 infestations, or which are likely to become a fire hazard or result in a condition which may threaten the health,
4 safety or welfare of adjacent property owners or occupants;

5 b. Provide security and monitoring details;

6 c. Establish a service or other contact information by which the public may register
7 comments or complaints regarding maintenance concerns;

8 d. Provide documentation regarding ongoing public access, access to utility easements,
9 and plans to ensure that such access is maintained;

10 e. Detail how all applicable federal, state and local permitting requirements will be
11 met; and

12 f. Provide any additional or supplemental items the Department may determine are
13 necessary in connection with review of the maintenance plan.

14 3. Maintenance Plan Neighborhood Meeting. The property owner shall conduct a
15 neighborhood meeting regarding the proposed maintenance plan, which shall be a prerequisite to final
16 approval of the maintenance plan. Notice of such a meeting shall be provided in general accordance with the
17 notice provisions and procedures for a General Plan Amendment in LVMC 19.16.030(F)(2), except that no
18 newspaper publication is required and the providing of notice shall be the responsibility of the applicant
19 rather than the City. In addition, notice of the meeting shall be provided to the Department at least 10 calendar
20 days in advance of the meeting.

21 4. A maintenance plan that has been approved by the City may be recorded against the property
22 at the property owner's expense.

23 5. Failure to comply with the provisions of this Subsection (G) or with the terms of an approved
24 maintenance plan:

25 a. Shall be grounds for the denial of any development application under this Title that
26 would be required for a repurposing project subject to this Section;

- 1 b. Is unlawful and may be enforced by means of a misdemeanor prosecution; and
- 2 c. In addition to and independent of any enforcement authority or remedy described in
- 3 this Title, may be enforced as in the case of a violation of Title 6 by means of a civil proceeding pursuant to
- 4 LVMC 6.02.400 to 6.02.460, inclusive.

5 SECTION 4: For purposes of Section 2.100(3) of the City Charter, Section 19.16.010 is

6 deemed to be a subchapter rather than a section.

7 SECTION 5: The Department of Planning is authorized and directed to incorporate into

8 the Unified Development Code the amendments set forth in Sections 2 and 3 of this Ordinance.

9 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase

10 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by

11 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the

12 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby

13 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase

14 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,

15 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

16 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared to

17 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required

18 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of

19 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon

20 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of

21 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation

22 of this ordinance shall constitute a separate offense.

23 ...

24 ...

25 ...

26 ...

1 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2018.

5 APPROVED:

6
7 By: _____
8 CAROLYN G. GOODMAN, Mayor

9 ATTEST:

10 _____
11 LUANN D. HOLMES, MMC
12 City Clerk

13 APPROVED AS TO FORM:

14 Val Steed 10-3-18
15 Val Steed, Date
16 Deputy City Attorney
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2018, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2018, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By: _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk