

FIRST AMENDMENT

BILL NO. 2004-74

ORDINANCE NO. 5738

AN ORDINANCE TO EXPAND THE ALLOWABILITY OF MIXED-USE DEVELOPMENTS IN THE C-1 AND C-2 ZONING DISTRICTS, TO ALLOW SUCH DEVELOPMENTS BY MEANS OF SPECIAL USE PERMIT IN THE C-PB ZONING DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown

Summary: Expands the allowability of mixed-use developments in the C-1 and C-2 Zoning Districts, and allows such developments by means of special use permit in the C-PB Zoning District.

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

SECTION 1: Title 19, Chapter 2, Section 40, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(B) Commercial Districts.

(1) P-R Professional Office and Parking District. The P-R District is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single-family structures should be retained or new development in the P-R District should be constructed to maintain a residential character. The P-R District is consistent with the Office category of the General Plan.

(2) N-S Neighborhood Service District. The purpose of the N-S District is to provide for the development of convenience retail shopping, services and professional offices principally serving neighborhood needs and compatible in scale, character and intensity with adjacent residential development. This district is intended to be located at intersections of streets designated as collector or larger. The N-S District should also be used as a buffer between residential and more intense retail/commercial uses. The N-S District is consistent with the Service Commercial and the



1 Neighborhood Center categories of the General Plan.

2 (3) O Office District. The Office District is designed to provide for the development of
3 office uses, supporting service uses and low intensity commercial uses performing administrative,
4 professional and personal services. These may be small office buildings developed in a cluster with
5 an internal traffic circulation system or one larger office building. This district may be used as a buffer
6 between residential and more intense retail/commercial uses. The O District is consistent with the
7 Office category of the General Plan.

8 (4) C-D Designed Commercial District. The purpose of the C-D District is to provide
9 standards for the development of a select type of light commercial uses which will be in harmony with
10 the neighborhood in which it is to be located. The C-D District is consistent with the Service
11 Commercial and the Neighborhood Center categories of the General Plan.

12 (5) C-1 Limited Commercial District. The C-1 District is intended to provide most retail
13 shopping and personal services[.], and may be appropriate for mixed-use developments. This district
14 should be located on the periphery of residential neighborhoods and should be confined to the
15 intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District
16 is consistent with the Service Commercial and the Neighborhood Center categories of the General
17 Plan.

18 (6) C-2 General Commercial District. The C-2 District is designed to provide the broadest
19 scope of compatible services for both the general and traveling public. This category allows retail,
20 service, automotive, wholesale, office and other general business uses of an intense character[.], as
21 well as mixed-use developments. This district should be located away from low and medium density
22 residential development and may be used as a buffer between retail and industrial uses. The C-2
23 District is also appropriate along commercial corridors. The C-2 District is consistent with the
24 General Commercial category of the General Plan.

25 SECTION 2: Title 19, Chapter 2, Section 40, Subsection (C), of the Municipal Code
26 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 (C) Industrial Districts.

28 (1) C-PB Planned Business Park District. The C-PB District allows industrial uses,

1 including light manufacturing, assembling and processing, warehousing and distribution, research,
 2 development and testing laboratories; medical related uses and ancillary commercial uses in an
 3 Industrial Office Park setting[.]; and mixed-use developments. The C-PB District is consistent with
 4 the Light Industry/Research category of the General Plan.

5 (2) C-M Commercial/Industrial District. The C-M District is a general commercial and
 6 restricted industrial district designed to provide for a variety of compatible business, warehouse,
 7 wholesale, office and limited industrial uses. This district is intended to be located away from areas
 8 of low and medium density residential development. The CM District is consistent with the Light
 9 Industry/Research category of the General Plan.

10 (3) M Industrial District. The M District is intended to provide for heavy manufacturing
 11 industries in locations where they will be compatible with and not adversely impact adjacent land uses.
 12 This district is intended to be located away from all residential development. The M District is
 13 consistent with the Light Industry/Research category of the General Plan.

14 SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
 15 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to
 16 allow the use "Mixed Use" in the C-PB Zoning District by means of Special Use Permit. In order to
 17 reflect the amendment, the "Mixed Uses" element of Table 2 is amended to read as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	MIXED USES	
							S	S				Mixed-Use	
MIXED USES					P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Mixed-Use					S	S	S		S	S	<u>S</u>		

22 SECTION 4: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
 23 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting in its entirety the
 24 subdivision entitled "Mixed-Use" and replacing it with a new subdivision entitled "Mixed-Use,"
 25 reading as follows:

26 MIXED-USE [R-3, R-4, P-R, N-S, O, C-1, C-2 and C-PB]

27 *(1) Residential uses permitted as of right in the R-3 and R-4 Zoning Districts may be permitted
 28 by means of Special Use Permit within a P-R, N-S, O, C-1, C-2, or C-PB Zoning District.

1 *(2) Nonresidential uses permitted as of right in the P-R, N-S, O, and C-1 Zoning Districts may be
2 permitted by means of Special Use Permit within an R-3 or R-4 Zoning District.

3 (3) When residential and nonresidential uses are approved for a single parcel:

4 (a) The nonresidential use shall be located at ground level fronting the primary public
5 right-of-way, and the primary entryway to that use shall be directly from and oriented to a street; and

6 (b) The overall architecture of the front elevation shall highlight the difference in uses
7 through variations in volume and proportion, and shall be treated as a cohesive whole through finishes
8 and colors.

9 SECTION 5: Title 19, Chapter 8, Section 45, Subsection (B), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Table 3, as adopted
11 therein, so that Note 2 to Table 3 reads as follows:

12 2. Height.

13 a. Non-Residential Building Height When Adjacent to Residential. See Section 19.08.060(B).

14 b. P-R and O Districts. The maximum building height in the P-R and O Districts is two
15 stories or thirty-five feet, whichever is less.

16 c. C-D District. Unless otherwise approved by the City Council in a Site Development Plan,
17 building heights in the C-D Districts shall not exceed:

18 (1) One story or twenty feet, whichever is less, for parcels that front on Charleston
19 Boulevard between Rancho Drive and Valley View Boulevard;

20 (2) Two stories or thirty-five feet, whichever is less, for all other parcels.

21 d. C-1 and C-2 Districts. For parcels that are located within the C-1 and C-2 Districts, but are
22 outside the Neighborhood Revitalization Area, the maximum building height for mixed-use
23 development is ten stories, or one hundred fifty feet, whichever is less. For purposes of the foregoing,
24 the "Neighborhood Revitalization Area" means the area so designated in the Las Vegas 2020 Master
25 Plan adopted by Ordinance No. 5250, as the boundaries of that area may be amended from time to
26 time.

27 [d.] e. C-PB District. The maximum building height in the C-PB District is [three] five stories or
28 [fifty-five] eighty-five feet, whichever is less. [Any parcel] For parcels of land located within a C-PB

1 Zoning District that is contiguous to, or within two hundred feet of, a freeway or expressway, [and to
2 a depth of six hundred feet from the right-of-way line thereof,] the maximum building height shall be
3 six stories or one hundred feet, whichever is less. Notwithstanding the above, in the case of permitted
4 commercial and retail uses, the maximum building height shall be two stories or thirty-five feet,
5 whichever is less.

6 [e.] f. Exemptions. Chimney and vent stacks; roof structures for the use of elevations, stairs,
7 tanks, ventilation, and similar necessary mechanical equipment; visual screens which surround
8 mounted mechanical equipment; skylights; whip and mounted antennas and flag poles up to forty feet
9 in height may be erected above the required height limits. In no case shall structures above the
10 permitted height limit be constructed for the purpose of providing additional floor space.

11 [f.] g. Height Along Certain Streets. For additional building height restrictions along streets
12 classified as collector or larger, see Section 19.08.030(C).

13 SECTION 6: In Section 4 of this Ordinance, the brackets that follow the title of the
14 subdivision being added are not intended to indicate deleted matter, but instead are used as the means
15 of indicating the applicable districts.

16 SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.02.040,
17 19.04.010, 19.04.050 and 19.08.045 are deemed to be subchapters rather than sections.

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

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1 SECTION 9: 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,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 15th day of December, 2004.


5 APPROVED:

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7 By 
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

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11 BARBARA JO RONEMUS, City Clerk

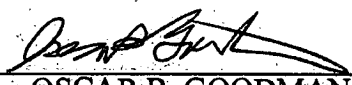
12 APPROVED AS TO FORM:

13  12-14-04
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the City
2 Council on the 17th day of November, 2004, and referred to a committee for
3 recommendation; thereafter the committee reported favorably on said ordinance on the
4 15th day of December, 2004, which was a regular meeting of said Council; that at said
5 regular meeting, the proposed ordinance was read by title to the City Council as amended
6 and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman
Councilmembers: Reese, Brown, Weekly, Mack, Moncrief and
Wolfson
8 VOTING "NAY": None
9 EXCUSED: None
10 ABSTAINED: None

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12 APPROVED:

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14 _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 _____
BARBARA JO RONEMUS, City Clerk

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BILL NO. 2004-74

ORDINANCE NO. _____

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MIXED USES						P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Mixed-Use						S	S	S		S	S	<u>S</u>		

21 SECTION 4: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
 22 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting in its entirety the
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 24 reading as follows:

25 MIXED-USE [R-3, R-4, P-R, N-S, O, C-1, C-2 and C-PB]

26 *(1) Residential uses permitted as of right in the R-3 and R-4 Zoning Districts may be permitted
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28 *(2) Nonresidential uses permitted as of right in the P-R, N-S, O, and C-1 Zoning Districts may be

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3 (a) The nonresidential use shall be located at ground level fronting the primary public
4 right-of-way, and the primary entryway to that use shall be directly from and oriented to a street; and

5 (b) The overall architecture of the front elevation shall highlight the difference in uses
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13 b. P-R and O Districts. The maximum building height in the P-R and O Districts is two
14 stories or thirty-five feet, whichever is less.

15 c. C-D District. Unless otherwise approved by the City Council in a Site Development Plan,
16 building heights in the C-D Districts shall not exceed:

17 (1) One story or twenty feet, whichever is less, for parcels that front on Charleston
18 Boulevard between Rancho Drive and Valley View Boulevard;

19 (2) Two stories or thirty-five feet, whichever is less, for all other parcels.

20 d. C-PB District. The maximum building height in the C-PB District is three stories or
21 fifty-five feet, whichever is less. [Any] For any parcel of land contiguous to a freeway or expressway,
22 [and to a depth of six hundred feet from the right-of-way line thereof,] the maximum building height
23 shall be six stories or one hundred feet, whichever is less. Notwithstanding the above, in the case of
24 permitted commercial and retail uses, the maximum building height shall be two stories or thirty-five
25 feet, whichever is less.

26 e. Exemptions. Chimney and vent stacks; roof structures for the use of elevations, stairs,
27 tanks, ventilation, and similar necessary mechanical equipment; visual screens which surround
28 mounted mechanical equipment; skylights; whip and mounted antennas and flag poles up to forty feet

1 in height may be erected above the required height limits. In no case shall structures above the
2 permitted height limit be constructed for the purpose of providing additional floor space.

3 f. Height Along Certain Streets. For additional building height restrictions along streets
4 classified as collector or larger, see Section 19.08.030(C).

5 SECTION 6: In Section 4 of this Ordinance, the brackets that follow the title of the
6 subdivision being added are not intended to indicate deleted matter, but instead are used as the means
7 of indicating the applicable districts.

8 SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.02.040,
9 19.04.010, 19.04.050 and 19.08.045 are deemed to be subchapters rather than sections.

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

18 SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases,

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1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this ____ day of _____, 2004.

4 APPROVED:

5

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By _____
OSCAR B. GOODMAN, Mayor

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8 ATTEST:

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10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

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Val Steed 11-3-04
Date

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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 _____, 2004, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2004, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

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

12 APPROVED:

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
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17 BARBARA JO RONEMUS, City Clerk

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RECEIVED
CITY CLERK

2004 DEC -3 A 10: 23

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, 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,

LV CITY CLERK
3709821

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/20/2004 to 11/20/2004, on the following days: NOV. 20, 2004

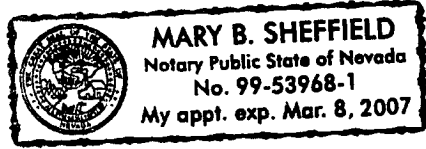
Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 24

day of November 2004

Mary B. Sheffield

Notary Public



BILL NO. 2004-74

AN ORDINANCE TO EXPAND THE ALLOWABILITY OF MIXED-USE DEVELOPMENTS IN THE C-1 AND C-2 ZONING DISTRICTS, TO ALLOW SUCH DEVELOPMENTS BY MEANS OF SPECIAL USE PERMIT IN THE C-PB ZONING DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown
Summary: Expands the allowability of mixed-use developments in the C-1 and C-2 Zoning Districts, and allow such developments by means of special use permit in the C-PB Zoning District.

At the City Council meeting of NOVEMBER 17, 2004 BILL NO. 2004-74 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, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: November 20, 2004
LV Review-Journal

RECEIVED
CITY CLERK

AFFP DISTRICT COURT
Clark County, Nevada

2004 DEC 27 A 11: 20

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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,

LV CITY CLERK
3755074

2296311LV

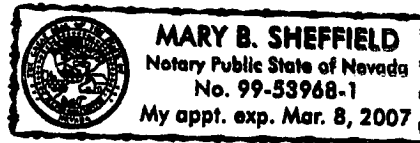
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/18/2004 to 12/18/2004, on the following days: DEC. 18, 2004

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 21

day of December 2004

Mary B. Sheffield
Notary Public



FIRST AMENDMENT
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ORDINANCE NO. 5738

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Summary: Expands the allowability of mixed-use developments in the C-1 and C-2 Zoning Districts, and allow such developments by means of special use permit in the C-PB Zoning District.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of November 2004 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 15th day of December 2004, 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 adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Weekly, Mack, Moncrief, and Wolfson
VOTING "NAY": NONE
EXCLUDED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: December 18, 2004
LV Review-Journal