

THIRD AMENDMENT

BILL NO. 98-30

ORDINANCE NO. 5087

AN ORDINANCE RELATING TO ZONING; AMENDING SUBCHAPTER 19A.06.040 OF THE ZONING CODE OF THE CITY OF LAS VEGAS, ADOPTED AS AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REPEALING IN ITS ENTIRETY SECTION (G) THEREOF AND ADOPTING A NEW SECTION (G) TO UPDATE THE REQUIREMENTS FOR OPEN SPACE AND COMMON RECREATIONAL FACILITIES IN RESIDENTIAL PLANNED DEVELOPMENTS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Larry Brown

Summary: Amends the Zoning Code to update the requirements for open space and common recreational facilities in residential planned developments.

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

SECTION 1: Subchapter 19A.06.040 of the Zoning Code of the City of Las Vegas is hereby amended by repealing in its entirety Section (G) thereof.

SECTION 2: Subchapter 19A.06.040 of the Zoning Code of the City of Las Vegas is hereby amended by adding thereto a new section, designated as Section (G), reading as follows:

G. Allocation of Open Space and Common Recreational Facilities

1. Each residential planned development containing 12 or more dwelling units shall allocate and provide open space and common recreational facilities which, at a minimum, comply with the following formula:

$$\text{DENSITY (UNITS PER ACRE, TO THE NEAREST TENTH)} \times 1.65 = \text{PERCENTAGE OF GROSS LAND REQUIRED FOR OPEN SPACE/RECREATIONAL AREA}$$

2. Except as otherwise permitted under Subsection (4) of this Section (G), the following do not qualify as required open space or common recreational facilities:

- a. Rights-of-way;
- b. Required setback areas;
- c. Drainage easements;
- d. Vehicle parking areas;

- e. Landscaped entry features;
- f. Landscape planters located along major thoroughfares or collector streets; or
- g. Any area which is not platted as a separate lot, unless it is made available for public use by means of an appropriate access and use easement.

3. Any area allocated for public multi-use trails may be counted toward the requirement for open space and common recreational facilities unless it is not intended for open space or common recreational facilities as indicated on the list of exclusions for the trail area.

4. Any area allocated for streetscape within a subdivision may be counted toward the requirement for open space and common recreation facilities if:

a. The streetscape conforms to the following:

(1) A minimum of one (1) twenty four inch (24") tree shall be provided for every thirty feet (30') of gross frontage, with a maximum distance of thirty feet (30') on-center between any such tree and the tree nearest to it, whether on the same or a different lot;

(2) A minimum of four (4) shrubs, each with a minimum size of five (5) gallons, shall be provided for every tree; and

(3) Bare soil is not permitted. Any streetscape area not covered by vegetation must contain a minimum of two inches (2") of rock mulch or decomposed granite.

b. Where practical, such streetscape is provided on both sides of the street on all internal streets within the subdivision;

c. The area allocated for streetscape is not less than five feet (5') in width, and is directly adjacent to the sidewalk or curb; and

d. The area allocated for streetscape is dedicated as a common lot and maintained by an owners' association.

5. Open space and common recreational facilities shall be configured so as to permit optimal utilization and shall be more or less centrally located so as to be reasonably and readily accessible from all residences built or proposed for the development. A sidewalk system shall be provided to connect all residential areas to required open space and common recreational facilities. Easy and safe shortcut access to such facilities (or to any adjacent public trail system, public park or public

1 recreational facility) should be provided by means of alleyways or pathways that:

2 a. Are cleared and provide for the safe passage of pedestrians or bicycle traffic
3 only, or both;

4 b. Are improved, either with or without paving;

5 c. Have minimum widths as follows:

6 (1) When lined on at least one side with a solid wall of a height not greater
7 than forty-two (42) inches, a minimum width of five (5) feet;

8 (2) In any other case in which the alleyway or pathway does not exceed one
9 hundred sixty (160) feet in length, a minimum width of ten (10) feet; or

10 (3) In the case of an alleyway or pathway that exceeds one hundred sixty
11 (160) feet in length, a minimum width of ten (10) feet, plus one (1) additional foot in width for each
12 additional eight (8) feet in length beyond one hundred sixty (160) feet.

13 SECTION 3: Nothing in this Ordinance relating to "safe access" or "safe passage"
14 is intended, nor shall be it be interpreted, to create a new or higher standard of care or greater liability
15 on the part of a developer.

16 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
17 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
18 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
20 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
22 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
23 invalid or ineffective.

24 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,

25 ...

26 ...

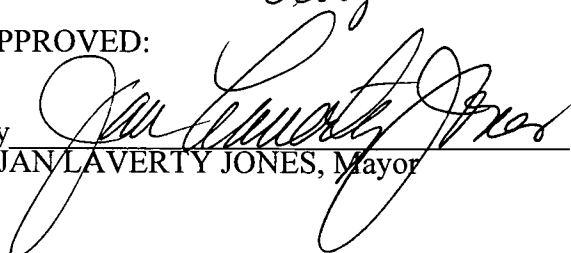
27 ...

28 ...

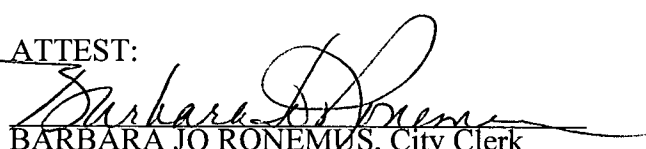
1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 10th day of August, 1998.

4 APPROVED:

5 By 
6 JAN LAVERTY JONES, Mayor

7 ATTEST:

8 
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Steed 8-10-98
12 Date

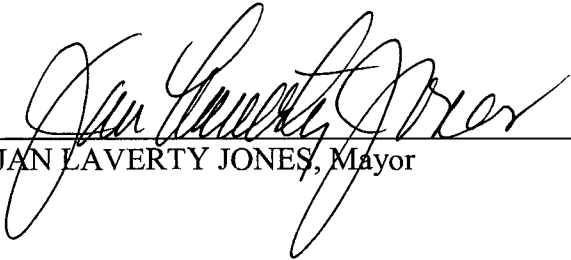
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 27th day of April, 1998 and referred to the following committee composed of the
3 Councilmen Adamsen and Brown for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 10th day of August, 1998 which was a regular meeting of
5 said Council; that at said regular meeting, the proposed ordinance was read by title to the City
6 Council as amended and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, McDonald, Reese, Brown and Mayor Jones

8 VOTING "NAY": NONE

9 EXCUSED: NONE

10 APPROVED:

11 
12 _____
13 JAN LAVERTY JONES, Mayor

14 ATTEST:

15 
16 _____
17 BARBARA JO RONEUMUS, City Clerk
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BILL NO. 98-30

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ZONING; AMENDING SUBCHAPTER 19A.06.040 OF THE ZONING CODE OF THE CITY OF LAS VEGAS, ADOPTED AS AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REPEALING IN ITS ENTIRETY SECTION (G) THEREOF AND ADOPTING A NEW SECTION (G) TO UPDATE THE REQUIREMENTS FOR OPEN SPACE AND COMMON RECREATIONAL FACILITIES IN RESIDENTIAL PLANNED DEVELOPMENTS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Larry Brown

Summary: Amends the Zoning Code to update the requirements for open space and common recreational facilities in residential planned developments.

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

SECTION 1: Subchapter 19A.06.040 of the Zoning Code of the City of Las Vegas is hereby amended by repealing in its entirety Section (G) thereof.

SECTION 2: Subchapter 19A.06.040 of the Zoning Code of the City of Las Vegas is hereby amended by adding thereto a new section, designated as Section (G), reading as follows:

G. Allocation of Open Space and Common Recreational Facilities

1. Each residential planned development containing 12 or more dwelling units shall allocate and provide open space and common recreational facilities which, at a minimum, comply with the following:

<u>Density (Units Per Acre)</u>	<u>General Plan Designation</u>	<u>Percentage of Gross Land for Open Space/Recreational Area</u>
1.00 - 2.00	Desert Rural (DR)	2%
2.01 - 3.49	Rural (R)	5%
3.50 - 4.49	Low (L)	8%
4.50 - 8.00	Medium Low for Single Family (ML)	10%
8.01 - 11.49	Medium Low for Multi-Family (ML)	15%
11.50 - 20.49	Medium (M)	20%
20.50 - Plus	High (H)	25%

1 2. The following do not qualify as required open space or common recreational
2 facilities:

- 3 a. Rights-of-way;
4 b. Required setback areas;
5 c. Drainage easements;
6 d. Vehicle parking areas;
7 e. Landscaped entry features;
8 f. Landscape planters located along major thoroughfares or collector streets; or
9 g. Any area which is not platted as a separate lot, unless it is made available for
10 public use by means of an appropriate access and use easement.

11 3. Areas allocated for public multi-use trails may be counted toward the
12 requirement for open space and common recreational facilities.

13 4. Open space and common recreational facilities shall be configured so as to
14 permit optimal utilization and shall be centrally located so as to be equally accessible from all
15 residences built or proposed for the development. A sidewalk system shall be provided to connect all
16 residential areas to required open space and common recreational facilities. Easy and safe shortcut
17 access to such facilities (or to any adjacent public park or public recreational facility) through
18 residential blocks shall be provided by means of alleys or by pathways that:

19 a. Are cleared and provide for the safe passage of pedestrians or bicycle traffic
20 only, or both;

21 b. Are improved, either with or without paving; and

22 c. Have either:

23 1) A minimum width of ten (10) feet and do not exceed one hundred sixty
24 (160) feet in length; or

25 2) A minimum width of five (5) feet when lined on at least one side with
26 solid walls of a height not greater than forty-two (42) inches.

27 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
28 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid

1 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
2 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
3 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
4 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
5 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
6 invalid or ineffective.

7 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this ____ day of _____, 1998.

11 APPROVED:

12
13 By _____
JAN LAVERTY JONES, Mayor

14 ATTEST:

15 _____
16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:

18 Val Heed 4-15-98
19 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 1998, 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 _____, 1998, 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: _____

11 APPROVED:

12
13 By _____
JAN LAVERTY JONES, Mayor

14 ATTEST:

15 _____
16 BARBARA JO RONEMUS, City Clerk
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AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, 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
367429

2296311LV

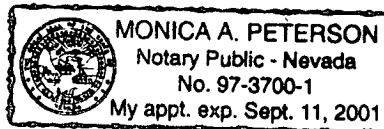
was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1
edition(s) of said newspaper issued from 07/30/98 to 07/30/1998, on
the following days: JULY 30, 1998

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 30

day of July 1998

Monica A. Peterson
Notary Public



BILL NO 98-30

AN ORDINANCE RELATING TO ZONING, AMENDING SUBCHAPTER 19A 060 040 OF THE ZONING CODE OF THE CITY OF LAS VEGAS, ADOPTED AS AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REPEALING IN ITS ENTIRETY SECTION (G) THEREOF AND ADOPTING A NEW SECTION (G) TO UPDATE THE REQUIREMENTS FOR OPEN SPACE AND COMMON RECREATIONAL FACILITIES IN RESIDENTIAL PLANNED DEVELOPMENTS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith

SPONSORED BY Councilman Larry Brown

SUMMARY Amends the Zoning Code to update the requirements for open space and common recreational facilities in residential planned developments

At a City Council meeting
APRIL 27, 1998
BILL NO. 98-30 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE

Councilmen Adamsen and Brown
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1st FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB July 30, 1998
Las Vegas Review-Journal

RECEIVED
CITY CLERK

1998 AUG -4 A 11: 15

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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LV CITY CLERK
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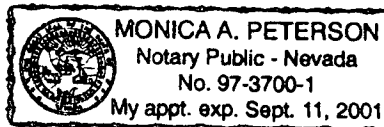
was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1
edition(s) of said newspaper issued from 08/13/98 to 08/13/1998, on
the following days: AUGUST 13, 1998

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 13

day of August 1998

Monica A. Peterson
Notary Public



THIRD AMENDMENT
BILL NO 98-30
ORDINANCE NO 5087

AN ORDINANCE RELATING TO ZONING, AMENDING SUBCHAPTER 19A 060 040 OF THE ZONING CODE OF THE CITY OF LAS VEGAS, ADOPTED AS AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REPEALING IN ITS ENTIRETY SECTION (G) THEREOF AND ADOPTING A NEW SECTION (G) TO UPDATE THE REQUIREMENTS FOR OPEN SPACE AND COMMON RECREATIONAL FACILITIES IN RESIDENTIAL PLANNED DEVELOPMENTS, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERE TO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY:
Councilman Larry Brown

SUMMARY Amends the Zoning Code to update the requirements for open space and common recreational facilities in residential planned developments

The above and foregoing ordinance was first proposed and read by title to the City Council on the 27th of April, 1998, and referred to the following committee composed of Councilmen Adamsen and Brown for recommendation, thereafter the said committee reported favorably on said ordinance on the 10th day of August, 1998, 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" Councilmen Adamsen, McDonald, Brown, Reese and Mayor Jones

VOTING "NAY" NONE

EXCUSED NONE
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB August 13, 1998
Las Vegas Review-Journal

AFFP

DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

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LV CITY CLERK
387628

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edition(s) of said newspaper issued from 08/14/98 to 08/14/1998, on
the following days: AUGUST 14, 1998

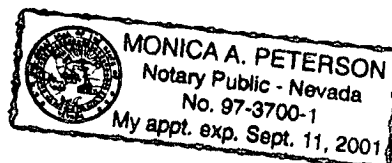
Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 14

day of August 1998

Monica A. Peterson

Notary Public



THIRD AMENDMENT
BILL NO 98-30
ORDINANCE NO 5087

AN ORDINANCE RELATING TO ZONING;
AMENDING SUBCHAPTER 19A.06.040
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UPDATE THE REQUIREMENTS FOR OPEN
SPACE AND COMMON RECREATIONAL
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DEVELOPMENTS, PROVIDING FOR OTH-
ER MATTERS PROPERLY RELATING
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SPONSORED BY
Councilman Larry Brown

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space and common recreational facili-
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first proposed and read by title to the
City Council on the 27th of April, 1998,
and referred to the following committee
composed of Councilmen Adamsen and
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the said committee reported favorably
on said ordinance on the 10th day of
August, 1998, 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" Councilmen Adamsen,
McDonald, Brown, Reese and Mayor
Jones

VOTING "NAY" NONE
EXCUSED NONE

COPIES OF THE COMPLETE ORDINANCE
ARE AVAILABLE FOR PUBLIC INFORMA-
TION, IN THE OFFICE OF THE CITY
CLERK, 1ST FLOOR, 400 EAST STEW-
ART AVENUE, LAS VEGAS, NEVADA

PUB August 14, 1998
Las Vegas Review-Journal

AFFP

DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

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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
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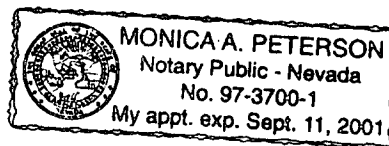
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Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 30

day of July 1998

Monica A. Peterson
Notary Public



CELL NO. 98-30
ORDINANCE RELATING TO ZONING;
AMENDING SUBCHAPTER 19A.080.040
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At a City Council meeting
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AND REFERRED TO RECOMMENDING
COMMITTEE.
Councilmen Adamson and Brown
COPIES OF THE COMPLETE BILL ARE
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IN THE OFFICE OF THE CITY CLERK, 1st
FLOOR, CITY HALL, 400 EAST STEWART
AVENUE, LAS VEGAS, NEVADA
PUB: July 30, 1998
Las Vegas Review-Journal

1998 AUG -4 A 11: 15
RECEIVED
CITY CLERK



086573

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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LV CITY CLERK
387628

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1
edition(s) of said newspaper issued from 08/14/98 to 08/14/1998, on
the following days: AUGUST 14, 1998

Signed:

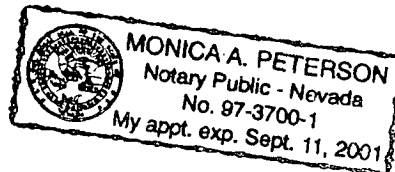
Barbara Linford
14

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of *August* 1998

Monica A. Peterson

Notary Public



THIRD AMENDMENT
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AN ORDINANCE RELATING TO ZONING; AMENDING SUBCHAPTER 19A.06.040 OF THE ZONING CODE OF THE CITY OF LAS VEGAS, ADOPTED AS AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REPEALING IN ITS ENTIRETY SECTION (G) THEREOF AND ADOPTING A NEW SECTION (G) TO UPDATE THE REQUIREMENTS FOR OPEN SPACE AND COMMON RECREATIONAL FACILITIES IN RESIDENTIAL PLANNED DEVELOPMENTS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:
Councilman Larry Brown

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VOTING "AYE" Councilmen Adamsen, McDonald, Brown, Reese and Mayor Jones

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 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: August 14, 1998
Las Vegas Review-Journal



086865

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

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LV CITY CLERK
387628

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1
edition(s) of said newspaper issued from 08/13/98 to 08/13/1998, on
the following days: AUGUST 13, 1998

Signed:

Barbara Linford
13

SUBSCRIBED AND SWORN BEFORE ME THIS THE

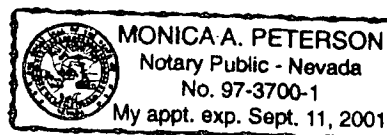
day of

August

1998

Monica A. Peterson

Notary Public



THIRD AMENDMENT
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Councilman Larry Brown
SUMMARY: Amends the Zoning Code to update the requirements for open space and common recreational facilities in residential planned developments.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 27th of April, 1998, and referred to the following committee composed of Councilmen Adamsen and Brown for recommendation; thereafter the said committee reported favorably on said ordinance on the 10th day of August, 1998, 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" Councilmen Adamsen, McDonald, Brown, Reese and Mayor Jones

VOTING "NAY" NONE

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA. PUB: August 13, 1998
Las Vegas Review-Journal



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