

BILL NO. 2003-85

ORDINANCE NO. 5638

AN ORDINANCE TO ADJUST THE BUILDING HEIGHT, LOT COVERAGE, AND ON-SITE PARKING REQUIREMENTS AND LIMITATIONS APPLICABLE TO SENIOR CITIZEN APARTMENTS; TO ADJUST THE LOT COVERAGE LIMITATIONS APPLICABLE TO CERTAIN MIXED-USE DEVELOPMENTS THAT INCLUDE A RESIDENTIAL COMPONENT; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer,
Director of Planning and Development

Summary: Adjusts the building height, lot coverage, and on-site parking requirements and limitations applicable to senior citizen apartments, and adjusts the lot coverage limitations applicable to certain mixed-use developments that include a residential component.

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

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to add to the "Residential & Lodging" element thereof a new row pertaining to the use "Senior Citizen Apartments," reading 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	RESIDENTIAL & LODGING
							C	C	C			Senior Citizen Apartments*

RESIDENTIAL & LODGING	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Senior Citizen Apartments*					S				

SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new subdivision entitled "SENIOR CITIZEN APARTMENTS," reading as follows:

SENIOR CITIZEN APARTMENTS [R-3, R-4, R-5]

For any development that is over three stories in height:

(1) The structures shall be compatible with the scale and massing of the types of development allowed in the applicable zoning district and shall provide a transition to less intensive development.

1 (2) Rooflines and façade elements shall be articulated in order to break down the apparent
2 massing of the structures.

3 SECTION 3: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
4 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new
5 subdivision entitled "SENIOR CITIZEN APARTMENTS," reading as follows:

6 SENIOR CITIZEN APARTMENTS [C-1]

7 (1) For any development that is over three stories in height:

8 (a) The structures shall be compatible with the scale and massing of the types of
9 development allowed in the applicable zoning district and shall provide a transition to less intensive
10 development.

11 (b) Rooflines and façade elements shall be articulated in order to break down the
12 apparent massing of the structures.

13 (2) The use shall be developed and operated only in connection with ground-level
14 nonresidential development. In the case of a multi-floor structure, the apartments themselves must
15 be located above the ground floor, but access ways, entryways and community rooms may be located
16 on the ground floor.

17 (3) The primary resident or guest entryway to the apartments must be independent of
18 ground floor commercial uses, and must be directly accessible from and oriented to a street.

19 (4) The overall architecture of the front elevation shall highlight the difference in uses
20 through variations in volume and proportion, and shall be treated as a cohesive whole through finishes
21 and colors.

22 (5) For any development that, in accordance with LVMC 19.08.045, is allowed to exceed
23 the maximum lot coverage provisions set forth in that Section, all landscape buffer requirements shall
24 be met. In addition, for any development that is not located within the Downtown Las Vegas
25 Redevelopment Area, as established by Ordinance No. 3218 and amended from time to time, the
26 minimum setback requirements for the C-1 District shall be met.

27 SECTION 4: As set forth at the end of Title 19, Section 8, Section 40, of the
28 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, Table 2 and its accompanying Notes

are hereby amended to read as follows:

Table 2. Residential District Development Standards, Other than Single-Family

STANDARD	R-2	R-3	R-4	R-5
Minimum Lot Size [(ft ²)](sq. ft.)	6,500	6,500	6,500	7,000
Dwelling Units per Gross Acre	6-12	13-25	26-50	unlimited ¹
Min. Lot Width (ft.)	NA	NA	NA	NA
Min. Front Yard Setback (ft.) ³	20	20	10	10
Min. Side Yard Setback (ft.) ³	5 ⁴	5 ⁴	5 ⁴	5 ⁴
Min. Corner Side Yard Setback (ft.) ³	5 ⁴	5 ⁴	5 ⁴	5 ⁴
Min. Rear Yard Setback (ft.) ³	20 ⁴	20 ⁴	20 ⁴	20 ^{2,4}
Min. Distance Between Buildings ³	10	10	10	unlimited
Max. Lot Coverage ³	NA	NA	NA	NA
Max. Building Height (ft.) ³	2 stories or 35 feet, whichever is less ²			5 stories or 55 feet, whichever is less

Notes:

1. R-5 District—The maximum density is unlimited. However, the height limit on development imposes a de facto limitation on density in all areas except the Downtown Overlay District (see Section 19.06.060), where the height is unlimited.

2. R-5 District—The minimum rear yard setback shall be twenty feet. However, where the rear twenty feet of the lot has direct access to a public alley and is used for the on-site parking of automobiles, this area may be covered by a roof provided it is otherwise open on three sides.

3. Downtown Overlay District—All structures in the Downtown Overlay District are exempted from the automatic application of the height limitations, required setbacks and lot coverage requirements specified in Table 2. However, the exemption does not prohibit the City Council from imposing similar or equivalent limitations in connection with the approval of a Site Development Plan in accordance with Section 19.06.060.

4. All Districts – Side, corner side and rear yard setbacks are subject to the patio cover provisions set forth in Subsection 19.08.040(B)(4).

5. R-3 and R-4 Districts—The height limit for senior citizen apartment developments shall be

three stories or forty feet, whichever is less, upon approval of a Site Development Plan in accordance with Section 19.18.050. Senior citizen apartment developments that exceed the permitted height limit may be permitted upon approval of a Special Use Permit in accordance with Sections 19.04.050 and 19.18.060.

SECTION 5: Title 19, Section 8, Section 45, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(B) Applicability. With the exception of unrestricted gaming development, and development located within a designated special purpose, overlay or planned development which has adopted commercial design guidelines, no new commercial site development, building or structure shall be erected in any commercial zone unless in conformity with all applicable provisions of [these regulations.] this Section, including the development standards set forth in Table 3. No existing commercial building or structure shall be moved or substantially enlarged, and no previously developed site shall be substantially modified or enlarged, unless in conformance with all applicable provisions of [these regulations.] this Section, including the development standards set forth in Table 3.

SECTION 6: As adopted in Title 19, Chapter 8, Section 45, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, Table 3 and its accompanying Notes are hereby amended to read as follows:

Table 3. Commercial District Development Standards

STANDARD	P-R	N-S	O	C-D	C-1	C-2	C-PB
Min. Site Area to Rezone	NA	NA	NA	NA	NA	NA	20 Ac.
Min. Lot Width (ft.) ⁴	60	100	100	100	100	100	100
Min. Front Yard Setback (ft.) ⁴	20	25	25	25	20	20	20
Min. Side Yard Setback (ft.) ⁴	5	10	10	10	10	10	10
Min. Corner Side Yard Setback (ft.) ⁴	15 ³	15	15	15	15	15	20
Min. Rear Yard Setback (ft.) ^{1,4}	15	25	15	25	20	20	15
Max. Lot Coverage ⁴	50%	30%	30%	30%	50% ⁶	50%	50%
Max. Building Height [R] (ft.) ^{1,2,4,5}	2 stories or 35 feet, whichever is less				none	none	none

1 Notes:

2 1. Rear Yard Setback, Height. Rear yard setbacks and building heights may be affected by the
3 Residential Adjacency requirements in Section 19.08.060.

4 2. Height.

5 a. Non-Residential Building Height When Adjacent to Residential. See Section
6 19.08.060(B).

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

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

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

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

14 d. C-PB District. The maximum building height in the C-PB District is three stories or
15 fifty-five feet, whichever is less. Any parcel of land contiguous to a freeway or expressway and to
16 a depth of six hundred feet from the right-of-way line thereof, the maximum building height shall be
17 six stories or one hundred feet, whichever is less. Notwithstanding the above, in the case of permitted
18 commercial and retail uses, the maximum building height shall be two stories or thirty-five feet,
19 whichever is less.

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

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

27 3. P-R District. A development in the P-R District which is a conversion from an existing
28 residential structure may maintain the existing setbacks. Any additions may also be constructed to

1 the existing established corner setback.

2 4. Downtown Overlay District. All structures in the Downtown Overlay District are exempted
3 from the automatic application of the height limitations, required setbacks and lot coverage
4 requirements specified in this chapter. However, the exemption does not prohibit the City Council
5 from imposing similar or equivalent limitations in connection with the approval of a Site Development
6 Plan in accordance with Section 19.06.060.

7 5. Gaming Enterprise Overlay District. All licensed gaming establishments within the Gaming
8 Enterprise District are exempted from the automatic application of any height limitations specified
9 in this chapter. However, the exemption does not [prohibited] prohibit the City Council from
10 imposing a similar or equivalent height limitation in connection with the approval of a Site
11 Development Plan.

12 6. C-1 District. Senior citizen apartments and mixed-use developments that exceed the permitted
13 lot coverage limitation may be permitted upon approval of a Special Use Permit in accordance with
14 Sections 19.04.050 and 19.18.060. In addition, a mixed-use development shall be subject to all of the
15 following requirements:

16 a. The mixed-use development must contain both residential and commercial uses in the
17 same structure;

18 b. Commercial uses shall be located at the front yard setback facing the public
19 right-of-way; and

20 c. The residential units shall be located at or above the second story of the mixed-use
21 structure.

22 SECTION 7: Table 1, as adopted in Title 19, Chapter 10, Section 10, Subsection (F),
23 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
24 amending the row pertaining to the category "Senior Citizen Apartment," as found in the
25 RESIDENTIAL & LODGING element thereof, to read as follows:

26 Senior Citizen 27 [Apartment] <u>Apartment</u>	[One space for each unit, plus one guest space for every six units.] <u>.75 spaces per unit, or .5 spaces per unit within the Downtown</u> 28 <u>Overlay District</u>
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1 SECTION 8: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location,
3 the following term and its corresponding definition:

4 "Senior Citizen Apartments" means an apartment house or other multi-family dwelling in which each
5 unit is occupied by at least one person fifty-five years of age or older, or in which the units are
6 intended and operated for occupancy by persons fifty-five years of age or older. The term includes
7 an apartment house or other multi-family dwelling that qualifies as "housing for older persons" under
8 the provisions of Federal law, including without limitation housing developments that:

9 (1) Provide significant facilities and services specifically designed to meet the physical or
10 social needs of older persons; and

11 (2) Publish and adhere to policies and procedures that demonstrate an intent to provide
12 housing for persons fifty-five years of age or older to the extent allowed by applicable State or Federal
13 law.

14 SECTION 9: In Sections 2 and 3 of this Ordinance, the brackets that follow the title
15 of the subdivision being added are not intended to indicate deleted matter, but instead are used as the
16 means of indicating the applicable districts.

17 SECTION 10: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
18 19.04.040, 19.04.050, 19.08.040, 19.08.045, 19.08.050, and 19.10.010 and 19.20.020 are deemed to
19 be subchapters rather than sections.

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

28 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,

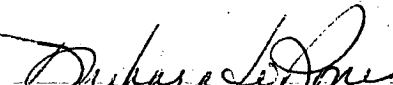
1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 19 day of November, 2003.

4 APPROVED:

5
6 By 
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9 
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Heed 10-1-03
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 29th day of October, 2003, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 19th day of November, 2003, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as first read and adopted by the following vote:

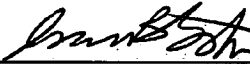
6 VOTING "AYE": Mayor Goodman, Councilmembers Reese, Brown, L. B. McDonald,
Weekly, Mack and Moncrief

7 VOTING "NAY": None

8 EXCUSED: None

9 ABSTAINED: None

10 APPROVED:

11 

12 OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 BARBARA JO RONEMUS, City Clerk

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2003 NOV 14 P 3:44

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
3056699

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/07/2003 to 11/07/2003, on the following days: NOV. 7, 2003

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

12

day of November 2003

Mary B. Sheffield

Notary Public

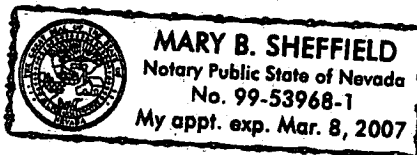
BILL NO. 2003-85

AN ORDINANCE TO ADJUST THE BUILDING HEIGHT, LOT COVERAGE AND ON-SITE PARKING REQUIREMENTS AND LIMITATIONS APPLICABLE TO SENIOR CITIZEN APARTMENTS; TO ADJUST THE LOT COVERAGE LIMITATIONS APPLICABLE TO CERTAIN MIXED-USE DEVELOPMENTS THAT INCLUDE A RESIDENTIAL COMPONENT; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer, Director of Planning and Development
Summary: Adjusts the building height, lot coverage, and on-site parking requirements and limitations applicable to senior citizen apartments, and adjusts the lot coverage limitations applicable to certain mixed-use developments that include a residential component.

At the Special City Council meeting of OCTOBER 29, 2003 BILL NO. 2003-85 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 7, 2003
LV Review-Journal



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AFFP DISTRICT COURT
Clark County, Nevada

2003 DEC -2 P 4: 51

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
3079694

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/22/2003 to 11/22/2003, on the following days: NOV. 22, 2003

BILL NO. 2003-85
ORDINANCE NO. 5638

AN ORDINANCE TO ADJUST THE BUILDING HEIGHT, LOT COVERAGE, AND ON-SITE PARKING REQUIREMENTS AND LIMITATIONS APPLICABLE TO SENIOR CITIZEN APARTMENTS; TO ADJUST THE LOT COVERAGE LIMITATIONS APPLICABLE TO CERTAIN MIXED-USE DEVELOPMENTS THAT INCLUDE A RESIDENTIAL COMPONENT; AND TO PROVIDE FOR OTHER RELATED MATTERS.

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 29th day of October, 2003, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 19th day of November, 2003, 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, L. Brown, L.B. McDonald, Weekly, Mack, and Moncrief
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 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: Nov. 22, 2003
LV Review-Journal

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

26

day of *November* 2003

Mary B. Sheffield

Notary Public

