

1 **BILL NO. 2001-4**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REVISE CHAPTER 4.24 OF THE MUNICIPAL CODE REGARDING THE
4 CONSTRUCTION OF PARK FACILITIES AS AN ALTERNATIVE TO THE PAYMENT OF THE
5 RESIDENTIAL CONSTRUCTION TAX, AND TO PROVIDE FOR OTHER RELATED
6 MATTERS.

6 Proposed by: Bob Genzer,
Acting Director of Planning and Development

Summary: Revises Chapter 4.24 of the
Municipal Code regarding the construction of
park facilities as an alternative to the payment of
the residential construction tax.

9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

10 AS FOLLOWS:

11 SECTION 1: Title 4, Chapter 24, Section 10, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **4.24.010:** The City Council hereby declares as a matter of legislative determination that:

14 (A) A need exists to provide within the City additional neighborhood parks and park
15 facilities which are required by the residents of single family residences, apartment units and mobile
16 home parks according to the provisions of the City's Master Plan, Master Plan Parks Element, and
17 Recreation Plan, which plans include [as a part of such plans,] future or present sites for neighborhood
18 parks.

19 (B) This Chapter is reasonably calculated to satisfy such need, and, for that purpose,
20 all of the provisions hereof shall be broadly and liberally construed to carry out the express purposes
21 of this Chapter.

22 (C) Accordingly, the specific mention of particular powers shall not be construed
23 as limiting in any way the general powers that may be necessary in order to accomplish the purposes
24 of this Chapter.

25 SECTION 2: Title 4, Chapter 24, Section 20, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **4.24.020:** As used in this Chapter, unless the context otherwise requires, the following terms shall
28 have the meanings that are ascribed to them as follows:



1 (A) ["Developed open space" means a common open space within a residential
2 subdivision or development that is developed with active recreational appurtenances, which may
3 include swimming pools, tennis courts, handball courts, playground equipment and similar facilities
4 or developments that are customarily associated with parks.

5 (B) "Neighborhood park" means a park the size of which does not exceed twenty-
6 five acres and which is designed to serve natural persons, families and small groups in the park district
7 that is created for the benefit of the neighborhood from which any residential construction tax is
8 derived.

9 [(C)] (B) "Park" or "park facilities" means a tract of land that is dedicated to, and set
10 aside and maintained for, recreational purposes and includes without limitation areas of turf and trees,
11 playgrounds and playground equipment, picnic facilities, playing fields and other recreational
12 appurtenances such as lighted tennis courts, lighted baseball and softball fields, trails, vehicular
13 parking lots and public restrooms.

14 [(D)] (C) "Residential construction tax" means the tax that is provided for in this
15 Chapter.

16 SECTION 3: Title 4, Chapter 24, Section 80, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **4.24.080:** The City shall be divided into a number of park districts, as the same shall be depicted
19 on the map that is entitled "Park District Boundaries," copies of which are to be maintained for public
20 inspection in the Office of the City Clerk and the Department of [Leisure Services,] Public Works, and
21 the same may from time to time be changed by number and configuration by the City Council by a
22 resolution that is duly passed, adopted and approved.

23 SECTION 4: Title 4, Chapter 24, Section 100, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

25 SECTION 5: Title 4, Chapter 24, Section 110, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **4.24.110:** In order to assist the City Council in the administration of this Chapter, the City
28 [Council may elect to establish and appoint a Neighborhood Parks Development Committee, the

1 specific powers and duties of which would be determined and designated at the time of establishment.]
2 Manager shall establish and appoint a Parks Development Team to make recommendations to the City
3 Council concerning the development and maintenance of parks and concerning applications for
4 alternative treatment. The Parks Development Team shall also consider and make decisions with
5 respect to requests by developers or others for amendments to Park Construction and Maintenance
6 Agreements, or, in its discretion, may refer any such matter to the City Council for consideration.

7 SECTION 6: Title 4, Chapter 24, Section 130, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **4.24.130:** Any developer who proposes the construction and development of parks or park
10 facilities [which, upon their completion would entitle the developer to a refund of the residential
11 construction tax under LVMC 4.24.100,] as an alternative to the payment of the residential
12 construction tax may apply for alternative treatment in accordance with Sections 4.24.140 and
13 4.24.150. The proposed parks or facilities must be independent of and in addition to any open space
14 requirement of LVMC Title 19A, and must be designed for and dedicated to park and recreation uses
15 in the park district that pertains to the proposed development.

16 SECTION 7: Title 4, Chapter 24, Section 140, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

18 SECTION 8: Title 4, Chapter 24, of the Municipal Code of the City of Las Vegas,
19 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140,
20 reading as follows:

21 **4.24.140:** (A) A developer who seeks alternative treatment in accordance with Section
22 4.24.130 shall submit to the City an application for alternative treatment. In the case of a subdivision,
23 the application must be submitted with any zoning application or with the submission of a tentative
24 map, whichever occurs first. For all other developments, the application must be submitted in
25 connection with site development plan review. The application shall be on a form provided or
26 designated by the Department of Public Works and shall include or be accompanied by the following:

27 (1) A detailed description of the proposed parks and park facilities,
28 establishing that a minimum of three hundred thirty square feet of developed parks or park facilities

1 will be developed for each residential dwelling unit for which alternative treatment is sought;

2 (2) A description of the proposed plan for the future ownership and
3 maintenance of the parks and park facilities. The maintenance plan for a subdivision must meet the
4 requirements of Subsection (A) or Subsection (B) of Section 18.10.240. For any other development,
5 the maintenance plan must meet the requirements of Subsection (B) of Section 18.10.240; and

6 (3) Copies of a map and layout of the proposed parks or park facilities,
7 which must meet the requirements for a tentative map as set forth in Section 18.08.060; show all
8 amenities, landscaping, parking and other improvements that are proposed; and include any other
9 information that may be required by the Department of Public Works in connection with its review
10 of the application.

11 (B) Following submission of a completed application and accompanying map and
12 plans, the Parks Development Team will review the submission and make a recommendation to the
13 City Council. In the event the Parks Development Team recommends that the City Council approve
14 the plan (with or without recommended conditions), and prior to submission of the matter to the City
15 Council for decision, a proposed Park Construction and Maintenance Agreement will be prepared in
16 a form acceptable to the City Attorney which will assure compliance with all requirements for
17 alternative treatment. The Agreement will provide for, and be contingent upon, the posting of security
18 in accordance with Section 4.24.150 to guarantee construction of the parks and park facilities being
19 proposed. The security must be approved by and posted with the City before any final map is released
20 for recordation or building permits are issued.

21 (C) Upon approval of the Park Construction and Maintenance Agreement by the
22 City, and upon the posting of the required security, the Residential Construction Tax for the residential
23 units subject to the Agreement will be waived by the City pursuant to the terms of the Agreement.

24 SECTION 9: Title 4, Chapter 24, Section 150, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **4.24.150:** The security submitted for the construction of the park facilities pursuant to Section
27 4.24.140 may [be as follows:] include one or more of the following, in each case in a form and manner
28 acceptable to the City Attorney:

1 (A) A deposit of cash or a transfer to the City of approved government securities;

2 (B) A surety bond issued by a surety company authorized to do business in the
3 State; [in a form approved by the City Attorney;]

4 (C) An agreement with a local financial institution which provides generally that
5 out of the funds loaned to the developer for the construction of the subdivision or development, the
6 lending institution will require that sufficient funds to complete the park facilities and the removal of
7 all rubbish, trash, debris, surplus material and equipment from the area that is to be improved and the
8 adjacent properties will be set aside and used for that purpose, that the lending institution will
9 maintain a ten percent retention of the funds until the installation of the park facilities and the release
10 of funds have been approved by the City; or

11 (D) A first deed of trust which names the City as beneficiary on real property
12 located in or near the City and which is accompanied by agreements by the trustor and the developer
13 by which they contract with the City to provide the park facilities. The total cost of the park facilities,
14 as set forth in the agreements, shall not exceed seventy percent of the estimated market value of the
15 property which is the subject of the deed of trust.

16 SECTION 10: 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 11: All ordinances or parts of ordinances or sections, subsections, phrases,

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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 _____ day of _____, 2001.

4 APPROVED:

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6 By _____
OSCAR B. GOODMAN, Mayor

7 ATTEST:

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9 _____
BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 _____
12 *Val Steel* 12-20-00
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 _____, 2001, 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 _____, 2001, 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:

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13 By _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:
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16 _____
BARBARA JO RONEMUS, City Clerk

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