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FIRST AMENDMENT

BILL NO. 2018-5

ORDINANCE NO. 6617

AN ORDINANCE TO AMEND LVMC 19.16.010 TO ESTABLISH A REQUIRED PROCESS FOR PUBLIC ENGAGEMENT IN CONNECTION WITH THE REPURPOSING OF CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven G. Seroka

Summary: Amends LVMC 19.16.010 to establish a required process for public engagement in connection with the repurposing of certain golf courses and open spaces.

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

SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Sections 2 to 4, inclusive, of this Ordinance. The amendments in those Sections are deemed to be amendments to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 16, Section 10, is hereby amended by relettering existing Subsections (G), (H) and (I) of that Section, so that those Subsections are lettered (H), (I) and (J), respectively.

SECTION 3: Title 19, Chapter 16, Section 10, is hereby amended by adding thereto, at the appropriate location, a new Subsection (G), reading as follows:

G. Repurposing of Certain Golf Courses or Open Spaces

1. **General.** Except as otherwise provided in this Subsection (G), any proposal by or on behalf of a property owner to repurpose a golf course or open space is subject to the Public Engagement Program requirements of this Subsection (G). The requirements of this Subsection (G) apply to repurposing a golf course or open space located within 1) an existing residential development, 2) a development within an R-PD District, 3) an area encompassed by a Special Area Plan adopted by the City, or 4) an area subject to a Master Development Plan within a PD District. For purposes of this Subsection (G), "repurposing" includes changing or converting all or a portion of the use of the golf course or open space to one or more other uses.

1 2. **Exceptions.** This Subsection (G) does not apply to:

2 a. Any project that has been approved as part of the City of Las Vegas Capital Improvement Plan.

3 b. Any project that is governed by a development agreement that has been approved pursuant to
4 LVMC 19.16.150.

5 c. The repurposing of any area that has served as open space pertaining to a nonresidential
6 development where that open space functions as an area for vehicle parking, landscaping, or any similar
7 incidental use.

8 d. The reprogramming of open space recreational amenities that simply changes or adds to the
9 programming or activities available at or within that open space.

10 3. **Requirements.** In connection with the scheduling of a pre-application conference pursuant to LVMC
11 19.16.010(B)(5), the applicant for a repurposing project subject to this Subsection (G) must provide to the
12 Department in writing a proposed Public Engagement Program meeting the requirements of Paragraph 4
13 below. The requirements of this Subsection (G) must be completed before the submission and processing of
14 the land use application(s) to which the pre-application conference applies.

15 4. **Public Engagement Program.** The Public Engagement Program (PEP) shall include, at a minimum,
16 one in-person neighborhood meeting regarding the repurposing proposal and a summary report documenting
17 public engagement activities. The applicant is encouraged, but not required, to conduct additional public
18 engagement activities beyond those required by the preceding sentence. Additional public engagement
19 activities may include, but are not limited to, the following components:

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

22 I. A statement summarizing the alternatives if the golf course or open space is not repurposed
23 and the current use of the property ceases.

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

26 III. A statement summarizing the proposal to repurpose the golf course or open space with a

1 compatible use.

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

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

6 VI. If applicable, a statement summarizing any negotiations with the City in regards to a new
7 or amended Development Agreement for the area.

8 b. Neighborhood Meeting. The PEP shall include at a minimum the neighborhood meeting that is
9 described in this Paragraph 4. Notice of such meeting shall be provided in general accordance with the notice
10 provisions and procedures for a General Plan Amendment in LVMC Title 19.16.030(F)(2), except that no
11 newspaper publication is required and the providing of notice shall be the responsibility of the applicant
12 rather than the City. The applicant shall develop a written plan for compliance with the notice requirements
13 of the preceding sentence, which shall be submitted to the Department for review and approval in advance
14 of implementation. The required neighborhood meeting must be scheduled to begin between the hours of
15 5:30 pm and 6:30 pm, except that the Department in particular cases may require that a meeting begin earlier
16 in the day to allow greater participation levels. Additional neighborhood meetings are encouraged, but not
17 required.

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

21 I. Owners of properties that are adjacent to the area proposed for repurposing;

22 II. The owners of all other property within the same subdivision (master subdivision, if
23 applicable), Master Development Plan Area or Special Area Plan area; and

24 III. Local neighborhood organizations and business owners located within the same Master
25 Development Plan Area or Special Area Plan area.

26 5. **Summary Report.** Upon completion of a PEP, the applicant shall provide a report to the Department

1 detailing the PEP's implementation, activities and outcomes. The summary report shall be included with any
2 land use entitlement application related to a repurposing proposal. To document the applicant's public
3 engagement activities, the summary report shall include the following, as applicable:

- 4 a. The original Applicant's Alternatives Statement.
- 5 b. Any revised Applicant's Alternatives Statement that has been produced as a result of the process.
- 6 c. Affidavit of mailings pertaining to the mailing of notice of the Applicant's Alternative
7 Statements to prescribed stakeholders, and of the means by which the Alternatives Statements were made
8 available to stakeholders.
- 9 d. Affidavits of mailings for the notices to prescribed stakeholders for all required neighborhood
10 meetings and design workshops.
- 11 e. Scanned copies of any and all sign-in sheets that were used for all required neighborhood
12 meetings and design workshops.
- 13 f. Meeting notes that may have been taken from all required neighborhood meetings and design
14 workshops.
- 15 g. Electronic copy of a spreadsheet with all comments received at meetings and workshops and the
16 applicant's statement of how each of those comments were addressed, if applicable.
- 17 h. Affidavit of mailing for, and results of, a public engagement survey sent to all meeting and
18 workshop attendees.
- 19 i. Accounting of City staff time devoted to required neighborhood meetings and design workshops.
- 20 j. A copy of all materials distributed or displayed by the applicant at all neighborhood meetings
21 and design workshops.
- 22 k. Statements from any facilitator of design workshops summarizing the input and results.
- 23 l. A statement acknowledging that additional public comment heard through a land use
24 application's public hearing process will be taken into consideration by the applicant.

25 SECTION 4: Title 19, Chapter 18, Section 20, is hereby amended by amending the
26 definitions of the terms "Open Space" and "Open Space, Common" to read, respectively, as follows:

1 **Open Space.** Any parcel or area of land or water [essentially unimproved and set aside, dedicated,
2 designated, or reserved for public use or enjoyment or for the private use and enjoyment of owners and
3 occupants of land adjoining or neighboring such open space.] that:

4 1. As part of, and in consideration of development approval, has been formally set aside, dedicated,
5 designated, or reserved for public use or enjoyment or for the private use and enjoyment of owners and
6 occupants of land adjoining or neighboring such area; and

7 2. Is either unimproved or includes only improvements that pertain to or are incidental to the
8 intended use and enjoyment of the area. Such improvements may include structures, amenities, landscaping,
9 paving or other surface treatments that provide for or facilitate recreation and enjoyment, or that provide for
10 support and maintenance of the area for its intended purposes.

11 **Open Space, Common.** [Land] Open space within or related to a development that is designed and intended
12 for the common use or enjoyment of the residents of the development and their guests.

13 SECTION 5: For purposes of Section 2.100(3) of the City Charter, Sections 19.16.010
14 and 19.18.020 are deemed to be subchapters rather than sections.

15 SECTION 6: The Department of Planning is authorized and directed to incorporate into
16 the Unified Development Code the amendments set forth in Sections 2 to 4, inclusive, of this Ordinance.

17 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
18 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
19 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
20 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
21 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
22 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
23 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

24 ...

25 ...

26 ...

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

PASSED, ADOPTED and APPROVED this 16th day of May, 2018.

APPROVED:

By 
CAROLYN G. GOODMAN, Mayor

ATTEST:


 LUANN D. HOLMES, MMC
 City Clerk

APPROVED AS TO FORM:

Val Steed, _____ Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 21st day of February, 2018, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 16th day of May,
4 2018, which was a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as amended and adopted by the
6 following vote:

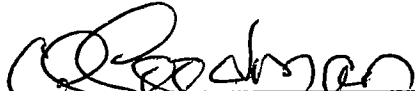
7 VOTING "AYE": Councilmembers Tarkanian, Anthony, Coffin Seroka and Crear

8 VOTING "NAY": Goodman and Fiore

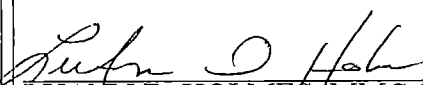
9 EXCUSED: None

10 ABSTAINED: None

11 APPROVED:

12 
13 CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 
16 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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2018 MAR 27 P 12:18

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000974361

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 03/22/2018 to 03/22/2018, on the following days:

03 / 22 / 18

BILL NO. 2018-5

AN ORDINANCE TO PROVIDE IN PRELIMINARY OR SKELETON FORM AN AMENDMENT TO THE UNIFIED DEVELOPMENT CODE TO ESTABLISH A REQUIRED PROCESS FOR PUBLIC ENGAGEMENT IN CONNECTION WITH THE REPURPOSING OF CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Steven G. Seroke

Summary: Provides in preliminary or skeleton form an amendment to the Unified Development Code to establish a required process for public engagement in connection with the repurposing of certain golf courses and open spaces.

At the City Council meeting of
February 21, 2018

BILL NO. 2018-5 WAS READ BY
TITLE AND REFERRED TO A
RECOMMENDING COMMITTEE

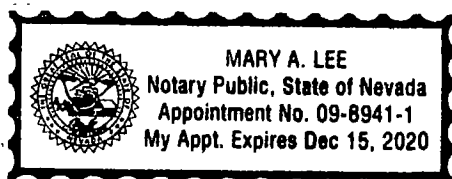
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA

PUB: March 22, 2018
LV Review-Journal

ISI Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 22nd day of March, 2018

Notary Mary Lee



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000985805

2010 MAY 24 A 11: 39

Leslie McCormick, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/19/2018 to 05/19/2018, on the following days:

05 / 19 / 18

FIRST AMENDMENT

**BILL NO. 2018-5
ORDINANCE NO. 6617**

AN ORDINANCE TO AMEND LVMC 19.16.010 TO ESTABLISH A REQUIRED PROCESS FOR PUBLIC ENGAGEMENT IN CONNECTION WITH THE REPURPOSING OF CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Steven G. Seroka

Summary: Amends LVMC 19.16.010 to establish a required process for public engagement in connection with the repurposing of certain golf courses and open spaces.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 21st day of February, 2018, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 16th day of May, 2018, 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":
Councilmembers Tarkanian, Anthony, Coffin, Seroka, and Crear

VOTING "NAY":
Mayor Goodman and Councilwoman Flore

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: May 19, 2018
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 21st day of May, 2018

Notary 

