

ORDINANCE NO. 2975  
(ZCA-12-500194 – Horizon Ridge & Carmichael)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING ORDINANCE NO. 2869, THE ZONING MAP, TO RECLASSIFY CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 30, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D & M., CLARK COUNTY, NEVADA, LOCATED ON THE NORTHWEST CORNER OF HORIZON RIDGE PARKWAY AND CARMICHAEL WAY FROM CO-PUD (COMMERCIAL OFFICE WITH PLANNED UNIT DEVELOPMENT OVERLAY) TO RS-6-PUD (LOW-DENSITY RESIDENTIAL WITH PLANNED UNIT DEVELOPMENT OVERLAY), AND OTHER MATTERS RELATING THERETO

WHEREAS, the City Council of the City of Henderson, Nevada, on September 4, 2012, committed to the rezoning of certain real property totaling 4.3 acres, more or less, located in a portion of Section 30, Township 22 South, Range 62 East, located on the northwest corner of Horizon Ridge Parkway and Carmichael Way from CO-PUD (Commercial Office with Planned Unit Development Overlay) to RS-6-PUD (Low-Density Residential with Planned Unit Development Overlay); and

WHEREAS, KB Home has made application for a zone change; and

WHEREAS, the City Council finds that all of the following criteria have been met:

- a. The proposal is consistent with the Comprehensive Plan.
- b. The planned development addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments.
- c. The planned development complies with the applicable standards of Section 19.4.4, Master Plan Development Overlay, or Section 19.4.5, Planned Unit Development Overlay
- d. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- e. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development.

- f. The same development could not be accomplished through the use of other techniques, such as rezonings, variances or administrative adjustments; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Ordinance No. 2869 of the City of Henderson, Nevada, entitled "Zoning Map adopted" is hereby amended as follows:

The Zoning Map, adopted by reference as an integral part of the title that outlines and defines the various zoning districts that are described in detail and that indicate which land uses are permitted and which are prohibited, shall be amended to reclassify certain real property within the City limits of the City of Henderson, Nevada, as more particularly described below and as depicted in Exhibit A attached hereto, consisting of one page.

That portion of the North Half (N1/2) of Section 30, Township 22 South, Range 62 East, M D.M., City of Henderson, Clark County, Nevada, more particularly described as follows:

Lot 1 as shown on the final map of Carmichael Professional Plaza, a commercial subdivision, recorded in Book 140, Page 52 of Plats, Clark County, Nevada

containing 4.3 acres, more or less, from CO-PUD (Commercial Office with Planned Unit Development Overlay) to RS-6-PUD (Low-Density Residential with Planned Unit Development Overlay).

SECTION 2. That the above-described amendment to the zoning map is subject to the following conditions and waivers

#### PUBLIC WORKS DEPARTMENT CONDITION

1. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits.

#### DEPARTMENT OF UTILITY SERVICES CONDITIONS

2. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.

3. Applicant shall comply with the requirements of the master utility plan established for the project area.

#### FIRE DEPARTMENT CONDITIONS

The authority for enforcing the International Fire Code is NRS 477.030 and Ordinance Numbers 2649 and 2738 as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents

4. Applicant shall submit plans for review and approval prior to installing any gate, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.
5. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
6. Applicant shall submit utility plans containing fire hydrant locations. Fire Department approval is based upon the review of the civil improvement drawings, not planning documents. Fire hydrants shall be installed and operational in accordance with the 2009 International Fire Code Section 1412 as amended
7. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase
8. Applicant shall provide a minimum turning radius of 52 feet outside and 28 feet inside for all portions of the fire apparatus access road (fire lane). This radius shall be shown graphically and the dimensions noted on the drawings.
9. Applicant shall install an approved sprinkler system in all buildings / dwelling units as required by Code.

#### COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

10. The applicant shall submit to the Community Development Department an electronic copy of the site plan with building footprints, driveways, parking, fire hydrants, Fire Department connections, and unit numbers in the latest AutoCAD release prior to issuance of building permits.
11. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.

12. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
13. Prior to issuance of a building permit, applicant shall obtain approval of a materials and debris containment plan from the Building Official. Upon issuance of the building permit, the developer shall use and maintain throughout construction of the project a materials and debris enclosure in accordance with the approved plan.
14. All walls, fences, and gates visible from streets, parking lots, and common areas shall be constructed of decorative materials and installed by the applicant. Unless specifically shown on the approved plans, the use of chain link fence or colored, common gray or painted CMU block shall not be permitted.
15. Applicant shall submit landscaping and irrigation construction documents for Community Development staff review and approval prior to the issuance of a building permit. Landscape and irrigation construction documents shall include all required common area, parking lot, and perimeter landscaping.
16. Unless approved by a phasing plan, all landscaping shall be installed with the first phase of development. All landscaping shall be maintained by the applicant or property owner(s) association.
17. Prior to issuance of a building permit for homes, the applicant shall submit to Community Development and Neighborhood Services a copy of the Owner's Association's (i.e., Homeowners Association or Landscape Maintenance Association) articles of incorporation to include association name, officers, addresses, and resident agent (if applicable).
18. All parking spaces required by Section 19.7 4 (and relevant subsections of 19 5) of the Development Code must be free, unfettered, and permanently available to all users. They must also be maintained for public parking purposes only. This applies to both covered and uncovered parking spaces (required spaces may be covered so long as they are not reserved). Only parking spaces provided in excess of the number required by the Code may be reserved - covered or uncovered - for specific users.
19. Applicant must post a bond with the Public Works Department for the installation of all perimeter landscaping and common open space landscaping and amenities prior to approval of the Civil Improvement Plans.

20. All grading and construction/staging activity must remain completely on-site, or will require the approval of any and all affected adjacent property owner(s).
21. Approval of a design review is required prior to issuance of building permits for houses
22. The east-facing elevations of houses along Carmichael Way must provide enhanced articulation, as approved by Community Development staff.

#### WAIVERS

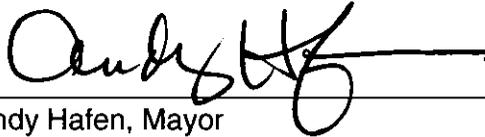
- a. Reduce the required connectivity index to 1.25.
- b. Eliminate the required 10-foot landscape buffer adjacent to Carmichael Way.
- c. Reduce the corner side setback to 5 feet for the four corner lots along Carmichael Way.

SECTION 3. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. All ordinances, or parts of ordinances, sections, subsection, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 5 A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on September 21, 2012, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 18<sup>th</sup> DAY OF SEPTEMBER, 2012.

  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on September 4, 2012, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on September 18, 2012, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held September 18, 2012, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Mayor Andy Hafen  
Councilmembers:  
Sam Bateman  
Debra March  
John F. Marz  
Gerr Schroder

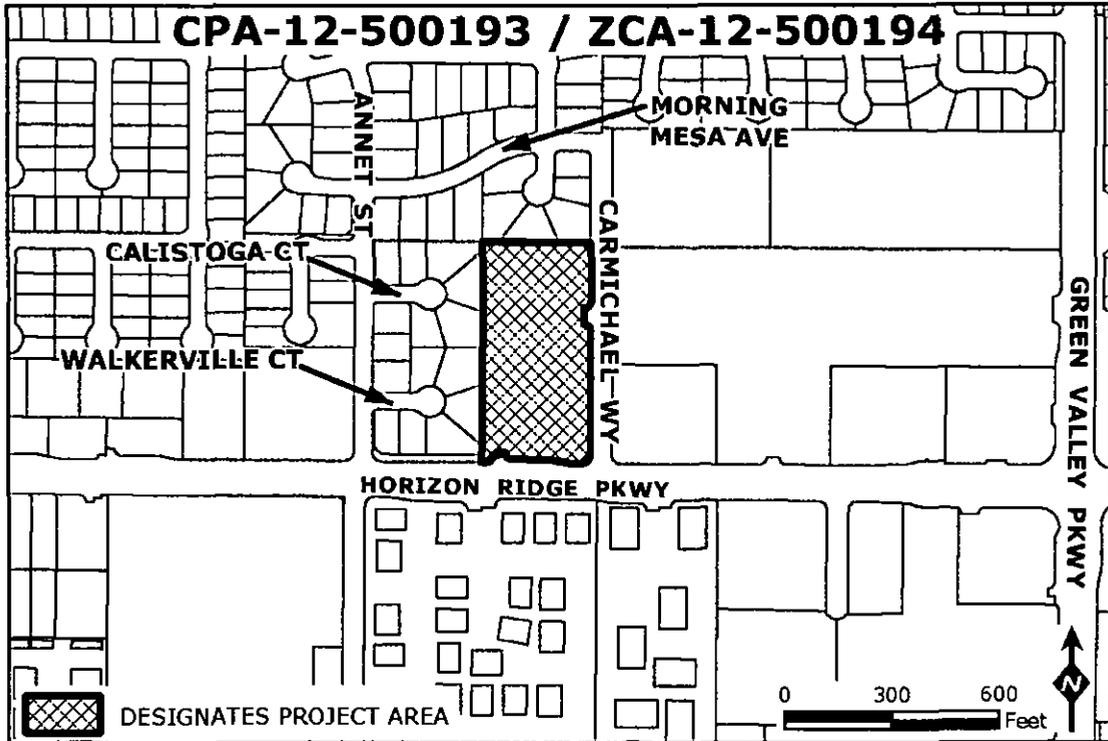
Those voting nay: None  
Those abstaining: None  
Those absent: None

  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, MMC, City Clerk

**EXHIBIT A**  
**ZCA-12-500194 – Horizon Ridge & Carmichael**



Editor's Note: Pursuant to City Charter Section 2 090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored