

ORDINANCE NO. 3415
(ZCA-16-660005-A9 – Tuscany Phase 2)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING ORDINANCE NO. 2870, THE ZONING MAP, TO RECLASSIFY CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 32, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D. & M., CLARK COUNTY, NEVADA, ON 2.0 ACRES, LOCATED AT THE NORTH CORNER OF OLIVIA PARKWAY AND OLIVIA PARKWAY, IN THE TUSCANY REDEVELOPMENT AND TUSCANY PLANNING AREAS TO REZONE FROM CN-MP-RD (NEIGHBORHOOD COMMERCIAL WITH MASTER PLAN AND REDEVELOPMENT OVERLAYS) TO RS-8-MP-RD (LOW-DENSITY SINGLE-FAMILY RESIDENTIAL WITH MASTER PLAN AND REDEVELOPMENT OVERLAYS).

WHEREAS, the City Council of the City of Henderson, Nevada, on June 6, 2017, committed to the rezoning of certain real property totaling 2.0 acres, more or less, located in a portion of Section 32, Township 21 South, Range 63 East, located at the north corner of Olivia Parkway and Olivia Parkway from CN-MP-RD (Neighborhood Commercial with Master Plan and Redevelopment Overlays) to RS-8-MP-RD (Low-density single-family residential with Master Plan and Redevelopment Overlays); and

WHEREAS, Century Communities of Nevada, LLC 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. 2870 of the City of Henderson, Nevada, entitled "Zoning Map update" 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:

LOT 21 OF "TUSCANY PHASE 2, FORMERLY KNOWN AS PALM CITY, PHASE 2", AS SHOWN BY MAP THEREOF IN BOOK 121, PAGE 59 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA, LYING WITHIN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 32, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA.

Containing 2.0 acres, more or less, from CN-MP-RD (Neighborhood Commercial with Master Plan and Redevelopment Overlays) to RS-8-MP-RD (Low-density single-family residential with Master Plan and Redevelopment Overlays).

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

PUBLIC WORKS CONDITIONS

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, nor does it infer approval for final lot configuration, geometry, or roadway layout.
Applicant shall submit a drainage study for Public Works' approval.
3. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2 and dedicate any necessary right-of-way.
4. Applicant shall submit a traffic analysis to address traffic concerns and to determine the proportionate share of this development's local participation in the cost of traffic signals and/or intersection improvements and dedicate any necessary right-of-way.
5. Applicant shall construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.

6. Applicant shall comply with Standard Drawing No. 201.1, which refers to major intersections and dedicate any necessary right-of-way.
7. Streets shall be privately owned and maintained.
8. Applicant shall show the limits of the flood zone and submit a letter of map revision to FEMA prior to the Shear and Tie inspection.

UTILITY SERVICES CONDITIONS

9. Applicant shall submit a utility plan and a utility analysis for Utilities' approval.
10. Applicant shall comply with the requirements of the master utility plan established for the project location.
11. Applicant shall provide the appropriate municipal utility easement(s) and common element(s) at locations where utilities cross property in accordance with the Department of Utility Services' requirements. Municipal utility easements shall be coordinated with the adjacent Weston Hills project and comply with the utility master plan for both projects.
12. Applicant shall resolve all mapping concerns per the Department of Utility Services' requirements. (A4)
13. Civil improvement plans shall comply with the requirements of the most current Uniform Design and Construction Standards for Water Distribution Systems and the Design and Construction Standards for Wastewater Collection Systems. (A4)

BUILDING AND FIRE SAFETY CONDITIONS

14. 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.
15. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
16. 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 prior to starting construction or moving combustibles on site.
17. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
18. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
19. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways.

20. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
21. Applicant shall install an approved sprinkler system in all buildings / dwelling units as required by Code.
Applicant shall obtain a Fire Department permit for assembly use prior to engaging in a hazardous activity or use.
23. Applicant shall obtain a building permit for the "existing" membrane structure. Fire sprinkler riser shall be enclosed in a one-hour rated room with exterior access. Hanging draperies obstructing fire sprinkler discharge shall be removed.

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

24. Developer shall establish a restrictive provision in the condominium by-laws that limits to two the number of units that may be owned by any one person or entity. The wording of the condition shall read substantially as follows, and be approved by the City Attorney prior to map recordation, with a copy of the recorded CC&Rs submitted to the Community Development and Services Department prior to issuance of any permits. "At no time shall title and ownership of more than two units be vested in or held by the same natural person or persons, their agents, assigns, heirs or nominees, or by any corporation, trust organization or other entity, their agents, assigns or nominees. Amendment of the foregoing restrictive provision may be made only by a majority of condominium owners after all units have been sold in accordance with the restrictive provision." The purpose of the provision is the City's effort to ensure the goal of the developer is achieved, which is to maintain the condominium project as a residential condominium with maximum occupancy by resident owners rather than lessees.
25. Applicant shall record CC&Rs outlining the membership structure of the golf course. The wording of the CC&Rs shall be approved by the City Attorney with a copy of the recorded CC&Rs submitted to the Community Development and Services Department prior to issuance of any permits.
26. All private open space, landscaped areas within public rights-of-way, landscaping along public rights-of-way, and landscaping within drainage channels (arroyos) shall be installed by the developer and maintained by a property owners association, unless otherwise approved by City Council. Water conservation shall be a primary design element in the planning, design, and construction of landscaped projects.
27. Permitted uses, prohibited uses, restricted uses, limited uses, and property development standards shall be as approved by this

- application. In the case of a conflict between the approved uses and property development standards and City ordinances, unless specifically approved as a waiver, the most restrictive shall prevail.
28. Maximum build out shall not exceed 2,137 dwelling units. (Revised A5)
 29. Developer shall install and dedicate all public parks and trails utilized as credit against public park requirements in accordance with Public Works, Parks and Recreation Department standards. Specific improvements and timing for installation shall be determined as part of a park agreement. This condition is not a waiver of the Park Construction Tax, which shall require separate approval by the City of Henderson.
 30. Developer shall submit a revised Master Development Plan report, after City Council approval, listing all conditions of approval and waivers.
 31. Applicant shall install full offsite improvements and donate to the City of Henderson a 12-acre elementary school site including the offsite improvements prior to issuance of building permits for non-model homes. Configuration of the school to include offsite requirements shall be as required by the City of Henderson.

WAIVERS

- a. Patio covers with a rear-yard setback of 5 feet without a solid 5-foot-high wall adjacent to the golf course.
- b. (Internal Streets) Private street with a 45-foot right-of-way including a pavement section of 37 feet measured from back-of-curb to back-of-curb; 4-foot sidewalks on both sides of the street; parking on both sides of the street, and 30-inch roll-type curb.
- c. Minimum lot width of 45 feet and a minimum lot size of 4,500 square feet on 235 lots. Allow minimum lot width of 40 feet for Parcels 11 and 6A, minimum lot size of 3,600 square feet for Parcel 11, and minimum lot size of 3,720 for Parcel 6A. (Revised A5)
- d. Multifamily parcel direct access from a non-arterial street that is not identified on the Master Streets and Highways Plan. (Parcel 15)
- e. Interior side-yard setback of zero feet for side-loaded garages on 50 percent of the 50-foot-wide lots. This waiver is for a total of 563 lots.
- f. Maximum block length of up to 1,400 feet.
- g. Allow up to an 8-foot-high CMU perimeter wall where 6 feet is the maximum allowed.
- h. Maximum cul-de-sac length of 600 feet.
- i. Maximum FAR of .60 on 776 lots less than 6,000 square feet.
- j. Allow specialty street lighting fixtures and poles.

- k. Allow a 3 percent slope within the first 10 feet of the rear-yard setback, a 2:1 slope in the remaining 5 feet instead of the standard 1:12 for 15 feet on lots immediately adjacent to the golf course.
- l. Street facing three-car garage on 50 percent of the 50-foot-wide lots where a minimum lot width of 55 feet is required. This waiver is for a total of 563 lots.

SECTION 3. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 4. All ordinances, or parts of ordinances, sections, subsections, 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 June 23, 2017, in the Review Journal.

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PASSED, ADOPTED, AND APPROVED THIS 20TH DAY OF JUNE, 2017.

Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on June 6, 2017, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on June 20, 2017, 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 June 20, 2017, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:	Debra March, Mayor
	Councilmembers:
	John F. Marz
	Gerri Schroder
	Dan Shaw
	Dan H. Stewart

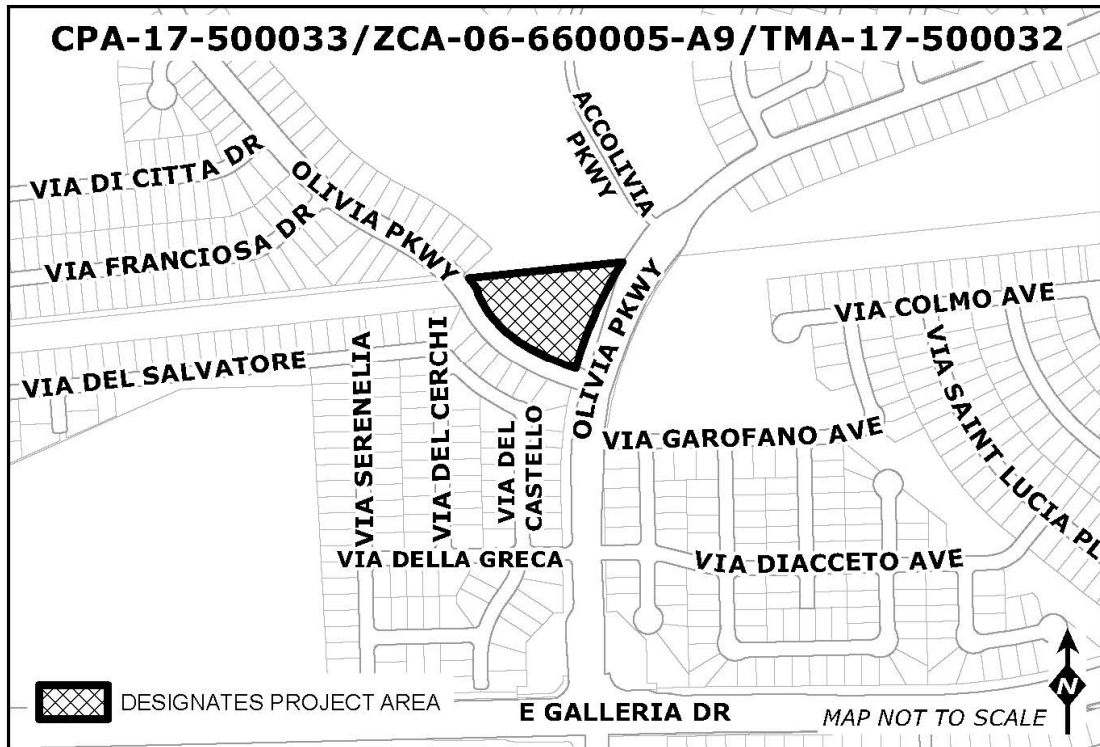
Those voting nay:	None
Those abstaining:	None
Those absent:	None

Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

EXHIBIT A
ZCA-06-660005-A9 – Tuscany Phase 2



Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in [brackets], and language proposed to be added is in blue italics and underlined.