

**NORTH LAS VEGAS CITY COUNCIL  
AGENDA ITEM**

Number: **41**

**SUBJECT:** Ordinance 2438 (ZOA-03-08) an amendment initiated by the City of North Las Vegas to amend Title 17 by adding Section 17.28.067 implementing application and review procedures for developments using the Residential Design Incentive System.

**REQUESTED BY:** City of North Las Vegas

**RECOMMENDATION OR RECOMMENDED MOTION:** It is recommended that on March 19, 2008, Council introduce Ordinance No. 2438 and approve Ordinance No. 2438 on April 2, 2008.

**FISCAL IMPACT:**  
Amount: \$  
Explanation:

**ACCOUNT NUMBER:**

**STAFF COMMENTS AND BACKGROUND INFORMATION:**

At the meeting of February 27, 2008, the Planning Commission unanimously recommended approval (7-0 vote) of the proposed ordinance amendment. Commissioner Dean Leavitt made the motion to approve and Commissioner Harry Shull seconded the motion.

The proposed RDIS procedure is similar to an MUD submission, but final action is with the Planning Commission. The applicant is required to attend presubmittal meetings to determine if the proposed development is in compliance with the RDIS as described in ZOA-02-08. The presubmittal meeting is then followed by a formal application. The RDIS application would be considered by the Planning Commission with the tentative map or site plan application. City Council would review the RDIS application, if an appeal of the Commission decision is filed.

The Planning and Zoning Department recommended approval of the proposed amendment.

**Attachments:**  
Ordinance Number 2438  
Staff Report  
Excerpt from the Planning Commission Minutes

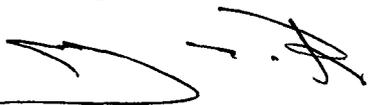
**LIST CITY COUNCIL GOAL(S):**  
Planned and Quality Growth.

**PREPARED BY:**

**RESPECTFULLY  
SUBMITTED:**

**CITY COUNCIL  
MEETING DATE:**

  
Frank A. Fiori, AICP  
Acting Planning and Zoning Director

  
Gregory E. Rose  
City Manager

March 19, 2008  
April 2, 2008  
April 16, 2008  
May 7, 2008

## ORDINANCE NO. 2438

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-03-08) BY ADDING SECTION 17.28.067 IMPLEMENTING APPLICATION AND REVIEW PROCEDURES FOR DEVELOPMENTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS DOES ORDAIN THAT TITLE 17 BE AMENDED AS FOLLOWS:

### **17.28.067 Procedure for Residential Design Incentive System Development Approval.**

#### **A. Generally.**

Any development proposal that seeks to utilize Section 17.24.225, Residential Design Incentive System (RDIS), shall be reviewed according to the provisions of this section. All RDIS applications shall be reviewed and approved by the Planning Commission or City Council, as appropriate to the application, prior to any physical development on the subject property.

#### **B. Pre-Submittal Conference.**

Prior to formal submittal of an application for RDIS development, a pre-submittal conference, which may include more than one meeting, shall be held between the developer (or an authorized representative) and city staff from all reviewing departments. The purpose of the conference shall be to discuss conceptual development plans, the review and approval process, and the submittal requirements.

1. All documents required for the pre-submittal conference shall be submitted at least seven days prior to the initial meeting with city staff.
2. Submittal Requirements. The following documents shall be provided for the pre-submittal conference. Incomplete documents shall postpone the pre-submittal process.
  - a. Project Description (one page maximum);
  - b. Residential Design Incentive Matrix clearly indicating the following:
    - i. Site Plans (may be conceptual for pre-submittal only);
    - ii. Supporting documents and plans relevant to the points being claimed for the development;
    - iii. Existing conditions map/aerial photo identifying all buildings, driveways, streets, etc. within five hundred (500) feet of the subject site;

- iv. Circulation plan for vehicles showing all roads, driveways, and parking areas;
  - v. Circulation plan for pedestrians and bicycles identifying all sidewalks, bike lanes, pathways, trails, and other features;
  - vi. Open space plan identifying all open space and amenities proposed for the site, including the general location of all proposed pedestrian priority areas;
  - vii. Building elevations (may be conceptual for pre-submittal only); and
  - viii. Renderings (may be conceptual for pre-submittal only).
- c. Performance Measures. The city shall use the following performance measures to evaluate conceptual development plan for RDIS development:
- i. The conceptual development plan demonstrates conformance with the purposes of the RDIS development district as outlined in Section 17.24.225 of this code.
  - ii. The conceptual plan demonstrates that the proposed site is appropriate for RDIS development based on consistency with the Comprehensive Master Plan and achievement of minimum qualifying density points as defined in Section 17.24.225 of this code.

**C. Application.**

Upon a determination by the city that the conceptual plans meet the performance measures listed above, the applicant may obtain the necessary application forms from the planning and zoning department regarding relevant procedure and required materials for complete application packets. Application forms properly completed with all supporting plans and documents and accompanied by the required fee shall be submitted to the planning and zoning department.

**D. Planning Commission Review**

1. Review Procedure. Review should take place contemporaneously with all other underlying applications.
2. Review Criteria. In reviewing RDIS applications, the commission may consider:
  - a. Interrelationship of plan elements to conditions both on and off the property;
  - b. Conformance to the City of North Las Vegas Comprehensive Master Plan;

- c. Allocation of points in the RDIS matrix and appropriate density;
- d. The impact on the existing and anticipated traffic and parking conditions;
- e. The adequacy of the plan with respect to mix of land uses;
- f. Pedestrian and vehicular ingress and egress;
- g. Architectural and urban design;
- h. Landscaping;
- i. Provisions for utilities and other infrastructure;
- j. Site drainage;
- k. Open space and/or public land dedications;
- l. Grading; and
- m. Other related matters.

The commission shall consider oral or written statements from the applicant, the public, city staff, or its own members.

- 3. Decision. If the planning commission finds the application meets the performance measures in B.2(c) and criteria in D.2, they shall approve or approve with conditions the development application.
- 4. Denial of RDIS Approval. If an application for RDIS development is denied, the applicant has the option of appealing the decision to the city council (within seven days) or submitting a revised application for RDIS approval.

**E. Amendments to RDIS Approval**

Any amendments will be governed by the requirements for the underlying application.

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 3: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 5: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2008.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

\_\_\_\_\_  
MICHAEL L. MONTANDON, MAYOR

ATTEST:

\_\_\_\_\_  
KAREN L. STORMS, CMC, CITY CLERK

CITY OF NORTH LAS VEGAS  
MEMORANDUM

TO: PLANNING COMMISSION  
FROM: PLANNING & ZONING DEPARTMENT  
SUBJECT: **# 9) ZOA-03-08; ZONING ORDINANCE AMENDMENT**  
DATE: February 27, 2008

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This application has been tabled from the February 13, 2008 Planning Commission meeting due to power outage during meeting.

**Attachments:**

Original staff report dated February 13, 2008

**#15) ZOA-03-08  
ZONING ORDINANCE AMENDMENT  
PUBLIC HEARING**

**STAFF REPORT**

To: Planning Commission  
Item: ZOA-03-08

Meeting Date: February 13, 2008  
Prepared By: Robert Eastman

**GENERAL INFORMATION:**

Applicant: City of North Las Vegas  
Requested Action: To amend the Zoning Ordinance (§17)

**BACKGROUND INFORMATION:**

An ordinance initiated by the City of North Las Vegas to amend Title 17 by adding Section 17.28.067 implementing application and review procedures for developments using the Residential Design Incentive System. The proposed amendment is intended to complement ZOA -01-08 and ZOA-02-08, which are also submitted for your consideration.

With the proposed amendment, the city proposes to create the legal application procedure for submittals using the Residential Design Incentive System (RDIS). The procedure is similar to the Mixed-Use District with some modifications.

**ANALYSIS:**

The proposed RDIS procedure is similar to an MUD submission, but final action is with the Planning Commission. The applicant is required to attend presubmittal meetings to determine if the proposed development is in compliance with the RDIS as described in ZOA-02-08. The presubmittal meeting is then followed by a formal application. The RDIS application would be considered by the Planning Commission with the tentative map or site plan application. Staff reviews the application and makes a recommendation to the Planning Commission regarding the density of the development.

The review by the Planning Commission is similar to a tentative map application with a few additional steps. The Commission reviews the submitted tentative map or site plan and determines if the density is supported by the amenities. City Council would review the RDIS application, if an appeal of the Commission decision is filed.

**RECOMMENDATION:**

The Planning & Zoning Department recommends that ZOA-03-08 be considered and Title 17 be amended to include Section 17.28.067.

**17.28.067 Procedure for Residential Design Incentive System Development Approval.**

**A. Generally.**

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1. All documents required for the pre-submittal conference shall be submitted at least seven days prior to the initial meeting with city staff.
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    - iv. Circulation plan for vehicles showing all roads, driveways, and parking areas;
    - v. Circulation plan for pedestrians and bicycles identifying all sidewalks, bike lanes, pathways, trails, and other features;
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  - c. Performance Measures. The city shall use the following performance measures to evaluate conceptual development plan for RDIS development:
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qualifying density points as defined in Section 17.24.225 of this code.

**C. Application.**

Upon a determination by the city that the conceptual plans meet the performance measures listed above, the applicant may obtain the necessary application forms from the planning and zoning department regarding relevant procedure and required materials for complete application packets. Application forms properly completed with all supporting plans and documents and accompanied by the required fee shall be submitted to the planning and zoning department.

**D. Planning Commission Review**

1. Review Procedure. Review should take place contemporaneously with all other underlying applications.
2. Review Criteria. In reviewing RDIS applications, the commission may consider:
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  - b. Conformance to the City of North Las Vegas Comprehensive Master Plan;
  - c. Allocation of points in the RDIS matrix and appropriate density;
  - d. The impact on the existing and anticipated traffic and parking conditions;
  - e. The adequacy of the plan with respect to mix of land uses;
  - f. Pedestrian and vehicular ingress and egress;
  - g. Architectural and urban design;
  - h. Landscaping;
  - i. Provisions for utilities and other infrastructure;
  - j. Site drainage;
  - k. Open space and/or public land dedications;
  - l. Grading; and
  - m. Other related matters.The commission shall consider oral or written statements from the applicant, the public, city staff, or its own members.
3. Decision. If the planning commission finds the application meets the performance measures in B.2(c) and criteria in D.2, they shall approve or approve with conditions the development application.
4. Denial of RDIS Approval. If an application for RDIS development is denied, the applicant has the option of appealing the decision to the city council (within seven days) or submitting a revised application for RDIS approval.

**E. Amendments to RDIS Approval**

Any amendments will be governed by the requirements for the underlying application.

9. **ZOA-03-08 (33775) CNLV (PUBLIC HEARING). AN ORDINANCE INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 BY ADDING SECTION 17.28.067 IMPLEMENTING APPLICATION AND REVIEW PROCEDURES FOR DEVELOPMENTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (TABLED FEBRUARY 13, 2008)**

**DRAFT**  
The application was presented by Robert Eastman, Principal Planner who explained ZOA-03-08 was for the procedures for the Residential Design Incentive System (RDIS), which were similar to what was currently used with the mixed use ordinance. The difference was that final action for an item using the RDIS, was a tentative map approved by the Planning Commission, whereas, a mixed use ordinance would be forwarded to City Council for final consideration. Other than that, the application and the review procedure was very similar to a mixed use development, in that there was a pre-development meeting with the applicant to try to have the applicant and Staff work together to hash out all of the problems or to work together to get the density that was requested, so when the application was presented to the Planning Commission, all parties were in agreement and approval would be recommended. Staff was recommending that ZOA-03-08 be approved.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt thanked Staff for their efforts to bring the Title 17 changes to fruition.

**ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION**

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner Shull**

**AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas**

**NAYS: None**

**ABSTAIN: None**