

ORDINANCE NO. 3360  
(ZCO-01-670025-A20 – The Canyons Parcel F/L)

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 PORTIONS OF SECTION 31 AND 32, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.B. & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED ON CANYON HEIGHTS DRIVE SOUTHEAST OF ITS INTERSECTION WITH SUNRIDGE HEIGHTS PARKWAY, IN THE MACDONALD RANCH PLANNING AREA TO AMEND A ZONE CHANGE/MASTER PLAN TO REVISE A CONDITION OF APPROVAL TO ALLOW THE TRANSFER OF THREE RESIDENTIAL LOTS FROM PARCEL L TO PARCEL F, AND MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on August 16, 2016, committed to the rezoning of certain real property totaling 55 acres, more or less, located in a portions of Section 31 and 32, Township 22 South, Range 62 East, generally located on Canyon Heights Drive southeast of its intersection with Sunridge Heights Parkway to amend a zone change/master plan to revise a condition of approval to allow the transfer of three residential lots from Parcel L to Parcel F; and

WHEREAS, Pulte Homes has made application for a zone change; and

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

- a. The proposed hillside plan preserves the integrity of and locates development with the least impact upon sensitive peaks and ridges, or any other significant topographical feature designated on the existing conditions report per Section 19.4.8.D.2(b).
- b. Minimizes grading and site disturbance.
- c. Locates development compatibly with the natural terrain.
- d. Provides for adequate drainage, protects downstream properties, and minimizes erosion.
- e. Provides for development standards in excess or equal to those required by this ordinance.
- f. The proposal is consistent with the Comprehensive Plan.
- g. 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.

- h. 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.
- i. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- j. 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.
- k. The same development could not be accomplished through the use of other techniques, such as rezonings, variances or administrative adjustments.

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:

SITUATED IN THE WEST HALF (S 1/2) OF SECTION 32, AND THE NORTHEAST (NE ¼) OF SECTION 31, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, COUNTY OF CLARK, NEVADA, DESCRIBED AS FOLLOWS:

PARCEL L OF PARENT FINAL MAP OF THE CANYONS AS SHOWN BY MAP HERE OF ON FILE IN BOOK 118 OF PLATS, PAGE 91 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL F OF PARENT FINAL MAP OF THE CANYONS AS SHOWN BY MAP HERE OF ON FILE IN BOOK 118 OF PLATS, PAGE 91 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

Containing 55 acres, more or less, to amend a zone change/master plan to revise a condition of approval to allow the transfer of three residential lots from Parcel L to Parcel F.

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

#### 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.
2. Applicant shall submit a drainage study for Public Works' approval.
3. 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 all necessary right-of-way.
4. Applicant shall construct full offsites per Public Works' requirements and dedicate all necessary right-of-way.
5. Applicant shall resolve all mapping concerns per Public Works' requirements.
6. FHA Type B drainage shall be allowed only where lots drain directly to public drainage facilities, public parks, or golf courses.
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.
9. Applicant shall submit new Civil Improvement Plans per Public Works' requirements.
10. No disturbance is allowed in the open space designated areas (conservation areas).

#### PARKS AND RECREATION CONDITIONS

11. Applicant shall complete a Park Agreement prior to Civil Improvement Plan approvals.
12. Revise appropriate exhibits per discussions with Parks and Recreation and Community Development staff to correctly identify all park areas/facilities and adjacent City of Henderson properties.
13. Applicant must provide an 8-foot concrete trail along Sunridge Heights Parkway.

#### UTILITY SERVICES CONDITIONS

14. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
15. Applicant shall comply with the requirements of the master utility plan established for the project area.

16. Applicant shall be required to construct a full-frontage water main extension along Green Valley Parkway and Sunridge Heights.
17. Applicant shall be required to construct a full-frontage sewer main extension along Green Valley Parkway and Sunridge Heights.
18. Applicant shall resolve all mapping concerns per the Department of Utility Services' requirements.
19. Civil improvement plans shall comply with the requirements of the Uniform Design and Construction Standards for Water Distribution Systems and the Design and Construction Standards for Wastewater Collection Systems.
20. Applicant shall prepare water and sewer system design in accordance with the Department of Utility Services' requirements. Approval of this application does not infer Department of Utility Services' approval for the water and sewer system layout as reflected on the application.
21. All onsite sewer shall be privately owned and maintained, additionally all proposed streets shall be private in accordance with HMC 13.08.
22. Applicant shall complete all necessary infrastructure to obtain municipal water and sewer service including but not limited to all necessary pump stations, transmission mains, and reservoirs.
23. Applicant may be required to participate for future refunding agreement for water and sewer in accordance with the Department of Utility Services' requirement.

#### BUILDING AND FIRE SAFETY 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. Building and Fire Safety approval is based upon review of the civil improvement or building drawings, not planning documents.

24. 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.
25. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
26. 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.
27. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.

28. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
29. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways.
30. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
31. 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.
32. Applicant shall install an approved sprinkler system in all dwelling units as per the Hillside ordinance.

#### COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

33. All aboveground public and private owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
34. 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.
35. 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.
36. Berming shall be utilized to screen roadways leading to Parcels I and J. Applicant shall meet with neighbors adjacent to affected areas for resident input prior to issuance of any residential building permits for the community. (Amended A6)
37. Development shall set back from sensitive ridgelines in accordance with the provisions of the Hillside Overlay District.
38. Applicant shall ensure that the required 100-foot buffers will have no buildings. Site disturbance may occur for non-building uses such as utilities. The intent is to leave the buffer with as little site disturbance as practicable.
39. The maximum number of units per parcel shall be per the table shown on the "Proposed Zoning and Land Use Exhibit" dated June 10, 2015. The total number of units for the master plan shall not exceed 571. (Revised A18)
40. The applicant shall address light pollution and traffic safety at the time of planned unit development or tentative map application submittals.

41. There shall be no density transfers to parcels other than parcels B, C, D, K, N, O, P, and R; the 3 approved lots of Parcel L are added to Parcel F with Amendment A20, with no additional transfers allowed in the future. (Amended A20)
42. Subject to Public Works' approval, vacation of all necessary right-of-way, and approval of all affected property owners, Canyon Highlands Drive shall be gated at the eastern border of Parcels B and C/D.
43. The applicant shall construct a 6-foot decorative masonry wall (decorative on both sides) along all property lines of Parcel B that are not adjacent to Green Valley Parkway or Sunridge Heights Parkway. (Amended A20)
44. The disturbed areas at the southeastern portion of Parcels B and C/D, especially those areas visible from Sun City MacDonald Ranch, shall be varnished per City hillside ordinance requirements prior to issuance of certificates of occupancy for buildings in the affected area(s).
45. Street and building lighting in the areas of Parcels B and C/D that are visible from Sun City MacDonald Ranch shall be low-level and reviewed and approved by Community Development staff prior to installation.
46. The applicant must submit, for Community Development approval, a more detailed restoration exhibit for each parcel prior to approval of a final map. The exhibit must specify, for all areas to be restored in association with development of each parcel, what restoration methods will be used, such as revegetation by planting or seeding, placement of boulders, and/or varnishing.
47. Noncompliance with County dust regulations shall result in the City issuing a stop work order. (Added by CC - A15)

#### WAIVERS

- a. Allow the maximum length of vertical cut at 580 feet as opposed to 150 feet (Parcel E only).
- b. Allow maximum 18-foot-high retaining walls where 6 feet is the maximum allowed by code with 6-foot offsets (Parcel E only).
- c. Allow 30-foot right-of-way where 42 feet is the requirement (Parcel E only).
- d. Allow for private gated streets on Parcels C/D, B, R, F, H, and L.
- e. Allow cuts and fills to exceed 35 feet in height and 150 feet in length. This waiver applies to Parcels B, C/D, F, H, L and R.
- f. To allow increase the amount of time for site revegetation/varnish to be completed within 180 days of completion of work or prior to issuance of a certificate of occupancy, whichever occurs first.
- g. To allow transplanted and container plant materials to be substituted for seeding to revegetate disturbed slopes.

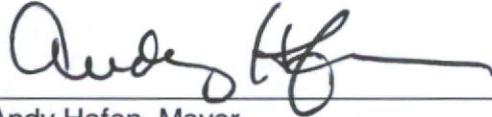
- h. Allow 27-foot right-of-way where 42 feet is the requirement (Parcel K,N,O, and P only). (A13)
- i. Allow 12-foot-high decorative masonry retaining walls with 6 feet between walls.
- j. For internal residential streets, allow: 1) a 41-foot private street with a 4-foot sidewalk on one side for streets with lots fronting both sides of the street; 2) a 33-foot private street with a 4-foot sidewalk on one side for streets with lots fronting only 1 side; 3) a 51-foot public right-of-way with L-curbing and 5-foot sidewalks on both sides.
- k. For Canyon Highlands Drive past Parcel B and for Canyon Heights Drive past Parcel E, allow a 51-foot public right-of-way with 37 feet curb-to-curb plus a 4-foot sidewalk on one side.

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 September 9, 2016, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 6<sup>TH</sup> DAY OF SEPTEMBER, 2016.



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 August 16, 2016, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on September 6, 2016, 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 6, 2016, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Andy Hafen, Mayor  
Councilmembers:  
Debra March  
John F. Marz  
Gerri Schroder

Those voting nay: None  
Those abstaining: None  
Those absent: Sam Bateman



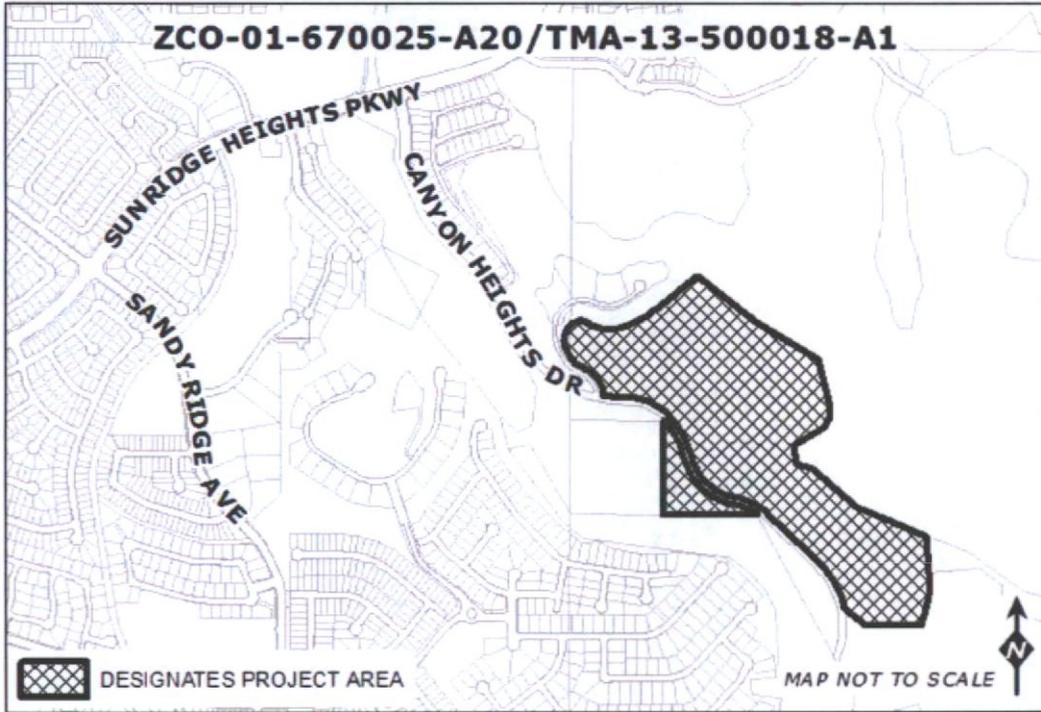
Andy Hafen, Mayor

ATTEST:



Sabrina Mercadante, MMC, City Clerk

EXHIBIT A  
ZCO-01-670025-A20 – The Canyons Parcel F/L



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.