



Planning Commission Agenda Item

Date: December 09, 2020
Item No: 29.

TO: Planning Commission

FROM: Marc Jordan, Director Land Development & Community Services
Prepared By: Robert Eastman

SUBJECT: ZOA-03-2020 CNLV ZONING ORDINANCE AMENDMENT (Public Hearing). Applicant: City of North Las Vegas. Request: An amendment to Title 17 (Zoning Ordinance) to amend various provisions including but not limited to procedures, permitted uses, parking, and definitions and providing for other matters properly related thereto. (For possible action)

RECOMMENDATION:

The Land Development and Community Services Department recommends that ZOA-03-2020 (Ordinance 3048) be approved and forwarded to the City Council for final consideration.

BACKGROUND INFORMATION:

The City is proposing amendments to multiple sections of the Zoning Ordinance (Title 17). Some of the modifications are intended to help streamline the development process within the ordinance. The majority of the amendments are to housekeeping type items to eliminate unused sections and help clarify sections with the code.

DEPARTMENT COMMENTS:

Public Works:	No comment.
Police:	No comment.
Fire:	No comment.

ANALYSIS

Note: Within Ordinance 3048 language shown in ~~Red-strike-out~~ is proposed to be deleted, and language shown in **Red** is new language.

The following annotated list provides some commentary and explanations regarding the ordinance. The sections are numbered to match the sections within the corresponding attached ordinance.

Section 1: Section one amends the procedure table. This change reflects some of the proposed modifications to the waivers that are in section 4. Specifically, the Planning Commission will be the final action on waivers. Currently the Planning Commission is the recommending body and the City Council is the decision making body.

Section 2: This section will modify the procedures for a zoning map amendment (rezoning).

Currently, if a rezoning request is denied by the Planning Commission it only proceeds to the City Council if appealed by the applicant. Rezoning requests with a recommendation for approval are automatically forwarded to the City Council for final action. Rezoning requests for a Planned Unit Development / Planned Infill Development (PUD/PID) and all Comprehensive Land Use Amendments are forwarded to the City Council for final action with a recommendation by the Planning Commission for either approval or denial.

With this proposed modification all rezoning applications will be treated in a similar manner. The Planning Commission will be a recommending body and will forward all rezonings for final action to the City Council.

Section 3: This removes a conflict. Modifications to sign area and sign height are allowed to apply for a Special Use Permit.

Section 4: The most important modification to the procedures for Waivers is making the Planning Commission the decision making body. Normally, Waivers accompany Site Plan Reviews or Tentative Maps. The Planning Commission is the decision making authority on these items and is more familiar with item and requested waiver. Additionally, with this modification developers will be able to start projects more quickly. The other modifications to this code section are: removing setback waivers, because they require variances; removing lot coverage waivers, because we do not have a lot coverage requirement; and correcting the tree sizing requirements.

Section 5: The following modifications to the Permitted Use Table are proposed:

- § "Primary School" is merged with "Elementary and Secondary School."
- § "Athletic Club (indoor only)" is merged with "Health and Fitness Center"
- § "Tattoo Establishment" is added as a special use in the C-1, and C-2 Districts.
- § "Vehicle, Boat, and RV Sales and Rental Lot" are split into two categories, indoor and outdoor. The use that is contained indoors is a permitted use in the C-2, M-1, and M-2 Districts. The outdoor use remains as a special use within the C-2, M-1, and M-2 Districts.
- § "Freight Terminals" is added as a permitted use in the M-1 District
- § "Nursery Sales" is added as a permitted use in the C-2 District

- § “Delicatessen and Catering Establishment” is added as a conditional use in the C-1 and C-2 Districts. A condition requiring indoor storage of all vehicles within these districts is added.
- § “On-Sale” Liquor Uses is added as a special use in M-1 District.
- § “Fast Food Restaurant” is changed from a special use to a permitted use in the RA / DC Subdistrict.
- § “Bank and Financial Institution” is changed from a special use to a conditional use in the C-P, C-1, C-2, and M-1 Districts.
- § “Convenience Food Store with Gas Pumps” is added as a special use in the M-3 District
- § “Vehicle, Boat, and RV Repair Facility” is changed from a special use to a conditional use in the M-2 District
- § “Vehicle, Boat, and RV Service Facility” is changed from a special use to a conditional use in the C-2 District
- § “Vehicle Washing Establishment” is changed from a special use to a conditional use in the M-2 District
- § “Tire Sales, Repair and Mounting” is changed from a special use to a conditional use in the C-2 District; and changed from a permitted use to a conditional use in the M-2 District; and conditions are added (Section 8)
- § “Industrial and Business Support Service Establishment” is added as a permitted use in the C-2 District.

Section 6: Two modifications are proposed for liquor licensing. The first is removing the 500 foot separation requirement for Full liquor “Off-Sale” uses (liquor stores). Many applicants have requested a waiver of this requirement. This waiver is normally granted by the Planning Commission or City Council, therefore, Staff determined that the 500 foot separation requirement should be removed. The second modification is correcting a formatting error in the code.

Section 7: References to the vehicle stacking requirements were added to the specific conditions for Fast Food Restaurants.

Section 8: Conditions for Tire Sales facilities were added. In Section 5 we are proposing to have Tire Sales Facilities as a Conditional Use in the C-2, General Commercial District and in the M-2, General Industrial Districts. These conditions are very similar to the conditions for vehicle service facilities. Adding them to the code, allows staff to review and approve these facilities if these conditions are met.

Section 9: Clarifications to the accessory building requirements. With the proposed amendment, more than one accessory building could be built on a residential lot, but the total can only be a maximum of 25% of the rear yard area.

Section 10: Portable vending trailers size is increased from 12’ X 8’ to 16’ X 8’. The proposed change is more consistent with the size of vending trailers, while still requiring the trailer to fit within one parking space (18’ X 9’).

Section 11: A note to the allowed encroachments was added: which requires front yards in the R-1, Single-Family Low Density District to have at least 10 feet of depth before reaching any portion of the house.

Section 12: After consulting with Public Works, we are proposing to allow paver strips for RVs to be added within the front yard. Currently, RVs are allowed to park within the side and rear yards. However, the property owner was required to utilize their existing driveway. In many cases that is not practical, and the requirement was removed.

Section 13: Instead of dictating a parking space size for handicapped spaces the proposed amendment adds a reference to the ADA. The Americans with Disabilities Act (ADA) requires different sized parking spaces, either car or van spaces. Currently our code requires a (13' X 18') parking space for handicapped vehicles, which does not fully comply with ADA requirements.

Section 14: A few modifications to the minimum parking requirements are proposed. One change is for multi-family housing for senior citizens be allowed to have one parking space per unit. This standard was previously used by the City prior to adoption of the current code in 2011. Since then, many senior housing developments have received parking reductions. The reduced parking has not created a negative impact on the surrounding neighborhoods, and staff is proposing a return to the previous parking standard. The other changes are creating parking requirements for day care facilities and for mini-warehousing facilities. The parking requirements for day care facilities were inadvertently removed during the 2011 code revision and are still needed. The mini-warehousing parking standards were placed in the use-specific standards section in the code revision and are being added to the chart for clarity.

Section 15: This is a complete revision of the Bicycle Facilities and Parking regulations.

In December 2019, City Council adopted the Citywide Pedestrian & Bicycle Plan (CPBP) as a component of the Comprehensive Master Plan. The CPBP includes various recommendations to increase the usability of the City's bicycle network by increasing safety and comfort. One of the recommendations for the City is a revision of the current bicycle parking requirements to better align with the standards of the Association of Bicycle and Pedestrian Professionals (APBP) Bicycle Parking Guidelines.

Recently, the City has also partnered with the Southern Nevada Health District to improve the quality of the pedestrian and bicycle network as part of a grant from the CDC's Racial and Ethnic Approach to Community Health Program (REACH). The focus of the program is to effect change through policy changes and implementation. Currently, the City's second REACH project includes this update to the zoning ordinance to better utilize bicycle facilities throughout the community.

One of the most obvious changes includes calculating required bicycle parking using gross floor area, which is a similar manner as used for traditional vehicle parking. Also, the bicycle facilities requirements are amended to better reflect current bicycle facility and rack design and safety.

Section 16: The proposed revision is removing a provision to allow a development to provide more parking than the maximum allowed. However, the City did not adopt standards to restrict parking. Therefore, this is removing an unneeded section of our code.

Section 17: The proposed amendment is a change in the way landscaping trees are measured. The proposed standard is to use 24-inch box and 36-inch box trees as a standard. These are more common sizes for trees in the valley and these are the sizes sold by the nurseries.

Section 18: This proposed amendment corrects the references within the table.

Section 19: This proposed amendment changes how walls can be constructed within a residential front yard. Walls within the front yard are required to remain 36 inches in height. The proposed language defines “front yard” to mean the entire yard between the front of the house and the front property line. The current definition uses “required front yard” which is the setback area or the required 15 to 20 feet from the front property line. The existing front yard standard allows a home owner to build a much taller eight foot wall behind the front setback, but in front of the home. This could enable a homeowner to construct a courtyard wall that obscures the entry to the home and creates a fortress look to the individual home. This would create a negative impact on the neighboring properties and is undesirable. Therefore, the proposed amendment should correct this potential situation.

Section 20: Clarifications to the wall standards for commercial and industrial areas were added. The clarification adds a minimum height of six feet to ensure a more intense use is properly screened.

Section 21: The architectural design standards for industrial building is amended to allow architectural metal as an exterior building material. The intent is to allow more flexibility in the construction of industrial buildings and utilize newer building materials.

Section 22: This amendment modifies three definitions and creates one definition. The amendments to the definitions are intended to provide more clarity and reduce conflicts. The existing definition for distribution center is too prescriptive and does not reflect how many distribution centers are built or operate. The definitions for personal services and vending facility add language that conflicts with other parts of the code. For example, dry cleaning services and fitness studios are land uses and are not a subset of personal services; while Title 5 (Business Licensing) does not permit portable

vending in carts. The new definition is for decorative walls, to provide some direction to applicants and staff, to ensure the proper wall designs are used throughout the City.

ATTACHMENT

Proposed Ordinance No. 3048 (Redlined)