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BILL NO. 2009-26

ORDINANCE NO. 6048

AN ORDINANCE TO PROVIDE ALTERNATIVE MINIMUM ON-SITE PARKING REQUIREMENTS FOR CERTAIN MIXED-USE DEVELOPMENTS AND OTHER QUALIFYING USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Provides alternative minimum on-site parking requirements for certain mixed-use developments and other qualifying uses.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 19, Chapter 10, Section 10, Subsection (H), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(H) Parking Alternatives. The Director is authorized to allow parking requirements to be met by [either one or a combination of the methods described in this section.] any method described in this Subsection (H), or any combination of such methods.

(1) Off-Site Parking. The parking requirements may be met by locating the required parking spaces on a separate parcel from the lot on which the principal use is located. Off-site parking may be approved only if:

(a) The parcels containing the use and the off-site parking are under common ownership;

(b) The parcel to be used for parking is located not more than three hundred feet from the building or use it is intended to serve;

(c) The parcel to be used for parking is not separated or divided from the building or use it is intended to serve by a freeway, expressway, highway or primary thoroughfare;

(d) The applicant satisfies the Director that the use of the off-site parcel for parking will not be detrimental to public safety; and

(e) The owner of the parcels executes an agreement or similar document, satisfactory to the City Attorney, which outlines the terms and conditions of the off-site parking use.

The document must contain the legal description of both the off-site parcel and the parcel where the principal use is located and must be of sufficient duration to ensure the continued use of the off-site

1 parcel for parking. In order to provide record notice of the existence of the off-site parking
2 arrangement, the City may record the document in the office of the County Recorder, or require the
3 applicant to do so.

4 (2) Shared Parking. The parking requirements may also be met by securing the consent
5 to share parking facilities on another parcel and under another ownership. Shared parking may only
6 be approved if:

7 (a) The shared facilities are located on a parcel zoned for such use;

8 (b) The shared facilities are not more than three hundred feet from the building or
9 use they are intended to serve;

10 (c) The shared facilities are not separated or divided from the building or use they
11 are intended to serve by a freeway, expressway, highway or primary thoroughfare;

12 (d) The owners of the parcels cooperatively establish and operate the facilities;

13 (e) The uses separately generate parking demands, primarily during hours when
14 the remaining uses are not in operation;

15 (f) A minimum number of spaces are provided to meet the requirements of the use
16 with the single greatest parking demand;

17 (g) Satisfactory evidence, as deemed by the Director, has been submitted describing
18 the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential
19 conflict; and

20 (h) The owners of the parcels execute an agreement, satisfactory to the City
21 Attorney, which outlines the terms and conditions of the shared parking arrangement. The agreement
22 must contain the legal description of both parcels and must be of sufficient duration to ensure the
23 continued use of the shared parking facilities. In order to provide record notice of the existence of the
24 shared parking arrangement, the City may record the agreement in the office of the County Recorder,
25 or require the applicant to do so.

26 (3) Mixed-Use Development-Alternative Parking Requirements. Mixed-use developments
27 that are approved pursuant to Chapter 19.04 may utilize Table 3 below for determining parking
28 requirements as an alternative to those otherwise applicable under this Section and Chapter 19.04.

1 A hotel/casino mixed-use development may choose the alternative determination available under this
 2 Paragraph (3) or the administrative reduction available under Subsection (I) of this Section, but may
 3 not take advantage of both alternatives or any combination thereof.

4 **Table 3 Mixed-Use Developments–Alternative Parking Requirements**

<u>General Land Use Classification</u>	<u>Weekdays</u>			<u>Weekends</u>		
	<u>Mid - 7 am</u>	<u>7 am - 6 pm</u>	<u>6 pm - Mid</u>	<u>Mid - 7 am</u>	<u>7 am - 6 pm</u>	<u>6 pm - Mid</u>
<u>Office & Professional</u>	<u>5%</u>	<u>100%</u>	<u>5%</u>	<u>0%</u>	<u>60%</u>	<u>10%</u>
<u>Retail & Personal Services</u>	<u>0%</u>	<u>100%</u>	<u>80%</u>	<u>0%</u>	<u>100%</u>	<u>60%</u>
<u>Residential</u>	<u>100%</u>	<u>55%</u>	<u>85%</u>	<u>100%</u>	<u>65%</u>	<u>75%</u>
<u>Restaurant</u>	<u>50%</u>	<u>70%</u>	<u>100%</u>	<u>45%</u>	<u>70%</u>	<u>100%</u>
<u>Hotel</u>	<u>100%</u>	<u>65%</u>	<u>90%</u>	<u>100%</u>	<u>65%</u>	<u>80%</u>
<u>Theaters/Entertainment & Amusement</u>	<u>0%</u>	<u>70%</u>	<u>100%</u>	<u>5%</u>	<u>70%</u>	<u>100%</u>

12 (a) Calculation of Parking Requirement. Calculate the number of spaces required
 13 for each use based on the applicable parking requirements calculated under this Section and Section
 14 19.04. Applying the general land use category listed above to each proposed use, utilize the
 15 percentages to calculate the number of parking spaces required for each time period (six time periods
 16 per use). Add the number of spaces required for all applicable land uses to obtain a total parking
 17 requirement for each time period. Select the time period with the highest total parking requirement,
 18 and utilize that total as the mixed-use parking requirement.

19 (b) Changes in Use. Any proposed changes in the commercial uses for an existing
 20 approved mixed-use development shall be submitted to the Planning and Development Department
 21 for review and a determination of consistency with the parking requirements set forth in Table 3.
 22 Where a change in use will increase the number of parking spaces required, the additional spaces shall
 23 be provided.

24 (4) Alternative Parking Standard–Parking Demand Analysis. Where the unique operation
 25 of a particular use creates a lesser parking demand than the parking requirements otherwise applicable
 26 under this Section and Section 19.04, an alternative parking standard for the use may be established
 27 in conjunction with the submittal of a Parking Demand Analysis. In order to qualify for consideration,
 28 a Parking Demand Analysis must be signed and sealed by a professional traffic engineer, must

1 document the weekday and weekend peak parking demand for the proposed use(s) for the site, and
2 must provide justification for the alternative parking standard. The request for an alternative parking
3 standard pursuant to this Paragraph (4):

4 (a) Shall follow the process for a Special Use Permit application under Section 19.18.060,
5 to the extent the process can be made applicable.

6 (b) May be approved as requested, or as modified, and may be made subject to conditions
7 if the Planning Commission or City Council, as the case may be, determines that approval of the
8 alternative parking standard is warranted.

9 SECTION 2: Title 19, Chapter 10, Section 10, Subsection (J), Paragraph (2), of the
10 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by:

11 (A) Renumbering Table 3 that appears therein as Table 4, and changing the
12 preceding textual reference to read "Table 4" accordingly; and

13 (B) Renumbering Table 4 that appears therein as Table 5, and changing the
14 preceding textual reference to read "Table 5" accordingly.

15 SECTION 3: Title 19, Chapter 10, Section 20, Subsection (C), Paragraph (2), of the
16 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by renumbering
17 Table 5 that appears therein as Table 6, and changing the preceding textual reference to read "Table
18 6" accordingly.

19 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.10.010
20 and 19.10.020 are deemed to be subchapters rather than sections.

21 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
22 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
23 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
24 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
25 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
26 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
27 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
28 invalid or ineffective.

1 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 15th day of July, 2009.

5 APPROVED:

6
7 By 
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 
11 BEVERLY K. BRIDGES, CMC
12 City Clerk

13 APPROVED AS TO FORM:

14 Val Steed 6-2-09
15 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 17th day of June, 2009, and referred to a committee for recommendation; thereafter
3 the committee reported favorably on said ordinance on the 15th day of July, 2009, which as
4 a regular meeting of said Council; that at said regular meeting, the proposed ordinance
5 was read by title to the City Council as first introduced and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Ross,
Barlow and Anthony

7 VOTING "NAY": None

8 EXCUSED: Councilmember Tarkanian

9 ABSTAINED: None

10 DID NOT VOTE: None

11 APPROVED:

12
13 
14 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 
16 BEVERLY K. BRIDGES, CMC City Clerk

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

2009 JUL 16 A 10:42

RECEIVED
CITY CLERK

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 5417003

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/03/2009 to 07/03/2009, on the following days:

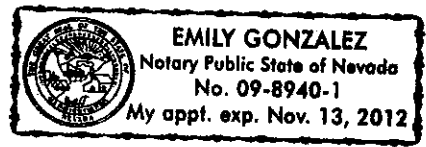
07/03/2009



Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 16 day of July, 2009.

Emily Gonzalez
Notary Public



AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2009 JUL 23 A 10:41

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 5461882

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/18/2009 to 07/18/2009, on the following days:

07/18/2009

BILL No. 2009-26
ORDINANCE NO. 6048

AN ORDINANCE TO PROVIDE ALTERNATIVE MINIMUM REQUIREMENTS FOR CERTAIN MIXED USE DEVELOPMENTS AND OTHER QUALIFYING USES AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by Mayor Oscar B. Goodman.

Summary: Provides alternative minimum on-site parking requirements for certain developments.

The City Council of the City of Las Vegas, Nevada, on July 20, 2009, adopted Ordinance No. 6048, which was reported favorably on said Ordinance on the 15th day of July 2009, and that at the regular meeting the proposed Ordinance was read by title to the City Council as introduced and was adopted by the following vote:

Yea: Mayor Goodman and Councilmembers Reese, Wilson, Brown, Howard and Thomas.

NAY: NONE.

EXCERPT FROM THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, STEWART AVENUE, LAS VEGAS, NEVADA.


PUBLISHED JULY 18, 2009
Las Vegas Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

20th day of July, 2009.

Linda Espinoza
Notary Public

 **LINDA ESPINOZA**
Notary Public State of Nevada
No. 00-64106-1
My appt. exp. July 17, 2012