

ORDINANCE NO. 3128
(ZCA-13-500517 – Portola Hills)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING ORDINANCE NO. 2869, THE ZONING MAP, TO RECLASSIFY CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 61 EAST, M.D.B. & M., CLARK COUNTY, NEVADA, LOCATED APPROXIMATELY 370 FEET FROM THE INTERSECTION OF EASTERN AVENUE AND ANTHONY COURT, IN THE WESTGATE PLANNING AREA, FROM RS-2 (LOW-DENSITY RESIDENTIAL) TO RS-8 (LOW-DENSITY RESIDENTIAL), AND MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on March 4, 2014, committed to the rezoning of certain real property totaling 5.0 acres, more or less, located in a portion of Section 36, Township 22 South, Range 61 East, located approximately 370 feet from the intersection of Eastern Avenue and Anthony Court, in the Westgate Planning Area, from RS-2 (Low-Density Residential) to RS-8 (Low-Density Residential); and

WHEREAS, KB Home 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 amendment corrects an error or meets the challenge of some changing condition, trend or fact.
- b) The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of Section 19.1.5.
- c) The proposed amendment will protect the health, safety, morals or general welfare of the public.
- d) The subject property is suitable for the proposed zoning classification, and there is a need for the proposed use at the proposed location.
- e) The proposed rezoning will not have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
- f) The proposed amendment will not have significant adverse impacts on other property in the vicinity of the subject tract.
- g) The City and other service providers will be able to provide sufficient public safety, transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development.

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Ordinance No. 2869 of the City of Henderson, Nevada, entitled "Zoning Map adopted" 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:

LOTS ONE (1) AND TWO (2) OF FILE 18, PAGE 52 OF PARCEL MAPS, CLARK COUNTY, NEVADA, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 61 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA;

containing 5.0 acres, more or less, from RS-2 (Low-Density Residential) to RS-8 (Low-Density Residential).

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

PUBLIC WORKS DEPARTMENT CONDITION

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.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITION

2. 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.

SECTION 3. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. All ordinances, or parts of ordinances, sections, subsection, 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 March 21, 2014, in the Review Journal.

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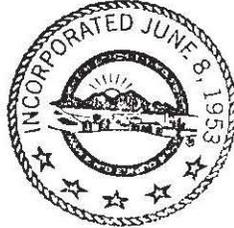
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Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored.

PASSED, ADOPTED, AND APPROVED THIS 18th DAY OF MARCH, 2014.



Andy Hafen

Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on March 4, 2014, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on March 18, 2014, 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 March 18, 2014, the Ordinance was read in title and adopted by the following roll call vote:

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

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



Andy Hafen

Andy Hafen, Mayor

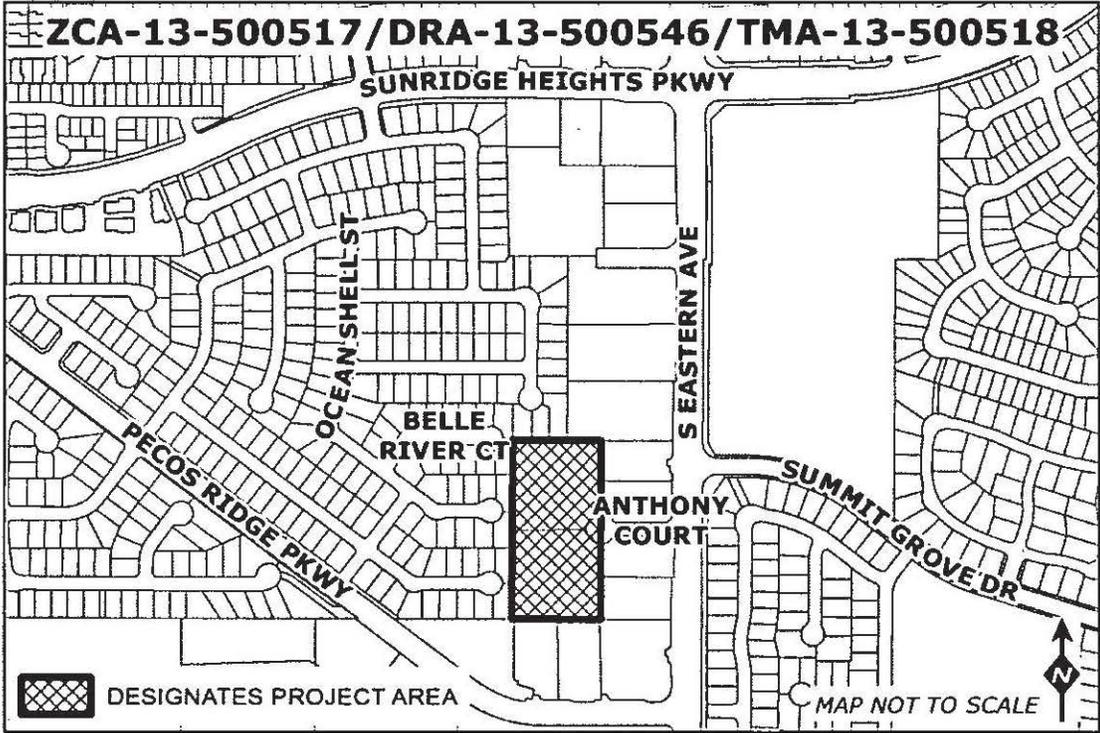
ATTEST:

Sabrina Mercadante

Sabrina Mercadante, MMC, City Clerk

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EXHIBIT A
ZCA-13-500517 – PORTOLA HILLS



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