

[Bracketed] and/or ~~struck through~~ material is that portion being deleted or amended  
Underlined material is that portion being added

BILL NO. 8-5-09-1

SUMMARY - An Ordinance to amend the affected sections of the Unified Development Code due to the 2009 legislative session (T30-0873-09)

ORDINANCE NO. 3804  
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 30, CHAPTERS 30.04, 30.08, 30.28, 30.36, 30.44, 30.48, 30.56, AND APPENDIX G, SECTIONS 30.04.020, 30.08.030, 30.36.010, 30.36.080; ADDING PART N CHAPTER 30.48, SECTIONS 30.48.990, 30.48.1000, 30.48.1010, 30.48.1015, 30.48.1020; 30.56.120, TABLES 30.28-1, 30.28-2, 30.44-1 AND ADDING MAP 20 TO APPENDIX G, TO REFLECT VARIOUS CHANGES FROM THE 2009 NEVADA STATE LEGISLATIVE SESSION AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 30, Chapter 30.04, Section 30.04.020, of the Clark County Code is hereby amended to read as follows:

**30.04.020 Purpose.** This Title is adopted to implement the Comprehensive Plan for Clark County in order to promote the general prosperity, health, safety, and welfare of the citizens of Clark County. It sets forth the regulations that govern the subdivision, use, and/or development of land, divides the County into Zoning Districts, and sets forth the regulations pertaining to such districts. This Title is designed to ensure that development will:

1. Preserve the quality of air and water resources.

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14. Encourage the preservation of historic and paleontological resources and sites.

15. Otherwise further the general prosperity, health, safety and welfare of the community.

SECTION 2. Title 30, Chapter 30.08, Section 30.08.030 of the Clark County Code is hereby amended to read as follows:

**30.08.030 Definition of Terms.** The following words and phrases used in this Title shall have the meanings set forth in this Section:

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**Community  
Residence**

“Community Residence” (also commonly referred to as a "group home") means a residential family-like living arrangement for 5 to 10 unrelated individuals with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the operator of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff which furnishes habilitative or rehabilitative services related to the disabilities of the residents. Inter-relationships between residents are an essential component of a community residence. A community residence shall be considered a residential use of property for purposes of all zoning and building codes. The term does not include “facilities for the treatment of alcohol and drug abuse”, “modified medical detoxification facilities”, “transitional living facilities for released offenders”, “facility for treatment with narcotics”, or “community triage center” as each of those terms are defined within chapter 449 of the Nevada Revised Statutes. The term also does not include a “boarding house”, “lodging house”, “fraternity”, “sorority”, “dormitory”, or any other group living arrangement for unrelated individuals who are not disabled. The term includes two categories as follows:

1. “Family Community Residence” including but not limited to “residential facilities for groups” of more than 4 residents as defined by NRS 449.017. Relatives of the residents may reside in the facility (cannot exceed 10 individuals).
2. “Transitional Community Residence” including but not limited to “halfway house for recovering alcohol and drug abusers” for more than 4 residents as defined by NRS 449.008. (Ord. 3726 § 1 (part), 12/2008; Ord. 3423 § 2 (part), 8/2006)

SECTION 3. Title 30, Chapter 30.28, Table 30.28-1 and Table 30.28-2, of the Clark County Code are hereby amended to read as follows:

<b>Table 30.28-1 See Also 30.16.210 for general process information and standards</b>	
<b>MAJOR SUBDIVISION TENTATIVE MAP- AUTHORITY AND CONSIDERATION TABLE</b>	
<b>l. Map Expiration</b>	A tentative map shall expire in [ <del>2</del> ] <u>4</u> years from its approval date unless a final map for all, or a portion, of the property included under the tentative map has been recorded within that [ <del>2</del> ] <u>4</u> years. The recording of the first final map shall extend the expiration date of the tentative map for an additional [ <del>1</del> ] <u>2</u> years from the date the first final map was recorded. For each final map recorded thereafter, the expiration date of the tentative map shall continue to be extended for [ <del>one</del> ] <u>2</u> additional years as based on the date the first final map in a series was recorded. The tentative map may also be extended for an additional <u>2</u> years by the approval authority pursuant to the hearing process specified in 30.16.210, provided a final map has been recorded since the original approval or the last extension of time.
<b>o. Extension of Time</b>	Provided that the requirements specified in Table 30.28-1(1) have been satisfied, a tentative map may be extended in accordance with the procedure shown in Table 30.16-17 except that administrative extensions of time are not permitted.

<b>Table 30.28-2</b>	
<b>MAJOR SUBDIVISION FINAL MAP TECHNICAL REVIEW- AUTHORITY AND CONSIDERATION TABLE</b>	
<b>m. Time Limit</b>	The same time period as the tentative map, or [ <del>1</del> ] <u>2</u> years, whichever is less. An extension of time of up to [ <del>1</del> ] <u>2</u> years may be granted if an application is submitted and the required fee is paid. However, such an extension may require the re-evaluation of map requirements, which may result in revised or additional requirements or recalculated bonds and fees to ensure they are sufficient for the construction of required improvements.

SECTION 4. Title 30, Chapter 30.36, Sections 30.36.010 and 30.36.080, of the Clark County Code are hereby amended to read as follows:

**30.36.010 Establishment of Zoning Districts.** In order to classify, regulate, and segregate the use of land, buildings and structures, and to regulate and restrict the height and bulk of buildings, the unincorporated territory of Clark County is divided into districts as follows.

**1. Residential Districts.**

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**5. Overlay Districts.**

- Adult Use Overlay District
- Airport Airspace Overlay District
- Airport Environs (AE) Overlay District
- Asian Design Overlay District
- Cooperative Management Agreement (CMA) Area Design Overlay District
- Gaming Enterprise District
- Mixed Use Overlay District (MUD)
- Moapa Valley Overlay District
- Red Rock Design Overlay District
- Residential Neighborhood Preservation (RNP) Overlay District
- South of Sahara Avenue (SOSA) Redevelopment Area Overlay District
- Spring Mountain National Recreational Area Overlay District
- Transition Corridor Overlay District (Ord 3720 § 4 (part), 12/2008; Ord. 3521 § 2 (part), 6/2007; Ord. 3882 § 2 (part), 5/2006; Ord. 3174 § 3 (part), 1/2005; Ord. 3061 § 4 (part), 5/2004)

**30.36.080 Miscellaneous Maps.** Maps and the electronic database creating such maps, are hereby adopted to describe specific geographic areas related to topography, air quality, airport functions, overlay districts, community districts, and the protection of rural areas. The maps are as adopted by the Board, and as amended by future action. These maps are shown in reduced form in Appendix G, and detailed copies are available for review and/or purchase from the Department of Comprehensive Planning. The maps are the basis of specific regulations listed within this title which are designed to mitigate the impact of development within the particular areas described. The maps are as follows:

- 1. Airport Airspace Maps.** The maps described in Chapter 20.13 and Part B of Chapter 30.48 within which the height of structures is limited within airspace affected by aircraft operations.

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- 19. South of Sahara Avenue (SOSA) Redevelopment Area Overlay District**
- 20. Spring Mountain National Recreational Area Overlay District**

SECTION 5. Title 30, Chapter 30.44, Table 30.44-1, of the Clark County Code is hereby amended to read as follows:

Table 30.44-1 Global Use Table		Residential Districts													Commercial Districts			Manufacturing/Industrial Districts			Miscellaneous Districts						
Uses	SLUCM CODE	R-U	R-A	RE	R-D	R-1	R-T	R-2	RUD	R-3	R-4	R-5	CRT	C-P	C-1	C-2	M-D	M-1	M-2	O-S	H-2	P-F	RVP	U-V	H-1		
Electric Generation, Distributed (Also see "Electric Generation, Station" or "Electric Generation, Emergency")		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
<p><b>Accessory Use Subject to:</b></p> <ol style="list-style-type: none"> <li>The distributed generation unit shall not adversely impact air quality unless the Department of Air Quality and Environmental Management permits the impact in accordance with regulation. The use of coal or diesel numbers two or six as fuel is prohibited; however, biodiesel is permitted.</li> <li>Unless enclosed within a building designed to ensure the distributed generation unit is inaudible from any adjacent property, the distributed generation unit shall not produce noise in excess of the noise levels listed in Table 30.68-1 measured immediately adjacent to the unit and as certified by an acoustical engineer prior to permit issue for the distributed generation unit. (Once a specific distributed generation unit has been certified, other distributed generation units of the same size, make, and model may be permitted without the certification.)</li> <li>Any associated distributed generation equipment exceeding the size of typical mechanical equipment must be screened from any street or adjacent property. [Except for solar generation, the distributed generation unit shall not exceed the size (cubic footage) of other mechanical equipment utilized at the site and must be screened from any street or adjacent property.]</li> <li>Distributed generation units established in conjunction with single family dwellings shall not exceed 500 kilowatts in capacity.</li> </ol> <p><b>Note:</b> Fuel cells with a capacity greater than 50 kilowatts require an installation permit from the Clark County Fire Department. (Ord. 3085 § 51 (part), 6/2004; Ord. 2794 § 2 (part), 9/2002)</p>																											

SECTION 6. Title 30, Chapter 30.48, Sections 30.48-990, 30.48.1000, 30.48.1010, 30.48-1015 and 30.48.1020 , of the Clark County Code are hereby added to read as follows:

**PART N Spring Mountain National Recreation Area Overlay District**

**30.48.990 Purpose.** The Spring Mountain National Recreation Area Overlay District is hereby established to minimize the impact of development within the area, to maintain the rural character and cultural heritage of the community, preserve wildlife habitat, and minimize the impacts of additional traffic.

**30.48.1000 Spring Mountain National Recreation Area Overlay District Map.** The Spring Mountain National Recreation Area Overlay, as adopted by the Board of County Commissioners, shall be incorporated into Title 30 and hereinafter referred to as the "Spring Mountain National Recreation Area Overlay Map" in Appendix G, Map 20.

**30.48.1010 Establishment of Overlay District.** This overlay district may be amended by the initiation and adoption of an ordinance and map describing the boundaries therein.

**30.48.1015 Density & Intensity Restrictions.** Unless proposed for public facilities, land use applications shall not be accepted for the following:

- a. To increase the number of residential dwelling units allowed by the zoning regulations in existence on July 1, 2009.
- b. To establish a new nonresidential zoning district.
- c. To expand the size of any nonresidential zoning district in existence on July 1, 2009.

**30.48.1020 Permitted Uses.** The uses listed under the column of the respective underlying zoning districts within Chapter 30.44 and Table 30.44-1 (see also Appendix F, for uses categorized by zoning district) shall establish the uses permitted within the overlay district, subject to the conditions listed and to all administrative and special use permits as shown in the Table.

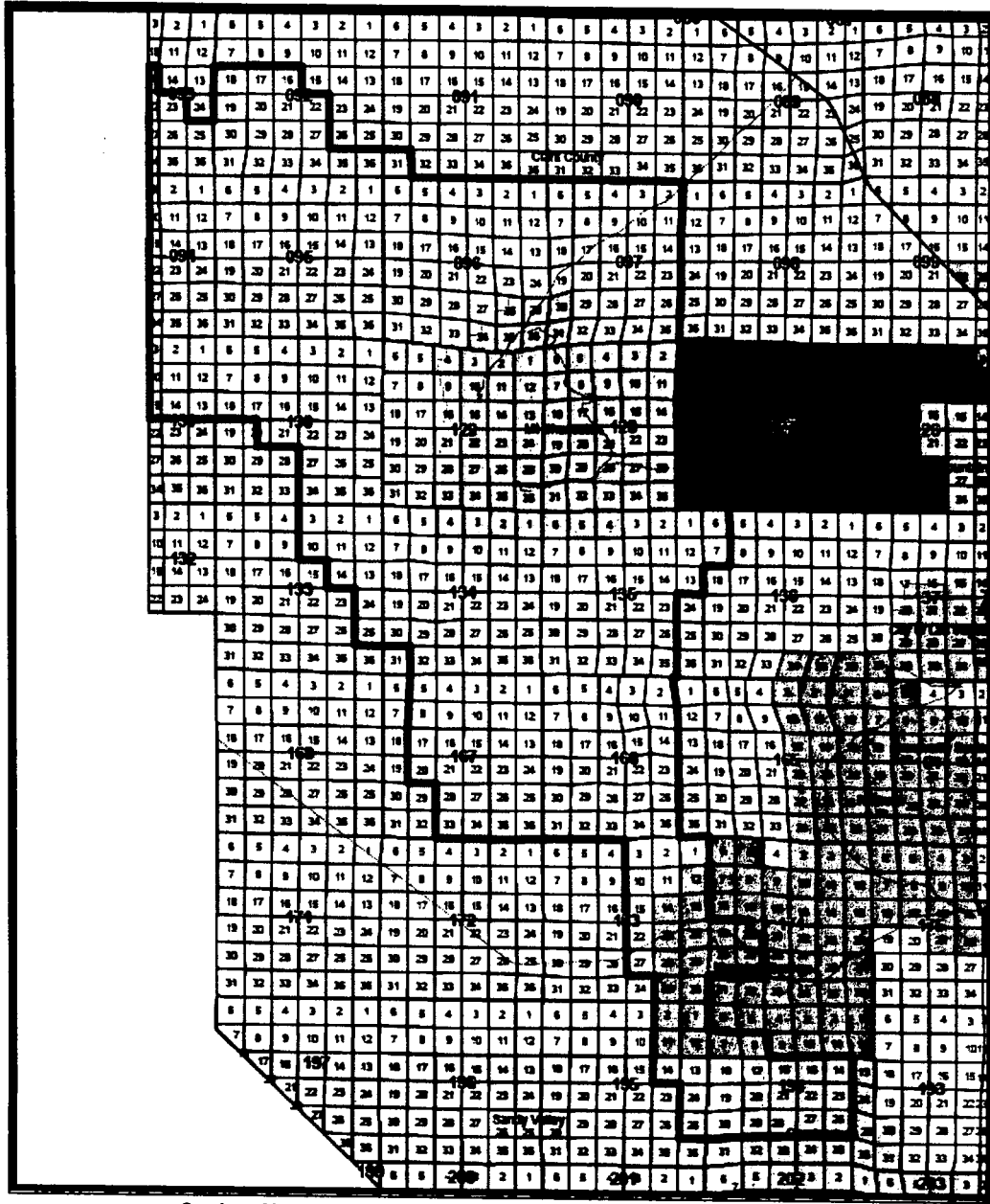
SECTION 7. Title 30, Chapter 30.56, Section 30.56.120, of the Clark County Code is hereby amended to read as follows:

**30.56.120 Trash Enclosures.**

- a. All development, except for single-family residential development, shall provide interior or exterior enclosures for all refuse containers, recycling containers, compactors, and refuse collection areas per the standard of the local trash service provider unless this provider certifies that refuse is not generated at the site. The Commission or Board may waive any of the following requirements, or may approve an alternative design which will adequately screen and buffer the collection and/or compaction of refuse with the approval of any land use application.
- b. Exterior trash enclosures shall conform to the following:
  1. Walls shall be 6 feet high (plus or minus 8 inches), constructed of masonry, or concrete block, and shall have screened gates. The height may be waived with the approval of an administrative minor deviation as listed in Table 30.16-8, provided letters of consent from adjacent and impacted property owners are obtained and the owner demonstrates that the height of the trash enclosure will completely screen the trash receptacles.
  2. The floor of the trash enclosure shall be concrete.

3. The enclosure shall be set back at least 50 feet from any residential development on an adjacent parcel. This requirement may be waived with the approval of an administrative minor deviation as listed in Table 30.16-8, provided letters of consent from adjacent property owners and the trash service provider are obtained.
4. A trash enclosure shall be located within 200 feet of each multi-family residential building within a development.
  - a. Recycling containers must be provided within at least one of the trash enclosures. This provision shall not be waived or varied.
5. Trash enclosure shall not be located within any building setbacks and doors shall not open into the right-of-way.
6. Trash enclosures may be covered. If covered, trash enclosure must provide ventilation and meet all required setbacks.

SECTION 8. Title 30, Appendix G, of the Clark County Code is hereby amended to add Map 20 as follows:



Spring Mountain National Recreational Area Overlay  
(Appendix G, Map 20)

**Legend**  
  
 Proposed Spring Mountain National Recreational Area  
 Block  
 Section  
 Latest amendment:  
 History:



0 2 4  
Miles

This information is for display purposes only.  
 No liability is assumed as to the accuracy  
 of the data displayed herein.

Plot Created on : 6/24/09 Modified:  
 vmpjctvtdh1@revel\_posi.net

SECTION 9. If any section of this ordinance or portion of thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 10. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 11. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks; on 9/21/09. A land use application approved prior to the effective date of this ordinance may be developed per the plans approved with the application.

PROPOSED on the 5th day of August, 2009

PROPOSED By: Rory Reid

PASSED on the 19th day of August, 2009

VOTE:

AYES:

- Susan Brager
- Lawrence L. Brown III
- Rory Reid
- Steve Sisolak
- Lawrence Weekly

NAYS:

- None

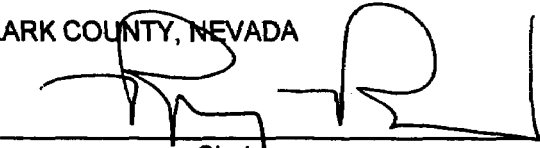
ABSTAINING:

- None

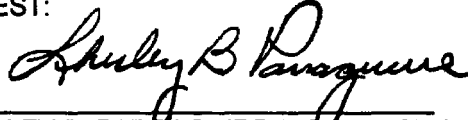
ABSENT:

- Tom Collins
- Chris Giunchigliani

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, NEVADA

By   
Chair

ATTEST:



SHIRLEY B. PARRAGUIRRE, County Clerk

This ordinance shall be in force and effect from and after the 21st day  
of September, 2009.