

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

Adopted: 6/06/07
Effective: 7/02/07

BILL NO. _____

SUMMARY - An Ordinance to amend the Unified Development Code to clarify dedication of trails.

ORDINANCE NO. 3524
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 30, CHAPTERS 30.08, 30.24, 30.52, AND 30.64 SECTIONS 30.08.030, 30.24.080, 30.52.120 AND 30.64.030 TO CLARIFY THE DEDICATION OF TRAILS 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 30.08, Section 30.08.030, of the Clark County Code is hereby amended to read as follows:

Trail “Trail”, when dedicated per 30.52 of this Title, means a corridor connected or designed to be connected to a planned regional network of trails for movement of non-motorized vehicles, such as a bicycle, and pedestrian and equestrian traffic, which typically occur along washes, in utility corridors, limited access roadways (highways & beltways), and railways in both the urban and rural areas of Clark County, but may also be located along streets where designated by the plan. Trails are designed to provide alternative modes of transportation and recreational enjoyment in a quiet and relaxed environment. A trail is not a right-of-way as defined in this Section, except when locating within a right of way.

Trail Dedication “Trail Dedication” means the transfer of land in fee simple or by easements as required by the County by the owner for the use of the public, and accepted by the County for such use by, or on behalf of the public. A trail is not a right-of-way as defined in this Section, except when locating within a right of way.

Open Space “Open Space” shall mean the following:

- a. **Natural Open Space.** The lands and land uses defined in NRS 278.250(2), 361A.040, and 361A.050, including environmentally sensitive lands and properties located in the O-S (Open Space) zoning district and all pertinent regulations thereto; or
- b. **Open Space.** Principally consists of any common areas, trails, excluding drainage channels and required street landscaping, that are privately maintained for passive and active recreational use by all residents of a development. Open space may include natural (topographic) areas to be preserved and recreational buildings and structures as specified in subsection (b)(2) below.

2. Passive and active recreational uses include landscaped areas with special lighting and seating (including but not limited to gardens, town greens, and promenades), walks, paths, trails (such as but not limited to jogging paths, para-course paths, equestrian and exercise trails with activity stations), recreational buildings, game courts and fields, child play areas, clubhouses, workout areas, picnic areas, swimming pools, and other structures typically associated with recreational uses. All such recreational uses may be enhanced with art.

Right-Of-Way "Right-Of-Way" means a public property acquired by dedication, easement, prescription or condemnation and intended to be occupied by a street, sidewalk, [trail,] water line, sanitary sewer and/or other public utility or facility.

SECTION 2. Title 30, Chapter 30.24, Section 30.24.080, of the Clark County Code is hereby amended to read as follows:

30.24.080 Design Standards and Guidelines. The following design standards and guidelines are intended to achieve the overall purpose of the PUD as defined in 30.24.010. The requirements established in subsections (b) through (e) below shall be shown on the site development plans submitted for consideration with the special use permit. Variance or waiver applications to modify the requirements herein established shall not be accepted.

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9. Provision of bicycle and pedestrian pathway systems, especially to designated potential open space or park areas, trails, scenic sites, viewpoints and/or public transit access to the site. Any required landscaping may be within a trail dedication; however it cannot obstruct the intended use of the trail.

SECTION 3. Title 30, Chapter 30.52, Section 30.52.120, of the Clark County Code is hereby amended to read as follows:

30.52.035 Trail Requirements. Trail dedication per adopted trail plans may be required in conjunction with any land use application or tentative map. Any modification to trail width requirements will only be granted if an alternative design or site is acceptable and approved by the Department of Air Quality and Environmental Management.

SECTION 3. Title 30, Chapter 30.64, Section 30.64.030, of the Clark County Code is hereby amended to read as follows:

30.64.030 Landscaping.

- a. **Landscaping Required.** Except for mines, gravel pits, temporary uses, agricultural cultivation, public facilities without buildings, and the rear yards of single family dwellings, any disturbed area of a developed property not occupied by permitted outside activity areas, storage areas, structures, parking, driveways, drive aisles, bus turnouts, and sidewalks shall be landscaped and maintained in a clean condition. Disturbed areas designated for future development need not have live landscaping. (For the purposes of this Section and related landscaping requirements, rear yard is defined as any yard area behind established screen walls or fencing located in side or rear yards. Any required landscaping may be within a trail dedication; however it cannot obstruct the intended use of the trail.)

SECTION 4. 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 5. 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 6. 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 5/21/07. A land use application approved prior to the effective

date of this ordinance may be developed per the regulations in effect at the time of the application's approval.

PROPOSED on the _____ day of _____, 2007

PROPOSED By : _____

PASSED on the _____ day of _____, 2007

VOTE:

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

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 _____ day of _____, 2007.