

# CLARK COUNTY BOARD OF COMMISSIONERS

## ZONING / SUBDIVISIONS / LAND USE

### AGENDA ITEM

<b>PETITIONER:</b>	Nancy Amundsen, Director, Comprehensive Planning Department
<b>RECOMMENDATION:</b>	<b>ORD-22-900357:</b> Conduct a public hearing on an ordinance to amend Title 30 to modify the definition of High Impact Project, revise detached sidewalk regulations, make corrections and clarifications as appropriate, and direct staff accordingly. (For possible action)

#### FISCAL IMPACT:

None by this action.

#### BACKGROUND:

On April 20, 2022, the Board of County Commissioners (Board) discussed High Impact Projects and the development requirements which are ultimately incorporated into a negotiated development agreement (development agreement). The Board then directed staff to modify the definition of High Impact Projects by reducing the dwelling unit count and the number of acres of commercial and industrial projects, and to start requiring a development requirement of affordable housing for projects with a dwelling unit count meeting or exceeding the thresholds contained with the definition of a High Impact Project. As such, the attached ordinance has been prepared to reduce the number of dwelling units from 500 to 250 and the acreage of industrial and commercial projects from 300 acres to 50 acres. Additionally, as a matter of policy, for future development agreements for projects with a residential component, staff will incorporate an affordable housing development requirement such as a minimum of 10% affordable housing or other alternative mutually agreed upon by the County and property owner/developer.

On April 20, 2022, the Board also discussed when attached and detached sidewalks are required. The Board then directed staff to require detached sidewalks on local streets 60 feet or greater (non-residential local streets) and remove the exceptions which allowed attached sidewalks to be constructed in lieu of detached sidewalks. The attached ordinance reflects the direction of the Board.

Staff recommends the Board conduct a public hearing.

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

BILL NO. 6-8-22-4

SUMMARY - An Ordinance to amend the Unified Development Code to modify the definition of High Impact Project, revise detached sidewalk regulations and make corrections and clarifications as appropriate. (T30-22-900357)

ORDINANCE NO. \_\_\_\_\_  
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 30, CHAPTERS 30.08, 30.24, 30.48, 30.64 AND 30.80 SECTIONS 30.08.030, 30.24.070, 30.48.660 AND 30.64.030, TABLES 30.64-1, 30.64-2, AND 30.80-4 TO MODIFY THE DEFINITION OF HIGH IMPACT PROJECT, REVISE DETACHED SIDEWALK REGULATIONS AND MAKE CORRECTIONS AND CLARIFICATIONS AS APPROPRIATE; 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:

**High Impact Project**

“High Impact Project” means a project that includes any of the following:

1. Projects with 250~~[0]~~ or more dwelling units;
2. Projects with a minimum 1,200 resort condominium, hotel condominium, hotel or resort hotel accommodations (combination of all);
3. Projects generating 8,000 or greater average daily trips (ADTs); as defined by the Institute of Transportation Engineers or its successor; or
4. Development reaching the above thresholds by successive additions to the overall development subsequent to March 1, 2006.
5. Industrial and commercial projects encompassing more than ~~[30]~~50 acres. This does not include public or quasi-public projects.

SECTION 2. Title 30, Chapter 30.24, Section 30.24.070 of the Clark County Code is hereby amended to read as follows:

**30.24.070 Open Space Requirements.** Open space areas that are conveniently located, accessible, and visible (defensible space concepts) for the occupants of the development shall be provided as required and may contain such elements as pools, tennis courts, ball fields, and various buildings or structures intended for recreational use. Modifications to these requirements shall only be permitted in conformance with subsection (c)(2) below.

- a. Open space areas that enhance circulation within a site, promote pedestrian use and safety, and improve a site’s aesthetic qualities are expected to satisfy the following criteria:

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- c. **Open Space Requirements For Residential Development:**

1. For all development with ten (10) or more lots or units and all development at six (6) or more units per acre regardless of how many lots or units, open space shall be provided at 1.65% of the project's density per acre multiplied by the project's gross acreage multiplied by 35%.

$(.0165) \times (\text{dwelling units per acre}) \times (\text{total acreage}) \times (.35) = \text{required open space (in acres)}$

(For conversion to square footage, multiply the open space acreage by 43,560)

## 2. Exceptions.

- A. A reduction to the open space requirement is permitted with the special use permit on a proportional (pro rata) basis for lots or units within a quarter mile walking distance (approximately 1,320' or five-minutes) from a public park that is not separated from the lots or units by a collector (or wider) street and whose acreage is greater than or equal to the open space requirement; however, in no case shall the open space reduction exceed 50 percent (50%) of the required open space. If not already established, the public park must be scheduled for development within two years of PUD approval.
- B. In the rural residential zoning districts only, when the total required open space is less than 10,000 square feet, the open space shall not be required.
- C. In the rural residential zoning districts only, ~~[where the additional density requested is specified on the adopted land use plan map]~~ the open space requirement may be reduced or eliminated with special use permit approval, subject to the following:
  - i. All zoning base district setbacks are satisfied.
  - ii. ~~[Perimeter landscaping features are enhanced per Figures 30.64-17 or 30.64-18 (decorative block wall or fence, detached sidewalk and landscaping) along collector and arterial streets (when sidewalks are required).]~~
  - ~~iii.~~ ~~iv.~~ Perimeter lot size shall be within a minimum of 10% of the lot size of adjacent single family residential development; and
  - ~~iii~~~~iv~~. A comparable increase (as determined by the Commission or Board) of other appropriate design amenities is provided to offset the density bonus, pursuant to Section 30.24.080(f).
  - ~~iv~~~~v~~. Conducting a neighborhood meeting with area residents to discuss alternative amenities prior to scheduled Town Board, Planning Commission, and County Commission meetings is strongly encouraged (but not required). If conducted, the neighborhood meeting should be generally consistent with the procedure described in Table 30.16-3 (f)(2)(D), and the information presented should include conceptual site plans and a project description.

SECTION 3. Title 30, Chapter 30.48, Section 30.48.660 of the Clark County Code is hereby amended to read as follows:

**30.48.660 Perimeter Buffering, Landscape, and Screening.** This Section primarily addresses perimeter and street landscape areas and establishes standards to provide visual streetscape aesthetics, enhanced privacy, and noise reduction. Minimum buffer widths required herein may be reduced when unique site constraints necessitate such a reduction. However, any reduction shall be offset by wider buffer widths in non-constrained areas, and the average buffer width shall comply with the minimum width requirement. The following standards shall apply:

1. All new sound walls, masonry walls, or fences 50 feet in length or longer and 3 feet in height or taller, shall be decorative and designed to visually minimize the stark appearance of a monotonous block wall face by incorporating variations in surface planes (landscape pockets), height, material, or texture.

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7. When detached sidewalks are required per 30.64.030(1)(3), trees shown in Figure 30.64-17 shall be ~~[Sites along collector and arterial streets shall be consistent with Figure 30.64-17, except]~~ medium trees, 24 inch box in size ~~[shall be provided]~~.

SECTION 4. 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.

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**1. Landscape Strip and Sidewalks.**

1. Sidewalks, drive aisles, signs, and driveways providing access from the street to and within the development are permitted within a landscape area or strip.
2. **Attached Sidewalks.** If constructed sidewalks are attached (not offset from curb), the required landscape area shall begin at the property line (back of sidewalk) and shall not include any part of the right-of-way.
3. **Detached Sidewalks.** ~~[When required by Tables 30.64-1 and 30.64-2, s]~~ Straight, detached sidewalks shall be provided on streets listed in Section 30.52.030(a)(1) (A-D), unless there is an existing attached sidewalk that will not be rebuilt, ~~or the arterial or collector street frontage is less than 300 linear feet and is adjacent on both sides to existing development constructed with attached sidewalks.]~~ Detached sidewalks are not required on frontage roads ~~collector streets less than 70 feet, measured from back of curb to back of curb].~~

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4. **Attached Sidewalks in lieu of Detached Sidewalks.** ~~[On collector or arterial streets, w]~~ When attached sidewalks are ~~[permitted in lieu of detached sidewalks]~~ allowed to remain per Section 30.64.030(1)(3), 15 feet of landscaping is required behind the sidewalk.

Table 30.64-1 Single Family Residential Screening and Landscape Buffer Requirements <sup>1, 6</sup>			
	Rural Residential Use <sup>7</sup>	Suburban Residential Use and/or Rural Estates PUD	Compact Residential Use
<b>REQUIRED</b>			
<b>Rear Yard of Perimeter Lots on Private or Residential Local Streets [Rear Yard Only]</b> <sup>5</sup>	Figure 30.64-5 <sup>2</sup> OR Figure 30.64-6 <sup>2</sup>	Figure 30.64-5 OR Figure 30.64-6	Figure 30.64-7 OR Figure 30.64-8
<b>[Side or Rear] Adjacent to Detached Sidewalk<sup>5</sup> [on Collector/Arterial]</b>	<del>Figure 30.64-5<sup>2</sup></del> OR <del>Figure 30.64-6<sup>2</sup></del> <u>Figure 30.64-17<sup>2</sup></u>	Figure 30.64-17 6' min/8' max high decorative wall or fence required behind landscaping and detached sidewalk.	Figure 30.64-17 6' min/8' max high decorative wall or fence required behind landscaping and detached sidewalk.

Table 30.64-2 Non-Single Family Residential Screening and Landscape Buffer Requirements <sup>1, 7</sup>			
	Multi-Family Use	Commercial & Special, Mixed Use	Industrial Use
<b>REQUIRED</b>			
<b>Adjacent to Any Attached Sidewalk [Street]</b> <sup>5, 8</sup>	Figure 30.64-9 OR Figure 30.64-10	Figure 30.64-13 For Special Uses see also 30.64.020 (1)(C)	Figure 30.64-13
<b>Adjacent to Detached Sidewalk [Collector/Arterial Streets]</b> <sup>5, 8, 10</sup>	Figure 30.64-17	Figure 30.64-17	Figure 30.64-17

SECTION 5. Title 30, Chapter 30.80, Table 30.80-4 of the Clark County Code is hereby amended to read as follows:

Table 30.80-4 Fee Schedule - Administrative Fees	
Administrative Service	Required Fee
Unified Development Code <del>[(Paper Copy)]</del> Subscription for Code Updates (Paper Copy)	<del>[\$20 each, plus \$6 if mailed]</del> \$65 per fiscal year, includes up to 4 mailings <del>[(1 every 3 months)]</del> (for existing subscribers only)

SECTION 6. 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 7. 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 8. 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 and shall be effective on and from the fifteenth day after passage. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022

INTRODUCED By : \_\_\_\_\_

PASSED on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

VOTE:

AYES: \_\_\_\_\_

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NAYS: \_\_\_\_\_

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ABSTAINING:

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ABSENT:

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BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, NEVADA

By \_\_\_\_\_  
JAMES B. GIBSON Chair

ATTEST:

\_\_\_\_\_  
LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day  
of \_\_\_\_\_, 2022.