

CLARK COUNTY BOARD OF COMMISSIONERS
ZONING / SUBDIVISIONS / LAND USE
AGENDA ITEM

Petitioner: Nancy A. Amundsen, Director, Department of Comprehensive Planning

Recommendation: ORD-22-900423: Conduct a public hearing on an ordinance to amend Title 30 regulations relating to turf and water features, make corrections and clarifications as appropriate, and direct staff accordingly. (For possible action)

FISCAL IMPACT:

None by this action.

BACKGROUND:

In response to the Southern Nevada Water Authority's drought and conservation efforts, staff has modified the current turf regulations in Title 30 to only allow turf for cemeteries, parks, and schools consistent with the Las Vegas Valley Water District's service rules. Additionally, the amended regulations also reflect the changes to the Las Vegas Valley Water District's service rules relating to water features.

Staff recommends the Board conduct a public hearing.

Cleared For Agenda
08/03/22

[Bracketed] and/or-strikethrough material is that portion being deleted or amended
Underlined material is that portion being added

BILL NO. 7-20-22-8

SUMMARY - An Ordinance to amend the Unified Development Code regulations relating to turf and water features, and make corrections and clarifications as appropriate. (T30-22-900423)

ORDINANCE NO. _____

(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 30, CHAPTERS 30.08, 30.64; SECTIONS 30.08.030, 30.64.030, 30.64.060 TO MODIFY TURF REGULATIONS RELATING TO TURF AND WATER FEATURES, 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:

**Amusement/Theme
Park**

“Amusement/Theme Park” means a facility composed of 1 or more buildings or structures operated for profit on a permanent basis including a use which is designed to provide indoor or outdoor amusement, pleasure, or relaxation which may promote some theme, motif, or concept and may provide lifts, tramways, monorails, elevators, escalators, roller coasters, or other conveyances or rides for the entertainment or amusement of the public. For outdoor theme parks using water, see Subsection 30.64.060(4) “[~~Manmade~~] Recreational Water [~~Theme~~] Park.” and those parks utilizing water which is not supplied by a public water system, operated as a single development, for the filling or refilling of ornamental [~~manmade~~] water features, and such water is obtained as the result of the conversion of preexisting water usage involving outdoor surface irrigation for recreational golf course purposes, if such conversion will result in a net decrease in water usage, as certified by a professional engineer prior to issuance of any building permit for the entertainment theme park. (See Chapter 6.12, Amusement Park Master License)

[Community Use

~~Recreational Turf~~ “Community Use Recreational Turf” means any private or public park facility which is a turf-dominated, multi-purpose recreational area of at least 2 acres, but not less than 100 feet wide in any dimension, or a legitimate athletic field.]

Landscaping

“Landscaping” means the combination of natural elements such as trees, shrubs, groundcovers, vines, and other living organic and inorganic material which are installed for purposes of creating an attractive and pleasing environment, screening unsightly views, reducing environmental heat, filtering particulate matter from the air, and boosting oxygen levels.

1. “Hardscape” means the inanimate (non-live) elements of landscaping, including but not limited to sidewalks, curbs, pavement, structural foundations and permitted signage, plazas, patios, decorative courtyards, lighting walls, fences, arbors, ornamental [~~decorative~~] water features (when permitted), and decorative masonry, woodwork, tile, and public art.

Manmade Lake

“Manmade Lake” means every manmade body of water including lakes, ponds, lagoons and reservoirs (excluding tank-type reservoirs which are fully enclosed and contained) that are filled, or refilled, with potable or non-potable water, [~~or reclaimed wastewater~~] from any source, [~~for recreational, scenic or landscape purposes;~~] except for The term does not include swimming

pools, ~~[manmade decorative]~~ ornamental water features or ~~[manmade]~~ recreational water ~~[theme]~~ parks.

Ornamental ~~[Manmade Decorative]~~

Water Feature

~~“[Manmade Decorative]~~ Ornamental Water Feature” means any manmade stream, fountain, waterfall, or other ~~[manmade]~~ ornamental water feature containing water that flows or is sprayed into the air, constructed for decorative, scenic or landscape purposes, excluding swimming pools, manmade lakes and ~~[manmade]~~ recreational water ~~[theme]~~ parks.

~~[Manmade]~~

Recreational Water

~~[Theme]~~ Park

~~“[Manmade]~~ Recreational Water ~~[Theme]~~ Park” means an~~[y]~~ amusement park consisting of manmade bodies of water in any combination, including streams, fountains, waterfalls, swimming pools, water slides or other ~~[manmade]~~ ornamental water features ~~[-used primarily for contact recreational purposes and existing as the principal use of the property and open to the general public].~~

Public Art

“Public Art” means objects such as sculpture, ~~[water feature(s)]~~ or other multi-dimensional design that would be viewed by the general public as an attractive amenity in public or private development. These object(s) to be located in spaces visible and/or accessible to the public in general for the enjoyment of the community at large, and shall not be considered a sign.

Turf

“Turf” means any grassy area maintained by frequent mowing and fertilization and/or watering, commonly used for lawns and playing fields.

~~[A. Functional turf means a turf area designed or suitable for recreational purposes.]~~

~~B. Non-functional turf means turf within medians, streetscapes, and parking lots; turf for required perimeter landscaping; and turf designed and suitable only for aesthetic purposes.]~~

SECTION 2. Title 30, Chapter 30.64, Sections 30.64.030 and 30.64.060 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.

- j. **Turf.** These restrictions cannot be waived or varied.

Turf limitations apply as follows:

1. ~~[Single family and multifamily developments are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to privately owned and maintained parks, including required open space;]~~ shall only be allowed in conjunction with cemeteries, parks and schools.
- ~~2. The installation of new turf in non-residential developments is prohibited. This restriction shall not apply to schools, parks with programmable recreation areas, amphitheaters, or cemeteries; to turf required by other governmental jurisdictions and/or regulatory agencies; or to golf courses and driving ranges subject to regulations listed below;~~
- ~~3. The installation of new turf is prohibited in residential front yards;~~

4. ~~For single family residential lots, the installation of new turf shall not exceed 50% of the gross area of the side and rear yard or 100 square feet, whichever is greater. In any case, a maximum of 5,000 square feet of turf is permitted;~~
5. ~~Development within subdivisions [approved after July 1, 1992] shall not impose restrictions which require the use of turf in landscaping or which prevent the use of xeriscaping as an alternative to turf;~~
6. ~~Golf courses shall be limited to a maximum of 45 acres for 18 holes and 5 acres for a driving range;~~
 - A. ~~The turf limitation of golf courses may be exceeded if the applicant demonstrates to the satisfaction of the water purveyor that irrigated turf, in excess of the amount specified, will have no significant impact on water resources or water peak demand delivery capacity, because water used for the additional turf will be provided by one or more of the following methods:~~
 - i. ~~Water provided from applicant's own wells or appurtenant or transferred water rights which can be legally used to irrigate the property on which the golf course is developed.~~
 - ii. ~~Water provided from the water purveyor. However, the applicant must contribute to an exterior water efficiency retrofit program approved by the water purveyor to offset the impacts on water resources and system delivery capacity, in an amount equivalent to 2 times the amount of water used by the turf grass.~~
 - iii. ~~Groundwater provided from the shallow groundwater aquifer. Applicant may develop and provide the ground water at his sole cost or may compensate the appropriate water district to develop ground water pursuant to an agreement with the district. The agreement must have been executed by both parties at the time of the application.~~

[If permitted:]

A[7]. The maximum slope of a turf area shall be less than 25% ~~[not exceed 33%];~~

B[8]. Turf areas shall not be located within 10 feet of a street, curb, paved surface other than a single-family residential driveway, or sidewalk if adjacent to a paved surface;

C[9]. No area of turf shall have a width or depth less than 30 feet in any dimension. ~~[This area may be less than 30 feet wide if adjacent to a planter bed or other landscape area which will catch overspray;]~~

D[10]. Turf area must be no less than 1,500 contiguous square feet.

E[11]. Turf species may include varieties of Bermuda Grass, Fescue, Zoysia, Rye, St. Augustine, or Bentgrass or as otherwise recommended by the SNWA.

30.64.060 Non-Essential Water Uses ~~[Water Features.]~~ Variances or waivers ~~[to the use and size restrictions]~~ within this Section shall not be permitted. ~~[, and the Zoning Administrator shall not accept such an application. Because the conservation of water resources is vital to the general prosperity, health, safety and welfare of the County, the development of water features for recreational, scenic and landscape purposes shall be severely limited; however, the surface area restrictions for swimming pools, manmade decorative water features, or manmade recreational water theme parks shall not apply to water features within an enclosed climate controlled building. Any water feature permitted under this Section shall only be permitted if designed to re-circulate water within the feature.]~~
The following uses are exempt from restrictions:

- A. A body of water which stores water for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage by a political subdivision of this State.
- B. A body of water which stores water for use by the Las Vegas Valley Water District or by a water district created pursuant to NRS Chapter 318.
- C. A body of water which stores and distributes water or reclaimed wastewater for use by an irrigation district created pursuant to NRS Chapter 539.
- D. A body of water which stores water used in a mining reclamation project.

1. **Swimming Pools.** Swimming pools are considered to be accessory uses in all districts when not a principal use of the property. All pools (above ground and below grade) shall comply with the following: ~~[Swimming pools which exceed the permitted area shall only be permitted in accordance with subsection (2) below (Manmade Lakes).]~~
 - A. Pool water line must be a minimum 5 feet away from the front yard and shall not ~~[be constructed a]~~ cross a property line.
 - B. All pools must be enclosed by a minimum 5 foot high fence or wall (which may be a building wall) with self-closing and self-latching gates or doors, the latching device being located on the inside and not less than 4 feet above the ground designed to prevent access to the pool without going through the gate. If visible from the street then the pool must be surrounded by a decorative wall.
 - C. As a further precaution, it is suggested all doors and windows shall be self-closing and self-latching, and a non-climbable 5 foot fence be constructed to separate the pool/spa from the residence (see Figure 30.64-16).
 - D. Waterfalls or other decorative features associated with a pool may encroach into a yard setback, must conform to maximum wall height, and may not cross a property line.
 - E. ~~[Within developments other than single-family residences, t]~~ The water surface area of outdoor swimming pools ~~[for a development]~~ shall not exceed the following.
 - i. Non-single family residential development, including community pools and recreational facilities, shall be limited to 4% for the first 10 acres or less and 0.4% for the additional total development area that exceeds 10 acres.
 - ii. For a resort hotel, an additional 5 square feet will be allowed for each guest room.
 - iii. Single-family residential development shall be limited to an area of 600 square feet. [Area in addition to that permitted in subsections (i) and (ii) above may be permitted if in conformance with the provisions Subsection (2) below.]
2. **Manmade Lakes.** Manmade lakes are prohibited, except for the following.
 - A. A body of water constituting a wetlands project or located in a recreational facility which is owned or operated by a political subdivision of this State and that utilizes nonpotable water.
 - B. A body of water which is located in a recreational facility that is open to the public and owned or operated by the United States of America or the State of Nevada.
 - C. ~~[A body of water which stores water for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage by a political subdivision of this State.~~
 - D. ~~[A body of water which stores water for use by the Las Vegas Valley Water District or by a water district created pursuant to NRS Chapter 318.]~~
 - E. Bodies of water ~~[located]~~ on ~~[a golf course or]~~ a cemetery which are used for the purpose of storing irrigation water for the same and which have a combined aggregate surface area less than 5.5% of the total ~~[golf course or]~~ cemetery area, respectively.
 - F. ~~[A body of water which stores and distributes water or reclaimed wastewater for use by an irrigation district created pursuant to NRS Chapter 539.~~
 - G. ~~[A body of water which stores water used in a mining reclamation project.~~
 - H. ~~[A body of water which is located or is proposed to be created within a nonprofit youth camp for the benefit of youth in learning and experiencing watercraft activities and water safety.~~
 - I. A body of water, with no limitations on its area, which may include decorative, recreational and/or entertainment features, located at a resort hotel, provided it is subject to the following:

- i. ~~The resort hotel demonstrates that the resort hotel benefits the community and is in the public interest as evidenced by the approval of the resort hotel under this Title, provided, that the bodies of water or features are shown on the plans and advertised in the notice of public hearing.~~
- ii. ~~The applicant demonstrates to the satisfaction of the water purveyor that the proposed body of water will have no significant impact on water resources or water peak demand delivery capacity, because of the use of 1 or more of the following methods. The method or methods used shall be the highest priority method or methods feasible, as reasonably determined by the appropriate water district, as listed in the following priority order. The applicant shall submit a Water Efficiency Plan to the water purveyor, which must be approved by the water purveyor prior to the issuance of permits.~~
 - (a) ~~Use of well water if the property upon which the body of water is located is part of a single development that has appurtenant non-revocable water rights existing on or before July 1, 1995.~~
 - (b) ~~Use of groundwater from the shallow groundwater aquifer.~~
 - (c) ~~Use of reclaimed wastewater from a municipal system or the subject property. If the applicant contributes to an exterior water efficiency retrofit program approved by the water purveyor to offset the water resources used, in an amount equivalent to the amount of water used by the body of water.~~
 - (d) ~~Use of water from the water purveyor. However, the applicant must contribute to an exterior water efficiency retrofit program approved by the water purveyor to offset the impacts on water resources and system delivery capacity, in an amount equivalent to 2 times the amount of water used by the body of water.~~
- iii. ~~The applicant must submit an efficient water use plan for the entire resort hotel to the water purveyor. The applicant must receive plan approval from the appropriate water district before issuance of any building permits for the body of water.~~
- iv. ~~If reclaimed wastewater or water from a shallow aquifer will be used, the property may be subject to the approval of an effluent management plan and/or an appropriate sewer surcharge fee for discharging excess conventional pollutants from either process into the municipal sewer system. If excess Total Dissolved Solids (TDS) is discharged, the property must fund salinity reduction programs through the Clark County Sanitation District for reducing the total TDS use equivalent by the amount of the excess TDS contributed.]~~

3. **[Manmade Decorative] Ornamental Water Features.**

- A. The following [manmade decorative] ornamental water features are permitted [without abatement]:
 - i. ~~[Those that are necessary and/or functional components serving other allowable uses, including, but not limited to:~~
 - (a) ~~Irrigation reservoirs, such as for a golf course, park or cemetery;~~
 - (b) ~~An engineered component of a heat exchanger for a structure's cooling system;~~
 - (c) ~~An interpretive feature of an educational exhibit.~~
 - ii. ~~Those within recreational water parks, provided it is not merely decorative;~~
 - iii. ~~Those within a climate-controlled structure;~~
 - iv. ~~Those wherein the majority of the water volume is contained indoors or stored in a covered vessel to reduce evaporation;~~
 - v. ~~Those necessary to sustain aquatic animals, provided that the animal population has been actively and continuously managed within the water feature prior to 2003;]~~
 - vi. i. A water feature [single fountain] of not more than 25 square feet surface area when in conjunction with a single family residence [lot or within a common area of a residential development, provided

that the water feature is not located at an entryway or streetscape].

- vii. ~~ii. Those in conjunction with a resort hotel must enter into an abatement agreement with the purveyor, if required, [provided the surface area of the water feature does not exceed two percent (2%) of the lot area for the first 10 acres or less, plus two-tenths percent (0.2%) for the additional total lot area that exceeds 10 acres, plus an additional two and one-half (2.5) square feet of area for each room used for sleeping accommodations.]~~

~~(a) [Additional surface area shall be allowed where:~~

~~(i) The water feature is supplied by water obtained by means of a permit issued by the Nevada State Engineer; or,~~

~~(ii) The water is from a shallow groundwater system, which may be operated in conjunction with a system using reclaimed wastewater resulting from the use of potable water and the subsequent on-site treatment of the used water, on the single development. However, any such reclaimed wastewater may be used only to the extent that shallow groundwater is unavailable. This use of water is permitted subject to:~~

~~1) Any additional water features using shallow groundwater or reclaimed wastewater generated on the site, as provided above, do not, in aggregate, exceed an additional square footage increment equal to the amount of manmade decorative water features calculated under subsection vii above.~~

~~2) The necessary groundwater permit and water treatment process approvals have been obtained from the appropriate agencies having or asserting jurisdiction.~~

~~3) A deed restriction has been recorded stating that the continuing operation of outdoor manmade decorative water features may require the continuing operation of systems to provide water from a shallow groundwater or from reclaimed wastewater generated on the single development as provided above.~~

~~(b) If additional water is used per subsection vii (a) above, 1) a water efficiency plan which addresses guidelines suggested by the Southern Nevada Water Authority shall be submitted to the Zoning Administrator prior to final inspection for future water features, and 2) a sign shall be posted at the feature stating that the feature is operating in compliance and that a water efficiency plan is on file with the local water purveyor.]~~

iii. The following shall not be considered Ornamental Water Features:

Those that are necessary and/or functional components serving other allowable uses, including, but not limited to:

a. An interpretive feature of an educational exhibit.

b. Those within a climate-controlled structure.

B. [All other manmade decorative water features may be permitted subject to approval of an Administrative Design Review per Table 30.16-10 and shall be in compliance with the following (regulations below cannot be waived or varied):

i. The surface area of the water feature shall not exceed two percent (2%) of the lot area for the first 10 acres or less, plus two-tenths percent (0.2%) for the additional total lot area that exceeds 10 acres.

ii. If the water feature will be supplied in any manner with water from a member agency of the Southern Nevada Water Authority, the owner shall participate in one, or a combination of the following abatement plans to off-set the water use of the water feature:

(a) Removing turf and converting to xeriscape at a ratio of 20 square feet of turf for each square foot of surface area of the water feature;

(b) Supporting the regional conservation program by paying \$40 for each square foot of surface area

of the water feature to the Southern Nevada Water Authority; or

~~(e) Reducing or eliminating an existing, legally approved body of water on the property so that there is an equal or net decrease in water surface area on the property.~~

C.] Water features will not be required to be drained. A recirculating water pool to maintain pumps, pond liners, and ancillary equipment, but only between the hours of 1:00 a.m. and 4:00 a.m. or whenever freezing conditions require preservation, may be maintained.

4. ~~[Manmade] Recreational Water [Theme] Park.~~ The water surface area of [manmade] recreational water [theme] park for a single development shall be pursuant to water purveyor regulations. ~~[is limited to 20% for the first 20 acres or less and 2% for the additional total development area that exceeds 20 acres.]~~

SECTION 3. 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 4. 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 5. 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: _____

NAYS: _____

ABSTAINING:

ABSENT:

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.