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BILL NO. 2006-43

ORDINANCE NO. _____

AN ORDINANCE TO CONSOLIDATE AND UPDATE DEVELOPMENT STANDARDS PERTAINING TO WALLS AND FENCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown

Summary: Consolidates and updates development standards pertaining to walls and fences.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

AS FOLLOWS:

SECTION 1: Title 18, Chapter 8, Section 110, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18.08.110: (A) It is the intent of the City to minimize to the extent possible those instances in which grade changes result in large expanses of monotonous walls facing adjacent property or public streets. Type "B" and Type "C" drainage and cross-fall streets, while undesirable, may be allowed on a case-by-case basis as measures to mitigate large expanses of monotonous walls.

(B) Each tentative map application must include, for all sites, a legible schematic cross section drawing which:

(1) Has a minimum size of eleven inches by seventeen inches and a maximum size of twenty-four inches by thirty-six inches;

(2) Has an exaggerated vertical scale, with labeled horizontal and vertical dimensions at the property lines;

(3) Shows the maximum grade differentials;

(4) Includes the existing and proposed condition elevations on the cross sections;

(5) Includes cross sections that extend a minimum of one hundred feet beyond the limits of the project at each property line, showing the location and finish floor elevations of adjacent structures. Measurements shall be made from the centerline of adjacent streets, or from the property line where no street exists. The Planning and Development Department may require cross sections for up to one hundred feet beyond the property line or the centerline of an abutting street,

1 whichever is greater; and

2 (6) Includes cross sections for maximum wall heights, [and] typical wall
3 heights[.] and wall elevations.

4 (C) [Whenever, on the perimeter of a project, retaining walls are proposed which:

5 (1) Face a public street or adjoining property not in common ownership;

6 (2) Are within a single plane and are not separated by landscaping; and

7 (3) Exceed the maximum retaining wall heights indicated in Table "A"

8 below, the applicant shall submit three copies of a plan of proposed perimeter grades which indicates

9 all such walls. This plan may be superimposed on the tentative map but must be legible. The plan

10 shall include cross-sections of all sections of the project perimeter with retaining walls which exceed

11 the heights indicated in Table "A." For purposes of Table "A," retaining wall heights shall be

12 measured from the proposed grade on the exterior side of the project to the top of the retaining wall.

13

Slope of Natural Grade (percent)	Maximum Retaining Wall Height
0 to 2	4 feet
Above 2 to 4	6 feet
Above 4	6 feet per step of wall (See Chapter 18.12, Figure 3)

14
15
16

17 (D) The plan described in Subsection (C) shall show perimeter walls that conform
18 to the requirements of Section 18.12.510.

19 (E) In the case of an application which contains a plan as described in Subsection
20 (C), the City will notify all property owners within three hundred feet of any portion of the project
21 perimeter where a retaining wall exceeds the maximum heights indicated in Table "A," and the
22 Planning Commission shall hold a public hearing concerning the tentative map and the plan of
23 proposed project perimeter grades. The applicant shall pay the fee set forth in the fee schedule for the
24 required hearing and processing. The Planning Commission's review is final unless appealed to the
25 City Council.

26 (F) When considering the tentative map application, the Planning Commission shall
27 take into account the submitted plan of proposed project perimeter grades. Approval of the tentative
28 map shall constitute approval of the associated plan of project perimeter grades.

1 [(G)] (D) If the final drainage and grading plan for the project changes an approved plan
2 for project perimeter grades by more than two feet in either direction, as determined by the Director
3 or by the Director of Public Works, the tentative map and a new project perimeter grade plan must be
4 reviewed and approved by the Planning Commission as in the first instance. Nothing in this
5 Subsection [(G)] (D) affects the application of the maximum retaining wall height limitations
6 contained in [Table "A".] Section 19.12.075.

7 SECTION 2: Title 18, Chapter 12, of the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, is hereby amended by deleting in its entirety Section 510 thereof.

9 SECTION 3: Title 19, Chapter 8, Section 40, Subsection (B), Paragraph (2), of the
10 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
11 follows:

12 (2) Fences and Walls.

13 [(a) Height Except as otherwise specifically permitted in this Title, the maximum permitted
14 height of walls, fences and hedges in residential districts shall be governed by the following:

15 (i) Rear Yard Area – Eight feet solid or open.

16 (ii) Side Yard Area – Eight feet solid or open.

17 (iii) Required Front Yard Area – Four feet total, with the top two vertical feet fifty
18 percent open to permit visibility. Hedges planted along the front yard property line shall not exceed
19 three vertical feet. Retaining walls along the front property line may not retain more than two feet.
20 Where the grade of the front yard slopes more than 2:1 ratio, multiple retaining walls may be
21 constructed, provided there is a minimum distance of five feet between retaining walls for
22 landscaping.

23 (iv) The maximum height of permitted fences/walls along the front property line
24 shall be measured from the elevation of the adjoining sidewalk. Where such walls are set back, they
25 shall be measured from the finished grade.

26 (v) The maximum height of permitted fences/walls in the side and rear yard areas
27 shall be measured on the side with the least vertical exposure above finished grade.

28 (vi) Screening or fencing for tennis\sports courts is permitted in the rear or side yard

1 area. Such structures may exceed the height of six feet, but shall not be higher than twelve feet. The
2 portion above the height of six feet shall be open so as not to restrict light or ventilation and provided
3 such fencing shall be setback a minimum of five feet from the side and rear property lines.

4 (b) Barbed Wire/Razor Wire Fences. The use of barbed or razor wire or similar security
5 fencing materials shall comply with the standards set forth in the most recent edition of the Uniform
6 Building Code, as adopted by the City.

7 (c) Corral and Stable Fencing. Fencing for corrals and stables is permitted in accordance
8 with Section 19.04.040(C).] See Section 19.12.075.

9 SECTION 4: Title 19, Chapter 8, Section 50, Subsection (D), Paragraph (1), of the
10 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
11 follows:

12 (1) Fences and Walls.

13 [(a) Perimeter Walls.

14 (i) General. A wall shall be constructed adjacent to any residential zoning district
15 or property used solely for residential purposes, shall be a minimum of six feet in height, and in no
16 case shall exceed the height limitation applicable to the adjacent zoning district or property. In all
17 other cases, there is no requirement to construct a wall or fence. However, all walls and fences must
18 comply with applicable building code requirements. Walls and fences adjacent to commercial or
19 industrial zoning districts or property used for commercial or industrial uses shall be limited to a
20 maximum of eight feet in height. The height of a wall or fence shall be measured from the side with
21 the greatest vertical exposure above finished grade.

22 (ii) Design and Installation. Perimeter walls, end walls, return walls and
23 common area walls shall be decorative and shall be installed by the developer. Acceptable decorative
24 wall materials include, without limitation, stone, decorative block, slump stone, and wrought iron, and
25 shall have a minimum of twenty percent contrasting material. The contrasting material requirement
26 may be fulfilled by contrasting color, or a combination of contrasting material and contrasting color,
27 if approved by the Department in its discretion. All walls shall include such detail variations as may
28 be required by the Department, including pilasters, decorative caps, decorative iron cutouts or fluted

1 blocks. Any decorative materials or ironwork attached to the top of a perimeter wall shall not
2 encroach into public rights-of-way or abutting properties. Pilasters, if used, shall have a maximum
3 spacing of twenty-four feet on center (See Figures 1 and 2). No voids or spaces shall be permitted
4 between an existing perimeter wall and new perimeter wall. All perimeter walls shall be sealed by
5 an approved method to prevent the leaching or transmission of mineral deposits through the wall.

6 (iii) Maintenance. All walls shall be maintained by the property owner, the
7 developer, a business association or other similar organization, or by such other means as may be
8 approved by the City.

9 (iv) Design Continuity. To achieve design continuity, perimeter walls shall
10 match the design of abutting perimeter walls. The established wall design shall be continued until the
11 next street intersection. In cases where the existing wall is considered by the Director to be of
12 unacceptable design, the design shall not be carried beyond the next street intersection unless a
13 transitional wall area designed to soften the differences between the walls is constructed.

14 (v) Prohibited Materials. Unless otherwise approved as part of an overall
15 development plan, the following materials are not acceptable for use as perimeter walls or fences:

- 16 a. Chainlink or open wire fencing (except as temporary
17 construction fencing, or as fencing in the C-M or M Zoning Districts);
- 18 b. Razor wire or barbed wire;
- 19 c. Corrugated metal;
- 20 d. Colored plastic;
- 21 e. Untextured or unfinished concrete or block (CMU) walls; and
- 22 f. Pointed post fences.

23 (b) Retaining Walls.

24 (i) Height. Retaining walls shall conform to the height requirements set
25 forth in LVMC Title 18. (See also Figure 3)

26 (ii) Design and Installation. Retaining walls shall be decorative and shall
27 be installed by the developer. Acceptable materials for retaining wall construction include split-face
28 block, decorative block, slump stone, stone, caliche rock, colored or exposed aggregate, and

1 textured-finish concrete. All walls shall include detail variations such as pilasters, decorative caps,
2 or fluted blocks. All retaining walls shall be sealed by an approved method to prevent the leaching
3 or transmission of mineral deposits through the wall.

4 (iii) Maintenance. All walls shall be maintained by the property owner, the
5 developer, a business association or other similar organization, or by such other means as may be
6 approved by the City.

7 (iv) Landscaping Requirements. In cases where the retaining wall height
8 exceeds four feet, a minimum of five shrubs of a five-gallon size, and five shrubs of a one-gallon size,
9 for each twenty feet of linear planting area shall be planted in the area at the base of the wall. In cases
10 where there are multiple-stepped retaining walls, a minimum of five shrubs of a five-gallon size, and
11 five shrubs of a one-gallon size, for each twenty feet of linear planting area shall be planted in the area
12 between the walls and at the base of the lowest wall. A minimum planting area of four feet is required
13 between the retaining walls.] See Section 19.12.075.

14 SECTION 5: Title 19, Chapter 8, Section 50, Subsection (H), of the Municipal Code
15 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended so that the introductory language
16 reads as follows:

17 (H) Figures. Figures [1-32, as] referred to in this Section[,] are as follows:

18 SECTION 6: Title 19, Chapter 8, Section 50, Subsection (H), of the Municipal Code
19 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended further by deleting from the
20 figures that appear in this Subsection Figures 1 to 3, inclusive, and by including at the beginning of
21 the figures a reference as follows:

22 (Figures 1-3 deleted by amendment)

23 SECTION 7: Title 19, Chapter 12, of the Municipal Code of the City of Las Vegas,
24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 75,
25 reading as follows:

26 **19.12.075: Wall Standards**

27 (A) No screening wall shall be built in the front yard of a residential property.

28 (B) The minimum height of a screening wall shall be six feet and the maximum height shall be

1 eight feet.

2 (C) Except as otherwise provided in Subsection (E), if the natural slope of a parcel that will contain
3 a screening wall is two percent or less, and a retaining wall will be required:

4 (1) The maximum height of the retaining wall shall be four feet;

5 (2) The minimum height of the screening wall shall be six feet, with the maximum height
6 eight feet; and

7 (3) The total vertical plane of both walls shall not exceed ten feet, measured from the
8 finished grade on the lower side of the wall to the top of the wall, with a maximum height of eight feet
9 measured from the finished grade on the higher side of the wall to the top of the wall. (See Figure 6)

10 (D) Except as otherwise provided in Subsection (E), if the natural slope of a parcel that will contain
11 a screening wall is greater than two percent and a retaining wall will be required:

12 (1) The maximum height of the retaining wall shall be six feet;

13 (2) The minimum height of the screening wall shall be six feet, with the maximum height
14 eight feet; and

15 (3) The total vertical plane of both walls shall not exceed twelve feet, measured from the
16 finished grade on the lower side of the wall to the top of the wall, with a maximum height of eight feet
17 measured from the finished grade on the higher side of the wall to the top of the wall. (See Figure 7)

18 (E) In cases where it is necessary to use retaining walls that exceed the height limitations contained
19 in Subsections (C) and (D), the following standards shall apply in order to reduce the visual impact
20 of screening and retaining walls, as illustrated in Figure 8:

21 (1) For each four feet of vertical height of retaining wall, a minimum five-foot setback,
22 or horizontal offset, shall be provided, as measured from the front of the wall plane to the front of the
23 next wall plane, with landscaping to be provided within the offset area.

24 (2) The height of the wall plane of the wall located at the highest grade shall be a minimum
25 of six feet and a maximum of eight feet.

26 (F) Front yard walls/fences shall be a maximum of five feet with the top three vertical feet open
27 to permit visibility. (See Figure 9) Hedges planted along the front yard property line shall not exceed
28 three vertical feet. Retaining walls along the front property line may not exceed two feet in height.

1 Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be
2 constructed, provided there is a minimum distance of five feet between retaining walls for
3 landscaping. (See Figure 10)

4 (G) Fences, Walls and Architectural Character

5 (1) Perimeter Walls. Perimeter walls, end walls, return walls and common area walls shall
6 be decorative and shall be installed by the developer. Acceptable decorative wall materials, without
7 limitation, stone, decorative block, slump, stone, and wrought iron, and shall have a minimum of
8 twenty percent contrasting material. The contrasting material requirement may be fulfilled by
9 contrasting color, or a combination of contrasting material and contrasting color, if approved by the
10 Department in its discretion. All walls shall include such detail variations as may be required by the
11 Department, including pilaster, decorative caps, decorative iron cutouts or fluted blocks. Any
12 decorative materials or ironwork attached to the top of a perimeter wall shall not encroach into public
13 rights-of-way or abutting properties. Pilasters, if used, shall have a maximum spacing of twenty-four
14 feet on center (See Figures 9 and 11). No voids or spaces shall be permitted between an existing
15 perimeter wall and a new perimeter wall. All perimeter walls shall:

16 a. Match the design of abutting perimeter walls. The established wall design shall
17 be continued until the next street intersection. In cases where the existing wall is considered by the
18 Director to be of unacceptable design, the design shall not be carried beyond the next street
19 intersection unless a transitional wall area designed to soften the differences between the walls is
20 constructed;

21 b. Be sealed by an approved method to prevent leaching or transmission of mineral
22 deposits through the wall; and

23 c. Be maintained by the property owner, the developer, a business association or
24 other similar organization, or by such other means as may be approved by the City.

25 (2) Retaining Walls. Retaining walls shall be decorative and shall be installed by the
26 developer. Acceptable materials for retaining wall construction include split-face block, decorative
27 block, slump stone, stone, caliche rock, colored or exposed aggregate, and textured-finish concrete.
28 All walls shall include detail variations such as pilasters, decorative caps, or fluted blocks. All walls

1 shall be sealed by an approved method to prevent the leaching or transmission of mineral deposits
2 through the wall. All walls shall be maintained by the property owner, the developer, a business
3 association or other similar organization, or by such other means as may be approved by the City. In
4 cases where the height of a retaining wall exceeds four feet, a minimum of five shrubs of a five-gallon
5 size, and five shrubs of a one-gallon size, for each twenty feet of linear planting area shall be planted
6 in the area at the base of the wall. In cases where there are multiple-stepped retaining walls, a
7 minimum of five shrubs of a five-gallon size, and five shrubs of a one-gallon size, for each twenty feet
8 of linear planting area shall be planted in the area between the walls and at the base of the lowest wall.
9 A minimum planting area of four feet is required between the retaining walls.

10 (H) Materials. Unless otherwise approved as part of an overall development plan, the following
11 materials shall not be acceptable for use as screening or perimeter walls:

- 12 (1) Chainlink or open wire fencing (except as temporary construction fencing);
- 13 (2) Razor wire or barbed wire (except as may be approved under the procedures set forth
14 in the City's Building Code);
- 15 (3) Corrugated metal;
- 16 (4) Bright colored plastic; and
- 17 (5) Untextured or unfinished concrete or block (CMU) walls.

18 (I) Variance. The standards set forth in this Section are minimum requirements for all
19 developments subject to this Section. Any request to deviate from these standards shall require the
20 submittal of a Variance application, which shall be subject to the procedures and standards set forth
21 in Section 19.18.070.

22 SECTION 8: Title 19, Chapter 12, Section 80, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the introductory portion to read
24 as follows:

25 Figures [1-5, as] referred to in this Chapter[,] are as follows:

26 SECTION 9: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,
28 the following terms and their corresponding definitions:

1 “Wall, Perimeter” means an opaque structure constructed in accordance with Section 19.08.070 with
2 the purpose of providing security or a visual buffer within the property line of a subdivision or parcel
3 and separating the subdivision or parcel from, right-of-way, another land use or another property.

4 “Wall, Screening” means an opaque structure constructed in accordance with Section 19.08.070 with
5 the purpose of providing a buffer for privacy or to mitigate a potentially negative noise or visual
6 impact.

7 “Wall, Retaining” means a wall with the grade on one side greater than the grade on the opposite side
8 that is designed and constructed to withstand the lateral earth and hydrostatic pressures upon it.

9 “Wall/Fence, Front Yard” means a structure which is designed to delineate or provide security along
10 the front property line of a residential parcel.

11 SECTION 10: For purposes of Section 2.100(3) of the City Charter, LVMC 19.08.040,
12 19.08.050 and 19.20.020 are deemed to be subchapters rather than sections.

13 SECTION 11: The following illustrations are attached to and incorporated into this
14 Ordinance, and shall be inserted at the appropriate location in the codification of this Ordinance:

15 Figures 6-11, to appear in Section 19.12.080.

16 SECTION 12: If any section, subsection, subdivision, paragraph, sentence, clause or
17 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
18 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
20 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
22 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
23 invalid or ineffective.

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SECTION 13: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2006.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steel 7-25-06
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2006, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2006, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

Figure 6
Retaining and Screening Wall with Slope $\leq 2\%$

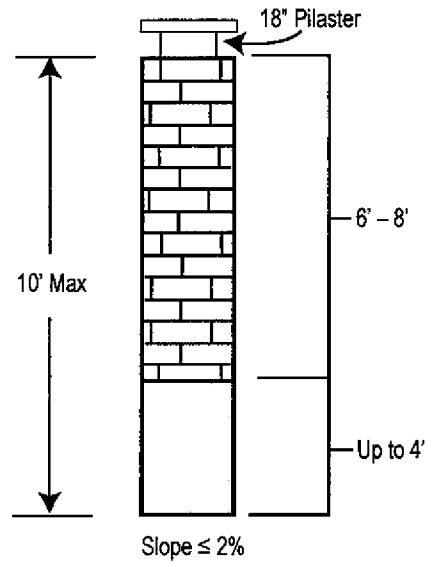


Figure 7
Retaining and Screening Wall with Slope $> 2\%$

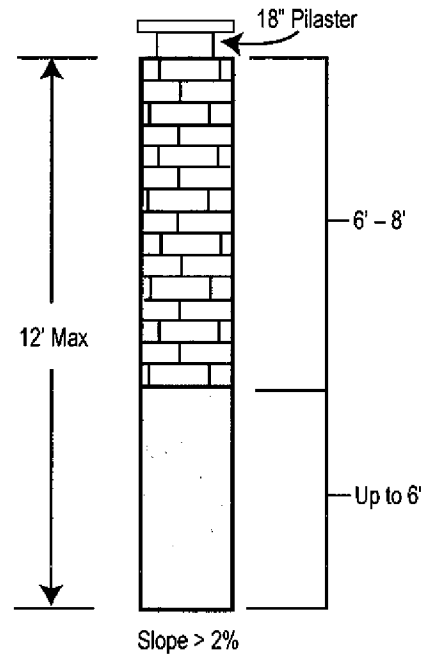


Figure 8
Retaining and Screening Wall Standard Stepback

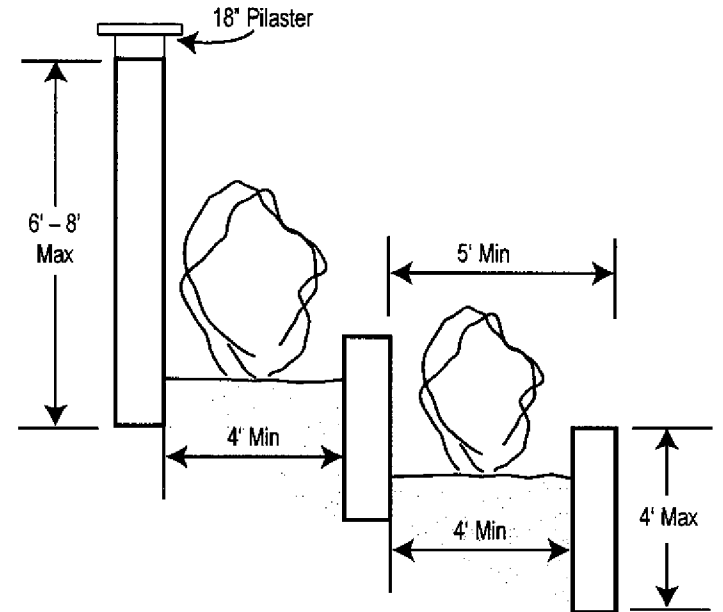


Figure 9
Front Yard Wall / Fence

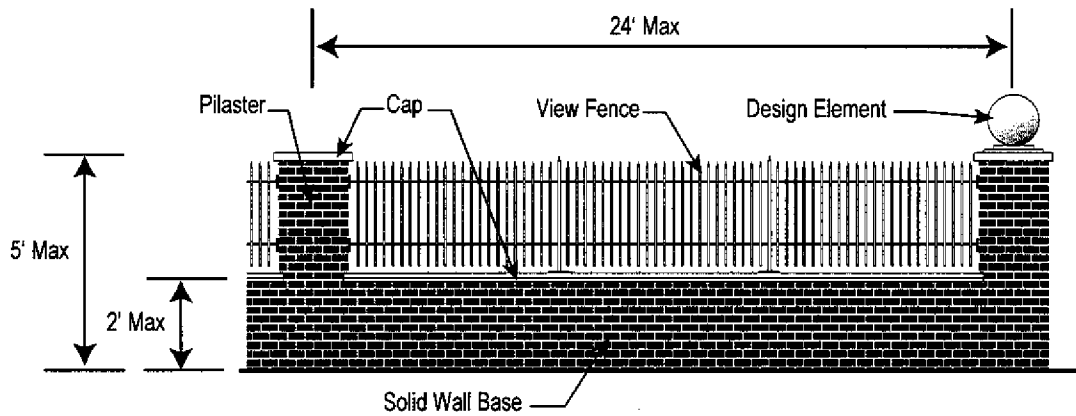


Figure 10
Front Yard Wall / Fence with Standard Stepback

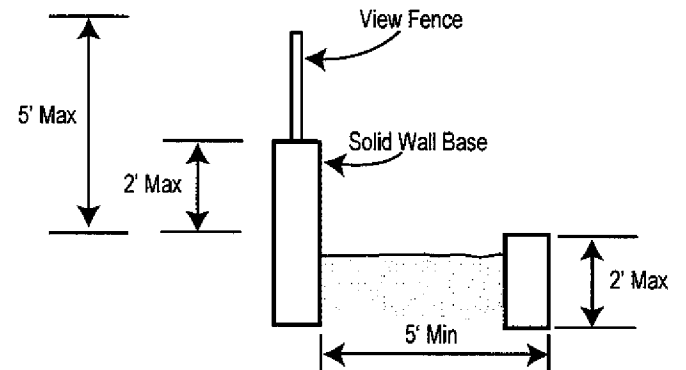


Figure 11
Maximum Pilaster Spacing

