

1 **BILL NO. 2006-79**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ALLOW SMALL WIND ENERGY SYSTEMS AS A CONDITIONAL USE
4 IN THE R-A, R-E AND R-D ZONING DISTRICTS, AND TO PROVIDE FOR OTHER RELATED
MATTERS.

5 Sponsored by: Councilman Steven D. Ross Summary: Allows small wind energy systems as
6 a conditional use in the R-A, R-E and R-D
Zoning Districts.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
8 AS FOLLOWS:

9 SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
10 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to
11 allow the use "Small Wind Energy System" as a conditional use in the R-A, R-E and R-D Zoning
12 Districts. In order to reflect the amendment, a new use category shall be added to the "Utilities,
13 Communication & Transportation" Element of the Land Use Tables, to read as follows:

RESIDENTIAL												USE
U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	UTILITIES, COMMUNICATION & TRANSPORTATION
	C	C	C									Small Wind Energy System

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18 **Description:**
A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended primarily to reduce on-site consumption of utility power. The use is not to be deemed an accessory structure.

19 **Conditional Use Regulations:**
20 1. The minimum parcel size shall be two acres (net).
21 2. No small wind energy system is eligible for approval if all or part of the property is within a conservation easement or scenic highway corridor, or is listed on the State or National Registers of Historic Places, unless the applicant submits satisfactory evidence that the addition of a small wind energy system is not a violation of the rules that govern the development of the property.
22 3. The tower height (meaning the height above grade of the fixed portion of the tower, excluding the wind turbine itself) may not exceed the lesser of the following:
23 a. The maximum height recommended by the manufacturer or distributor of the system, as demonstrated by evidence included with the application; or
24 b. A height of 90 feet for a qualifying parcel less than 2 net acres in size, or a height of 110 feet on a parcel of 5 net acres or more in size.
25 4. In the R-D Zoning District, the entire system must be set back at least 30 feet from the front property line and at least 10 feet from the side and rear property lines. In the R-A and R-E Zoning Districts, the entire system must be set back at least 50 feet from the front and side property lines, and at least 10 feet from the rear property line.
26 5. No part of a system, including guy wire anchors, may be closer to any residential building or outbuilding than the sum of the following distances: the length of the tower, plus half the length of the blade diameter, plus an additional 10 feet.
27 6. A system shall not exceed 60dBA, as measured by a sound level meter at the closest neighboring inhabited dwelling. However, this level may be exceeded during short term events such as utility outages or severe windstorms.
28 7. The applicant must submit proof of turbine certification approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.

1 8. A system must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. For locations within the
2 Airport Overlay District, the system must comply with all regulations and requirements applicable to that district.

3 9. A system must comply with all applicable fire codes and building codes.

4 10. A building permit application for a system must be accompanied by:

- 5 a. Standard drawings of the wind turbine structure including base, tower and footings;
- 6 b. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional
7 engineer; and
- 8 c. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the
9 National Electrical Code.

10 11. Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the
11 applicant's intent to install a system. An off-grid system shall be exempt from this requirement if the property is not served by an electrical utility provider.

12 12. No system shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the
13 construction of the main building.

14 13. The Special Use Permit provisions of Section 19.04.040(B) do not apply to this use.

15 **On-site Parking Requirement:** No additional parking required beyond that which is required for the principal use on the site.

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17 SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
18 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
19 amending the description of the use "Utility Installation, Other than Listed" in the "Utilities,
20 Communications & Transportation Element" of Table 2 to read as follows:

21 **Description:**

22 A facility or area used as (or for) a utility installation not specifically listed in this Title. This use does
23 not include any type of wind energy conversion system.

24 SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to add thereto the following term, along with
26 its corresponding definition:

27 "Small Wind Energy System" means a wind energy conversion system consisting of a wind turbine,
28 a tower and associated control or conversion electronics, which has a rated capacity of not more than
100kW and which is intended to primarily reduce on-site consumption of utility power. For purposes
of this Title, the use shall not be deemed an accessory structure.

SECTION 4: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Utility
Installation, Other than Listed" to read as follows:

"Utility Installation, Other than Listed" means a facility or area [for] used as (or for) a utility
installation not specifically listed in this Title. The term does not include any type of wind energy

1 conversion system.

2 SECTION 5: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
3 and 19.20.020 are deemed to be subchapters rather than sections.

4 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
5 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
6 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
7 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
8 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
9 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
10 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
11 invalid or ineffective.

12 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, in conflict herewith are hereby repealed.

15 PASSED, ADOPTED and APPROVED this ____ day of _____, 2007.

16 APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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20 ATTEST:

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22 BARBARA JO RONEMUS, City Clerk

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24 APPROVED AS TO FORM:

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26 Val Steed 12-7-06
Date

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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 _____, 2007, 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