

BILL NO. 2013-35

ORDINANCE NO. _____ .

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO REINSTATE THE R-D (SINGLE FAMILY RESIDENTIAL-RESTRICTED) DISTRICT AND STANDARDS PERTAINING THERETO, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Amends the Unified Development Code to reinstate the R-D (Single Family Residential-Restricted) District and standards pertaining thereto.

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

SECTION 1: Ordinance No. 6190 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Sections 2 to 14, inclusive, of this Ordinance. For each of those sections, the amendment is deemed to be an amendment to both Ordinance No. 6190 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 00, Section 100, Subsection (B), Paragraph (1), is hereby amended by adding to the table listed therein, at the appropriate location, a new row for the Single-Family Residential-Restricted District, as follows:

Abbreviated Designation	Zoning District Name	District Purpose
R-D	Single Family Residential-Restricted	page ____ (to be inserted)

SECTION 3: Title 19, Chapter 4, Section 40, Subsection (B), Paragraph (2), is hereby amended by amending the introductory portion thereof, before Subparagraphs (a) and (b), to read as follows:

2. The minimum required Connectivity Ratio is 1.30 (links/nodes) for all development in R-D, R-1, R-MH, R-CL, R-TH, R-2, R-3 and R-4 zoning districts. The Connectivity Ratio required for multi-family residential developments will be determined by the Director, with advice from the Director of Public Works, based on the proposed site layout.

SECTION 4: Title 19, Chapter 4, Section 160, is hereby amended by adding the R-D

1 District to the Transportation–Land Use Matrix shown in Table 1. That addition shall be
2 accomplished by replacing that table with the two-page exhibit attached as Exhibit A.

3 SECTION 5: Title 19, Chapter 6, is hereby amended by adding thereto a new Section
4 65 to set forth standards applicable to the R-D District. That new section shall consist of the material
5 contained in the four-page exhibit attached as Exhibit B.

6 SECTION 6: Title 19, Chapter 6, Section 140, Subsection (F), is hereby amended by
7 amending Paragraphs (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) and (17) thereof, in
8 particular Tables 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13 that appear therein, to indicate that the same
9 standards apply to the R-D District as apply to the R-1 District. In order to so reflect, the designation
10 “R-D” is inserted in each table just before the R-1 designation.

11 SECTION 7: Title 19, Chapter 8, Section 40, Subsection (H), Paragraph (1),
12 Subparagraph (a), is hereby amended to read as follows:

13 a. All property to be developed for nonresidential or multifamily residential use that is located
14 adjacent to property which is zoned R-E, R-D, R-1 or R-CL, unless such adjacent property is
15 developed with a nonresidential use, shall conform to the residential adjacency standards set
16 forth in this Subsection.

17 SECTION 8: Title 19, Chapter 10, Section 20, Subsection (E), Paragraph (2), is
18 hereby amended to read as follows:

19 2. In addition to the standards established above, property in the C-V District adjacent to
20 residential uses in the U, R-E, R-D, R-1, R-CL and R-2 Districts shall be subject to the height
21 standards of LVMC 19.06.060, the landscape buffer standards of LVMC 19.08.040(F) and
22 parking standards of LVMC 19.08.110.

23 SECTION 9: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
24 10, is hereby amended by adding thereto a new column for the R-D District to indicate which uses are
25 permitted in the R-D District and by what means. The new column shall read as it is set forth in the
26 seven-page exhibit attached as Exhibit C, with the new material being shown by underlining.

27 SECTION 10: Title 19, Chapter 12, Section 70, is hereby amended by amending the
28 Conditional Use Regulations for the use “Animal Keeping & Husbandry” to read as follows:

1 **Conditional Use Regulations:**

2 1. With respect to domestic animals:

3 a. The applicant must submit to the Department, for administrative review and approval, a site
4 plan with notes indicating the number and types of animals to be kept or reproduced on the premises.

5 b. No more than 3 sheep or goats may be kept for each 20,000 square feet of land included in
6 the building site.

7 c. All operations and activities shall be in accordance with LVMC Title 7.

8 d. No more than one horse or cow is permitted for each 7,500 square feet of lot area.

9 e. In the R-D Zoning District, no more than 2 horses may be stabled on building site, and the
10 site must have a minimum net lot size of 18,000 square feet.

11 [e.] f. No horses or cattle may be kept at any location south of Cheyenne Avenue.

12 2. With respect to non-domestic animals:

13 a. Animals shall be confined at all times within a secured, enclosed or fenced area.

14 b. Animals which are kept outdoors must be located at least 1,500 feet from any residential
15 dwelling, school, child care facility or public park.

16 c. The site must have a minimum area of 2 acres.

17 d. All operations and activities shall be in accordance with LVMC Title 7.

18 SECTION 11: Title 19, Chapter 12, Section 70, is hereby amended by amending the
19 Conditional Use Regulations for the use "Auto Dealer Inventory Storage" to read as follows:

20 **Conditional Use Regulations:**

21 1. All loading and unloading of vehicles shall occur on site.

22 2. Loading and unloading of vehicles shall occur between the hours of 7:00 am and 10:00 pm.

23 3. All areas used for the parking or storage of vehicles shall be paved.

24 4. Stored vehicles shall be effectively screened so as not to be visible from adjoining properties or
25 public rights-of-way.

26 5. The parcel must be located on a primary or secondary thoroughfare, or on a parcel that is adjacent
27 to and accessed through a parcel located on a primary or secondary thoroughfare.

28 6. Lighting shall be shielded from adjacent properties.

1 7. The use shall not occupy or interfere with any parking spaces that are required for the dealership
2 use or any other existing or proposed use for which required parking is or will be provided on the site.
3 For commercial or industrial sites 15 acres or greater in size, the use may occupy up to 50 percent of
4 the parking area that is provided in excess of the parking that is required by this Section for other uses.

5 8. The use shall not be located adjacent to any property zoned R-E, R-D, R-1 or R-CL unless that
6 property has been developed with a nonresidential use.

7 SECTION 12: Title 19, Chapter 12, Section 70, is hereby amended by amending the
8 Conditional Use Regulations for the use “Auto Repair Garage, Major” to read as follows:

9 **Conditional Use Regulations:**

10 1. All repair and service work shall be performed within a completely enclosed building.

11 2. All disabled vehicles shall be stored on a concrete or asphalt surface in an area which is screened
12 from view from the surrounding properties and adjoining streets, pursuant to LVMC 19.08.040.

13 3. Outdoor hoists are prohibited.

14 4. All hazardous materials resulting from the repair, storage, or dismantling of vehicles shall be
15 properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic
16 substances, solid waste pollution and flammable liquids, particularly gasoline, paints, solvents and
17 thinners, shall conform to all applicable Federal, State, and local regulations.

18 5. No vehicle may be parked on the premises for the purpose of offering the vehicle for sale.

19 6. Outdoor bells and loudspeakers are prohibited.

20 7. This use shall not be located adjacent to any property zoned R-E, R-D, R-1 or R-CL unless that
21 property has been developed with a nonresidential use. (C-2 only)

22 SECTION 13: Title 19, Chapter 12, Section 70, is hereby amended by amending the
23 Conditional Use Regulations for the use “Small Wind Energy System” to read as follows:

24 **Conditional Use Regulations:**

25 1. The minimum parcel size shall be 20,000 square feet.

26 2. No small wind energy system is eligible for approval if all or part of the property is within a
27 conservation easement or scenic highway corridor, or is listed on the State or National Registers of
28 Historic Places, unless the applicant submits satisfactory evidence that the addition of a small wind

- 1 energy system is not a violation of the rules that govern the development of the property.
- 2 3. A system may be directly mounted on or attached to the principal structure on the site, or may be
3 mounted on a freestanding tower. Where possible, the system should be integrated with other
4 structures, such as buildings, light poles or on-premise sign structures, so as to minimize visual
5 impacts.
- 6 4. A system shall not extend to a height greater than the following, measured with reference to the
7 highest point of the fixed structure to which the system is attached (but excluding the wind turbine):
- 8 a. 50 feet, for parcels in the R-D, R-1 and R-2 Zoning Districts;
9 b. 65 feet, for parcels in the R-E, and R-3 Zoning Districts, and
10 c. 90 feet for parcels in the R-4, C-1, C-2, C-M and M Zoning Districts.
- 11 5. When a system is mounted on a freestanding tower:
- 12 a. The tower and any guy-wires or other supports shall comply with all minimum setbacks for
13 the property; and
14 b. The tower shall be set back from any habitable structure on an adjacent property a distance
15 at least as great as the height of the tower.
- 16 6. No more than one system shall be permitted on a parcel of land.
- 17 7. A system shall be constructed and maintained so that noise levels do not exceed 60dBA, as
18 measured by a sound level meter at the closest neighboring inhabited dwelling. However, this level
19 may be exceeded during short term events such as utility outages or sever windstorms.
- 20 8. The applicant must submit proof of turbine certification approved under the Emerging
21 Technologies program of the California Energy Commission or any other small wind certification
22 program recognized by the American Wind Energy Association.
- 23 9. A system must comply with applicable FAA regulations, including any necessary approvals for
24 installations close to airports. Such approvals must be received prior to the submittal of a building
25 permit application. For locations within the Airport Overlay District, the system must comply with
26 all regulations and requirements applicable to that district.
- 27 10. A system must comply with all applicable fire codes and building codes.
- 28 11. A building permit application for a system must be accompanied by:

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

12. Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the 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.

13. 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 construction of the main building.

14. Except with respect to Conditional Use Regulations 1, 3, 4, 5(b), 6 and 12 the Special Use Permit provision of Section 19.12.040(B) does not apply to this use. In the case of a Special Use Permit application filed as a consequence of not qualifying for conditional use treatment regarding any of the Regulations listed in the preceding sentence, the remaining Regulations shall apply as Minimum Special Use Permit Requirements, and Regulations 2, 5(a), 7, 8, 9, 10, 11 and 13 above, when imposed as Minimum Special Use Permit Requirements, shall be deemed to be nonwaivable.

SECTION 14: Title 19, Chapter 12, Section 70, is hereby amended by amending the Conditional Use Regulations for the use "Vehicle Parking, Storage or Repair in Residential Zoning Districts" to read as follows:

Conditional Use Regulations:

1. Except as otherwise provided in Regulations 2 to 14, inclusive, motor vehicles, including passenger cars, trucks and motorcycles which are not designed or used for racing or for purposes other than transportation, may be parked, stored or repaired on any property in a residential district, provided the same is accessory and incidental to the use of the property for residential purposes and does not constitute a nuisance, health or fire hazard offense under the provisions of this Code and do not have a detrimental effect on the neighborhood. Unless stored or parked within a completely enclosed building, the motor vehicles shall be stored or parked:

- a. In the front yard, either:
 - i. On an approved driveway;
 - ii. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness that extends the full length and width of the vehicle;
 - iii. On concrete or asphaltic paving that extends the full length and width of the vehicle; or
 - iv. On a surface of decomposed granite no less than 2 inches thick, defined with borders, but this alternative is available only on lots with a zoning designation of R-E; or
 - b. In the side yard, either:
 - i. Obscured by a 6-foot high fence to permanently screen the vehicles from view;
 - ii. On an approved driveway;
 - iii. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness that extends the full length and width of the vehicle; or
 - iv. On concrete or asphaltic paving that extends the full length and width of the vehicle; provided, however, that the vehicle storage or parking complies with the other provisions set out in Regulations 1 to 14, inclusive.
2. Except as otherwise provided in Regulation 10 below, on a single family residential lot:
- a. No more than 3 operable vehicles may be stored, or one vehicle per 1,250 square feet of lot area, whichever allows the greater number of vehicles;
 - b. No more than 50 percent of the front yard area may be used for the storage or parking of vehicles; and
 - c. No stored vehicles may be utilized for storing items of personal property, and the area under each vehicle must be kept free of debris and vegetation.
3. Unless stored or parked within a completely enclosed building, a recreational vehicle or trailer, or combination thereof, may be stored or parked only as follows:
- a. In a rear yard, either:
 - i. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness that extends the full length and width of the vehicle;

1 ii. On a surface of decomposed granite no less than 2 inches thick, defined with
2 borders; or

3 iii. On concrete or asphaltic paving, gravel or chat that extends the full length and
4 width of the vehicle, trailer or combination;

5 b. In a front yard, but only on lots with a zoning designation of R-E, R-D or R-1, and in each
6 case provided that the recreational vehicle or trailer, or combination thereof, is stored either on a
7 surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness that
8 extends the full length and width of the vehicle; on concrete or asphaltic paving that extends the full
9 length and width of the vehicle, trailer or combination; or on a surface of decomposed granite no less
10 than 2 inches thick, defined with borders (provided, however, that this third alternative is available
11 only on lots with a zoning designation of R-E). Additionally, on a lot with a size of .2 acres or less,
12 no recreational vehicle or trailer, or combination thereof, may be stored or parked in a front yard if it
13 exceeds 24 feet in length. Finally, in no event may a recreational vehicle or trailer, or combination
14 thereof, be stored or parked in a front yard in any district described in this Subparagraph (b) unless at
15 least one of the following conditions is met:

16 i. The recreational vehicle or trailer, or combination thereof, is stored entirely in the
17 yard area with no portion of the unit located closer than 2 feet from an adjacent public street or
18 sidewalk; or

19 ii. It is demonstrated that the side and rear yards are not reasonably accessible for
20 storage purposes. A corner lot shall be deemed to have reasonable access, and the existence of a fence
21 or block wall, by itself, shall not be deemed to prevent reasonable access to the side or rear yards;

22 c. In a side yard, either:

23 i. Permanently screened from view from the public street by a 6 foot wall, with a 5 foot
24 gate;

25 ii. On a surface of pavers or other blocks of uniform appearance that are at least 2
26 inches in thickness that extends the full length and width of the vehicle; or

27 iii. On concrete or asphaltic paving that extends the full length and width of the
28 vehicle;

- 1 d. If it is not connected to any electrical or sewer service for more than 24 consecutive hours;
- 2 e. If it is not used for dwelling purposes;
- 3 f. If it is not used for the storage of goods, materials or equipment, other than those items
- 4 considered to be part of the recreational vehicle and are related to the immediate use and enjoyment
- 5 thereof; and
- 6 g. Its use is in full compliance with applicable provisions of the Fire Code and other technical
- 7 codes.
- 8 4. Except as provided in Regulation 9 below:
- 9 a. No vehicle may be repaired, stored or parked for more than 4 consecutive hours if its
- 10 manufacturer's rated carrying capacity exceeds one ton.
- 11 b. No vehicle may be repaired unless it is owned by a permanent resident at the location where
- 12 the repair takes place.
- 13 c. On a parcel within a single family residential district, not more than one passenger vehicle
- 14 with commercial advertising displayed thereon may be stored or parked.
- 15 5. Except as otherwise provided in Regulation 10 below:
- 16 a. Any vehicle that is in mechanically inoperable condition shall be stored or repaired in a
- 17 garage, shed or other enclosure; in a driveway; or in a rear yard that is enclosed by a 6-foot high fence
- 18 to permanently screen the vehicle from view; provided, however, that if the abutting property is
- 19 undeveloped, the fencing shall not be required until the adjacent property is developed.
- 20 b. No repair outside of an enclosure may occur later than 9:00 p.m. or earlier than 7:00 a.m.
- 21 6. Except as otherwise provided in Regulation 10 below:
- 22 a. No more than one vehicle that is in a mechanically inoperable condition shall be stored or
- 23 repaired at any time outside of a fully enclosed building on the premises, and there shall be no repair
- 24 of vehicles or storage of mechanically inoperable vehicles in the side yards.
- 25 b. A vehicle shall not be stored in a mechanically inoperable condition for more than 60 days.
- 26 c. No repair may be performed on any motor vehicle, including a recreational vehicle, within
- 27 the front yard, including any driveway area, unless the repair is a "normal, reasonable and customary
- 28 repair" as defined in Regulation 14 below.

1 d. No more than 4 vehicles may be repaired on the same parcel within any 12-month period.

2 7. There shall be no storage of junked vehicles, or parts thereof. Only serviceable parts for owned
3 vehicles may be stored on the premises. Such storage shall not be permitted in the front or side yards
4 but shall be permitted in the rear yard only if such storage is either fully enclosed by a 6-foot high
5 fence to permanently screen the parts from view, or in a fully enclosed building; provided, however,
6 that if the abutting property is undeveloped, the fence or enclosed building shall not be required until
7 the adjacent property is developed. No more than 200 square feet of space shall be used for the
8 storage of serviceable parts.

9 8. The following are prohibited, except in connection with an approved construction yard or except
10 as necessary to perform grading or construction work on the premises pursuant to a development
11 permit:

12 a. The repair or storage of any vehicle whose primary function is other than the transportation
13 of passengers, including but not limited to forklifts, backhoes, tractors, tow trucks and similar types
14 of machinery, construction or industrial equipment; or

15 b. Unless for the sole purpose of loading or unloading passengers or goods, the parking or
16 standing of any vehicle whose primary function is other than the transportation of passengers,
17 including but not limited to forklifts, backhoes, tractors, tow trucks and similar types of machinery,
18 construction or industrial equipment.

19 9. Nothing in Regulations 1 to 14, inclusive, shall be construed to permit the operation of a business
20 as defined in Title 6. There shall be no repair, restoration or modification of non-owned vehicles for
21 money or barter. However, nothing in Regulations 1 to 14, inclusive, prohibits the temporary
22 emergency repair of owned or non-owned vehicles which have become mechanically inoperable while
23 on the property or in the street.

24 10. On any lot owned by a member of a duly-recognized organization of automobile collectors or
25 restorers, the owner may exceed the limitations on vehicle storage and repair set forth in Regulations
26 2, 5(a) and 6 above with respect to the restoration, refurbishing or rebuilding of his or her own classic
27 or antique vehicle if any such vehicle is covered with a fitted full-vehicle pullover cover when it is not
28 being worked on, the vehicle's tires are inflated, and the area under the vehicle is kept free of debris

1 and vegetation.

2 11. In order to facilitate vehicle inspection and enforcement under Regulations 1 to 14, inclusive, any
3 person responsible for or engaged in the parking, storage, repair, restoration or modification of any
4 vehicle shall, upon request, provide to any authorized enforcement officer:

5 a. Evidence regarding the operability of the vehicle, as well as the ownership of the vehicle,
6 such as current registration, title, bill of sale or other documentation from an authority responsible for
7 motor vehicle regulation;

8 b. As applicable to the exception set forth in Regulation 10, evidence regarding the person's
9 membership in a duly-recognized organization of automobile collectors or restorers; and

10 c. As applicable to the exception set forth in Regulation 10, evidence regarding the extent to
11 which the vehicle or vehicles in question are actually and currently in the process of being restored,
12 refurbished or rebuilt.

13 12. No vehicle may be parked or stored in a driveway unless:

14 a. All tires or wheels that support the vehicle are in contact with the driveway; or

15 b. Where any such tire or wheel is not in contact with the driveway, the vehicle at that location
16 is resting on a jack stand or wheel ramp that is designed and manufactured for the purpose of
17 temporarily supporting a vehicle.

18 13. The provisions of Regulations 1 to 14, inclusive, shall apply to any person in control or lawful
19 possession of any real property, including an owner, tenant, occupant, lessee or otherwise.

20 14. For purposes of these Regulations:

21 a. "Approved driveway" means a driveway that complies with all applicable curb cut
22 requirements that have been established by the City.

23 b. "Mechanically inoperable," with respect to a motor vehicle, means that the vehicle is
24 inoperative, cannot be moved under its own power, or cannot be operated lawfully on a public street
25 or highway because one or more component parts necessary for such movement or lawful operation
26 are lacking or have been damaged or deteriorated so as to become inoperative. Such component parts
27 include without limitation the engine, transmission, wheels, tires, doors, windshield and windows.

28 c. "Normal, reasonable and customary repairs," with respect to a motor vehicle, means

1 incidental repairs or service, including changing flat tires; repairing or servicing the electrical or
2 ignition system; replacing hoses; cleaning or replacing filters; installing minor accessories; and adding
3 or replacing lubricants, coolants, refrigerants, or hydraulics system fluids.

4 SECTION 15: For purposes of Section 2.100(3) of the City Charter, the following are
5 deemed to be subchapters rather than sections:

6 19.00.100

7 19.04.040

8 19.04.160

9 19.06.140

10 19.08.040

11 19.10.020

12 19.12.010

13 19.12.070

14 SECTION 16: The Department of Planning is authorized and directed to incorporate
15 into the Unified Development Code the amendments set forth in Sections 2 to 14, inclusive, of this
16 Ordinance.

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

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SECTION 18: 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 _____, 2013.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 7-1-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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