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BILL NO. 2012-2

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH THE MEANS OF ALLOWING THE USE "COMMUNITY GARDEN" IN CERTAIN RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Ricki Y. Barlow

Summary: Establishes the means of allowing the use "community garden" in certain residential, commercial and industrial zoning districts.

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

AS FOLLOWS:

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Community Garden" is a conditional use in all residential zoning districts listed in Table 2, and is a permitted use in all commercial and industrial zoning districts listed in Table 2. In order to reflect the amendment, Table 2 is amended by adding, at the appropriate location, an entry for the use "Community Garden." In addition, Table 2 is amended by inserting the letter "C" in each box representing the intersection of the row for the use "Community Garden" and the column for each of the following districts: U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH. Finally, Table 2 is amended by inserting the letter "P" in each box representing the intersection of the row for the use "Community Garden" and the column for each of the following districts: P-O, O, C-1, C-2, C-M and M.

SECTION 2: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Crop Production" so that the Description of that use reads as follows:

Description: An area for raising or harvesting agricultural crops[.], generally operated on a large-scale commercial basis with accompanying wholesale and retail sales. This use does not include either a community garden or a garden that is incidental to a residential use and whose products are intended for the use of those residing on the parcel.

SECTION 3: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Garden

1 Supply/Plant Nursery” so that the Description of that use reads as follows:

2 **Description:** A facility, generally operated on a commercial basis, for the growing, display, or sale
3 of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in
4 greenhouses for sale either as food or for use in landscaping. The term does not include either a
5 community garden or a garden that is incidental to a residential use and whose products are intended
6 for the use of those residing on the parcel.

7 SECTION 4: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location,
9 a new entry for the use “Community Garden” to read as follows:

10 **Community Garden**

11 **Description:**

12 An area of land established and used for gardening by a community-based organization or other group
13 of people, with the intent of harvesting vegetables, fruits, flowers and herbs for personal consumption
14 or for sales or distribution to the community on a limited basis. The term does not include a garden
15 that is incidental to a residential use and whose products are intended for the use of those residing on
16 the parcel.

17 **Conditional Use Regulations:**

18 1. Except as otherwise permitted by the remaining Conditional Use Regulations, all structures
19 shall comply with the development standards applicable to the zoning district in which the use is
20 located.

21 2. In any residential zone:

22 a. Community garden structures may not exceed 12 feet in height.

23 b. Where a primary structure exists, community garden structures shall comply with the
24 applicable requirements of this Title for an accessory structure.

25 c. Where no primary structure exists, the cumulative gross floor area of all community
26 garden structures shall not exceed 1000 square feet or 10% of the lot size, whichever is less.

27 3. Any on-site sale or donation of products is limited to products grown on-site and may not take
28 place within a residential dwelling unit.

1 4. Any on-site sale or donation of products is limited to once per week and may take place only
2 between the hours of 7:00 a.m. to 7:00 p.m.

3 5. Any outgoing deliveries of garden products shall be limited to once per week.

4 6. No item of motorized garden equipment may exceed 25 horsepower.

5 7. No more than one identification sign is permitted and the area of the sign may not exceed 64
6 square inches.

7 8. All sales of products must comply with applicable provisions of LVMC Title 6 as well as other
8 applicable State and local laws and regulations.

9 9. If unpaved parking is utilized, a dust control permit approved by the Clark County Department
10 of Air Quality and Environmental Management must first be obtained.

11 **On-site Parking Requirements:** One space per delivery vehicle, if any.

12 SECTION 5: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Crop
14 Production” to read as follows:

15 **Crop Production.** An area for raising or harvesting agricultural crops[.], generally operated on a
16 large-scale commercial basis with accompanying wholesale and retail sales. The term does not
17 include either a community garden or a garden that is incidental to a residential use and whose
18 products are intended for the use of those residing on the parcel.

19 SECTION 6: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Garden
21 Supply/Plant Nursery” to read as follows:

22 **Garden Supply/Plant Nursery.** A facility, generally operated on a commercial basis, for the
23 growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising
24 plants outdoors or in greenhouses for sale either as food or for use in landscaping. The term does not
25 include either a community garden or a garden that is incidental to a residential use and whose
26 products are intended for the use of those residing on the parcel.

27 SECTION 7: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location,

1 the following term and its corresponding definition:

2 **Community Garden.** An area of land established and used for gardening by a community-based
3 organization or other group of people, with the intent of harvesting vegetables, fruits, flowers and
4 herbs for personal consumption or for sales or distribution to the community on a limited basis. The
5 term does not include a garden that is incidental to a residential use and whose products are intended
6 for the use of those residing on the parcel.

7 SECTION 8: The Department of Planning is authorized and directed to incorporate
8 into the Unified Development Code the amendments described in Sections 1 to 7, inclusive, of this
9 Ordinance.

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

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SECTION 10: 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 _____, 2011.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 12-13-11
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2011, 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 _____, 2011, 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: _____

12 APPROVED:

14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

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