

30.64 Site Landscape and Screening Standards

30.64.010 Purpose.

30.64.020 Fences and Walls.

30.64.030 Landscaping.

30.64.040 Screening and Buffering Requirements.

30.64.050 Alternative Standards.

30.64.060 Water Features.

30.64.070 Drought Restrictions.

## 30.64 Site Landscape and Screening Standards

**30.64.010 Purpose.** The purpose of requiring landscaping and screening is to:

1. Improve the quality of air and discourage plant material that is high in pollen production.
2. Promote the visual image desired by the community through the use of low water, climate adaptable plant materials.
3. Increase the compatibility and minimize potentially negative impacts of differing adjacent uses by providing alternative buffering standards which will act as a visual barrier. The buffering standards will also provide justification and mitigation for waivers to the design standards required elsewhere within this Title.
4. Reduce dust, noise, glare and heat; assist in wind control; and minimize water runoff onto streets.
5. Conserve natural resources, including water, in conformance with the Water Conservation Plan and/or Drought Plan developed by the Southern Nevada Water Authority. (Ord. 3356 § 5 (part), 2/2006; Ord. 2934 § 6, 8/2003; Ord. 2741 § 12 (part), 5/2002)

**30.64.020 Fences and Walls.** Perimeter fences and walls are permitted and/or required in accordance with the provisions of this section. An additional one foot of decorative embellishment is permitted on each wall.

1. **When Permitted.** Unless otherwise specified in Tables 30.64-1 and 30.64-2, fences and walls not required (but permitted) shall comply with this subsection (1). However, when constructed in conjunction with a retaining wall, the specified maximum wall height may be increased to include the height of the retaining wall up to a maximum of twelve feet (12'), subject to compliance with 30.64.050(4), unless otherwise specified in the Chapter. Security fences are permitted in conjunction with Temporary Government Facilities in any zoning district, subject to the requirements for security fences in 30.08.030 and Table 30.64-2.
  - A. **Single Family Residential Development and Multi-family Buildings not within a dwelling group.** Fences and walls may be up to six (6) feet in height except if within fifteen (15) feet of the front property line or private street/easement (see Table 30.64-1 for front yard restrictions). Fences or walls which meet the setbacks for accessory buildings shall conform to accessory building height restrictions.
  - B. **Multiple Family Dwelling Group Development.** Fences and walls shall be a maximum of six (6) feet high, shall be decorative if in the urban area, and shall be set back for landscaping along streets as required in Table 30.64-2 below.
  - C. **Commercial and Special Development.** Fences and walls over three feet in height are not permitted within required street setbacks (10 foot minimum) unless required to buffer adjacent uses as approved by the Commission or Board. Any fence or wall within the street setback shall be decorative. Congregate care, independent and assisted living, major school, and recreational facilities may have fences and walls within street setbacks subject to approval by the Commission or Board. Fences or walls within side and rear setbacks not adjacent to a street nor on the property line shall not exceed six (6) feet in height.
  - D. **Industrial Development.** Fences and walls, including security fences and walls, are permitted at a ten (10) foot maximum height around the perimeter of the development within the required setback when fence or wall is set back for required landscaping along streets. The maximum height may be increased up to thirteen (13) feet to accommodate additional height needed for retaining walls.

**E. Vacant Property.** Temporary fences may be constructed on vacant property, subject to the height restrictions above, in order to control access and dust, and to prevent the dumping of refuse. Walls within subdivided lots may be constructed per the requirements for walls within the district.

**F. Hillside Walls.** Walls within hillside developments shall comply with the following.

- i. Walls shall conform to the topography of the site.
- ii. To the greatest extent practical, walls shall incorporate the use of graduating steps.
- iii. Walls shall either incorporate the use of native materials or be earth tone colors to match the native soils and rocks.
- iv. The use of decorative fences is encouraged around side and rear yards.
- v. Decorative fences only shall be allowed around natural areas.
- vi. The maximum cumulative height of a series of retaining walls is thirty-six (36) feet where for each nine (9) feet of vertical height, a six (6) foot horizontal offset shall be provided, and where anything over nine (9) feet must be a decorative fence. (See Figure 30.64-1)

**2. Required.** Fences and walls are only required when shown in Tables 30.64-1 and 30.64-2.

**3. Redundant Walls.** This section establishes the general policy of not requiring redundant walls in close proximity to each other that could cause unsafe or unhealthful conditions, such as gaps which collect trash and/or trap animals and/or people. A redundant wall is not required when the adjacent property owner agrees that the existing wall will serve as an adequate buffer, even if the existing wall is less than six (6) feet in height, subject to a notarized letter of consent. Otherwise, a six (6) foot high redundant wall shall be constructed as a buffer when required. The separation between the walls shall be four (4) inches or less or at least thirty (30) inches wide. The gap at the end of any redundant walls shall be secured with a see thru, locked gate which allows for access, visibility, and maintenance. The area between the walls shall be kept free of debris and weeds.

**4. Measurement of Fence or Wall Height.** The actual height of fences or walls must meet the minimum height requirement but may exceed the minimum height by up to 1 foot.

**A.** Where the finished grade line of a lot is above or below the finished grade line of an abutting lot or street, the finished grade shall be the point on the high side, except within the front yard of single-family residences, which shall be measured from the street.

**B.** An additional one (1) foot for lighting and/or decorative features is allowed on top of columns.

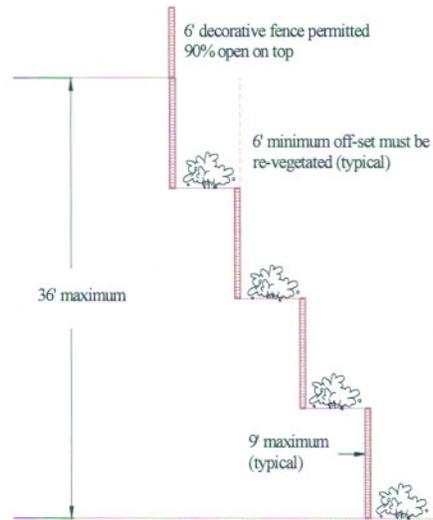
**5. Gated Communities.** Developments with interior private streets or drives may restrict access to the development subject to the following:

**A.** Access gates shall be decorative and set back a minimum of 50 feet from the lip of gutter of the street intersecting the street or drive for stacking of vehicles.

**B.** Egress gates shall be set back a minimum of 20 feet from the lip of gutter of the street intersecting the street or drive.

- C. Guard enclosures and/or related equipment shall be set back a minimum of 20 feet from the right-of-way line of the street intersecting the private street or drive, but need not conform to any other setback, and may be located within the private street.
- D. Access codes to the gates shall be provided to the Metropolitan Police Department and the Clark County Fire Department.
- E. Perimeter walls and gates enclosing the community are permitted up to eight feet in height, including within the front yards of lots facing the access control gates, or as permitted by 30.64.050(4) when constructed in conjunction with a retaining wall. (Ord. 3354 § 11 (part), 2/2006; Ord. 3229 § 12 (part), 6/2005; Ord. 3209 § 10 (part), 5/2005; Ord. 2934 § 7, 8/2003; Ord. 2741 § 12 (part), 5/2002; Ord. 2573 § 14, (part) 2001)

**Figure 30.64-1 Hillside Retaining Walls**



(Ord. 3209 § 11 (part), 3/2005)

**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.)
- b. **Landscape Design Objectives.**
  1. Landscape plans shall incorporate water conserving design which includes appropriate soil, soil amendments to absorb and retain water and encourage the formation of deep root systems, mulch, drainage, and microclimates, and includes groupings of plants with similar water requirements on an irrigation line.
    - A. Grading and hydrology should whenever possible be designed to maximize the use of storm water for on-site irrigation.
    - B. Landscape plans shall address all applicable sight visibility concerns, including the location of traffic control signs and devices, sight visibility zones, and adequate spatial considerations for the (future) size and spread of plant materials at maturity in conformance with 30.16.240(a)(5). (Also see 30.64.030(k))
  2. The selection and orientation of plant material on the south and west sides of buildings is preferred to promote energy conservation and solar gains.
- c. **Live Landscaping.**
  1. All required landscaping shall be planted with live plants, except as provided in subsection (a) above. For property at elevations of 4,000 or more feet above sea level, natural and native landscaping should be preserved and incorporated into the landscape area.
  2. Any tree within 5' of a required perimeter wall, sidewalk, street, or public utility easement adjacent to a street shall be planted with a root shield designed to redirect root growth and shall incorporate a deep root irrigation system per 30.64.030(1)(4)(B). All trees within this area shall be limited to those with non-invasive root systems per Appendix C, Plant List, Part 10. (See Figures 30.64-2 and 30.64-3)
  3. Efforts to keep and maintain existing drought-tolerant trees, especially if mature, are highly encouraged.
- d. **Maintenance of Landscaping and Sidewalks.**
  - 1. Fences, walls and landscaped areas (including plant materials, irrigation system, and hardscape features) shall be maintained.
  - - A. Landscaping or structures of any kind shall not obstruct vehicular or pedestrian travel along the sidewalk or street.
    - B. No landscaping materials shall obstruct, block, or in any way impede the view of any traffic signal, sign, directional device, or sight visibility zone.

- C. Trees may overhang a sidewalk and street, provided the overhang is a minimum height of ten feet above any sidewalk or sixteen feet and four inches (16' 4") above any street, and the overhanging foliage does not impose a danger to the public.
  - D. When detached sidewalks are installed, the property owner(s), homeowners association, or landscape maintenance association shall maintain all landscaping in conformance with the requirements of this Chapter and shall be responsible for trimming, modifying, or removing any plant materials within required landscape areas that cause or constitute an imminent safety hazard to the traveling public, including but not limited to obstructing the visibility of traffic control signs and devices, obstructing sight visibility zones, or not providing adequate clearance for pedestrians and vehicles. Noncompliance with the maintenance requirements herein established shall cause the County to provide notice to the property owner(s), homeowners association, or landscape maintenance association of the County's intent to perform the required maintenance and collect payment accordingly for the work performed.
- 2. Landscaped areas shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscaping.
  - 3. Any required plant material that does not survive, or sustains severe damage, shall be replaced within ninety (90) days.
  - 4. Landscaping required outside decorative fences and walls shall be maintained by the property owner(s), homeowners association, or landscape maintenance association, whichever is applicable. Whenever a landscaping area is an easement or is located within a common lot, the easement or common lot shall be shown on any major or minor subdivision map. All areas specifically intended for landscaping purposes shall be shown on required improvement plans.
- A. Damage to landscaping (including plant materials, irrigation system, and hardscape features) within the required easement as a result of the work performed by, or on behalf of, any public utility shall be repaired or replaced by the public utility.
  - B. Damage to landscaping (plant materials) that occurs as a result of a property owner's, homeowners association's, or maintenance association's lack of general maintenance, as required in Section 30.64.030(d)(5), or as a result of the actions of a property owner, homeowners association, or maintenance association creating a condition that caused such damage to occur, shall be repaired or replaced by the applicable property owner, homeowners association, or maintenance association, whichever caused the damage.
  - C. Removal or relocation of any private property owners' landscaping in County rights-of-way or easements to accommodate a public improvement, including roadways and pavements, sidewalks, curbs and gutters, landscaping, street lights, foundations, poles and traffic signal conduits, water mains, sanitary and storm sewers, tunnels, subways, people movers, viaducts, bridges, underpasses, and overpasses, or other public facilities across, along, over or under any street or streets, or other such improvements which are to be used by the general public, shall be the responsibility and at the expense of the property owner. The County (or other entity governed ex officio by the Clark County Board of Commissioners, i.e., Las Vegas Valley Water District, Kyle Canyon Water District, Big Bend Water District or Clark County Water Reclamation District, singly the "County Entity") shall issue to a property owner 30 days' written notice of a need to remove or relocate any of the property owner's landscaping that may be in conflict with installation, maintenance, or use of the public improvement. The property owner shall, within 30 days after receiving such written notice from the County Entity, remove or relocate its said landscaping. If the property owner fails to remove or relocate its landscaping as required by this section within the required time period, the County Entity may remove or relocate said landscaping and charge the cost of removal or

relocation to the property owner. The County will not be held liable for any losses or damages due to removal or relocation of such landscaping.

5. General maintenance of all sidewalks, whether constructed within a public right-of-way or a public access easement, shall be performed by the property owner, homeowners association, or landscape maintenance association, and shall include keeping the sidewalks clean and free of weeds, debris, ice, and snow, and preventing landscaping or structures of any kind from obstructing the sidewalk.
  - A. Long-term maintenance of all sidewalks except meandering sidewalks, including repair and replacement when required, shall be the responsibility of Clark County, pursuant to NRS 41.1315, unless the sidewalk is damaged as a result of negligence on the part of, or actions taken by, the property owner, homeowners association, or landscape maintenance association.
  - B. Clark County shall not be held liable for damage or injury that occurs as a result of a property owner's, homeowners association's, or maintenance association's lack of general maintenance, as required in subsection A above, or if the actions of a property owner, homeowners association, or maintenance association created a hazardous condition that caused or otherwise resulted in damage or injury.

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- **e. Plant Materials.**

- 1. Except for single family residential development, all required plants shall consist of materials selected from the plant list in Appendix C, Plant Materials, and/or as recommended for local use by the *Southern Nevada Water Authority's Water Smart Landscapes Program Plant List*, except that all cactus, and annual and perennial flowers, are permitted. If the genus is listed, all varieties of that genus are permitted, even if all common names are not listed, except where specifically prohibited. All stock shall conform to the standards listed in the *American Standards for Nursery Stock* as required by section 555.200 (Standards for Nursery Stock) of the NAC. The use of plants listed in Appendix C, part 7, Allergenic Potential List, are discouraged. The following plants are expressly prohibited in all developments:
    - - A. European Olive trees, all fruiting varieties;
      - 
      - B. Fruitless Mulberry trees; and
      - 
      - C. Any plant listed on the Nevada State Department of Agriculture's noxious weed list as shown in Appendix C, Part 8.
  2. An oasis is an area where non-drought tolerant landscaping designs are permitted. Plants not listed in Appendix C, Plant Materials, and/or not recommended for local use by the Southern Nevada Water Authority's *Water Smart Landscapes Program Plant List*, may be used in an oasis if they are grouped in separately programmed irrigation areas according to their water requirements providing that:
    - A. The area of the oasis shall not exceed one percent (1%) of the net area of the development;
    - B. The oasis is not located within the required street frontage landscaping.
  3. Alternative plant materials may be approved by the Zoning Administrator by an administrative minor deviation per Table 30.16-8, where documentation is provided by the applicant from the State Department of Agriculture, the Las Vegas Valley Water District or a publication equal and

- acceptable to the Zoning Administrator indicating that the plant is drought tolerant and is not an invasive or noxious plant.
- f. **Irrigation.** A water conserving irrigation system is required for all landscaping. Drip or similar systems with no over spray shall be used when irrigating non-turf vegetation. Irrigation systems shall be maintained in good operating condition. The use of irrigation systems which utilize reclaimed wastewater is preferred, and required for golf courses as soon as a source of reclaimed wastewater is available. Restrictions for over spray shall not apply when water used will be provided by one or more of the following methods:
1. Water is provided for the applicant's own wells or appurtenant or transferred water right which can be legally used to irrigate the property on which a golf course is developed;
  2. Water is provided by 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 two (2) times the amount of water used to irrigate turf.
  3. Groundwater provided from the shallow aquifer. Applicant may develop and provide the groundwater at his/her 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.
1. **g. Swales.** Within landscape areas greater than four feet wide (4'), a two foot wide (2') minimum swale shall be provided adjacent to attached sidewalks unless a perimeter fence or wall is constructed within two feet (2') of the sidewalk, or unless the landscape strip is designed with a berm to screen parking and provide enhanced landscaping. When detached sidewalks are constructed in landscape areas greater than ten feet wide (10'), a swale shall be provided on each side of the sidewalk unless bermed. The required swales shall be designed to prevent irrigation water from flowing onto the street or sidewalk. (See Figure 30.64-3)
- h. Storm Water Detention/Retention Basins.** When provided, private on-site detention/retention basins which are not paved or riprapped shall be landscaped if in non-single family residential development to enhance the natural configuration of the basin. Grading, hydrology and landscape plans should be integrated to make maximum use of site storm water runoff for supplemental on-site irrigation purposes.
- i. Ground Cover.** Any portion of a landscape area not planted shall be covered with decorative rock, bark, mulch or other material suitable for reducing dust and evaporation, and improving the aesthetic appearance of the area. Non-porous materials should not be placed under the mulch where plants exist.
- j. Turf.** Turf limitations apply as follows:
1. 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;
  2. The maximum slope of a turf area shall not exceed thirty-three percent (33%);
  3. Turf areas shall not be located within six feet (6') of a street, curb, paved surface other than a single-family residential driveway, or sidewalk if adjacent to a paved surface.

4. Except within single family residential development, no area of turf shall have a width or depth less than ten (10) feet. This area may be less than ten (10) feet wide if adjacent to a planter bed or other landscape area which will catch overspray;
5. The area of turf within multiple family dwelling groups and non-residential development, except for parks, cemeteries, and schools, shall not exceed 30% of the landscaped area within the development; and
6. The area of turf within the front yard of single-family residential lots shall not exceed fifty percent (50%) of the net area of the front yard; and
7. Golf courses, shall be limited to a maximum of 90 acres for 18 holes and 10 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 two (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;
  - B. The restrictions for turf area shall not apply to any property that is the subject of a development agreement between the county and the owner or former owner of the property; provided, the development agreement is in effect as of April 5, 2000 and at the time of commencement of construction of the golf course.
- k. **Required Trees.** Trees shall be planted as required in Tables 30.64-1 and 30.64-2, and as shown in Figures 30.64-2 through 30.64-14, 30.64-17, and 30.64-18, if large fifteen (15) gallon trees are being planted. Trees located beneath or adjacent to overhead power lines are not required if the power company certifies that the landscape requirement poses a hazard. Unless otherwise specified by the Commission or Board, trees and alternative distances can be provided as follows:
  1. One large tree (at maturity will be 40 feet or higher and have a minimum 20 foot spread) is required for each thirty linear feet of street or property line frontage.
  2. One medium tree (at maturity will have a minimum 20 foot spread) is required for each twenty linear feet of street or property line frontage.
  3. One small tree (at maturity will have a less than a 20 foot spread) is required for each ten linear feet of street or property line frontage.

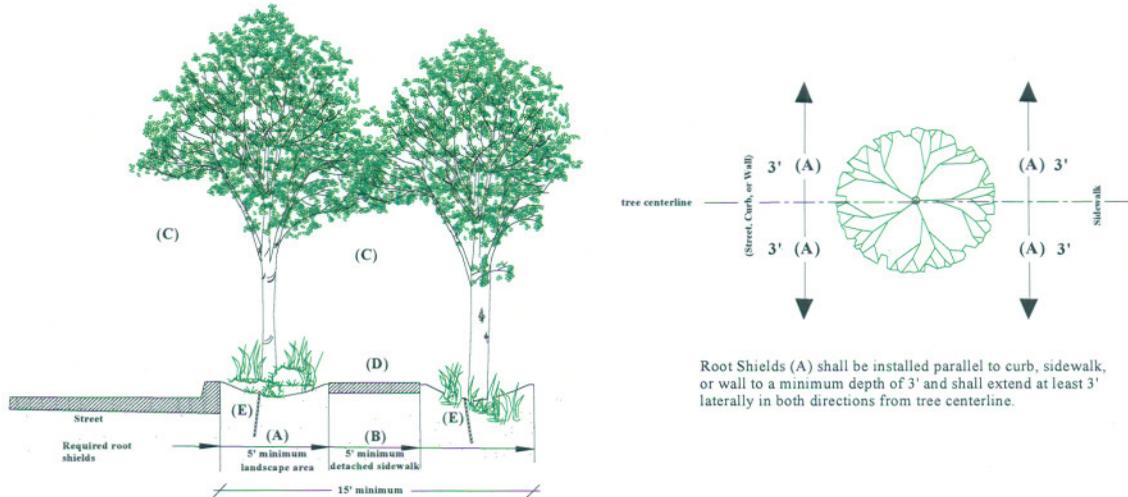
4. These distances may be increased by ten (10) feet if twenty-four (24) inch box trees are planted instead of fifteen (15) gallon trees.
5. A variety of species and appropriate clustering of plants to provide a homogeneous buffering effect are encouraged within the landscape area.

**I. Landscape Strip and Sidewalks.**

1. Sidewalks, drive aisles, and driveways providing access from the street to and within the development are permitted within a landscape area or strip.
2. If constructed sidewalks are attached (not offset from curb), the required landscape area shall begin at the property line (back of sidewalk) and shall not include any part of the right-of-way. If detached sidewalks are constructed pursuant to Section 30.52.030(a)(1)(K), the required landscape area and the detached sidewalk shall be calculated together as the total landscaping requirement, including the detached sidewalk, from back of curb to the required setback (See Figures 30.64-17 and 30.64-18).
3. Required landscaping is permitted within public utility easements if designed to protect utility facilities per Figure 30.64-2. However, plant materials located within five feet (5') of public utility structures and appurtenances (but not underground lines) shall be limited to shrubs and groundcover only.
4. When required by Tables 30.64-1 and 30.64-2, straight, detached sidewalks shall be provided unless there is an existing attached sidewalk that will not be rebuilt, or the arterial or collector street frontage is less than 300 linear feet and is adjacent on both sides to existing development constructed with attached sidewalks.
  - A. When not required, detached sidewalks and landscaping may be provided at the option of the property owner, homeowners association, or landscape maintenance association. Whether required or not, all detached sidewalks shall conform to Figures 30.64-17 or 30.64-18 and are additionally subject to the following:
    - i. The tree spacing may be increased by ten (10) feet.
    - ii. All areas between the sidewalk the curb shall be landscaped except for incidental paving for bus stops or paving designed to protect underground public utilities, returns to intersections, and amenity zones pursuant to the Mixed Use Overlay District standards established in Section 30.48.770(C)(6-7).
    - iii. A landscape area as required shall be provided within the distance between the curb and the front setback, shall abut both sides of the sidewalk, and shall contain the quantity of plant materials required per Figures 30.64-17 or 30.64-18, or as otherwise required by this Title, except only shrubs, groundcover, and small to medium trees with non-invasive root systems shall be permitted between the curb and the sidewalk. Tree rows on both sides of a detached sidewalk shall offset each other to provide balanced spacing, and all trees shall be approximately centered within the landscape strip on each side of the sidewalk. (See Figures 30.64-17, 30.64-18 and Appendix C, Parts 2 and 10)
  - B. All trees planted in landscape areas adjacent to detached sidewalks or within five feet (5') of any pavement or wall (building or perimeter) shall be required to install, operate, and maintain a deep root irrigation system in conformance with Figure 30.64-3 and the standards listed below (also see "Deep Root Irrigation" in 30.08.030):

- i. For small and medium trees, a minimum of one irrigation pipe (2" – 4" by 36" – 48") made of PVC or suitable material, shall be inserted vertically into the ground at the trunk's base to encourage downward growth of a deep root system and capture, drain, and redirect excess surface water into the deeper tree root area. For large trees, a minimum of two (2" – 4" by 36" – 48") pipes shall be required.
    - ii. Each irrigation pipe shall be loosely filled with gravel or rock and may be perforated along the lower half to facilitate the absorption of water into the lower soil profile and below the tree's root ball. Irrigation lines, emitters, and/or bubblers may be placed within each deep root irrigation pipe.
    - iii. All required deep root irrigation pipes shall be installed in conjunction with required swales and designed to allow sufficient amounts of irrigation water to reach a depth of three to four feet.
  5. When dedication for bus turnouts is required, the landscape strip is not required adjacent to the bus turnouts.
- m. **Certificate of Compliance.** A Certificate of Compliance stating that landscape materials have been installed per this Title shall be signed by the property owner or contractor and submitted to the Building Official.
  1. Single family residences may be occupied prior to the landscaping being installed if the developer or property owner signs a Certificate of Compliance prior to the issuance of building permits stating that all required landscaping shall be installed within six (6) months of the date of the Certificate of Occupancy.
  2. Buildings other than single family residences may be occupied prior to the landscaping being installed; however, the required landscaping shall be installed prior to final Certificate of Occupancy.
  3. If drought restrictions established by this Title prohibit the planting of landscaping during specified months, the required landscaping need not be installed until 60 days following the date from which planting is permitted to resume. (Ord. 3356 § 5 (part), 2/2006; Ord. 3296 § 9 (part), 10/2005; Ord. 3094 § 3, 7/2004; Ord. 3062 § 4, 5/2004; Ord. 3020 § 3, 2/2004; Ord. 2934 § 8, 8/2003; Ord. 2741 § 12 (part), 5/2002)

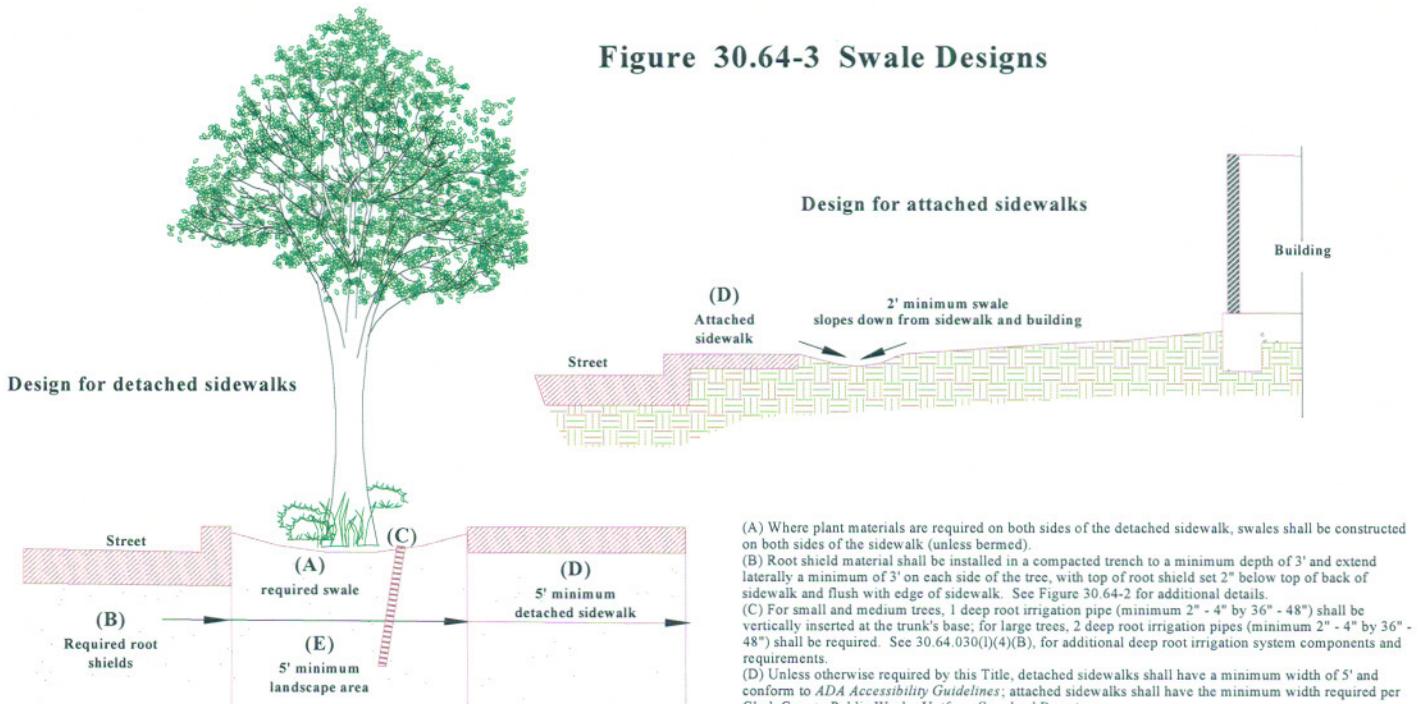
**Figure 30.64-2 Root Shield (Root Barrier)**



- (A) Root shield material shall be installed in a compacted trench to a minimum depth of 3' and extend laterally a minimum of 3' on each side of the tree centerline, with top of root shield set 2" below top of back of sidewalk and flush with edge of sidewalk (root shield for attached sidewalks shall be set 2" below top of curb and set flush with edge of curb).
- (B) Unless otherwise required by this Title, detached sidewalks shall have a minimum width of 5' and conform to *ADA Accessibility Guidelines*; attached sidewalks shall have the minimum width required per the *Uniform Standard Drawings, Clark County Area*.
- (C) Minimum 16' 4" vertical clearance between street and trees, and minimum 10' vertical clearance between sidewalk and street trees.
- (D) All sidewalks shall be constructed in conformance with the *Uniform Standard Drawings, Clark County Area*.
- (E) For small and medium trees, 1 deep root irrigation pipe (minimum 2" - 4" by 36" - 48") shall be vertically inserted at the trunk's base; for large trees, 2 deep root irrigation pipes (minimum 2" - 4" by 36" - 48") shall be required. See 30.64.030(1)(4)(B), for additional deep root irrigation system components and requirements.

(Ord. 3356 § 5 (part), 2/2006)

**Figure 30.64-3 Swale Designs**



- (A) Where plant materials are required on both sides of the detached sidewalk, swales shall be constructed on both sides of the sidewalk (unless bermed).
- (B) Root shield material shall be installed in a compacted trench to a minimum depth of 3' and extend laterally a minimum of 3' on each side of the tree, with top of root shield set 2" below top of back of sidewalk and flush with edge of sidewalk. See Figure 30.64-2 for additional details.
- (C) For small and medium trees, 1 deep root irrigation pipe (minimum 2" - 4" by 36" - 48") shall be vertically inserted at the trunk's base; for large trees, 2 deep root irrigation pipes (minimum 2" - 4" by 36" - 48") shall be required. See 30.64.030(1)(4)(B), for additional deep root irrigation system components and requirements.
- (D) Unless otherwise required by this Title, detached sidewalks shall have a minimum width of 5' and conform to *ADA Accessibility Guidelines*; attached sidewalks shall have the minimum width required per Clark County Public Works *Uniform Standard Drawings*.
- (E) Minimum landscape area width may vary if detached sidewalk meanders. See Figure 30.64-18.

(Ord. 3356 § 5 (part), 2/2006)

**30.64.040 Screening and Buffering Requirements.** Tables 30.64-1 and 30.64-2 establish the minimum screening and buffering requirements for development as depicted in Figures 30.64-4 through 30.64-14.

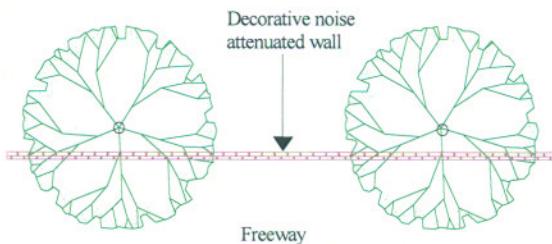
<b>Table 30.64-1 Single-Family Residential Screening and Landscape Buffer Requirements<sup>1,6</sup></b>			
	<b>Rural Residential Development<sup>7</sup></b>	<b>Suburban Residential Development and/or Residential Estates PUD</b>	<b>Compact Residential Development</b>
<b>Perimeter on Private or Local Streets – Rear Yard Only<sup>5</sup></b>	Figure 30.64-5 <sup>2</sup> OR Figure 30.64-6 <sup>2</sup>	Figure 30.64-5 OR Figure 30.64-6	Figure 30.64-7 OR Figure 30.64-8
<b>Side or Rear on Collector/Arterial Streets<sup>5</sup></b>	Figure 30.64-5 <sup>2</sup> OR Figure 30.64-6 <sup>2</sup>	Figure 30.64-17 OR Figure 30.64-18 For both figures, 6' min/ 8' max high decorative wall or fence required behind landscaping and detached sidewalk.	Figure 30.64-17 OR Figure 30.64-18 For both figures, 6' min/ 8' max high decorative wall or fence required behind landscaping and detached sidewalk.
<b>Adjacent to Freeway</b>	Figure 30.64-4 No wall required in Community District 5.	Figure 30.64-4 Noise attenuating wall required per NDOT <sup>3</sup> standards.	Figure 30.64-4 Noise attenuating wall required per NDOT <sup>3</sup> standards.
<b>Adjacent to a Less Intensive Use<sup>4,5</sup></b>		When adjacent to rural residential use: Six (6) foot minimum/maximum decorative wall (may be eliminated in rural area by an administrative minor deviation per Table 30.16-8).	When adjacent to suburban or rural residential use: Figure 30.64-11 with one tree per thirty (30) feet. Wall may be eliminated in rural area by an administrative minor deviation per Table 30.16-8.
<b>Front Yards (within 15' of front property line or private street/easement)</b>	Figure 30.64-8 when fronting on a collector or arterial street except wall or fence is not required. A six foot maximum decorative fence may be permitted (fence need not be decorative in rural areas; or, with administrative minor deviation approval, if adjacent properties have similar fences).	If a wall or fence is not required, a five foot maximum decorative fence may be permitted (fence need not be decorative in rural areas; or, with administrative minor deviation approval, if adjacent properties have similar fences).	If a wall or fence is not required, a five foot maximum decorative fence may be permitted.
<b>Retaining Walls<sup>5</sup></b>	When wall is on side or rear yard, see 30.64.050(a)(4) and Figure 30.64-15.	When wall is on side or rear yard, see 30.64.050(a)(4) and Figure 30.64-15.	When wall is on side or rear yard, see 30.64.050(a)(4) and Figure 30.64-15.
<b>Additional Requirements:</b>			
<ol style="list-style-type: none"> <li>1. These requirements are minimum standards. More intensive landscaping shown in other figures is also permitted. If full off-site improvements are deferred, the required landscaping and irrigation system need not be provided until the off-site improvements are installed, unless rural street standards apply.</li> <li>2. The requirement does not apply to lots which are 40,000 square feet or larger; however, if provided, must follow regulations within table.</li> <li>3. Nevada Department of Transportation.</li> <li>4. The Zoning Administrator may allow breaches in the wall for pedestrian access and trails by an administrative minor deviation and letters of consent from adjacent and impacted property owners.</li> <li>5. Specified maximum wall heights may be increased to include the height of a retaining wall in accordance with Section 30.64.050(4).</li> <li>6. Detached sidewalks (offset from curb) may be constructed per Figures 30.64-17 and 30.64-18 instead of attached sidewalks as depicted in Figures 30.64-5 through 30.64-10 and 30.64-13, provided all other landscaping, dedication, and maintenance requirements are satisfied.</li> <li>7. Fencing materials in the rural residential districts may include traditional farm fencing (smooth twisted wire mounted on posts) or alternative fencing used for confining domestic animals, provided that all fencing is compatible with the rural character of the immediate area.</li> </ol>			

(Ord. 3432 § 11 (part), 10/2006; Ord. 3356 § 5 (part), 2/2006; Ord. 3296 § 9 (part), 10/2005; Ord. 3229 § 12 (part), 6/2005; Ord. 3209 § 10 (part), 3/2005; Ord. 3106 § 11, 8/2004; Ord. 3008 § 8, 12/2003; Ord. 2934 § 10 (part), 8/2003; Ord. 2741 § 12 (part), 5/2002)

<b>Table 30.64-2 Non-Single-Family Residential Screening and Landscape Buffer Requirements<sup>1,7</sup></b>				
	<b>Multi-Family Development</b>	<b>Commercial &amp; Mixed Use Development</b>	<b>Industrial Development</b>	<b>Special Development</b>
<b>Adjacent to any Street<sup>5</sup></b>	Figure 30.64-9 OR Figure 30.64-10	Figure 30.64-13	Figure 30.64-13	Figure 30.64-13 (except as permitted by 30.64.020(1)(C))
<b>Adjacent to Collector/Arterial Streets<sup>5</sup></b>	Figure 30.64-17 OR Figure 30.64-18	Figure 30.64-17 OR Figure 30.64-18	Figure 30.64-17 OR Figure 30.64-18	Figure 30.64-17 OR Figure 30.64-18
<b>Adjacent to Freeway</b>	Figure 30.64-4 In the rural area, only the noise attenuating wall per NDOT <sup>2</sup> standard is required.	Figure 30.64-4 Noise attenuated wall not required. In rural area, landscaping not required.	Figure 30.64-4 Decorative wall required, need not be noise attenuated. In rural area, landscaping not required.	Figure 30.64-4 Decorative wall required, need not be noise attenuated. In rural area, landscaping not required.
<b>Adjacent to a Less Intensive Use<sup>3,5</sup></b>	When adjacent to rural residential: Figure 30.64-11 with one tree per twenty (20) feet. When adjacent to suburban or compact residential: Figure 30.64-11 with one tree per 30 feet. Wall may be eliminated in the rural area by an administrative minor deviation per Table 30.16-8.	When adjacent to any residential <sup>4</sup> use: Figure 30.64-11 with one tree per twenty (20) feet. Wall may be eliminated in the rural area by an administrative minor deviation per Table 30.16-8.	When adjacent to any residential <sup>4</sup> use: Figure 30.64-11 with one tree per twenty (20) feet. Wall may be increased to ten (10) feet. Wall may be eliminated in the rural area by an administrative minor deviation per Table 30.16-8.	When adjacent to any residential <sup>4</sup> use: Figure 30.64-11 with one tree per twenty (20) feet. Wall may be eliminated in the rural area by an administrative minor deviation per Table 30.16-8.
<b>Retaining Walls<sup>5</sup></b>	When wall is on the side or rear yard not adjacent to a street, see 30.64.050 (a)(4) and Figure 30.64-15. If adjacent to a street, figures 30.64-9 or 30.64-10.	When wall is on side or rear yard not adjacent to a street, see 30.64.050 (a)(4) and Figure 30.64-15. If adjacent to a street, the height of any retaining wall shall not exceed thirty-six (36) inches.	When wall is on side or rear yard not adjacent to a street, see 30.64.050(a)(4) and Figure 30.64-15. If adjacent to a street, the height of any retaining wall shall not exceed thirty-six (36) inches except when screening outside storage (see outside storage below).	When wall is on side or rear yard not adjacent to a street, see 30.64.050 (a)(4) and Figure 30.64-15. If adjacent to a street, the height of any retaining wall shall not exceed thirty-six (36) inches.
<b>Outside Storage</b>	Not applicable.	Per Table 30.44-1.	Maximum height up to thirteen (13) feet when any height over ten (10) feet is for retaining wall. When adjacent to non-industrial uses, eight (8) foot minimum screened fence or wall required. When adjacent to street, must comply with Figure 30.64-8, except screened fence or wall may be increased to ten (10) feet without additional landscaping.	Per Table 30.44-1: Walls cannot be located within the setback.
<b>Security Fencing<sup>6</sup></b>			Walls/fences permitted above may be security walls.	See Table 30.44-1 for special uses and airports within the P-F District which permit security walls.

Table 30.64-2 Non-Single-Family Residential Screening and Landscape Buffer Requirements <sup>1,7</sup>				
	Multi-Family Development	Commercial & Mixed Use Development	Industrial Development	Special Development
Parking Lot Landscaping		Figure 30.64-14	Figure 30.64-14	Figure 30.64-14
Other Wall		A decorative fence enclosing outdoor space adjacent to not more than fifty percent (50%) of a commercial building is permitted if no closer than three (3) feet to the sidewalk.		
<b>Additional Requirements:</b>				
<ol style="list-style-type: none"> <li>1. Exceptions to required landscaping are as follows: <ol style="list-style-type: none"> <li>A. If the property is outside of the service area of the nearest water purveyor, live landscaping need not be planted until water service is extended to the site, providing an irrigation system is installed for the future planting and rockscaping is provided in the interim, except that development within the rural area need not provide the future irrigation system.</li> <li>B. If full off-site improvements are deferred, the required landscaping and irrigation system need not be provided until the off-site improvements are installed.</li> </ol> </li> <li>2. Nevada Department of Transportation.</li> <li>3. The Zoning Administrator may allow breaches in the wall for pedestrian access and trails by an administrative minor deviation with letters of consent from adjacent and impacted property owners.</li> <li>4. Including uses such as, but not limited to, schools, places of worship, libraries, museums, cemeteries, day care, child care, congregate care, assisted/independent living facilities, or hospitals.</li> <li>5. Specified maximum wall heights may be increased to include the height of a retaining wall in accordance with Section 30.64.050(4).</li> <li>6. Security fences are permitted in conjunction with Temporary Government Facilities in any zoning district, subject to the requirements for security fences in this Table and 30.08.030.</li> <li>7. Detached sidewalks (offset from curb) may be constructed per Figures 30.64-17 and 30.64-18 instead of attached sidewalks as depicted in Figures 30.64-5 through 30.64-10 and 30.64-13, provided all other landscaping, dedication, and maintenance requirements are satisfied. (Ord. 3432 § 11 (part), 10/2006; Ord. 3356 § 5 (part), 2/2006; Ord. 3229 § 12 (part), 6/2005; Ord. 3209 § 10 (part), 3/2005; Ord. 2934 § 10 (part), 8/2003; Ord. 2741 § 12 (part), 5/2002)</li> </ol>				

**Figure 30.64-4 Freeway Buffer**



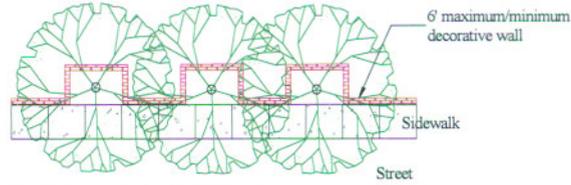
One large tree (15 gallon) required every 50 linear feet, generally spaced 50 feet apart; or

One tree for every 100 feet if 24" box trees, generally spaced 100 feet apart; or

Plants, such as shrubs, vines, or ground cover which when full grown will cover 50% of the wall surface facing the freeway

Rural areas: Wall need not be decorative

**Figure 30.64-5 Street Buffer-Wall Off-Sets**



Number of trees required: per 30.64.030 (k)

One medium or large tree required in each 4' x 4' (or greater) tree well; alternatively if non-urban street standards apply, trees planted inside the wall per 30.64-030 (k) are permitted

Tree wells are encouraged to be located on common property lines

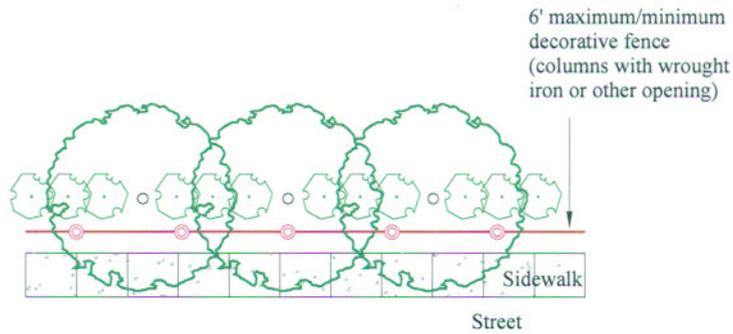
Rural areas: Wall need not be decorative  
Sidewalk not required if non-urban street standards apply

**NOTES:**

1. Trees are not required when their location conflicts with septic system separation requirements
2. Maximum/minimum wall height may be increased in accordance with 30.64.050 (4)

(Ord. 3432 § 11 (part), 10/2006; Ord. 3209 § 11 (part), 3/2005; Ord. 2934 § 12 (part), 8/2003)

**Figure 30.64-6 Fence with Landscape Screen**



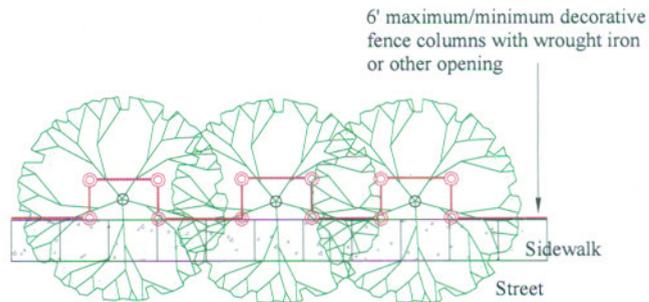
Number and size of trees required: per 30.64.030(k)

Shrubs sufficient to screen rear yards, generally spaced 5' apart.

Rural areas: Fence need not be decorative  
Sidewalk not required if non-urban street standards apply

(Ord. 3432 § 11 (part), 10/2006; Ord. 2934 § 12 (part), 8/2003)

**Figure 30.64-7 Fence Off-Sets**



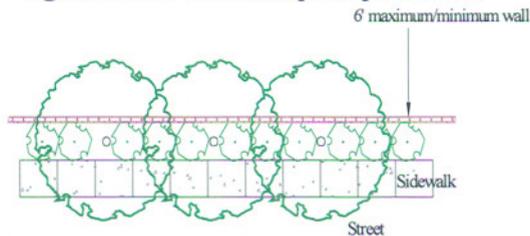
Number of trees required: per 30.64.030(k)

One large tree required in each 6' x 10' fence off-set. (alternative 4' x 4' offset permitted only when landscaping is behind fence)

Rural areas: Fences need not be decorative  
Sidewalk not required if non-urban street standards apply

(Ord. 3432 § 11 (part), 10/2006; Ord. 2934 § 12 (part), 8/2003)

**Figure 30.64-8 6' Landscape strip with Wall**



Number of trees required: per 30.64.030(k)

Landscape strip must be 3' minimum/6' average, with 6' minimum adjacent to trees

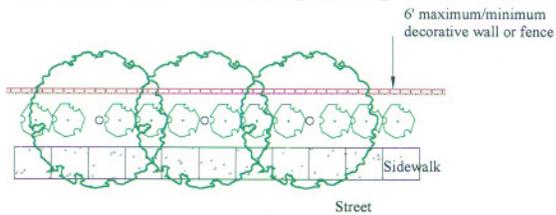
Wall can be increased to 8' if average landscaping is increased to 10'

Shrubs shall be designed to cover more than fifty (50) percent of the landscaped area when mature, and may be grouped if distributed along entire strip

Rural areas: Walls need not be decorative

(Ord. 3296 § 9 (part), 10/2005; Ord. 3209 § 11 (part), 3/2005; Ord. 3106 § 12, 8/2004)

### Figure 30.64-9 10' Landscape strip with Wall/Fence



Number of trees required: per 30.64.030(k), excluding driveways

Landscape strip must be 6' minimum/10' average

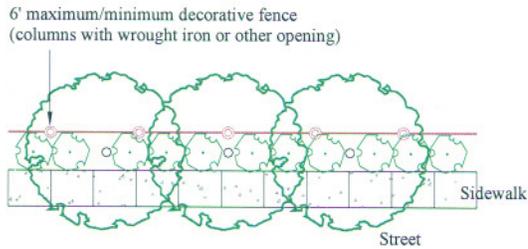
Wall/fence may be increased to 8' if average landscaping is increased to 15', or wall may be increased in accordance with 30.64.050(4)

Shrubs shall be designed to cover more than fifty (50) percent of the landscaped area when mature, and may be grouped if distributed along entire strip

Rural areas: Fences/walls need not be decorative

(Ord. 3296 § 9 (part), 10/2005; Ord. 3209 § 11 (part), 3/2005)

### Figure 30.64-10 6' Landscape strip with Fence



Number of trees required: per 30.64.030(k)

Landscape strip must be 3' minimum/6' average/6' minimum adjacent to trees

Fence can be increased to 8' if average landscaping is increased to 10'

Shrubs shall be located to cover more than fifty (50) percent of the landscaped area when mature, and may be grouped if distributed along entire strip.

Rural areas: Fence need not be decorative

(Ord. 3296 § 9 (part), 10/2005)

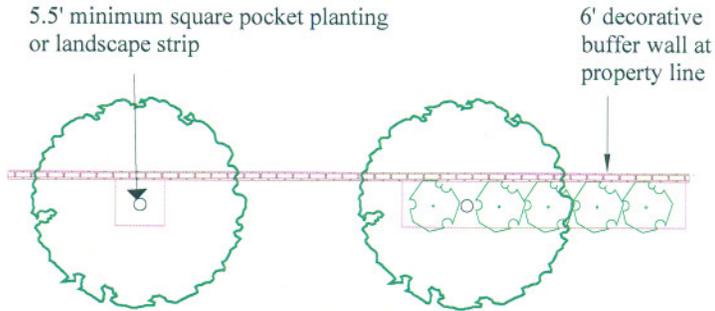
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Chapter 30.64: Site Landscape and Screening Standards

30.64 - 16

October 2, 2006

**Figure 30.64-11 Buffer Adjacent to a Less Intensive Use**

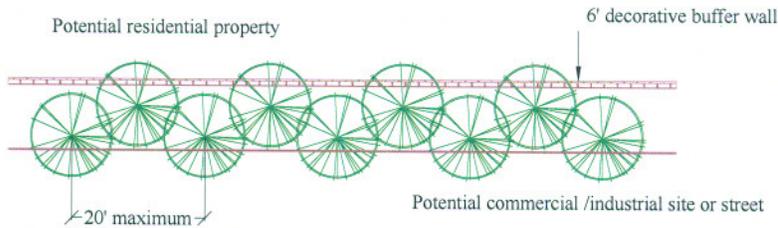


Where adjacent property is developed, trees shall be 24" box large evergreen trees to quickly mature and cover the distance between trees.

Quantity of trees per Tables 30.64-1 and 2

Rural area: Wall need not be decorative

**Figure 30.64-12 Intense Buffer**



Trees shall be 24" box large evergreen trees designed to expand and screen the distance between trees and planted in off-set rows.

Where intense landscape buffering is required along a street, the landscaping shall be installed on the street side of the wall.

When adjacent to street, shrubs shall be located to cover more than fifty (50) percent of the landscaped area and may be grouped if distributed along entire strip.

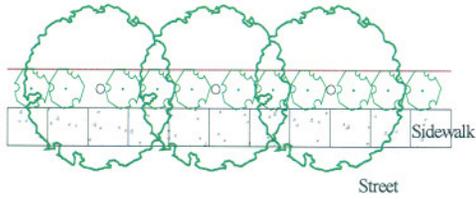
5.5 foot minimum square pocket planting or 10' landscape strip.

Wall height may be increased in accordance with 30.64.050(4)

Rural area: Wall need not be decorative.

(Ord. 3209 § 11 (part), 3/2005)

**Figure 30.64-13 Street Landscaping**



Number of trees required: per 30.64.030(k)

Landscape strip must be 3' minimum/6' average, with 6' minimum adjacent to trees

Shrubs shall be designed to cover more than fifty (50) percent of the landscaped area and may be grouped if distributed along entire strip

Fences and walls are not permitted within a required setback unless required by the Commission or Board or to screen outside uses ( See Table 30.64-2)

(Ord. 2934 § 12 (part), 8/2003; Ord. 2778 § 3, 7/2002; Ord. 2764 § 5, 6/2002)

**Figure 30.64-14 Parking Lot Landscaping**  
 (Not required within parking garages)

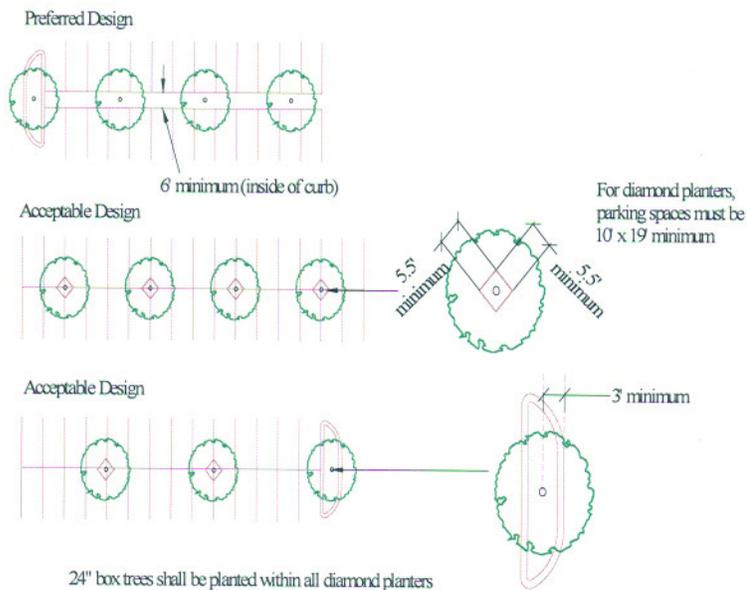
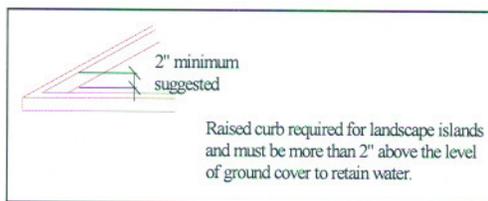
Islands can be designed at the end of rows, between rows, or both

One large tree shall be provided for every 8 parking spaces, or one medium tree may be substituted for every 6 spaces, with trees generally distributed throughout the parking lot

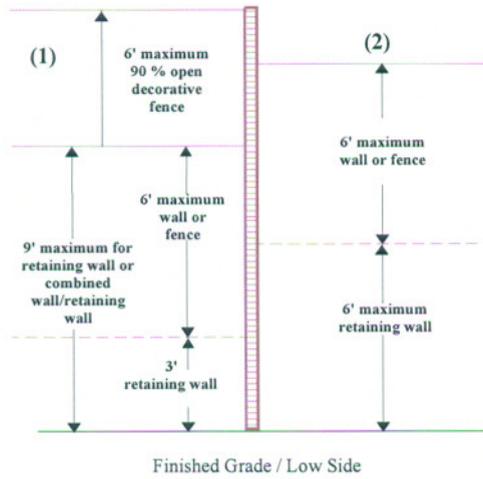
Parking adjacent to other trees need not be included

The total number of trees may be reduced by 20% if 10% or more of the parking lot is landscaped, xeriscaped, or finished with a permeable surface or pavers

Parking lots which exist or were approved prior to March 2000 can be retrofitted, resulting in a 10% parking reduction



**Figure 30.64-15 Retaining Walls**



**Notes:**

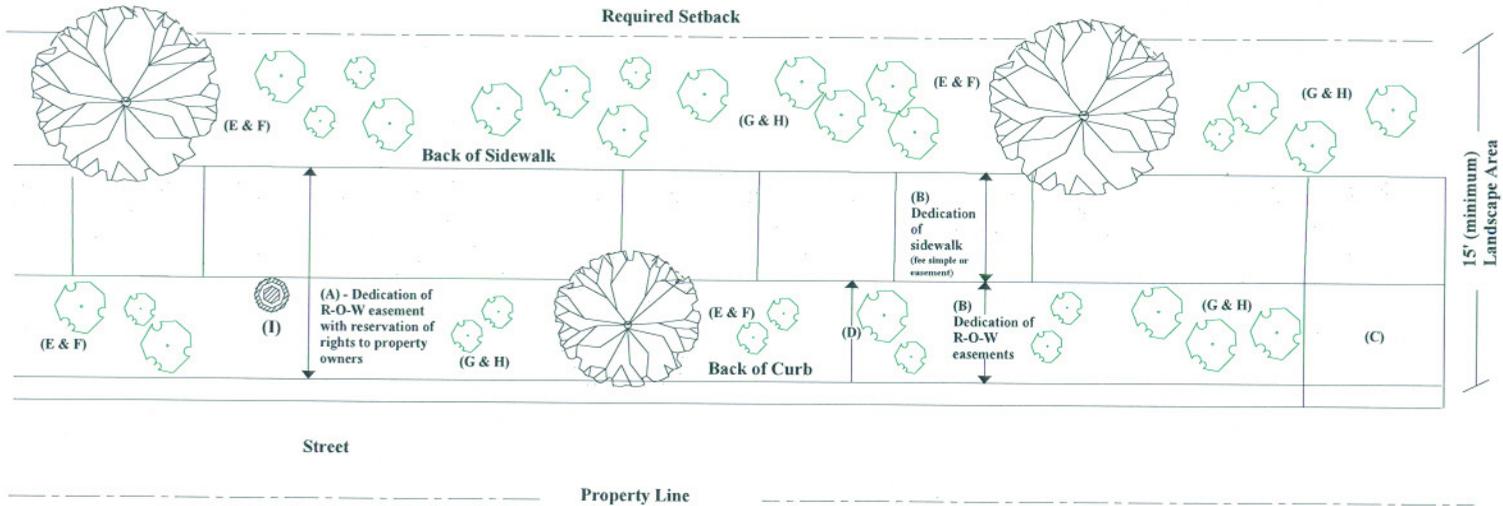
(1) 3' minimum retaining wall plus 6' maximum wall (or fence) is permitted per 30.64.050(a)(4)(A).

(2) 6' retaining wall plus 6' fence or wall (need not be open) is permitted per 30.64.050(a)(4)(C).

NOTE: Within required street setbacks (where a wall or fence is otherwise not permitted), a retaining wall only may be constructed to a maximum height of three feet (3').

(Ord. 3354 § 11 (part), 2/2006; Ord. 3229 § 12 (part), 6/2005; Ord. 2573 § 14 (part), 2001; Ord. 2510 § 14 (part), 2000)

**Figure 30.64-17 Detached Sidewalk Requirements (straight sidewalk)**

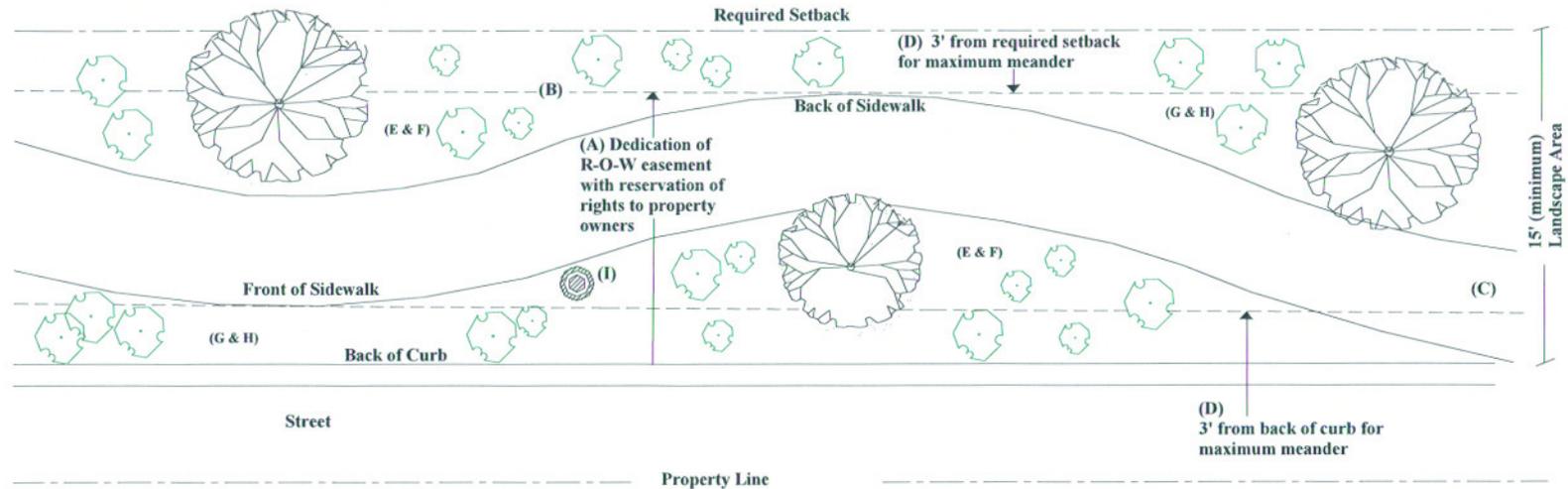


- (A) Dedication from back of curb to back of sidewalk as right-of-way easement for roadway and utility purposes, per 30.52.030(k); or
- (B) Dedication of the sidewalk (fee simple or easement) with right-of-way easements as needed between back of curb and front of sidewalk to access, install, repair and maintain the sidewalk and public utility (including traffic) facilities.
- (C) Return to curb at property lines to meet existing attached sidewalk, if applicable.
- (D) Straight sidewalk shall be offset a minimum 5' from back of curb.
- (E) Turf is not permitted; only shrubs, groundcover, and trees with non-invasive root systems per Appendix C, Part 10, with root shields installed per Figure 30.64-2, are permitted. All trees planted in landscape areas adjacent to detached sidewalks or within five feet (5') of any pavement or wall (building or perimeter) shall install, operate, and maintain a deep root irrigation system in conformance with 30.64-030(l)(4)(B) and Figure 30.64-3.
- (F) Two rows of trees planted 20 feet apart shall be required (one row on each side of sidewalk planted 40 feet apart). Tree rows on both sides of a detached sidewalk shall offset each other to provide balanced spacing intervals, and all trees shall be approximately centered within the landscape strip on each side of the sidewalk. EXCEPTION: Where existing underground utilities are installed between back of curb and front of sidewalk, street trees shall not be required.
- (G) Shrubs & groundcover shall be planted to cover more than 50 % of the landscaped area and may be grouped if distributed along the entire strip.
- (H) Swales are required per Figure 30.64-3.
- (I) 10' lateral separation is required between streetlight and any tree.

3356 § 5 (part), 2/2006)

(Ord.

**Figure 30.64-18 Detached Sidewalk Requirements (meandering sidewalk)**



- (A) Dedication from back of curb to back of sidewalk not more than three feet from required setback (includes the sidewalk and maximum meander width) as right-of-way easement for roadway and utility purposes, per 30.52.030(k).
- (B) Dedication to back of sidewalk shall be based upon that point where the back of sidewalk meanders closest to the required setback.
- (C) Return to curb at property lines to meet existing attached sidewalk, if applicable.
- (D) Sidewalk shall not meander closer than 3' from back of curb or required setback.
- (E) Turf is not permitted; only shrubs, groundcover, and trees with non-invasive root systems per Appendix C, Part 10, with root shields installed per Figure 30.64-2, are permitted. All trees planted in landscape areas adjacent to detached sidewalks or within five feet (5') of any pavement or wall (building or perimeter) shall install, operate, and maintain a deep root irrigation system in conformance with 30.64-030(l)(4)(B) and Figure 30.64-3.
- (F) Two rows of trees planted 20 feet apart shall be required (one row on each side of sidewalk planted 40 feet apart). Tree rows on both sides of a detached sidewalk shall offset each other to provide balanced spacing intervals, and all trees shall be approximately centered within the landscape strip on each side of the sidewalk.
- (G) Shrubs & groundcover shall be planted to cover more than 50 % of the landscaped area and may be grouped if distributed along the entire strip.
- (H) Swales are required per Figure 30.64-3.
- (I) 10' lateral separation is required between streetlight and any tree.

(Ord. 3356 § 5 (part), 2/2006)

### 30.64.050 Alternative Standards.

- a. Fences and Walls.** Except for fences and walls within the front yards of single family residences, fences, walls and hedges over six (6) feet in height are permitted within required setbacks when:
1. The Commission or Board determines that a fence or wall over six (6) feet is required to mitigate the effect of a use on an adjacent use with the approval of a related land use application.
  2. The Zoning Administrator determines that additional height, up to eight (8) feet in overall height, is appropriate with an administrative minor deviation application and notarized letters of consent from adjacent, impacted developed property owners.
  3. The Zoning Administrator determines that additional height, up to the height permitted for accessory structures, is appropriate for an open decorative or chain link fence and/or lighting enclosing a game area, with an administrative minor deviation application and with notarized letters of consent from adjacent property owners.
  4. Retaining walls shall not exceed a maximum height of three feet (3') except as permitted by subsections (A), (B), or (C) below. However, in no case shall walls (including retaining walls) for commercial development exceed three feet in height above the finished grade of the street (or sidewalk if constructed) within required street setbacks (see 30.64.020(1)(C)). (Also see Table 30.64-2 for Outside Storage)
    - A. Adjacent to developed property whose elevation is lower than the developing property, a retaining wall or combined wall/retaining wall may be permitted to a maximum height of nine (9') feet. Additionally, a 90% open decorative fence up to a maximum height of six feet (6') is permitted for any part of the wall/retaining wall over 9 feet. (See Figure 30.64-15)
    - B. An alternative retaining wall system (hillside development) may be permitted per Figure 30.64-1.
    - C. Specified maximum wall heights may be increased to a maximum of twelve feet (6' wall plus 6' retaining wall) for the following, subject to the landscape provisions specified and compliance with subsection (5) below (See Figure 30.64-15):
      - i. Subdivision walls (perimeter or interior) along any local or private street shall provide a minimum six-foot (6') landscape strip (see Figure 30.64-8).
      - ii. Interior subdivision walls with initial development (no additional landscaping required).
      - iii. Perimeter subdivision walls along any collector or arterial street shall provide a minimum fifteen-foot (15') landscape strip (see Figure 30.64-9).
      - iv. Walls adjacent to non-developed property (no additional landscaping required).
      - v. Walls adjacent to developed properties when the finished grade of the developing property is lower than the finished grade of the developed property (no additional landscaping required).
      - vi. Walls adjacent to developed properties when the finished grade of the developing property is higher than the finished grade of the developed property shall only be permitted with approval of an Administrative Minor Deviation application and notarized letters of consent from all property owners adjacent to the increased wall height (including owners of undeveloped properties). Additional landscaping shall not be required.

5. Retaining walls shall not exceed two (2') feet within any sight visibility zone.
6. The Director of Public Works and/or the Director of Development Services determines that a wall is required to protect property or public safety. The height and design of such a wall, including those within flood control facilities, shall be as required.

**b. Adjustments to Site Landscape and Screening Standards.** Proposals to utilize standards different from those provided elsewhere in this chapter may be considered in light of the unique characteristics of an individual site, including those created by the shape and location of property, design of existing or proposed structures, and the operation of the uses proposed for the site. Adjustments to site landscape standards include those related to screening and buffering, placement and amount of site landscape materials, parking lot landscaping, amount of turf, and the location of fences and walls. The determination of the acceptability of such adjustments shall be based upon consideration of the following:

1. The provision of landscape proposals to reduce environmental problems and to further the County's compliance with the Federal Clean Air Act Amendments of 1990 such as, but not limited to, increased use of allowable landscape species which increase the absorption of carbon dioxide and production of oxygen, and produce low amounts of pollen.
2. The ability of the proposed standards to result in the same or improved screening and buffering function as results from the standards of Table 30.64-1
3. The ability of the proposed standards to provide the same or enhanced visual character to the site as would result from the application of the landscape requirements for which alternative standards are being offered.
4. The ability of the proposed standards to maintain water demand equal to or less than that anticipated to be required by the installation and maintenance of the landscape plan and materials for which the alternative standards are being offered.
5. The ability of the proposed standards to result in site landscaping that maintains or increases the site development compatibility with that of adjacent sites in the manner anticipated through the application of the landscape requirements for which alternative standards are offered.

**c.** The Commission or Board may approve modified standards, including reduced or additional landscaping or fence height, as a condition imposed in conjunction with the approval of a land use application or by a waiver of standards application per Table 30.16-7, which, in their estimation, will better accomplish the purposes of this Chapter. In addition, the specialized requirements within Table 30.44-1 shall supersede the requirements of this Chapter. ( Ord. 3354 § 11 (part), 2/2006; Ord. 3229 § 12 (part), 6/2005; Ord. 3209 § 10 (part), 3/2005; Ord. 2934 § 9, 8/2003; Ord. 2769 § 105, 7/2002; Ord. 2573 § 14 (part), 2001)

**30.64.060 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.

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 five (5) feet away from the required front yard and shall not be constructed across a property line.
- B. All pools must be enclosed by a minimum five (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 four (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 five-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, the water surface area of outdoor swimming pools for a development shall not exceed the following.
  - i. Four percent (4%) for the first ten (10) acres or less and four-tenths percent (0.4%) for the additional total development area that exceeds ten (10) acres.
  - iii. For a resort hotel, an additional five (5) square feet will be allowed for each guest room.
  - iv. 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 five and one-half percent (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 one (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 two (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 Water Features.** Approval of a design review application per Table 30.16-9 shall be required to establish any manmade decorative water feature. Decorative water features which exceed the permitted area shall only be permitted in accordance with subsection (2) above (Manmade Lakes). The water surface area of outdoor manmade decorative water features for a single development shall be limited as follows:
- A. Two percent (2%) for the first ten (10) acres or less and two-tenths percent (0.2%) for the additional total development area that exceeds ten (10) acres.
  - B. For a resort hotel, an additional two and one-half (2 1/2) square feet for each room used for

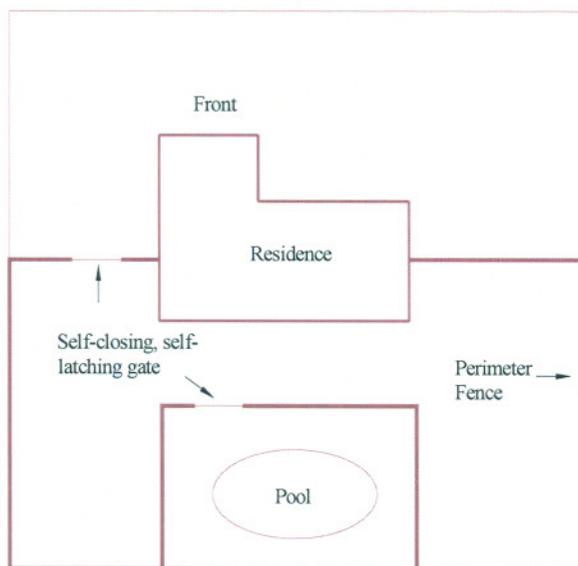
sleeping accommodations.

C. For a resort hotel, additional area shall be allowed where:

- i. The water is from a shallow groundwater aquifer 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.
- ii. 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 outdoor manmade decorative water features calculated under subsections (A) and (B) above.
- iii. The necessary groundwater permit and water treatment process approvals have been obtained from the appropriate agencies having or asserting jurisdiction.
- iv. 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 aquifer or from reclaimed wastewater generated on the single development as provided above.

4. **Manmade Recreational Water Theme Park.** The water surface area of manmade recreational water theme park for a single development is limited to twenty percent (20%) for the first twenty (20) acres or less and two percent (2%) for the additional total development area that exceeds twenty (20) acres. (Ord. 3432 § 11 (part), 10/2006; Ord. 3354 § 11 (part), 2/2006; Ord. 3297 § 5, 10/2005; Ord. 2950 § 2, 9/2003)

Figure 30-64-16 Suggested Swimming Pool Precautions



**30.64.070 Drought Restrictions.** During a drought, as defined in 30.08.030, the following additional restrictions shall apply to development. These restrictions cannot be waived or varied. Except for the prohibited operation of manmade decorative water features per Section 30.64.070(C) and the planting of cool season grasses per Section 30.64.070(A)(1), any development or facility that has obtained approval of a land use application or permit for construction prior to August 1, 2003, which approved landscaping not in conformance with the restrictions listed in this ordinance, will not be subject to these restrictions (water features thus approved may be constructed but not operated).

**A.** During Drought Watch, the following landscape material restrictions shall apply:

1. The planting of cool season grasses (for example, tall fescue or rye grass) is prohibited during the months of May through August; however, the planting of warm season grasses (for example, bermuda and zoysia) is permitted.
2. Residential Landscape Restrictions: 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, provided that no turf area dimension is less than 10 feet.
3. Non-Residential Landscape Restrictions: The installation of new turf in non-residential developments is prohibited. This restriction shall not apply to major schools, parks, amphitheatres or cemeteries, provided that no turf area dimension is less than 10 feet; to turf required by other governmental jurisdictions and/or regulatory agencies; or to golf courses and driving ranges, provided that turf is limited to not more than 50% of what is permitted under subsection 30.64.030(j)(7).

**B.** During Drought Alert, the following additional landscape development restrictions for residential development shall apply:

1. The installation of new turf is prohibited in residential front yards.
2. For single-family residential lots, the installation of new turf shall not exceed 50 percent of the gross area of the side and rear yard or 100 square feet, whichever is greater, provided no turf area dimension is less than ten feet. In any case, a maximum of 5000 square feet of turf is permitted.

**C.** Operation of Manmade Decorative Water Features. During a Drought Watch and Drought Alert, the use of manmade decorative water features shall be prohibited, including the use of existing features. The following uses shall be exempt:

1. Swimming pools, spas and recreational water parks. The use of covers for pools and spas is encouraged.
2. One (1) water feature of less than 200 square feet surface area in conjunction with a single-family residence or a residential development, except that any water feature located at the entry of a residential development shall not be operated. During Drought Alert, the maximum area of a fountain permitted to be operated shall not exceed 25 square feet.
3. Water features that are necessary and functional components serving other allowable uses, such as storage ponds on a golf course or cemetery, or aeration devices.
4. Indoor water features, or features with the majority of the total water volume contained indoors or underground. If practical alternatives exist for separating indoor and outdoor components (such as timers or shut-off valves), they shall be separated and managed accordingly.
5. Commercial water features operated in conjunction with a resort hotel as defined by Section

463.01865 of the Nevada Revised Statutes, if 1) a water efficiency and drought response plan which addresses guidelines suggested by the Southern Nevada Water Authority is submitted to the Zoning Administrator prior to January 30, 2004, for facilities existing as of the effective date of this ordinance, or prior to certificate of occupancy for future facilities, and 2) a sign is posted at the feature stating that the feature is operating in compliance with the drought ordinance and that a water efficiency and drought response plan is on file with the local water purveyor.

6. Water features necessary to sustain aquatic animals, provided that such animals have been actively managed within the water feature prior to declaration of drought.
7. 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 system preservation, may be maintained.
8. Existing and/or approved water features in developments which conform to the following, may be permitted to operate, subject to the approval of an Administrative Design Review to verify compliance:
  - i. The property owner, homeowner's association, or landscape maintenance association reduces consumptive water use for the development by reducing the amount of turf (functional or non-functional) within the development by fifty square feet for each square foot of surface area of the water feature if a rebate for turf conversion is not requested from the Water Smart Landscape program of the Southern Nevada Water Authority. Turf removed after the declaration of drought watch or drought alert will qualify under this subsection; however, turf removed before the declaration of drought watch on January 1, 2002, shall not qualify;
  - ii. If the development cannot reduce non-functional turf area, the property owner, homeowner's association, or landscape maintenance association shall pay the following fee to the Water Smart Landscape program of the Southern Nevada Water Authority for the period ending the next calendar year: ten dollars (\$10) per square foot of surface area. A receipt verifying fee payment shall be provided with the administrative design review application;
  - iii. If the development does not have enough non-functional turf required to qualify under subsection (i) above, the property owner, homeowner's association, or landscape maintenance association shall first reduce non-functional turf to the extent possible, and then pay the following fee to the Water Smart Landscape program of the Southern Nevada Water Authority for the period ending the next calendar year: ten dollars (\$10) per square foot of surface area for the proportion of turf area not available for conversion. A receipt verifying fee payment shall be provided with the administrative design review application.
  - iv. For each subsequent year during drought watch or drought alert that the water feature is operated, the property owner, homeowner's association, or landscape maintenance association shall pay the following fee to the Water Smart Landscape program of the Southern Nevada Water Authority by January 1 of the year during which the water feature will be operated: two hundred dollars (\$200).
  - v. Temporary signs indicating the water feature is permitted to operate in conformance with drought restrictions shall be posted as follows: 1) sign area shall not be less than four (4) or greater than sixteen (16) square feet, and 2) sign(s) shall be visible from any street from which the water feature is visible.

- D. Any person or association, regardless of date of establishment, is prohibited from imposing or enforcing private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevent the utilization of water efficient landscaping, including but not limited to xeriscape, provided such landscaping receives appropriate architectural review approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping, per Title 24 (as amended). (Ord. 3354 § 11 (part), 2/2006; Ord. 3094 § 4, 7/2004; Ord. 2975 § 1, 11/2003; Ord. 2950 § 3, 9/2003; Ord. 2934 § 11, 8/2003)