

ORDINANCE NO. 1806

AN ORDINANCE RELATED TO ZONING; TO AMEND PORTIONS OF TITLE 17, SECTIONS 17.12.020 AND 17.24.100 OF THE NORTH LAS VEGAS MUNICIPAL CODE; TO PROVIDE LANDSCAPING REQUIREMENTS RELATED TO VARIOUS DROUGHT CONDITIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS DOES ORDAIN:

SECTION 1: The following definitions are added to Section 17.12.020:

17.12.020 Definitions

“Drought” means a combination of many complex factors acting and interacting with the environment resulting in water supplies not being replenished normally. In simple terms, a drought occurs when existing water supplies cannot meet established demands for a period of time.

“Drought Alert” means a second-level drought declaration of the Board of Directors of the Southern Nevada Water Authority based upon current or projected reductions in the community’s renewable water supply.

“Drought Emergency” means a third-level drought declaration of the Board of Directors of the Southern Nevada Water Authority based upon current or projected reductions in the community’s renewable water supply.

“Drought Watch” means a first-level drought declaration of the Board of Directors of the Southern Nevada Water Authority based upon current or projected reductions in the community’s renewable water supply.

“No Drought” means a condition where no drought declaration of the Board of Directors of the Southern Nevada Water Authority is in effect.

SECTION 2: Subsection 17.24.100J is added to the Landscaping Requirements in Section 17.24.100 of the Municipal Code of the City of North Las Vegas as follows:

17.24.100J Landscape Restrictions During Drought

A. During Drought Watch and Drought Alert, landscaping shall be limited as described below. Any land use application or permit for construction approved by the City prior to October 1, 2003 with landscaping not in conformance with the restrictions listed in this Section will not be subject to these restrictions.

1. The following landscape restrictions will apply during Drought Watch:

a. 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 public parks or privately owned and maintained parks, including required usable open space in multifamily developments, provided that no turf area dimension is less than 10 feet.

b. Non-Residential Landscape Restrictions:

The installation of new turf in non-residential developments is prohibited, unless specifically permitted by a land use application approved by the City. Under no circumstances shall a land use application be approved to allow more than 50 percent of the turf permitted under No Drought conditions. These provisions shall not apply to public or private schools or parks.

2. The following additional landscape development restrictions will apply during Drought Alert:

a. Residential Landscape Restrictions:

1. The installation of new turf is prohibited in residential front yards.

A. Exemption. An owner of a residence may make application with the Director for an exemption from the prohibition of Section 17.24.100J(A)(2)(a)(1). Upon the approval of such application, the owner would be permitted to install new turf in the residential front yard (in the quantity allowed for the side and rear yards), and would be prohibited from installing turf in the side and rear yards. Such application process would require the owner to give permission for City staff to gain access to the back and side yards for compliance inspection purposes.

2. For single-family residential lots, the installation of new turf in the side and rear yard shall not exceed 50 percent of the gross area of the side and rear yard, provided that no turf area dimension is less than 10 feet. A maximum of 5000 square feet of turf is permitted.

3. The planting of cool-season grasses (i.e. tall fescue or rye grass) is prohibited during the months of May through August; however, the planting of warm-season grasses (i.e. bermuda and zoysia) is permitted.

4. The restrictions defined in Drought Watch shall continue to apply.

b. Non-Residential Landscape Restrictions:

1. The restrictions defined in Drought Watch shall continue to apply.

- B. Any person(s) or association(s) regardless of date of establishment is prohibited from imposing private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevent person(s) from utilizing 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 such as referenced in Title 17 as amended.
- C. Waivers. There shall be no waivers or variances granted with respect to the standards listed in this Section. Such a request shall be considered a request to amend the requirements of this Section and shall only be considered in accordance with the proper procedures.

SECTION 3: NON-INFRINGEMENTS OF RIGHTS. The City Council of the City of North Las Vegas has been informed by its City Attorney as to the constitutionality of this ordinance and based upon such information is adopting this Ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 4: SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective October 1, 2003, after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

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SECTION 6: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS 17TH DAY OF SEPTEMBER, 2003.

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck, Eliason

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED:

/s/ Michael L. Montandon
MICHAEL L. MONTANDON, MAYOR

ATTEST:

/s/ Eileen M. Sevigny
EILEEN M. SEVIGNY, CITY CLERK