

From: [ac](#)
To: [TransformClarkCounty](#)
Subject: Comments on May Draft of UDC
Date: Wednesday, June 14, 2023 11:15:00 AM
Attachments: [2023-05 UDC Comments .docx](#)

Good morning, attached is a word document with suggested corrections, with explanations, to a couple of sections of the latest UDC draft for consistency and to avoid ambiguity.

Please confirm that you received this.

Thank You
ann Casey

30.04.07 – Operational Standards

B. Exterior Lighting

3. Prohibited Lighting Types

The following types of exterior lighting are prohibited, unless specifically allowed elsewhere in this Title:

- i. Unshielded lighting that produces glare or light trespass in excess of that allowed in this Section;

4. Lighting Standards

- i. In all districts:

- (a) All on-site lighting shall be shielded or otherwise designed to prevent glare and light trespass onto adjacent property.
- (b) Brightness is measured at any shared property line and shall be no greater than 0.2 footcandles.

30.07.02 – Defined Terms

Accessory Vehicle and Watercraft Storage The storage of a recreational vehicle, travel trailer, watercraft, and/or off-highway vehicles at a residence or within a residential development.

30.03.03 Residential Uses

A. Household and Group Living

3 Accessory Vehicle and Watercraft Storage

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Accessory Vehicle and Watercraft Storage	A	A	A	A	A	A	A	A	A	A												

i. Location

Must be in conjunction with a residence or residential development. This standard shall not be waived or varied.

ii. Layout and Design

Limited to a maximum of 3 recreational accessory vehicles

Commented [ac1]: The standard, 30.04.07.B.4.i.(a), in latest draft, requires that light be shielded "OR" "designed" to prevent *only* trespass, not glare. Shielding addresses both glare and light trespass, but "design" addresses light trespass. This needs to be revised to make it consistent with the prohibition against both glare and light trespass in 30.04.07.B.3 i, rather than just light trespass.

The brightness standard in 30.04.07.B.4.i.(b) is not applicable to glare. "Glare" is due to a difference between artificial light and ambient light. It is not dependent on the brightness of the artificial light. The darker the ambient light the more glare possible, even from a dim light. Glare is, almost exclusively, due to the "lamp" (light source) being visible. The definition of "shielded" recognizes this, requiring that the lamp not be visible. Even a dim light can cause glare if unshielded if not otherwise designed to be out of the line of sight – as with indoor lighting where a shade is used for table lighting, but not needed for ceiling lighting above the line of sight.

The use of "Or" in 30.04.07.3 i and "And" in 30.04.07.4 i.(a) is consistent. "Or" is appropriate in 30.04.07.3 i to protect against 1 or the other; it need not be both simultaneously. "And" is appropriate in 30.04.07.4 i.(a) because both are prohibited, not just one or the other.

Commented [ac2]: The definition of recreational vehicle has been revised to include travel trailer, so it need not be used here. A definition has been added for trailer, which is also an accessory vehicle and so should be included here.

Note in previous draft that this term replaces

Commented [ac3]: Either Sami Real or Ann Bachir explained that a maximum limit of 3 was set as a reasonable number to allow, for example, multiple accessory vehicles such as an RV, a boat, and a 4-wheeler. Makes perfect sense.

The change addresses this reasoning. It also more clearly addresses the subject of the section - accessory vehicles.

Limiting only the number Recreational vehicles would allow for 3 RV's, but also say 10 boats, 5 trailers, 6 4-wheelers, etc.

From: [ac](#)
To: [TransformClarkCounty](#)
Subject: 30.04..07 lighting
Date: Sunday, July 16, 2023 3:25:51 PM

30.04.07 OPERATIONAL STANDARDS

A. Purpose

The purpose of this Section is to protect adjacent uses and the community from excessive noise, light, smoke, particulate matter, odors, and hazardous materials generated by uses conducted on a property.

B. Exterior Lighting

2. Applicability All exterior lighting shall meet the requirements of this Section, subject to the following exemptions:

v. **Security Lighting:** Security lighting [in nonresidential areas](#) of any wattage controlled by a motion-sensor that remains on no longer than 12 minutes after activation.

3. Prohibited Lighting Types

The following types of exterior lighting are prohibited, unless specifically allowed elsewhere in this Title:

v. Lighting [in residential areas](#) that allows spillage of light into the sky, visible on a roof or above the roof line.

2v. To confirm discussion with Ann the other day - Security Lighting should not be exempted from lighting standards - shielding to avoid .2 Foot-candles light trespass and glare shielding. Adjacent residential property must not be subject to excessive light regardless of the time frame it is on. And security lighting may be on a motion sensor, which can trigger just from wind, in which case the light may be set to be on only 12 minutes, but in fact will stay on as long as it is windy.

3v. I think the operational standards are applicable to all districts. if that is the case, certainly don't want it to apply to say the strip. so restrict it to at the least residential areas. but maybe it's allowed in other areas by some other section. not entirely sure about this. but in case.

thank You!

From: [ac](#)
To: [TransformClarkCounty](#)
Subject: UDC vehicle parking and storage
Date: Sunday, July 16, 2023 3:17:39 PM
Attachments: [Residential vehicle parking and storage redline 07-16-23.docx](#)

The UDC draft dated 5/25/2023 allows an unlimited number of vehicles to park on residential property. It limits them to 8+ by number, and 5+ by area – subordinate to primary use, for a subtotal of 13+. But, there is no limit on licensed and operable vehicles, or other accessory vehicles and watercraft except RV's (as presently written).

- 8+ = 2+ unlicensed or inoperable automobiles as hobby vehicles (30.03.03 B11), 3 RV's (30.03.03 A3), 1 automobile used for commercial purposes (30.03.01 D30), and 2 unlicensed but operable automobiles (30.04.04 G7).
- 5+ cars for subordinate area /1000 sq ft. of primary use. (for both hobby and accessory vehicles)
- Unlimited everything else (licensed and operable vehicles, accessory vehicles and watercraft besides RVs, trailers)

Effectively then, the code allows unlimited vehicle parking/storage so long as it is on the proper surface, which under nonurban street standards is simply gravel. Hobby vehicles must be screened, but there is no such screening requirement for other parking/storage.

The draft addresses vehicle parking and storage in 4 different sections (30.03.01 D3, 30.03.03A3, 30.03.03 B11, and 30.04.04 G7). It is confusing and difficult to clearly determine what is allowed or prohibited across sections. The code leaves unspecified how the area of the accessory use is determined (possibly based on individual vehicle footprint or required parking space size?) and what constitutes the primary use (including only indoor living space or total footprint under 1 roof, or any additional outdoor living area). Most significantly it seems to allow for a separate subordinate area limit for each type of accessory use, i.e. subordinate area for hobby vehicles and for RVs separately, rather than in total.

I recommend combining all residential vehicle parking and storage (except outside storage in RRO 30.03.04 D4) into a single cohesive section in 30.03.03A as Residential Vehicle Parking and Storage. The combined section should establish reasonable limits for parking and storage of all vehicles in total. Such standards will protect residences from being subjected to an adjacent backyard effectively being turned into an allowed parking lot. The standard should walk the line of protecting reasonable rights of use that do not unduly interfere with the rights of others.

I have attached a redline that incorporates these principles for your consideration. It combines all sections into 1 single clear and cohesive Residential Vehicle and Parking and Storage section and fills in logic gaps.

- It recognizes a single category of accessory use for vehicles, incorporating RV's and the like, and hobby vehicles and other unlicensed/inoperable vehicles, but excluding what would be considered primary vehicles. Regulation of accessory use for vehicles is then consistent with that of accessory buildings. It establishes clear and consistent standards for both parking and storage for all types of accessory vehicles and treats them comprehensively as a single category.

- It incorporates the draft's numerical limits for accessory vehicles and limit based on area subordinate to primary use.
- It establishes a screening requirement from adjacent properties for all vehicle storage, not just hobby vehicles.
- And finally, it requires an impervious surface for vehicle work consistent with the requirement for vehicle repairs and maintenance to address environmental concerns.

The recommendation provides for a more consistent, coherent, reasonable, and manageable application that protects one's rights to use their own property while also protecting adjacent residences from the nuisance and devaluation of living next door to a parking lot.

30.07.02

Accessory Vehicle and Watercraft Storage — ~~Vehicle storage of a~~ Includes recreational vehicles, ~~travel trailers,~~ hobby vehicles and related vehicle parts, ~~unregistered or unlicensed or inoperable vehicles as defined by NRS 487.290,~~ watercraft, and/or off-highway vehicles at a residence or within a residential development.

Hobby Vehicle-Hobby Repair and Restoration: ~~The dismantling, mechanical repair, restoration, and vehicle storage of a~~ non-commercial motorized vehicles ~~used in a hobby of dismantling, mechanical repair, and restoration of the vehicle and related vehicle parts as a hobby,~~ including engine or transmission replacement or overhaul, body work, upholstery, and maintenance, excluding painting. ~~Hobby v~~ehicles shall not include ~~snowmobiles,~~ off-highway vehicles, or jet skis.

30.03.03 A

3. Accessory Residential Vehicle Parking and Storage i. Parking

- (a) Parking within unimproved or landscaped areas is prohibited.
- (b) ~~However, P~~arking of a single automobile used for commercial purposes is allowed.
- (c) Parking of licensed and operable vehicles in rear yards is an accessory use.
- (d) Parking of accessory vehicles for a period in excess of 72 hours is considered to be storage.

ii. Storage Location

- (a) ~~i. Location:~~ Outdoor storage of vehicles in a residential area is an accessory use and must be in conjunction with a residence or residential development. This standard shall not be waived or varied.
- (b) ~~ii. Layout and Design:~~ The number of ~~unlicensed or inoperable automobiles, as defined by NRS 487.290~~ accessory vehicles stored outside of an enclosed building shall not exceed ~~23~~ for the first 20,000 square feet of lot area, plus 1 additional ~~automobile-vehicle~~ for every 10,000 square feet of lot area thereafter. Limited to a maximum of 3 accessory vehicles.
- (c) In residential districts, the outdoor storage of 2 unlicensed but operable automobiles, not used as hobby vehicles, is allowed ~~to primary use.~~
- (d) The outdoor storage of unlicensed, unregistered, or inoperable vehicles is prohibited within required residential parking spaces.
- (e) Storage of commercial vehicles constitutes a commercial use of land and is prohibited in residential districts except as otherwise expressly stated.
- (f) Vehicle storage in rear yards must be screened from view of adjacent properties.

Commented [ac1]: 30.07.02 Existing definition addresses storage not parking. It provides for accessory and hobby vehicles to be treated separately. It would seem appropriate for parking and storage of all non-primary vehicles to be treated similarly. So combine all into single definition for regulation.

Will also need to update 30.03.02 Table 30.03-1, 30.03.03 A3 use table, and 30.04.04D Table 30.04-2 changing Accessory Vehicle and Watercraft Storage to Residential Vehicle Parking and Storage

Commented [ac2]: 30.07.02
Existing definition recognizes mere storage of a vehicle as hobby, rather than the activities that actually make up the hobby. So separate the activities from the storage, which can then be regulated like storage of all other non-primary vehicles.
Off-highway vehicles is already defined to include snowmobiles, so no need to include it here.

Commented [ac3]: 30.03.03 A.

Commented [ac4]: 30.04.04 H1iv(e) add here but also leave as is in existing so applies beyond residential

Commented [ac5]: (30.03.01 D3iii(b) move subsection her and delete in existing location.

Commented [ac6]: To prevent rear yards from effectively be turned into parking lots, regardless of type or condition of vehicle. Still reasonably allowed, just limited by subordinate area.

Commented [ac7]: Reasonably allows temporary parking of accessory vehicles. Fills in gap in for unlicensed or inoperable and all other accessory vehicles as to what is parking vs storage. 72 hours is consistent with 30.03.04 D4 Outside storage

Commented [ac8]: Having separate sections makes clear that parking and storage are different things
question whether limitations should apply only to outdoor storage, i.e. is indoor storage is ok?? If both, eliminate "outdoor" from subsections a, c, and d.

Commented [ac9]: 30.03.03 A3. 1) Change is needed since "storage" was removed from definition of hobby. 2) clarifies that all storage of any vehicle (not just accessory vehicle) as opposed to parking which is shorter term, counts toward accessory use subordinate in area. Stor ... [1]

Commented [ac10]: Combined 30.03.03 B 11iii(b) (hobby) and 30.03.03 A3ii (accessory), changed limitations slightly). Again treating all non-primary storage similarly

Commented [ac11]: 30.04.04 G7 delete only this sentence in existing subsection. See (e) below. As written this section conflicts with definition of hobby vehicles ... [2]

Commented [ac12]: 30.04.04 G7 added here as part of to comprehensively addressing residential parking. Inclu ... [3]

Commented [ac13]: 30.03.01D3iii(b) move subsection here and delete in entirety in original location. There i ... [4]

Commented [ac14]: Neighbors should be protected against visual nuisance of backyard parking

iii. ~~Operation~~Hobby Vehicles

a) ~~Repair and restoration of hobby vehicles~~ Use shall be conducted on lots measuring 20,000 square feet or greater and accessory to a residence.

(ba) Use may be permissible outside, unless otherwise stated by this Title.

~~(b) The number of unlicensed or inoperable vehicles, as defined by NRS 487.290, stored outside of an enclosed building shall not exceed 2 for the first 20,000 square feet of lot area, plus 1 additional vehicle for every 10,000 square feet of lot area thereafter.~~

(c) The following standards apply to all districts and may only be waived when within the Nonurban Area and outside the Red Rock Overlay (RRO):

(1) When conducted outside, ~~the vehicle hobby~~ use shall be:

(i) Restricted to side and rear yards only.

(ii) Enclosed with a 6-foot block wall. When located outside the Red Rock Overlay (RRO) in the Nonurban Area, screening may be provided in lieu of block wall.

(iii) Set back 100 feet from the front lot line. When located outside the Red Rock Overlay (RRO) in the Nonurban Area, the setback may be reduced to 50 feet or 40% of lot depth, whichever is greater.

~~(iv) Performed on an impervious surface.~~

(2) Nothing shall be stacked or piled above the height of the block wall or screening or otherwise constitute a dangerous structure or condition per Title 11 of the Clark County Code.

(3) The repair, restoration, or ~~vehicle~~ storage of commercial vehicles; or ~~other~~ vehicles not owned by a resident or closely held corporation of the resident of subject property, is prohibited. Proof of ownership of vehicles shall be available upon inspection.

~~(d) Hobby vehicles~~ in the RS10 and RS5.2 districts must be in the Nonurban Area and outside the Red Rock Overlay (RRO). This standard shall not be waived or varied.

Commented [ac15]: 30.03.03 B11 delete in entirety, move here

Commented [ac16]: 30.03.3 B11 i(a)

Commented [ac17]: 30.03.3 B11 ii(a)

Commented [ac18]: 30.03.3 B11 ii(b). moved to ii above

Commented [ac19]: 30.03.3 B11 ii(c)

Commented [ac20]: New but consistent with what I understand to be required for vehicle maintenance and repair. can't find the section though

Commented [ac21]: 30.03.03 B11i(b)

Page 1: [1] Commented [ac9] ann casey 7/14/2023 12:35:00 PM

30.03.03 A3. 1) Change is needed since "storage" was removed from definition of hobby. 2) clarifies that all storage of any vehicle (not just accessory vehicle) as opposed to parking which is shorter term, counts toward accessory use subordinate in area. Storing vehicles should not be considered a primary use for a residence.

Page 1: [2] Commented [ac11] ann casey 7/14/2023 12:36:00 PM

30.04.04 G7 delete only this sentence in existing subsection. See (e) below. As written this section conflicts with definition of hobby vehicles which includes unlicensed or inoperable per NRS. So change is needed to correct that. With new definition of accessory vehicle, no need to recognize as accessory here

Page 1: [3] Commented [ac12] ann casey 7/14/2023 12:37:00 PM

30.04.04 G7 added here as part of to comprehensively addressing residential parking. Inclusion of "residential" differentiates it from 30.04.04 G7, which should not be deleted, applying to all parking spaces.

Page 1: [4] Commented [ac13] ann casey 7/14/2023 12:37:00 PM

30.03.01D3iii(b) move subsection here and delete in entirety in original location. There is no corollary for parking of commercial vehicles - if want one could add in (i) above with limit of something like 12 hours

From: [Anna Peltier](#)
To: [TransformClarkCounty](#)
Subject: Re: [Clarkcounty] Contacts Form - new submission
Date: Monday, July 17, 2023 3:52:49 PM

Hi Sami-

I am available on the 25th at 9am.

I will likely not have the time to give you written comments. I am out of town for most of this week and getting back next Monday night. There are a lot of things to discuss in that landscape section that would be quite time intensive to write out and explain the reasoning behind. I am running a business alone and we are slammed. Additionally, being the current president of NVASLA is kind of a time suck. I am stretched just about as far as I can go but I know the importance of getting this information to you that I am willing to do it for free (and this is the type of work we typically charge for). I am hoping we can just go through it at the meeting in less time than it would take for me to put it all into writing. Perhaps we could pull one of the landscape architects or arborist that works for the county into the meeting as well? I want to help but have a very limited capacity at this time and I already spent a few hours last Monday at your meeting trying to get this information to your team. I hope you understand.

Thanks!

Anna

On Mon, Jul 17, 2023 at 3:20 PM TransformClarkCounty
<TransformClarkCounty@clarkcountynv.gov> wrote:

Hi Anna.

We are available to meet as follows:

- Monday, July 24th, anytime
- Tuesday, July 25th, we are available on and after 9 am and until noon

Please know what date and time works best for you. If you need more dates and times, please let me know and I can send over some additional options.

Also, as mentioned in the meeting last week, please send us your comments. Comments can be sent to the email address above which is transformclarkcounty@clarkcountynv.gov. We were hoping to receive them in time to incorporate into our comment sheet that we intend to post with the 8/2 agenda which means we would like them ASAP so can review/respond prior to going to print with the agenda which happens towards the end of this week. If we do not receive them in time to incorporate into our comment sheet, we will obviously still

take your comments into consideration and share them with the Commissioners in advance of the 8/2 Board meeting.

Thank you Anna.

Sami R. Real

Deputy Director, Department of Comprehensive Planning

Ph: (702) 455-3129

Business Hours: Mon. – Thurs., 7:30am to 5:30pm

Help Shape Clark County's Future!

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www.transformclarkcounty.com

From: Anna Peltier <reply-to+1002ea83c5c9@crm.wix.com>

Sent: Sunday, July 16, 2023 3:50 PM

To: TransformClarkCounty <TransformClarkCounty@ClarkCountyNV.gov>

Subject: [Clarkcounty] Contacts Form - new submission

Anna Peltier just submitted your form: Contacts Form
on [Clarkcounty](#)

Message Details:

Enter Your Name: Anna Peltier

Enter Your Subject Here: Landscape Design Standards in Chapter
30.04

Type Your Message Here: Hello, I am the current President of the

Nevada Chapter of the American Society of Landscape Architects. Our organization has some concerns regarding the Title 30 updates, particularly area that are not to industry standards and that handicap us as environmentally responsible designers. I would like to set up a meeting to discuss further. I had attended Public Meeting #1 on July 10 but was cut off before I could finish going through the concerns. Thank you , Anna
Email: anna@folkforlife.com

If you think this submission is spam, [report it as spam](#).

To edit your email settings, go to your Inbox on desktop.

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PLEASE NOTE: I will be out of town from Wednesday, July 19 through Monday, July 24th.

Anna Peltier, ASLA, LEED AP BD+C, SITES AP

Principal Landscape Architect

PLA NV #824, MI #3901001747, AZ #70343, UT #7477415-5301

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C: 702.596.3222

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From: [District G CC](#)
To: [Nancy A. Amundsen](#); [Sami Real](#)
CC: [Blanca Vazquez](#); [Alvaro Lozano](#); [Susan Gersh](#)
Subject: FW: Transform Clark County Title 30.04.06 comments
Date: Monday, July 17, 2023 4:16:02 PM

Hello Nancy and Sami, this was received in our District G mailbox today.

Thank you.

From: Anne Hein <heavenscentials@gmail.com>
Sent: Monday, July 17, 2023 4:15 PM
To: District G CC <DistrictG@ClarkCountyNV.gov>; District F CC <DistrictF@ClarkCountyNV.gov>
Subject: Transform Clark County Title 30.04.06 comments

Hello, We are submitting the following comments regarding changes to the Master Plan and Title 30. With regard to rural, RNP and larger lots, we would ask for the following considerations:

The fill for properties is too high. When fill is used and not necessary, houses, apartments or other buildings sit too high when close to established houses. Please consider limiting fill to no more than 2 feet and not placing it closer than 10 feet near shared property lines.

When fill is too high or property lines are too close, it greatly imposes on established houses. When cameras and spot lights are placed on these higher and closer properties, the established homes experience greatly reduced privacy and lights that are annoying and harmful.

There should be no two story homes built next to established single story homes. This is an intrusion of privacy and imposed on properties in rural areas and single story homes.

The height step backs and limits are too high next to single family or established properties.

Green spaces are greatly needed in areas that are being overbuilt. People, children and animals need places to cool off and play. Las Vegas and Clark County are becoming concrete jungles, which also contribute to climate change and overheating in already too hot areas. **Trees also provide protection from over heating spaces.**

Good and thoughtful planning means a reduction in over building where

water needs to be conserved. Arizona as well as Lake Tahoe are examples of having a moratorium on building where it is not feasible for maintaining a healthy state and considering current residents and limited water. Thank you. - Anne and Jeff Hein, 3265 West Haleh Avenue, LV, NV 89141

From: [Chris Meyer](#)
To: [TransformClarkCounty](#)
Subject: Thanks you for your presentation last night
Date: Tuesday, July 11, 2023 11:51:06 AM

Thanks, team, for keeping us informed of the new zoning designations. As the President of our HOA, I must keep the community informed of plans for our neighborhood. I have always enjoyed the professionalism of the Clark County planning staff—good luck with your next presentation. Maybe you won't get so many questions from the audience. Keep up the excellent work.

Chris Meyer, CEM, CMP

CEO

ChrisMeyerGlobal.com

+1(702) 715-7797 (m)

<https://www.linkedin.com/in/chrismeyerlv/>

Clearme.com, Trifectaeventsllc.com, Luvseats.com, cmaplanners.com

From: [Chris Smith](#)
To: [TransformClarkCounty](#)
Subject: [Clarkcounty] Contacts Form - new submission
Date: Saturday, June 17, 2023 10:10:22 AM

Chris Smith just submitted your form: Contacts Form
on [Clarkcounty](#)

Message Details:

Enter Your Name: Chris Smith

Enter Your Subject Here: Don't do this!

Type Your Message Here: Leave Clark County alone! It doesn't need to be transformed by a bunch of government bureaucrats and politicians or anyone else! It is just fine the way it is! Please don't fix what isn't broken! Stop this! Thank you!

Email: cmsmith30@hotmail.com

If you think this submission is spam, [report it as spam](#).

To edit your email settings, go to your Inbox on desktop.

From: [Zoning Issue](#)
To: [TransformClarkCounty](#)
Subject: Title 30 Re-Write public comments
Date: Tuesday, July 11, 2023 3:08:26 PM

Department of Comprehensive Planning Members,

I attended the July 10th public meeting focused on the Title 30 ReWrite and I just wanted to thank you all for the professional and educational manner in which it was held. I just wanted to email some of the concerns I brought up at that meeting in hopes they will get recognized and responded to before the August 2nd vote of the Board of County Commissioners.

1.) add the verbiage 'intended to transition between lower-density and moderate-density residential neighborhoods' to the purpose section of **all** residential zoning districts

2.) Require a SUP to any development abutting a Rural Neighborhood Protection Overlay district to ensure the application process is more detailed and involved than only a design review

I plan on attending the meeting on the 17th as well and try to get more neighbors to take part in this opportunity you have given us to be heard.

I know this has been a lengthy and very detailed process for you as a group and I personally can't thank you enough for making this rewrite more user friendly, understandable and easy to navigate for the layman.

Regards,

TOMMY LOPRESTI

Spokesperson

Dean Martin Rural Neighborhood Preserve

From: [Elias George](#)
To: [Justin Jones](#)
Cc: [Nancy A. Amundsen](#); [Sami Real](#); [Robert Warhola](#); [Michael Shannon](#); [Jayson Dagher](#); [Christopher Chong-Wong](#); [Kevin Schiller](#); [teller](#)
Subject: Re: ORD-23-900203 | Rural Preservation Neighborhoods
Date: Monday, July 17, 2023 11:58:46 AM

Dear Commissioner Jones,

I am writing on behalf of Teller and Cathy Fry from the Mountain's Edge RN, and Tommy LoPresti from the Dean Martin RN, whom our firm represents in relation to ORD-23-900203, concerning the County's repeal and replacement of Title 30. I am aware that you have already met with Teller and other constituents from rural preservation neighborhoods, so I will refrain from reiterating their specific concerns.

As a land use and zoning attorney with prior experience as a deputy city attorney for the city of Las Vegas, I am well acquainted with the challenges and complexities involved in amending, let alone rewriting, an entire land use code to accommodate diverse interests. It is for this reason that local governments establish "goals" and "purposes" as guiding principles for amending their land use codes, aiming to achieve harmony and consistency in community development.

The Purpose of an NPO (Neighborhood Preservation Overlay), namely, Section 30.02.26(F)(1) of the proposed ordinance explicitly states that the NPO is established to both "preserve" and "conserve" rural neighborhoods in our community. While these words have distinct yet significant meanings, with "preserve" implying the maintenance of the original form or condition and "conserve" emphasizing the active management and sustainable use of resources to prevent waste or depletion, my client's interest lies precisely in preserving and conserving rural neighborhoods as outlined in the County's proposed ordinance, without disrupting nearby development.

Special Use Permit

To ensure consistency between the Master Plan, the Code's purpose, and any adjacent or nearby development within 330 feet (such as hotels, mixed-use projects, or medium to low-density residential areas) without disturbing rural neighborhoods, we respectfully request that Clark County consider amending the proposed code. Specifically, we propose that a Special Use Permit (SUP) be required in limited circumstances where medium to high-density or intensity of uses pose a threat to deplete or disrupt nearby rural neighborhoods.

Special Use Permits are valuable tools as they shift the initial burden of ensuring compatibility and harmony of newly proposed developments with their surroundings onto the applicants themselves. See 101A C.J.S. Zoning

and Land Planning § 274. If a developer meets this initial burden by uniquely designing their project to mitigate its impact, then and only then is it subject to review by the Planning Commission or Board, or both. In other words, an SUP does not impede development but rather facilitates a burden-shifting approach that grants the government greater authority to ensure nearby development is suitable and compatible.

And because there is already a bevy of statutory and case law regarding SUPs, the incorporation of an SUP into the new code is straightforward. Rather than, for example, trying to specify certain density, use, or height limitations on specific types of future, unknown development, an SUP is a self-policing mechanism. It ensures that developers do not attempt to circumvent the code's purpose, but instead, aim to achieve its purpose.

Distinguishing Design Reviews from Special Use Permits

During the recent public meeting, it was suggested that a special use permit may not be necessary due to the availability of the County's Design Review process. However, it is essential to recognize that these are two entirely distinct tools and processes.

A Design Review does not place the same level of evidentiary requirement or care on the applicant and, moreover, without an accompanying SUP, it shifts the initial burden of production to the government. See Julian C. Juergensmeyer, *Architectural Control, Land Use Planning and Development Regulation Law* § 12:3 (3d ed.) (design reviews are largely based on aesthetics and do not require any specific findings: "Although it is possible that the legitimacy of aesthetic regulation may vary with the kind of aesthetic control at issue, the courts have not made distinctions on these grounds"). An SUP, on the other hand, requires that the "applicant meets specific predetermined conditions." See *id.* § 5.25 (Standards). In other words, a Design Review focuses on the aesthetics and visual aspects of a project, an SUP specifically considers the tangible and direct impact it has on the surrounding land.

Also, without an SUP, rural neighbors would have to contest all future and nearby development, resulting in increased transaction costs for future development. Conversely, an SUP reduces transaction costs by shifting the initial burden of compatibility onto the developer, reducing uncertainty, and enhancing planning efficiency. Additionally, it ensures that the Master Plan and Code act as self-policing mechanisms. During the conceptual phase, developers gain a better understanding of the need for their projects to be compatible and harmonious with the nearby rural neighborhoods.

Concluding Thoughts

I appreciate your time and attention to this matter. Teller, Cathy, and

Tommy and the rural preservation neighborhoods value your commitment to community development, and we believe that the inclusion of an amendment requiring a Special Use Permit in the specified circumstances would uphold the integrity of the Master Plan and the Code's purpose while promoting the preservation and conservation of our cherished rural neighborhoods.

Thank you for your consideration and time.

Elias George, Attorney

EPG Law Group

5940 S. Rainbow Blvd.

Las Vegas, Nevada 89118

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From: [Amanda Vaskov](#)
To: [TransformClarkCounty](#)
Cc: [christine.hess](#); [Mendy Elliott](#)
Subject: Title 30 Inquiries from the NHC
Date: Thursday, July 13, 2023 12:52:42 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Good afternoon,

My name is Amanda Vaskov. I am the Government Affairs & Policy Manager for the Nevada Housing Coalition. On 7/11, I attended the Title 30 Q&A. Following that meeting, I have some additional questions. Thank you in advance for connecting to discuss this.

Regarding allowed uses, in the consolidated draft (reference pg. 88) affordable housing was allowed with a special use permit in Commercial Neighborhood (CN) and Commercial Professional (CP) Zones. However, looking at the adoption draft (reference pg. 76), affordable housing is not allowed—even with a special use permit—in CN and CP zones. Why did this change from the consolidated draft to the adoption draft? **Has affordable housing historically been allowed in what is now referred to as CN or CP zones?**

As for density, I noticed that density bonuses are available for single family residential zones (reference pg. 83 – adoption draft). For residential multifamily zones, the density is fixed per the pre-approved zoning standards. Does this mean that you are unable to apply for a density bonus in RM zones via special use permit? **Historically, have RM zone densities always been restricted to pre-approved zoning standards?**

Looking at the sustainability requirements, in the consolidated draft (reference pg. 201), affordable housing and supportive housing were exempt from sustainability requirements. However, in the adoption draft, affordable housing and supportive housing are no longer exempt (reference pg. 182). **Why was this exemption eliminated?**

Lastly, regarding parking minimums, on page 146 of the adoption draft, the parking minimum for affordable housing is listed as “per single or multi-family unit dwelling.” **What is the minimum required parking for affordable housing supposed to be (or is this a drafting error)?**

Thank you for your time. I understand that these questions may take time to answer over email. If it is more convenient for you, I am happy to discuss these questions over the phone. My phone number is in my email signature.

Best regards,

Amanda Vaskov

Government Affairs & Policy Manager

P: 702-738-4325

amanda.vaskov@nvhousingcoalition.org | nvhousingcoalition.org



From: [Amanda Moss <SNHBA>](#)
To: [Sami Real](#)
Cc: [Nat Hodgson](#); [Melany](#); [Malana Tice](#); [Bob Gronauer](#)
Subject: Title 30 rewrite: Final updated list of SNHBA questions
Date: Thursday, June 15, 2023 5:03:36 AM
Attachments: [image002.png](#)
[Adoption Draft comments and questions for CC staff final 6.15.23.docx](#)

Sami,

Thank you so much for the dialogue these last few weeks. Has been great talking through this document together. While we covered a lot of the comments/questions we had on the Consolidated Draft, I thought it best to get you everything in writing in one spot to look through. High level: I have organized it into essentially 4 parts. Remaining questions/comments, the “withdrawn” top priority issues (you were right about waivers for height! Yay!), new questions that arose from changes between the Consolidated Draft to the Adoption Draft, and then a few “easy” yes/no questions.

Happy to chat through this as best we can in the most convenient manner for you. Have a great weekend.

Please let me know if you have any questions/concerns.

Respectfully,



Amanda Moss
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SNHBA Questions and Comments
Re: Title 30 Adoption Draft
6/14/23

Please note, most of this is carry-over from comments submitted in Consolidated Draft that has been updated with new page numbers.

Wanted to memorialize for you for purposes of discussion. Thank you for your consideration!

Implementation questions

- Date of two mid-July workshops?
 - Format? Are they open forum to discuss this or “training” where CC staff walk developers and engineers through the changes made/how to redesign to the new standards?
- Effective date? Discussed 1/1/24 for new submittals, want to confirm if anything has changed?
 - Concerned with NVE’s new design (over 140% load capacity increase for small, attached townhomes, which will drive up costs)
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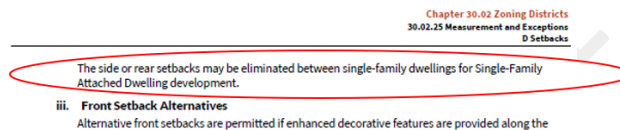
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- Public Works questions
- Pg 88: Model Residences. Why restrict to no more than 6 model residences in any subdivision? What if there are more than one product lines? What if there are multiple phases? What is the purpose of the restriction?
 - In our discussions, understand this is carry over from current code (and I do have builders who have more than 6 models in any community), so why not eliminate/remove this altogether? We have folks that are very concerned.
- Clarification question: Has there been any changes to the Red Rock Overlay? We can't find the new map, but found the one from 2004 on CC's website. Wanted to confirm after a question came up with SNHBA membership. Thank you!
- We found a few typos that are on page 7 of this document

SFA (Townhomes)

- As previously discussed, still concerned with special uses and PUDs. Especially with limits to PUD use:
 - Pg 254 limits the use of a PUD if a SUP, variance, waiver, minor deviation or zone change could achieve a similar result.
 - Coupled with requirements for residents' signature(s) for minor deviations and smaller waivers/variances, this is problematic.
 - Similarly, the nature of a PUD requires a holistic review much earlier in the process for the builder who may be still tweaking their architectural (for example) and within a PUD, a single change could result in prior approvals being "at risk."
 - Example: if you have the same setback, same lot size, but change the exterior elevation, that opens up the entire project to a design review.
 - With a PUD, you cannot get your map and vacations approved early to bring the product in later.
 - Second example: if while grading, you have to flip a building, you have to go back through the entire process again. If you mirror a building (but none of the maximums/minimums change), could that be reviewed individually?
 - Additional concerns with PUDs outlined by membership we hope to discuss:
 - PUDs take a lot of CC staff time.
- Still unclear for builders if SFA is PUD or use permit or both. Concerns with special uses that it implies it can be taken away and implies it is a more controversial approval.
- Pg 168 20' driveways. So we talked through this internally and are still confused at the way this is written. Want to clarify:
 - Public vs private streets?
 - Are PUDs exempt?
 - Is it measured from the front of the house, not rear?
 - Short driveway front loaded townhomes are prohibited?

Densities/Zoning Districts

- Two larger concerns based on a density analysis using the attached two PDF documents in my email submitted for final SNHBA comments on Consolidated Draft (not sure if there a more recent place for this info or if it has been updated):
 - RS80 doesn't appear to conform to any land use designation, so how does it get zoned if NZC are no longer allowed?
 - Only conforming land use is EN, which is allows up to 1 unit/acre. This conflicts with the minimum allowable lot size of 20k SF considering one acre equals 43,560 SF. RS20 should conform to RN, which allows up to 2 units/acre that can also be listed here as the max density.
- There is a significant gap between 8 and 18 DUA. We would like to re-visit our “ask” for a designated townhome zoning district. Adopted Draft requires a SUP for a townhomes in certain districts rather than approval by right.
 - If townhomes cannot get its own zoning district, can we compromise that SFA be a permitted use under RM-18 (since most townhomes were previously submitted under an R-3 PUD and R-3 is now RM-18). A special use implies its outside of the norm.
 - Pg 47 allows the side or rear setbacks may be eliminated for SFA, but only allowed in RS2 districts even though RM18 allows SFA as well. Request RM18 to be added.
 - Similarly, concerned with “or” and “may” language. Request “side and rear setbacks are eliminated between SFA dwellings” so it is clear that it is not subjective and/or a waiver/some sort of other process needs to be completed.



- Pg 37 Measurements and Exceptions: Reduction of rear setback by 10' for primary structures.
 - This allowance used to apply to R-U, R-A, R-E, and R-D. It's now limited to only the R-E and R-D equivalents, which are RS20 and RS10 respectively. Request to add RS80 and RS40 districts to this paragraph as well.
- RS2 rear setback: Request rear setback be reduced to 10'. 15' minimums would require any SFA product applying for this zoning category to not only come in with an SUP but also waivers for every single setback, including driveway lengths, which is no different than what townhomes need to apply for in today's code.
- From Consolidated Draft to Adoption Draft, has there been any changes to the below two examples?
 - RS5.2 Current code allows a 10-foot front to living setback vs this proposes to have a 20' front setback to garage with encroachments. Would require waivers and request a delineation between front setback to PL vs front setback to garage.
 - Similarly, Table 30.40-2 in current code allows a front setback reduction by planting two trees adjacent to the street front or decorative features such as bay windows, pop-outs, etc.
 - Would a house forward design need to move through the process under the new code with waivers to de-emphasize the garage/enhance the street scene? Or a staggered front setback (ex: varying setbacks to garage and living spaces), would that need a waiver? From our review, it appears there are situations in

certain zoning districts that automatically allow this reduction, however, we would like to add the two trees and explicitly allow pavers to help get us there.

- New example in discussions with membership on Adopted Draft (Alternative Site Development Standards):
 - iii. Exempt curved driveway to a turned house that is parallel to street (side loaded lot) that currently requires a design review. Address would come off of side of the house and front door would point to side PL.

Common Review Procedures

- Pg 239 “Applications denied or withdrawn with prejudice shall not submit the same, or more dense or intense project, within 12 months of denial or withdrawal.” Concerns with this section. What if more density is allowable under land use? Request remove “or more density or intense project.” Revise overall sentence that the same submittal shall not be made in the same 12 months, if density is not a relevant reason project was denied and/or withdrawn.
- Pg 240 “Evidence of FAA Determination”: Sometimes FAA approvals are delayed at no fault of the applicant/developer. Therefore, we request clarification to allow entitlements to receive CC approval subject to a condition that FAA approval will be required. This allows the developer to go at risk even if FAA delays approval while still meeting the intent of the original language.
- Pg 243 “The maximum density and intensity stated within a zoning district designation does not obligate the decision-making body to approve a development at the density or intensity proposed by an applicant, including up to the maximum. It shall be the obligation of the applicant to show, through sound land use planning practices and exceptional site and building design, that approval of a project at a proposed density or intensity is warranted.”
 - Oppose language as written. If it is allowable explicitly by code, we should not have any additional burden of proving it is acceptable. That is the entire point of a master plan and minimum code standards.
- Pg 245 “Changes to Approved Plans.” Seems more restrictive than current code. Currently, we can lose a residential lot between TM and FM without needing to update the TM (as one example of currently allowed flexibility). Not sure where that lives in current code. Request this language be updated to any “significant” change. If a stub street (150' or less) has to change direction due to utility or drainage, that shouldn't require a new application either.
- Pg 248 (Plan Amendments): “The denial of an amendment shall constitute a finding that the amendment is inconsistent with the standards and purposes enumerated in the Plan, this Title, and/or the Nevada Revised Statutes.”
 - Denial may not necessarily deem project is incompatible or inconsistent. One example: A project may be denied due to neighboring uses that could change over time. Paragraph f, if remains, is presumptive and sets a precedence that request was inherently inconsistent with the plan. We request to remove this entirely.
- Also page 248, this is a clarification question: on ZC standards for approval, item #2, it is not clear that ZC can be processed concurrently with master plan/land use plan update. Is that listed somewhere else in code?

Landscaping/Tree Canopy Standards

- Pg 133 Drawing trees to scale is unnecessarily cumbersome. What is the intent of this requirement? How will it be enforced?
- It is unclear if the questions we had related to landscaping and tree standards in the Consolidated Draft have been addressed (*copied+pasted below*). There were a lot of changes in these sections, so wanted to verify. Thank you!
 - Table 30.04-1: minimum plant specifications, requiring 40-foot-tall minimum tree canopy at maturity for large deciduous trees with a 3-inch caliper
 - Challenges with landscaping strip and sidewalk provisions. Impacted by setbacks and tree growth. 40' tall trees cannot grow in a 5' landscape strip.
 - Detached sidewalk – Requirement 15', where it is divided by:
 - Back of curb, then 5' landscape, then 5' sidewalk, then 5' landscape, then PL/Block wall.
 - The first 5' behind curb is usually loaded with every utility possible. We are not able to plant trees in this area. (There was an exception in current Title 30 that exempted from planting trees where utilities are installed)...I do not see that exemption in this new code. See Exemption.
 - This defeats the purpose of having trees staggering on both sides of the sidewalk.
 - We request instead 2' between curb and sidewalk for shrubs, allowing 8' behind sidewalk to stagger trees.
 - These large trees proposed (40' tall) will not grow in a 5' landscape strip.
- Tree fee in lieu (pg 136 and 139). Unconstitutional. Remain opposed and concerned details haven't been provided/no business impact statement process.
 - Many members have concerns with Joshua Trees, and how difficult it has been to preserve them. What would this look like?
- Members requested the landscaping diagrams that are in current Title 30 to be added if possible.

Buffering clarification

- Still unclear who needs to buffer. Is it the more intense use? Second in? Commercial developer to adjacent residential? (pg 141) Per our discussion, document doesn't seem to reflect CC's intent (which we support)
 - Request clarification that buffering should be required by the property with the more intense use. That way it gives the vacant property owner the option to rezone or buffer.
 - If you're buffering against a less intense use or an industrial use, want to confirm that your common OS (a park, for example) against the wall would count towards overall OS calculation?

Open space

- Pg 179 Common OS calculation (minimum 15' dimension). SNHBA's original request in Consolidated Draft was for this to read "average of not less than 15'." After discussions with Sami, understand that this could negatively affect staff time. Hoping to work together on addressing this to meet the true intent of this section.
 - Maybe there is an irregular shape lots exemption?
 - Or the ability to seek a waiver for this for extenuating circumstances, as approved by the Director?

- Pg 180 If project adjoins a public park, can the required open space be reduced?
 - This is currently an allowed exception in PUDs when a park is within a certain distance

Questions on Public Works Items (NEW)

- Thank you for the changes on page 188 re: fill. Members were “less opposed,” but still have some concerns that there will be a lot of waivers. Would like to discuss on what the intent of these changes are and see if we can work with you on an alternative.
- Can we talk through the hardscape and paving items? Wanted to know what intent was from removing paving as an explicit allowable item to apply for a variance and waiver for. And if the 60% hardscape was set in stone.
 - Many homeowners go to the HOA after builder closes, asking to widen driveway to width of the garage, which would exceed the 60%.
 - Could this be increased to 75%? Or require additional trees/shrubs if more hardscape present?
- Many questions remain about walls in the RNP/NPO section. Specifically, if backing up to a major arterial. Would like to discuss.
- Pg 141 what if I want to put a redundant wall that is HIGHER than requirements?
 - When IS a redundant wall required? To clarify
 - Which PL is redundant wall located on?
- Pg 142 ii. C. Request “along a common lot line are permitted to the max height”
- Pg 155 do pavers count?
- Pg 210 Minimum 2 through-access drives for subdivisions greater than 5 acres. Why are 2 access points required? If I have 30 lots on 5.5 acres, one entry should be sufficient. Number of through-access points should be determined and approved by the traffic mitigation/study.
- Pg 299 why not allow extension of time?

Typos

- Pg 2 #4 and #5 are duplicates.
- Pg 43 add a period after “Chapter 5999”
- Pg 216 “Directional”. Not sure if this actually is a typo, but Consolidated Draft said “2 ft setbacks; illumination: yes” but this now say illumination 2 feet?
 - We are neutral either way, just wanted to flag for you [also, I’m sure there’s a pun in there somewhere.]
- Pg 222 Also not sure if this is a typo, but “Flag” is missing.
- Pg 235 Footnote [3] used to be footnote [1]. So should all the places that say [3] be [1] in the table since they were re-ordered?
- Pg 284 “Subdivision/Public Works” (the W is missing in “Works”) header

“Thank you’s”

- Lastly, I would be remised if we didn’t thank you for all the positive changes you have made from the Consolidated Draft to the Adoption Draft. We wanted to acknowledge how hard you and your team have worked to get this mammoth over the finish line! Thank you for these changes:
 - RM25 now RM32
 - Reduced side setbacks to match hillside
 - RM18 OS reduced. SFA OS 120/sf unit (old R3).
 - RM32 decreased 200 sf to 100 sf which matches current code

- RM50 200 sf open space was reduced to 100 sf which matches current code
- Setbacks measured from “nearest finished exterior surface” now reads PL
- SFA side or rear setback may be eliminated.
- “Architecture compatible is now complementary”
- Cul de sacs prohibition under RNP replaced [residential local street definition]
- Red Rock Overlay. You can waive lighting. Before you couldn’t
- Sales office and community events.
- Summary table of allowable uses. SFA now permitted by right in OS.
- When detached sidewalks are adjacent to a bus turnout or right turn deceleration lane, the require landscape is not required
- Clarification that trash areas exempt for SF dwellings
- “Common Review Procedures” as it relates to holds/withdrawals and conditions of approvals. Had significant concerns with these sections [in Cons. Draft] and thank you for incorporating many of our requests.
- Pg 188 fill
- Pg 272 Height waiver/variance

From: [Amanda Moss <SNHBA>](#)
To: [Sami Real](#)
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Hi Sami and all,

Wanted to throw some "comments" in the margins on this doc, acknowledging that some of these items were addressed in your update from this morning's SNHBA Committee meeting. Thanks so much for all the dialogue and look forward to continuing these conversations.

Please note that nothing in this document changed outside of the comments from the doc shared last Thursday 6/15/23.

Please let me know if you have any questions/concerns.

Respectfully,



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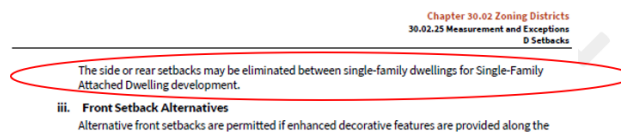
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- Pg 299 why not allow extension of time?

Typos

- Pg 2 #4 and #5 are duplicates.
- Pg 43 add a period after “Chapter 5999”
- Pg 216 “Directional”. Not sure if this actually is a typo, but Consolidated Draft said “2 ft setbacks; illumination: yes” but this now say illumination 2 feet?
 - We are neutral either way, just wanted to flag for you [also, I’m sure there’s a pun in there somewhere.]
- Pg 222 Also not sure if this is a typo, but “Flag” is missing.
- Pg 235 Footnote [3] used to be footnote [1]. So should all the places that say [3] be [1] in the table since they were re-ordered?
- Pg 284 “Subdivision/Public Works” (the W is missing in “Works”) header

“Thank you’s”

- Lastly, I would be remised if we didn’t thank you for all the positive changes you have made from the Consolidated Draft to the Adoption Draft. We wanted to acknowledge how hard you and your team have worked to get this mammoth over the finish line! Thank you for these changes:
 - RM25 now RM32
 - Reduced side setbacks to match hillside
 - RM18 OS reduced. SFA OS 120/sf unit (old R3).
 - RM32 decreased 200 sf to 100 sf which matches current code

- RM50 200 sf open space was reduced to 100 sf which matches current code
- Setbacks measured from “nearest finished exterior surface” now reads PL
- SFA side or rear setback may be eliminated.
- “Architecture compatible is now complementary”
- Cul de sacs prohibition under RNP replaced [residential local street definition]
- Red Rock Overlay. You can waive lighting. Before you couldn’t
- Sales office and community events.
- Summary table of allowable uses. SFA now permitted by right in OS.
- When detached sidewalks are adjacent to a bus turnout or right turn deceleration lane, the require landscape is not required
- Clarification that trash areas exempt for SF dwellings
- “Common Review Procedures” as it relates to holds/withdrawals and conditions of approvals. Had significant concerns with these sections [in Cons. Draft] and thank you for incorporating many of our requests.
- Pg 188 fill
- Pg 272 Height waiver/variance

From: [Amanda Moss <SNHBA>](#)
To: [Sami Real](#)
Cc: [Malana Tice](#); [Bob Gronauer](#); [Nat Hodgson](#)
Subject: Title 30 workshop
Date: Monday, July 10, 2023 1:58:31 PM
Attachments: [image002.png](#)
[Adoption Draft comments and questions for CC staff final 6.15.23 updated 7.5.23.docx](#)
[Adoption Draft comments and questions for CC staff final 6.15.23 updated 6.20.23.docx](#)

Sami,

Hope you're doing well. Looking forward to the robust discussion at this evening's workshop. Wanted to follow-up with you, as I know we've made a few tweaks to our running "list" of comments and/or questions on the Title 30 rewrite.

Wanted to share with you that we have provided to Commissioners a much smaller version of that same list.

Attached you will find the full list that we will be bringing this evening to provide comments at the appropriate time as well as the 7/5/23 dated version of the Commissioner document.

Happy to discuss if there is a way you would prefer SNHBA and our members to interact and participate in the discussion. Thanks in advance.

Please let me know if you have any questions/concerns.

Respectfully,



Amanda Moss
Senior Director of Government Affairs
Southern Nevada Home Builders Association
[702-540-1881](tel:702-540-1881)
amanda@snhba.com
www.snhba.com

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SNHBA Questions and Comments
Re: Title 30 Adoption Draft
7/5/23

Please note, most of this is carry-over from comments submitted in Consolidated Draft that has been updated with new page numbers. Wanted to memorialize our remaining questions/concerns for purposes of discussion.

Table of Contents. Note: additional details are provided below in separate sections

1. Remaining concerns from Consolidated Draft:

- SFA
 - RS5.2, SFA is permitted. But requires a special use for RM18. Why permit on less dense developments and a “special use” on RM18? Why allow condos next to 6,000 sf detached lots by right?
 - For townhomes, inconsistent P vs S for MF zoning districts. For MF, the lower densities are special uses and middle density is permitted. Request SFA to mirror MF.
- Densities/Zoning Districts
 - Rear setbacks
 - Varying setbacks to garage and living spaces
 - Two trees
 - Side loaded houses/curved driveways exemption
- Common Review Procedures
 - Denied/withdrawn applications
 - FAA determination
 - Max densities that comply with Code could be denied?
 - Changes to approved plans
 - Plan Amendments
 - Minor Deviations need homeowner signatures (pgs 255 and 268). Doesn’t make sense.
- Landscaping/trees
 - Tree fee in lieu (pg 136 and 139). Remain concerned that details haven’t been provided. Will this affect residential projects? If intent is to provide additional flexibility for developers and/or only impact commercial/industrial projects, need language amended to reflect. Remain concerned about BIS process.
- Still unclear who needs to buffer. Is it the more intense use? Second in? Commercial developer to adjacent residential? (pg 141) Per our discussion, document doesn’t seem to reflect CC’s intent (which we support)
- Common OS
 - 15’ width minimum. Concern with odd-shaped lots. Would like to continue to discuss.
 - “Required landscaping and buffering areas” do not count towards common OS. After discussions over the phone, understand the County’s intent here, but language is still concerning and request tweaks to better reflect CC’s intent. Happy to continue to discuss.
- Additional clarification questions:

- EV space vs regular space and ADA requirements (unclear if the EV-installed or EV-capable ADA space counts towards your overall ADA space minimums, pg 159).
- NPO adjacency: If the parcels are to be separated by required ROW dedication, does that exempt them from the Adjacency standards? (pg 188)
- Pg 190 spillover lighting: Does 18 foot height limitation apply to streetlights? Streetlights are typically about 30' in height.

2. **New questions/comments re: changes from Consolidated Draft to Adoption Draft:**

- Electric vehicles. Waiver and Alternatives sections were removed (pg 159). Oppose. Would like to discuss reasoning for removal.
- Pg 164 Site design applicability. "Any requirements not met shall be analyzed as part of the design review process." Why automatically a design review? Design reviews are subjective and can be denied even if meet code.
 - Used to be an administrative approval. Would like to discuss design review vs waiver and CC's intent on change.
- Pg 181 removed "with exception of trails" from consolidated OS. Should be reinstated. Trails cannot be consolidated.
- Pg 187 D. MF or nonresidential access. Some builders would like to be able to provide walkability for residents to walk to a restaurant/shopping center. The way we read this, it could limit their ability to have a walkable community without the use of a waiver.
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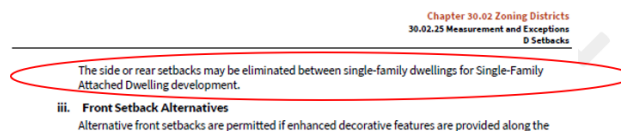
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Re: Title 30 Adoption Draft
6/20/23

Please note, most of this is carry-over from comments submitted in Consolidated Draft that has been updated with new page numbers.

Wanted to memorialize for you for purposes of discussion. Thank you for your consideration!

Implementation questions

- Date of two mid-July workshops?
 - Format? Are they open forum to discuss this or “training” where CC staff walk developers and engineers through the changes made/how to redesign to the new standards?
- Effective date? Discussed 1/1/24 for new submittals, want to confirm if anything has changed?
 - Concerned with NVE’s new design (over 140% load capacity increase for small, attached townhomes, which will drive up costs)
 - Remain concerned with SFA and PUD and SUP on-going conversations. Appreciate the flexibility, but subjectivity remains.
 - Around the Valley, there is a designated district for townhomes. That are approved by right without designating them a “special use.”
 - Around the nation, zoning codes are reducing minimum setbacks, reducing parking minimums, and building flexibility into their code that provides certainty to the developer that they will not have to re-design and/or negotiate standards on a project-by-project basis. This could take up a lot of CC staff time as well.

Table of Contents. Note: additional details are provided below in separate sections

1. Remaining concerns from Consolidated Draft:

- SFA
 - RS5.2, SFA is permitted. But requires a special use for RM18. Why permit on less dense developments and a “special use” on RM18? Why allow condos next to 6,000 sf detached lots by right?
 - For townhomes, inconsistent P vs S for MF zoning districts. For MF, the lower densities are special uses and middle density is permitted. Request SFA to mirror MF.
- Densities/Zoning Districts
 - Rear setbacks
 - Varying setbacks to garage and living spaces
 - Two trees
 - Side loaded houses/curved driveways exemption
- Common Review Procedures
 - Denied/withdrawn applications
 - FAA determination
 - Max densities that comply with Code could be denied?
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- Minor Deviations need homeowner signatures (pgs 255 and 268). Doesn't make sense.
 - Landscaping/trees
 - Tree fee in lieu (pg 136 and 139). Unconstitutional. Remain opposed and concerned details haven't been provided/no business impact statement process.
 - Still unclear who needs to buffer. Is it the more intense use? Second in? Commercial developer to adjacent residential? (pg 141) Per our discussion, document doesn't seem to reflect CC's intent (which we support)
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 - 15' width minimum. Concern with odd-shaped lots. Would like to continue to discuss.
 - "Required landscaping and buffering areas" do not count towards common OS. After discussions over the phone, understand the County's intent here, but language is still concerning and request tweaks to better reflect CC's intent. Happy to continue to discuss.
 - Additional clarification questions:
 - EV space vs regular space and ADA requirements (unclear if the EV-installed or EV-capable ADA space counts towards your overall ADA space minimums, pg 159).
 - NPO adjacency: If the parcels are to be separated by required ROW dedication, does that exempt them from the Adjacency standards? (pg 188)
 - Pg 190 spillover lighting: Does 18 foot height limitation apply to streetlights? Streetlights are typically about 30' in height.
- 2. Withdrawn concerns from Consolidated Draft: Amanda/Sami conversation about height waivers/variances. To follow-up:**
- I found the section in the Consolidated Draft we discussed (pg 325 did not allow density or height to be waived). That was corrected in the Adopted Draft (now found on pages 63 and 272). So thank you!
 - However, pg 44 may need a clarification... FAA is highest point normally but this isn't explicitly listed
 - Please also note, at the end of this document, we have listed out all our "thank you's" in addition to this, but I know I owed you a follow-up.
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- Electric vehicles. Waiver and Alternatives sections were removed (pg 159). Oppose. Would like to discuss reasoning for removal.
 - Pg 164 Site design applicability. "Any requirements not met shall be analyzed as part of the design review process." Why automatically a design review? Design reviews are subjective and can be denied even if meet code.
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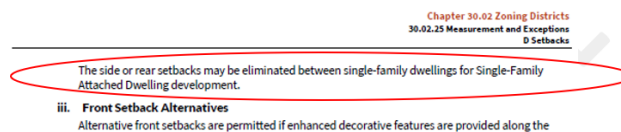
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SFA (Townhomes)

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 - Pg 254 limits the use of a PUD if a SUP, variance, waiver, minor deviation or zone change could achieve a similar result.
 - Coupled with requirements for residents' signature(s) for minor deviations and smaller waivers/variances, this is problematic.
 - Similarly, the nature of a PUD requires a holistic review much earlier in the process for the builder who may be still tweaking their architectural (for example) and within a PUD, a single change could result in prior approvals being "at risk."
 - Example: if you have the same setback, same lot size, but change the exterior elevation, that opens up the entire project to a design review.
 - With a PUD, you cannot get your map and vacations approved early to bring the product in later.
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- Pg 168 20' driveways. So we talked through this internally and are still confused at the way this is written. Want to clarify:
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- Two larger concerns based on a density analysis using the attached two PDF documents in my email submitted for final SNHBA comments on Consolidated Draft (not sure if there a more recent place for this info or if it has been updated):
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- There is a significant gap between 8 and 18 DUA. We would like to re-visit our “ask” for a designated townhome zoning district. Adopted Draft requires a SUP for a townhomes in certain districts rather than approval by right.
 - If townhomes cannot get its own zoning district, can we compromise that SFA be a permitted use under RM-18 (since most townhomes were previously submitted under an R-3 PUD and R-3 is now RM-18). A special use implies its outside of the norm.
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- Pg 37 Measurements and Exceptions: Reduction of rear setback by 10' for primary structures.
 - This allowance used to apply to R-U, R-A, R-E, and R-D. It's now limited to only the R-E and R-D equivalents, which are RS20 and RS10 respectively. Request to add RS80 and RS40 districts to this paragraph as well.
- RS2 rear setback: Request rear setback be reduced to 10'. 15' minimums would require any SFA product applying for this zoning category to not only come in with an SUP but also waivers for every single setback, including driveway lengths, which is no different than what townhomes need to apply for in today's code.
- From Consolidated Draft to Adoption Draft, has there been any changes to the below two examples?
 - RS5.2 Current code allows a 10-foot front to living setback vs this proposes to have a 20' front setback to garage with encroachments. Would require waivers and request a delineation between front setback to PL vs front setback to garage.
 - Similarly, Table 30.40-2 in current code allows a front setback reduction by planting two trees adjacent to the street front or decorative features such as bay windows, pop-outs, etc.
 - Would a house forward design need to move through the process under the new code with waivers to de-emphasize the garage/enhance the street scene? Or a staggered front setback (ex: varying setbacks to garage and living spaces), would that need a waiver? From our review, it appears there are situations in

- certain zoning districts that automatically allow this reduction, however, we would like to add the two trees and explicitly allow pavers to help get us there.
- New example in discussions with membership on Adopted Draft (Alternative Site Development Standards):
 - iii. Exempt curved driveway to a turned house that is parallel to street (side loaded lot) that currently requires a design review. Address would come off of side of the house and front door would point to side PL.

Common Review Procedures

- Pg 239 “Applications denied or withdrawn with prejudice shall not submit the same, or more dense or intense project, within 12 months of denial or withdrawal.” Concerns with this section. What if more density is allowable under land use? Request remove “or more density or intense project.” Revise overall sentence that the same submittal shall not be made in the same 12 months, if density is not a relevant reason project was denied and/or withdrawn.
- Pg 240 “Evidence of FAA Determination”: Sometimes FAA approvals are delayed at no fault of the applicant/developer. Therefore, we request clarification to allow entitlements to receive CC approval subject to a condition that FAA approval will be required. This allows the developer to go at risk even if FAA delays approval while still meeting the intent of the original language.
- Pg 243 “The maximum density and intensity stated within a zoning district designation does not obligate the decision-making body to approve a development at the density or intensity proposed by an applicant, including up to the maximum. It shall be the obligation of the applicant to show, through sound land use planning practices and exceptional site and building design, that approval of a project at a proposed density or intensity is warranted.”
 - Oppose language as written. If it is allowable explicitly by code, we should not have any additional burden of proving it is acceptable. That is the entire point of a master plan and minimum code standards.
- Pg 245 “Changes to Approved Plans.” Seems more restrictive than current code. Currently, we can lose a residential lot between TM and FM without needing to update the TM (as one example of currently allowed flexibility). Not sure where that lives in current code. Request this language be updated to any “significant” change. If a stub street (150' or less) has to change direction due to utility or drainage, that shouldn't require a new application either.
- Pg 248 (Plan Amendments): “The denial of an amendment shall constitute a finding that the amendment is inconsistent with the standards and purposes enumerated in the Plan, this Title, and/or the Nevada Revised Statutes.”
 - Denial may not necessarily deem project is incompatible or inconsistent. One example: A project may be denied due to neighboring uses that could change over time. Paragraph f, if remains, is presumptive and sets a precedence that request was inherently inconsistent with the plan. We request to remove this entirely.
- Also page 248, this is a clarification question: on ZC standards for approval, item #2, it is not clear that ZC can be processed concurrently with master plan/land use plan update. Is that listed somewhere else in code?

Landscaping/Tree Canopy Standards

- Pg 133 Drawing trees to scale is unnecessarily cumbersome. What is the intent of this requirement? How will it be enforced?
- It is unclear if the questions we had related to landscaping and tree standards in the Consolidated Draft have been addressed (*copied+pasted below*). There were a lot of changes in these sections, so wanted to verify. Thank you!
 - Table 30.04-1: minimum plant specifications, requiring 40-foot-tall minimum tree canopy at maturity for large deciduous trees with a 3-inch caliper
 - Challenges with landscaping strip and sidewalk provisions. Impacted by setbacks and tree growth. 40' tall trees cannot grow in a 5' landscape strip.
 - Detached sidewalk – Requirement 15', where it is divided by:
 - Back of curb, then 5' landscape, then 5' sidewalk, then 5' landscape, then PL/Block wall.
 - The first 5' behind curb is usually loaded with every utility possible. We are not able to plant trees in this area. (There was an exception in current Title 30 that exempted from planting trees where utilities are installed)...I do not see that exemption in this new code. See Exemption.
 - This defeats the purpose of having trees staggering on both sides of the sidewalk.
 - We request instead 2' between curb and sidewalk for shrubs, allowing 8' behind sidewalk to stagger trees.
 - These large trees proposed (40' tall) will not grow in a 5' landscape strip.
- Tree fee in lieu (pg 136 and 139). Unconstitutional. Remain opposed and concerned details haven't been provided/no business impact statement process.
 - Many members have concerns with Joshua Trees, and how difficult it has been to preserve them. What would this look like?
- Members requested the landscaping diagrams that are in current Title 30 to be added if possible.

Buffering clarification

- Still unclear who needs to buffer. Is it the more intense use? Second in? Commercial developer to adjacent residential? (pg 141) Per our discussion, document doesn't seem to reflect CC's intent (which we support)
 - Request clarification that buffering should be required by the property with the more intense use. That way it gives the vacant property owner the option to rezone or buffer.
 - If you're buffering against a less intense use or an industrial use, want to confirm that your common OS (a park, for example) against the wall would count towards overall OS calculation?

Open space

- Pg 179 Common OS calculation (minimum 15' dimension). SNHBA's original request in Consolidated Draft was for this to read "average of not less than 15'." After discussions with Sami, understand that this could negatively affect staff time. Hoping to work together on addressing this to meet the true intent of this section.
 - Maybe there is an irregular shape lots exemption?
 - Or the ability to seek a waiver for this for extenuating circumstances, as approved by the Director?

- Pg 180 If project adjoins a public park, can the required open space be reduced?
 - This is currently an allowed exception in PUDs when a park is within a certain distance

Questions on Public Works Items (NEW)

- Thank you for the changes on page 188 re: fill. Members were “less opposed,” but still have some concerns that there will be a lot of waivers. Would like to discuss on what the intent of these changes are and see if we can work with you on an alternative.
- Can we talk through the hardscape and paving items? Wanted to know what intent was from removing paving as an explicit allowable item to apply for a variance and waiver for. And if the 60% hardscape was set in stone.
 - Many homeowners go to the HOA after builder closes, asking to widen driveway to width of the garage, which would exceed the 60%.
 - Could this be increased to 75%? Or require additional trees/shrubs if more hardscape present?
- Many questions remain about walls in the RNP/NPO section. Specifically, if backing up to a major arterial. Would like to discuss.
- Pg 141 what if I want to put a redundant wall that is HIGHER than requirements?
 - When IS a redundant wall required? To clarify
 - Which PL is redundant wall located on?
- Pg 142 ii. C. Request “along a common lot line are permitted to the max height”
- Pg 155 do pavers count?
- Pg 210 Minimum 2 through-access drives for subdivisions greater than 5 acres. Why are 2 access points required? If I have 30 lots on 5.5 acres, one entry should be sufficient. Number of through-access points should be determined and approved by the traffic mitigation/study.
- Pg 299 why not allow extension of time?

Typos

- Pg 2 #4 and #5 are duplicates.
- Pg 43 add a period after “Chapter 5999”
- Pg 216 “Directional”. Not sure if this actually is a typo, but Consolidated Draft said “2 ft setbacks; illumination: yes” but this now say illumination 2 feet?
 - We are neutral either way, just wanted to flag for you [also, I’m sure there’s a pun in there somewhere.]
- Pg 222 Also not sure if this is a typo, but “Flag” is missing.
- Pg 235 Footnote [3] used to be footnote [1]. So should all the places that say [3] be [1] in the table since they were re-ordered?
- Pg 284 “Subdivision/Public Works” (the W is missing in “Works”) header

“Thank you’s”

- Lastly, I would be remised if we didn’t thank you for all the positive changes you have made from the Consolidated Draft to the Adoption Draft. We wanted to acknowledge how hard you and your team have worked to get this mammoth over the finish line! Thank you for these changes:
 - RM25 now RM32
 - Reduced side setbacks to match hillside
 - RM18 OS reduced. SFA OS 120/sf unit (old R3).
 - RM32 decreased 200 sf to 100 sf which matches current code

- RM50 200 sf open space was reduced to 100 sf which matches current code
- Setbacks measured from “nearest finished exterior surface” now reads PL
- SFA side or rear setback may be eliminated.
- “Architecture compatible is now complementary”
- Cul de sacs prohibition under RNP replaced [residential local street definition]
- Red Rock Overlay. You can waive lighting. Before you couldn’t
- Sales office and community events.
- Summary table of allowable uses. SFA now permitted by right in OS.
- When detached sidewalks are adjacent to a bus turnout or right turn deceleration lane, the require landscape is not required
- Clarification that trash areas exempt for SF dwellings
- “Common Review Procedures” as it relates to holds/withdrawals and conditions of approvals. Had significant concerns with these sections [in Cons. Draft] and thank you for incorporating many of our requests.
- Pg 188 fill
- Pg 272 Height waiver/variance

From: [Amanda Moss <SNHBA>](#)
To: [TransformClarkCounty](#)
Cc: [Sami Real](#); [Nat Hodgson](#)
Subject: SNHBA Title 30 update
Date: Monday, July 17, 2023 1:46:39 PM
Attachments: [image002.png](#)
[Adoption Draft comments and questions for CC staff updated after first workshop 7.17.23.docx](#)

Hi Sami,

I am going through my notes from last week's workshop and I don't think I ever sent SNHBA's comments to the website you guys were collecting information in, so wanted to officially submit these to Transform CC's email address. I also took a few minutes to update it with the "green" from the workshop... a few questions of ours got answered and hoping more will after today's meeting. If not, really hoping there is some time in your schedule where we can talk through more of these... I know you said we have lots of versions but wanted to make sure you continued to have the latest. Thanks and see you soon!

Please let me know if you have any questions/concerns.

Respectfully,



Amanda Moss
Senior Director of Government Affairs
Southern Nevada Home Builders Association
[702-540-1881](tel:702-540-1881)
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Re: Title 30 Adoption Draft
7/17/23

Please note, most of this is carry-over from comments submitted in Consolidated Draft that has been updated with new page numbers. It has been updated with blue and/or green additional comments/questions since the first workshop (7/10/23).

Wanted to memorialize for you for purposes of discussion. Thank you for your consideration!

Implementation questions

- Effective date? Discussed 1/1/24 for new submittals, want to confirm if anything has changed?
 - To confirm our understanding, it was mentioned that you could SUBMIT to the NEW code BEFORE the 1/1/24 date but the application will not be PROCESSED until AFTER the effective date.
 - A question came up at our Land Use Committee... since TAB and PC are RECOMMENDING BODIES, would you be able to continue through the process EXCEPT for your public hearing at the final approval body (likely BCC, but sometimes PC, depending on the application type), or is your project delayed/held throughout every step?
 - Second question that isn't really clear in the drafting of the ordinance, is, what if I have SUBMITTED my land use application and it is IN PROCESS but not formally ACCEPTED on 1/1/24, do I need to redesign and resubmit/revise my plans and/or map to the new code?
- Remain concerned with SFA and PUD and SUP on-going conversations. Appreciate the flexibility, but subjectivity remains.
 - Around the Valley, there is a designated district for townhomes. That are approved by right without designating them a "special use."
 - Around the nation, zoning codes are reducing minimum setbacks, reducing parking minimums, and building flexibility into their code that provides certainty to the developer that they will not have to re-design and/or negotiate standards on a project-by-project basis. This could take up a lot of CC staff time as well.

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 - New question since the workshop: we "thanked" staff for the permitting SFA in OS zoning district, but staff indicated that was a typo. SFD is "permitted" in OS. We request SFA to be permitted as well.
 - There are a number of BLM parcels near Kyle Canyon that are currently zoned OS where townhome communities are being built right now. We are concerned if SFA is not permitted in OS.
- Densities/Zoning Districts
 - Rear setbacks

- Varying setbacks to garage and living spaces
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 - Minor Deviations need homeowner signatures (pgs 255 and 268). Doesn't make sense.
 - Landscaping/trees
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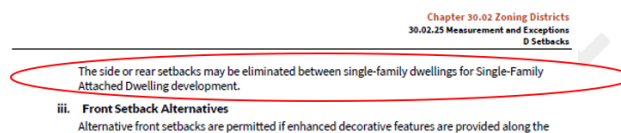
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 - This allowance used to apply to R-U, R-A, R-E, and R-D. It's now limited to only the R-E and R-D equivalents, which are RS20 and RS10 respectively. Request to add RS80 and RS40 districts to this paragraph as well.
- RS2 rear setback: Request rear setback be reduced to 10'. 15' minimums would require any SFA product applying for this zoning category to not only come in with an SUP but also waivers for

every single setback, including driveway lengths, which is no different than what townhomes need to apply for in today's code. Brought this up at workshop. Staff acknowledged our request, but response triggered additional questions from SNHBA staff. It seems as if a developer would need to come in with a waiver for 7 feet reduced setback to allow the reduction in setback AND the encroachment. Makes it appear to residents that the product type is less compatible with minimum standards than it is, if the true reduction in setback is only 5 feet.

- From Consolidated Draft to Adoption Draft, has there been any changes to the below two examples?
 - RS5.2 Current code allows a 10-foot front to living setback vs this proposes to have a 20' front setback to garage with encroachments. Would require waivers and request a delineation between front setback to PL vs front setback to garage.
 - Similarly, Table 30.40-2 in current code allows a front setback reduction by planting two trees adjacent to the street front or decorative features such as bay windows, pop-outs, etc.
 - Would a house forward design need to move through the process under the new code with waivers to de-emphasize the garage/enhance the street scene? Or a staggered front setback (ex: varying setbacks to garage and living spaces), would that need a waiver? From our review, it appears there are situations in certain zoning districts that automatically allow this reduction, however, we would like to add the two trees and explicitly allow pavers to help get us there.
 - New example in discussions with membership on Adopted Draft (Alternative Site Development Standards):
 - iii. Exempt curved driveway to a turned house that is parallel to street (side loaded lot) that currently requires a design review. Address would come off of side of the house and front door would point to side PL.

Common Review Procedures

- Pg 239 “Applications denied or withdrawn with prejudice shall not submit the same, or more dense or intense project, within 12 months of denial or withdrawal.” Concerns with this section. What if more density is allowable under land use? Request remove “or more density or intense project.” Revise overall sentence that the same submittal shall not be made in the same 12 months, if density is not a relevant reason project was denied and/or withdrawn. SNHBA mentioned this concern at the workshop, but no dialogue occurred. Looking for staff’s thoughts on this section and our request.
- Pg 240 “Evidence of FAA Determination”: Sometimes FAA approvals are delayed at no fault of the applicant/developer. Therefore, we request clarification to allow entitlements to receive CC approval subject to a condition that FAA approval will be required. This allows the developer to go at risk even if FAA delays approval while still meeting the intent of the original language.
- Pg 243 “The maximum density and intensity stated within a zoning district designation does not obligate the decision-making body to approve a development at the density or intensity proposed by an applicant, including up to the maximum. It shall be the obligation of the applicant to show, through sound land use planning practices and exceptional site and building design, that approval of a project at a proposed density or intensity is warranted.”

- Oppose language as written. If it is allowable explicitly by code, we should not have any additional burden of proving it is acceptable. That is the entire point of a master plan and minimum code standards.
- Pg 245 “Changes to Approved Plans.” Seems more restrictive than current code. Currently, we can lose a residential lot between TM and FM without needing to update the TM (as one example of currently allowed flexibility). Not sure where that lives in current code. Request this language be updated to any "significant" change. If a stub street (150' or less) has to change direction due to utility or drainage, that shouldn't require a new application either.
- Pg 248 (Plan Amendments): “The denial of an amendment shall constitute a finding that the amendment is inconsistent with the standards and purposes enumerated in the Plan, this Title, and/or the Nevada Revised Statutes.”
 - Denial may not necessarily deem project is incompatible or inconsistent. One example: A project may be denied due to neighboring uses that could change over time. Paragraph f, if remains, is presumptive and sets a precedence that request was inherently inconsistent with the plan. We request to remove this entirely. *SNHBA mentioned this concern at the workshop, but no dialogue occurred. Looking for staff's thoughts on this section and our request.*
- Also page 248, this is a clarification question: on ZC standards for approval, item #2, it is not clear that ZC can be processed concurrently with master plan/land use plan update. Is that listed somewhere else in code?

Landscaping/Tree Canopy Standards

- Pg 133 Drawing trees to scale is unnecessarily cumbersome. What is the intent of this requirement? How will it be enforced?
- It is unclear if the questions we had related to landscaping and tree standards in the Consolidated Draft have been addressed (*copied+pasted below*). There were a lot of changes in these sections, so wanted to verify. Thank you! *There was a lot of discussion from the landscape architect's association at the first workshop.*
 - Table 30.04-1: minimum plant specifications, requiring 40-foot-tall minimum tree canopy at maturity for large deciduous trees with a 3-inch caliper
 - Challenges with landscaping strip and sidewalk provisions. Impacted by setbacks and tree growth. 40' tall trees cannot grow in a 5' landscape strip.
 - Detached sidewalk – Requirement 15', where it is divided by:
 - Back of curb, then 5' landscape, then 5' sidewalk, then 5' landscape, then PL/Block wall.
 - The first 5' behind curb is usually loaded with every utility possible. We are not able to plant trees in this area. (There was an exception in current Title 30 that exempted from planting trees where utilities are installed)...I do not see that exemption in this new code. See Exemption.
 - This defeats the purpose of having trees staggering on both sides of the sidewalk.
 - We request instead 2' between curb and sidewalk for shrubs, allowing 8' behind sidewalk to stagger trees.
 - These large trees proposed (40' tall) will not grow in a 5' landscape strip.

- Tree fee in lieu (pg 136 and 139). Remain concerned that details haven't been provided. Will this affect residential projects? If intent is to provide additional flexibility for developers and/or only impact commercial/industrial projects, need language amended to reflect.
 - Many members have concerns with Joshua Trees, and how difficult it has been to preserve them. What would this look like?
- Members requested the landscaping diagrams that are in current Title 30 to be added if possible.

Buffering clarification

- Still unclear who needs to buffer. Is it the more intense use? Second in? Commercial developer to adjacent residential? (pg 141) Per our discussion, document doesn't seem to reflect CC's intent (which we support)
 - Request clarification that buffering should be required by the property with the more intense use. That way it gives the vacant property owner the option to rezone or buffer.
 - If you're buffering against a less intense use or an industrial use, want to confirm that your common OS (a park, for example) against the wall would count towards overall OS calculation?

Open space

- Pg 179 Common OS calculation (minimum 15' dimension). SNHBA's original request in Consolidated Draft was for this to read "average of not less than 15'." After discussions with Sami, understand that this could negatively affect staff time. Hoping to work together on addressing this to meet the true intent of this section.
 - Maybe there is an irregular shape lots exemption?
 - Or the ability to seek a waiver for this for extenuating circumstances, as approved by the Director?
- Pg 180 If project adjoins a public park, can the required open space be reduced?
 - This is currently an allowed exception in PUDs when a park is within a certain distance

Questions on Public Works Items (NEW)

- Thank you for the changes on page 188 re: fill. Members were "less opposed," but still have some concerns that there will be a lot of waivers. Would like to discuss on what the intent of these changes are and see if we can work with you on an alternative.
- Can we talk through the hardscape and paving items? Wanted to know what intent was from removing paving as an explicit allowable item to apply for a variance and waiver for. And if the 60% hardscape was set in stone.
 - Many homeowners go to the HOA after builder closes, asking to widen driveway to width of the garage, which would exceed the 60%.
 - Could this be increased to 75%? Or require additional trees/shrubs if more hardscape present?
- Many questions remain about walls in the RNP/NPO section. Specifically, if backing up to a major arterial. Would like to discuss.
- Pg 141 what if I want to put a redundant wall that is HIGHER than requirements?
 - When IS a redundant wall required? To clarify
 - Which PL is redundant wall located on?
- Pg 142 ii. C. Request "along a common lot line are permitted to the max height"

- ~~Pg 155 do pavers count?~~ Resolved/clarified based on PPT presentation from CC staff at first workshop.
- Pg 210 Minimum 2 through-access drives for subdivisions greater than 5 acres. Why are 2 access points required? If I have 30 lots on 5.5 acres, one entry should be sufficient. Number of through-access points should be determined and approved by the traffic mitigation/study.
- Pg 299 why not allow extension of time?

Typos

- Pg 2 #4 and #5 are duplicates.
- Pg 43 add a period after “Chapter 5999”
- Pg 216 “Directional”. Not sure if this actually is a typo, but Consolidated Draft said “2 ft setbacks; illumination: yes” but this now say illumination 2 feet?
 - We are neutral either way, just wanted to flag for you [also, I’m sure there’s a pun in there somewhere.]
- Pg 222 Also not sure if this is a typo, but “Flag” is missing.
- Pg 235 Footnote [3] used to be footnote [1]. So should all the places that say [3] be [1] in the table since they were re-ordered?
- Pg 284 “Subdivision/Public Works” (the W is missing in “Works”) header

“Thank you’s”

- Lastly, I would be remised if we didn’t thank you for all the positive changes you have made from the Consolidated Draft to the Adoption Draft. We wanted to acknowledge how hard you and your team have worked to get this mammoth over the finish line! Thank you for these changes:
 - RM25 now RM32
 - Reduced side setbacks to match hillside
 - RM18 OS reduced. SFA OS 120/sf unit (old R3).
 - RM32 decreased 200 sf to 100 sf which matches current code
 - RM50 200 sf open space was reduced to 100 sf which matches current code
 - Setbacks measured from “nearest finished exterior surface” now reads PL
 - SFA side or rear setback may be eliminated.
 - “Architecture compatible is now complementary”
 - Cul de sacs prohibition under RNP replaced [residential local street definition]
 - Red Rock Overlay. You can waive lighting. Before you couldn’t
 - Sales office and community events.
 - Summary table of allowable uses. SFA now permitted by right in OS. Staff indicated “SFA now permitted by right in OS” was a typo.
 - When detached sidewalks are adjacent to a bus turnout or right turn deceleration lane, the require landscape is not required
 - Clarification that trash areas exempt for SF dwellings
 - “Common Review Procedures” as it relates to holds/withdrawals and conditions of approvals. Had significant concerns with these sections [in Cons. Draft] and thank you for incorporating many of our requests.
 - Pg 188 fill
 - Pg 272 Height waiver/variance

SIGN IN SHEET

Meeting: TITLE 30 PUBLIC MEETING

Date: 7/10/23

Clark County
Comprehensive Planning
500 S. Grand Central Parkway
Las Vegas, NV 89155
702-455-4181



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Angela Pinky	Richmond American Homes	770 S. Dean Martin	702-240-5605	
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Meeting: _____

Date: _____

Clark County
Comprehensive Planning
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Meeting: TITLE 30 PUBLIC MEETING 6 RUSSELL

Date: 7/10/23

Clark County
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Meeting: _____

Date: _____

Clark County
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Meeting: Title 30 - Chambers

Date: July 17 6-8

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Meeting: _____

Date: 17 July 23

Clark County
Comprehensive Planning
500 S. Grand Central Parkway
Las Vegas NV 89155
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Meeting: Title 30 Chambers

Date: July 17 6-8

Clark County
Comprehensive Planning
500 S. Grand Central Parkway
Las Vegas, NV 89155
702-455-4181



Name	Organization	Address	Phone Number	Fax Number
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Teresa Bell	Sierra Club	1944 Grey Eagle St Henderson 89014	702 269 0867	
Elena Wilkerson	Sierra Club	1312 Tempo St.	702 886 3993	
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Meeting: 17th of November

Date: _____

Clark County
Comprehensive Planning
500 S. Grand Central Parkway
Las Vegas, NV 89155
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[illegible]

From: [Brian Sliger](#)
To: [TransformClarkCounty](#)
Cc: [Noelani Derrickson](#); [Olivia Richert \[1\]](#); [Travis Guenther](#); [Jorn van de Ven](#)
Subject: Clark County Title 30 Rewrite: Tesla EV Charging Comments
Date: Monday, July 17, 2023 5:05:09 PM
Attachments: [image001.png](#)

Clark County Planning Commission,

Tesla provides the below comments for consideration on Clark County's Title 30 Rewrite.

Tesla's mission is to accelerate the transition to sustainable energy and transportation, and addressing this growing demand is an important step in accomplishing this mission. Clark County is a top jurisdiction across the country for electric vehicles (EV) and EV charging. Accordingly, Tesla has extensive Supercharger (Level 3 Charging) and Wall Connector (Level 2) installations planned within Clark County. We appreciate Clark County staff for their continued work reviewing EV charging station (EVCS) permit applications.

- An exemption from planning review or an EV specific expedited permitting path should be considered for EVCS . The demand currently forecasted in Clark County cannot be met if the current permitting timelines hold.
- Permitted Use:
 - We appreciate that EVCS are allowed as accessory use in all districts. This is most common for EVCS either accessory to a residential building (in a single family home's garage) or existing commercial use (like a Target parking lot).
 - However, sometimes EVCS will be a parcel's primary use, like in larger EV charging depots or larger EV stations in commercial districts, and there should be a permitting pathway for those stations outside of any extensive variance request/process.
 - Title 30 states that EV charging stations must be outside. Some stations are outside and others are often within parking structures, such as shopping malls garages, casino garages, multifamily parking garages, or single family home garages. There should not be a restriction on locating it only outside.
- Parking count:
 - We appreciate that the Title 30 update clarifies that EV charging stations do not count against maximum parking requirements.
 - A parking count requirement exemption or standard allowable variance % from required stalls counts should be considered for EV projects, as has been done in other states and localities.
 - Parking stalls that are lost due to associated electrical equipment which support EVCS operation should also not count against maximum parking requirements.
- Signage:
 - The update requires EV charging station signage to be reserved for only EV charging.
 - We recommend more flexibility in not require EV charging stalls be exclusive to EV charging only, as some landlords will only allow an EVCS if those spaces can be used at times for general parking. For example "30-Minute General Parking" signs are frequently requested by the large commercial property owners in Clark County.
- EV Capable/EV-Installed:

- We are supportive of the proposed EV capable and EV installed requirements as a great first step in encouraging EV readiness in new construction.
- We recommend specifically calling out Level 3 charging stations (~30 minutes) as being allowed to count towards compliance as they may match typical parking dwell times in certain commercial buildings, such as grocery stores, better than Level 2 charging (several hours).
- A compliance/stall multiplier should also be considered for Level 3 stalls due to this faster charging speed, such as 5X or 10X.
- Accessibility:
 - The number of accessible parking spaces should be tied to the number of EV charging spaces provided, not the total number of parking spaces in the parking facility.
- Landscaping:
 - A landscaping requirement exemption or standard allowable variance % from required landscaping square footage should be considered for EVCS.
 - EVCS frequently require equipment be installed in landscape areas and there is often no alternative, other than taking up parking stalls which also affects planning approvals/requirements.
 - These smaller projects that are additions to sites should not be required to perform major upgrades to larger commercial property unrelated to the charging stations (such as sidewalk extensions, landscape additions, etc.) to encourage charging station installations and overall EV adoption. Currently, station frequently encounter cost prohibitive requirements that require project cancellations.

Thank you for the opportunity to provide comments. Please let us know if there is need for further clarification on the items mentioned.

Brian Sliger

Design Lead | Commercial Charging - Northwest

E. bsliger@tesla.com T. 206.437.3271

T E S L A

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THE WOLFF COMPANY

June 21, 2023

Clark County
Board of Comprehensive Planning
Attn: Nancy A. Amundsen
Director, Department of Comprehensive Planning
TransformClarkCounty@ClarkCountyNV.gov

Re: ORD-23-900203: Transform Clark County Development Code Rewrite (Title 30 Development Code Update) - Request for Further Clarification

Ms. Amundsen:

In connection with Clark's County request for public comment to repeal, replace, and adopt Title 30, The Wolff Company has developed over 600+ units in the county in the last seven (7) years. We appreciate the opportunity to analyze these changes in hopes to discuss in more detail, as necessary, the proposed Title 30 development Code modifications. Initially, we'd like to have you elaborate further to allow us to better understand the following text amendments intent.

1. Proposed Text: 30.04.05.F Design Standards for Multi-Family Residential Development.2 Building Design Standards: iii. Pedestrian Entrances and Porches

Entrances shall comply with the following requirements:

- (a) At least 1 main building entrance shall face the adjacent public street.*
- (b) Buildings with multiple street frontages shall provide at least 1 building entrance along each street frontage.*
- (c) Entrances shall be connected to a public sidewalk by a walkway not routed through a parking lot. See §30.04.05D.2.ii, On-Site Pedestrian Connections.*

Questions:

- This design standard appears to be required for **all** Multi-Family ("MF") projects and doesn't differentiate between different MF building product types (Townhouse, garden, mid-rise, etc.) so we assume this is required for all product types and districts/zoning, is that correct?
- **Public Street:** Does this mean Public Right-of-Way, not an interior site drive aisle (generally private drives)?
- *At least 1 main building entrance shall face the adjacent public street.* Please clarify what buildings this applies to:
 - Does this mean at least one building, facing a public street, must have pedestrian access into the main building?
 - If so, does the term, "main building" mean the same as the defined term, "Primary Building" (30.07.02 Defined Terms)?

- Or, does this apply to all buildings with public street frontage?
 - What about buildings interior to the site with no street frontage, typical on a garden walk-up project?
- Would this include or exclude at least one (1) primary or secondary residential unit entry ?
- Is there a defined term or distance requirement justifying the distance the building can be from the Public Right-of-Way to be classified as adjacent to a public street (ex. building setbacks, landscape setbacks, landscape buffers, fire lane requirements, vehicular stacking requirements)

2. Proposed Text: 30.04.05.F. Design Standards for Multi-Family Residential Development 4. Access

Multi-family development sites greater than 5 acres shall include a minimum of 2 through-access drives.

Questions:

- Are the 2 through-access drives in reference to vehicular driveway entry/exiting or is it in connection with the number of interior drive aisles?
- If this is in reference to vehicular driveway entry/exit, is this requiring complete access movements (ingress and egress) at both community entry points? Would a fire access only suffice as the second access drive or resident exit only (with Knox Box entry for Fire) be applicable?
- If related to drive aisles, please clarify the requirement with a figure.

3. Proposed Text: 30.04.04 Parking - H. Design and Maintenance of Parking Areas 4. Parking Space Dimensions and Design iv. Tandem Parking

(a) Where Allowed

Tandem parking is permissible in association with:

(1) Single-family dwellings; or

(2) Multi-family uses when 1 space is in a garage or carport and 1 space is in the driveway in

front of the garage or carport, with both spaces assigned to the same unit; or

(3) Valet parking with a full-time attendant.

Question:

- Will tandem stalls be applied to minimum required parking counts?

4. Proposed Text: 30.04.04.H.4.v. Parking – Design and Maintenance of Parking Areas – Parking Space Dimensions and Design - Electric Vehicle (EV) Charging



Table 30.04-5: EV Charging Requirements by Land Use

Use	Number ^[1]	Applicability
Single-Family Dwelling	1 Level 2 outlet (240 volt)	N/A
Multi-Family Dwelling	25% EV-Capable, 3% EV-Installed	25 parking spaces or more
Nonresidential – Retail and Services	10% EV-Capable, 3% EV-Installed	100 parking spaces or more
Nonresidential – Resort Hotel, Hotel or Motel, School, Convention Facility, Group Assembly ^[2] , and Recreational or Entertainment Facilities	25% EV-Capable, 3% EV-Installed	50 parking spaces or more
Nonresidential – Warehouse and Distribution, and Manufacturing	5% EV-Capable, 3% EV-Installed	100 parking spaces or more

[1] Based on the required parking spaces for the use, as specified in Table 30.04-2.

[2] Does not include Cemetery, Crematory, or Funeral Home.

Question:

- For the Multi-Family Dwelling use, is the 25% inclusive of the 3% EV-capable installed with the initial project construction?

5. Proposed Text: 30.04.05.F. Design Standards for Multi-Family Residential Development 2. Building Standards, ii. Roof Lines,

Multi-family buildings with roof lines longer than 50 feet shall include at least 1 vertical elevation change of at least 2 feet.

Question:

- Does this apply to all roof line elements on all elevations (ex: front, side, rear)?

Thank you for your consideration and taking the time to answer these questions.

Sincerely,

Katie Reiner

Wolff Enterprises III, LLC

KR/kr

