

## ORDINANCE NO. 3176

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-01-2023); BY CREATING AN URBAN AGRICULTURAL OVERLAY DISTRICT AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

**WHEREAS**, the amendment is consistent with the Comprehensive Master Plan; and

**WHEREAS**, the Council determines that the amendment will not adversely affect the health and general welfare; and,

**NOW THEREFORE**, the City Council of the City of North Las Vegas does ordain:

**SECTION 1:** Chapter 16, Section 040, Subsection A. Table 17.16-2 of Title 17 of the North Las Vegas Municipal Code is hereby amended as follows:

### A. Establishment of Districts

TABLE 17.16-2: OVERLAY ZONE DISTRICTS	
Abbreviation	Overlay Zone District Name
I-A	Industrial Apex Overlay District
F-1	Floodway Overlay District
F-2	Floodplain Overlay District
GED	Gaming Enterprise Overlay District
AE	Air Terminal Environs Overlay District
R-E	Ranch Estates Rural Preservation Overlay District
UA	Urban Agriculture Overlay District

**SECTION 2:** Chapter 16, Section 040, Subsection I, subsection 7 of Title 17 of the North Las Vegas Municipal Code is hereby added as follows:

### I. Purpose Statements for Overlay Districts.

7. The purpose of the UA Urban Agriculture Overlay District is to designate suitable land within the City for urban farming and associated support activities in order to: facilitate the production of locally grown fruits and vegetables to increase food access, food security, and improve community health and nutrition; reduce food transportation costs, enhance the environment, and increase air quality; provide the

community with educational opportunities and training related to gardening, food preparation, nutrition, and conservation; encourage research and development of innovative desert farming practices that reduce water usage, promote renewable energy, and increase crop yields; enable the sale of locally grown produce to the community through Farm Stands and Farmers' Markets; and promote economic development through local, agriculture-based entrepreneurship and employment opportunities.

**SECTION 2:** Chapter 16, Section 050, Subsection M, of Title 17 of the North Las Vegas Municipal Code is hereby added as follows:

## **17.16.050 DISTRICT-SPECIFIC REGULATIONS**

### **a. Urban Agricultural Overlay District (UA).**

- 1. Relationship to Underlying Base Districts.** These regulations supplement those regulations applicable in the underlying base zone district designations applicable to all lands in the UA Urban Agricultural Overlay District. All regulations applicable to the underlying base zone districts shall continue to apply, but in the event of a conflict between provisions of the underlying zone district and the provisions of this UA Urban Agricultural Overlay District, the provisions of the overlay district shall govern.
- 2. Size Regulations.** The minimum UA Urban Agricultural Overlay District shall be no less than one (1) acre.
- 3. Table of Permitted Uses.** Table 17.16-12 sets forth permitted, special, and conditional uses in the UA Overlay District, as well as accessory uses and structures as authorized by NRS 278.02075:

**Table 17.16-12: UA Overlay District Permitted Uses**

**P = Permitted C = Conditional S = Special  
Blank = Prohibited**

Use Category	Use Type	Overlay District	Additional Requirements
<b>USES AND STRUCTURES</b>			
Urban Agriculture and Urban Agricultural Support Services	Community Garden	P	Shall comply with standards in 17.16.050.M.4
	Container Farm	P	Shall comply with standards in 17.16.050.M.4 Maximum size 400 sq. ft. Maximum two (2) per acre.
	Farm Shed	P	Maximum size 1,000 sq. ft./acre
	Farmer's Market	C	Shall comply with standards in 17.16.050.M.4
	Farm Stand	P	Shall comply with standards in 17.16.050.M.4
	Greenhouse	P	Maximum size 5,000 sq. ft./acre
	High Tunnel/Hoop House	P	Shall comply with standards in 17.16.050.M.4 Maximum size 2,000 sq. ft. Maximum two (2) per acre
	Hydroponics and Hydroponic Technologies	P	Shall comply with standards in 17.16.050.M.4
	Urban Agricultural Activity not originally approved within Overlay District	C	Shall comply with standards in 17.16.050.M.4
	Urban Farm	P	Shall comply with standards in 17.16.050.M.4

#### 4. Use Specific Standards. Additional Requirements for Table 17.16–12

- a. **Community Garden.** Community gardens shall comply with the standards in 17.20.020.C.8, with the exception that the structures in Table 17.16–12 are permitted.
- b. **Container Farm.** Container farms shall only be permitted within the M-1, M-2, M-3, C-2, and C-3 Districts. Container farms shall be painted and maintained in good condition, subject to City design standards.
- c. **Farmer's Market.** Farmer's markets shall comply with Section 5.18, with the exception that Farmer's Markets shall be permitted in any base district with the following additional conditions:
  - i. The Designated Site Coordinator shall provide demonstrate compliance with the parking requirements within Section 5.18. All parking shall be provided in a paved off-street parking area.
  - ii. The hours of operation shall be limited to 7:00 am to 7:00 pm within any residential district.
- d. **Farm Stand.** Farm Stands are accessory uses to the urban farm and shall comply with the following requirements:
  - i. Hours of operation are restricted to a three day period once a week – 7:00 am to 7:00 pm
  - ii. Any structure for the farm stand shall be less than 200 square feet in size
  - iii. The farm stand shall be located within the same overlay district as the urban farm it is accessory to
  - iv. Other outside vendors of any type are prohibited
- e. **High Tunnels, also called Hoop Houses.** High tunnels and other flexible plastic or fabric covered structures shall not be located beneath power lines or in areas where large loads such as tree branches or other overhead obstacles could fall and shall be screened from the street and any adjacent residential uses per Section 17.24.070
- f. **Urban Agricultural Activity.** In addition to the regulations in 17.24.080 any visible artificial lighting used for indoor agriculture

shall be diffused and not cause glare or spill over to adjacent properties. Light bulbs and light-emitting diodes shall not be permitted in view of adjacent properties or public rights-of-way.

- g. Compost and Fertilizer Storage.** Compost and fertilizer storage shall be limited to 50 cubic feet per 1/2 acre. Composting shall be conducted in a manner that controls odor, prevents infestation, and minimizes run-off into waterways and onto adjacent properties.
- h. Storage of Equipment and Supplies.** Any equipment or supplies needed for farm and garden operations shall be fully enclosed or otherwise effectively screened from the street and any adjacent residential uses per Section 17.24.070. Motorized equipment shall be limited to home garden or light equipment.
- i. Rules of Operation.** The urban farm shall have an established set of operating rules addressing the governance of the site, hours of operation, and maintenance and security requirements and responsibilities. Hours of operation shall be limited to 7:00 am – 9:00 pm, daily.
- j. Designated Site Coordinator.** Each Urban Farm shall have a designated Site Coordinator to act as a liaison with the City and their name and telephone number shall be provided with the business license division.
- k. Restrictions.**

  - (i) The keeping of animals is prohibited.
  - (ii) The cultivation of plants regulated by law (e.g., tobacco, marijuana, etc.) are prohibited.
- l. Other standards.**

  - (i) The site shall be designed and maintained so that water and fertilizer are entirely contained on-site and will not drain onto adjacent properties or rights-of-way.

- (ii) Benches, bike racks, raised/accessible garden beds, picnic tables, produce stands, low tunnels, and instructional spaces may be permitted.

5. **Parking Requirements.** All Parking for the urban farming use shall be contained within the overlay area and all parking areas shall comply with Section 17.24.040 K.10. The minimum on-site parking is required for the following:

- a. Community gardens shall provide one (1) parking space per garden plot (See Section 17.24.040-4).
- b. Urban farms shall provide a minimum of one (1) parking space for each 1,000 square feet of cultivated area.
- c. For Farmers' Markets, there shall be at least one parking space for the market operator and each vendor, plus customer parking spaces of at least two spaces for each vendor (See Section 5.18.080 J.).
- d. Farm Stands shall provide a minimum of two spaces in addition to the spaces used by the Urban Farm.

6. **Dimensional Standards.**

a. **Setbacks.**

- (i) **Structures.** All structures shall be setback twenty (20) feet for front, interior side, corner side / other ROW, and rear yard.
- (ii) **High Tunnels.** High tunnel structures shall maintain a minimum setback of fifty (50) feet from any arterial or collector ROW.
- (iii) **Garden Beds.** Minimum setbacks shall be five (5) feet for front, interior side, corner side / other ROW, and rear yard.
- (iv) **Compost and fertilizer storage.** Minimum setback shall be twenty (20) feet for front; five (5) for interior side, corner side /

other ROW, and rear yard; and fifty (50) feet from any residential dwelling.

- b. **Maximum Structure Height.** Maximum structure shall not exceed seventeen (17) feet.

**SECTION 3:** Chapter 32, Section 030, of Title 17 of the North Las Vegas Municipal Code is hereby amended by adding the following:

### **Container Farm**

Shipping container, or other similar style structure used for growing fruits, vegetables, and other ornamental plants through the use of high-tech, indoor and vertical hydroponic farming technologies.

### **Farm Shed**

A structure used for urban agricultural activities such as the storage or care of farming equipment, tools, and materials.

### **Farm Stand**

A table, stall or tent and operated by a sole vendor for the sale of agricultural or horticultural products shall be accessory to a community garden or urban farm sales shall be limited to between 7:00 am and 7:00 pm.

### **High Tunnel/Hoop House**

A high tunnel, also called a hoop house, is a non-permanent, walk-in, usually hoop-shaped, pipe frame structure that is enclosed with flexible plastic or fabric and usually having sides that can be rolled up or dropped down to create ventilation. These structures are used to cover and protect cultivated land and crops from excessive sun, wind, and cold, reduce pests, etc. to extend the growing season.

### **Hydroponics and Hydroponic Technologies**

Hydroponics is the technique of growing plants using a water-based nutrient solution rather than soil and can include an aggregate substrate or growing media. Hydroponic technologies can range from simple systems featuring

pumps and reservoirs to high-tech systems featuring automation and energy efficient LED lighting.

### **Indoor Agriculture**

Growing fruits, vegetables, and ornamental plants inside a building or structure using either natural or artificial light and often using advanced growing techniques such as hydroponic technologies, energy-efficient LED lighting, and other high-tech methods.

### **Low Tunnel**

A seasonal structure with an average width of three (3) to six (6) feet and height of two (2) to four (4) feet, usually constructed of wire or pipe and covered with fabric or flexible plastic which is placed over raised garden beds or crop rows to extend the growing season.

### **Urban Agricultural Activity**

Urban agricultural activity includes the cultivation, processing, and distribution of agricultural products in urban and suburban areas. Community gardens, container farms, hydroponic technologies, indoor agriculture, and urban farms are all examples of urban agriculture.

### **Urban Farm**

An agricultural site where fruits, vegetables, and ornamental crops are grown to be sold or donated.

**SECTION 4:** NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

**SECTION 5:** SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

**SECTION 6:** EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas. Publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.



**SECTION 7:** PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmembers voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

\_\_\_\_\_  
PAMELA A. GOYNES-BROWN, MAYOR

ATTEST:

\_\_\_\_\_  
JACKIE RODGERS, CITY CLERK