HENDERSON, NEVADA
Development Code

Adopted

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THE CITY OF HENDERSON®
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CHAPTER 19.1: INTRODUCTORY PROVISIONS

19.1.1. TITLE

This Title shall be known and officially cited as the "Development Code of the City of Henderson, Nevada." It is referred to in this Title as the "Henderson Development Code," the "Development Code," or "this Code."

19.1.1. EFFECTIVE DATE

This Development Code shall take effect and be in force from and after March 1, 2010.

19.1.2. AUTHORITY

The Henderson Development Code is enacted pursuant to the powers granted and limitations imposed by laws of the State of Nevada, including the statutory authority granted in Nevada Revised Statutes (NRS) Chapter 278, and all other relevant laws of the State of Nevada. Whenever any provision of this Code refers to or cites a section of the Nevada Revised Statutes and that section is later amended or superseded, this Code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

19.1.3. APPLICABILITY AND JURISDICTION

A. APPLIED TO ALL LANDS

1. This Code applies to all land, buildings, structures, and uses thereof located within the City of Henderson, unless a variance, adjustment, or exemption is provided by or pursuant to the terms of this Code.

2. To the extent allowed by law, the provisions of this Code shall apply to all land, buildings, structures, and uses owned, leased, or otherwise controlled by any district, county, state, or federal government agencies in the City of Henderson. Where the provisions of this Code do not legally control such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this Code.

B. COMPLIANCE REQUIRED

No land shall be used or divided, and no structure shall be constructed, occupied, enlarged, altered, or moved until:

1. All applicable development review and approval processes have been followed;

2. All applicable approvals have been obtained; and

3. All required permits or authorizations to proceed have been issued.

C. EMERGENCY POWERS

The City Council may authorize deviations from any provision of this Development Code during a local emergency. Such deviations shall be authorized by resolution of the City Council without a requirement for prior notice or public hearing.

19.1.4. PURPOSE AND INTENT

The general purposes of the Henderson Development Code are to protect the public health, safety, and general welfare, and to implement the policies and objectives in the Henderson Comprehensive Plan and the City's other adopted plans. More specifically, the regulations are intended to:

A. Regulate and control the division of land to encourage convenient, compatible, and efficient relationships among land uses;

B. Prevent excessive population densities and overcrowding of land or buildings;

C. Protect life and property in areas subject to floods, landslides, and other natural disasters;

D. Preserve the character and quality of residential neighborhoods, including rural neighborhoods;

E. Implement and ensure consistency with the City of Henderson Fair Housing Plan;

F. Encourage innovation in residential development and redevelopment that meets the demand for housing with a greater variety in the type and design of dwellings;

G. Preserve and protect uses of land that provide employment opportunities to city residents;

H. Encourage timely, orderly, and efficient arrangement of public facilities and services;

I. Ensure that service demands of new development will not exceed the capacities of existing streets, utilities, or other public facilities and services;

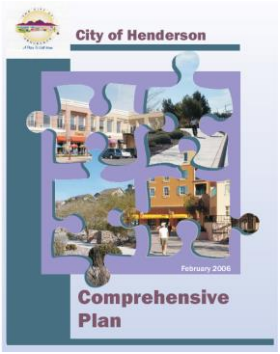

Figure 19.1.5-A: Henderson Comprehensive Plan
The Development Code implements the goals and policies found in the *Comprehensive Plan*.

J. Promote the economic stability of existing land uses that are consistent with the Comprehensive Plan and protect them from intrusions by incompatible land uses;

K. Consider the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development;

L. Enhance the quality of development through superior building and site design;

M. Ensure the provision of adequate open space for light, air, and fire safety; better integrate development and redevelopment with the desert environment to conserve open space and protect natural and scenic resources;

N. Encourage development of a sustainable and accessible system of recreational facilities, parks, trails, and open space that meets year-round neighborhood and community-wide recreational needs;

O. Consider access to solar resources by regulating the height of new buildings that could cast shadows on surrounding developments;

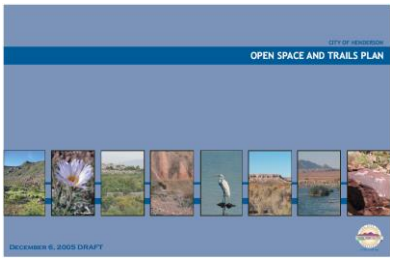

Figure 19.1.5-B: Henderson Open Space and Trails Plan
The Open Space and Trails Plan calls for provision of open space and protection of natural resources.

P. Reduce the consumption of energy by encouraging the use of products and materials that maximize energy efficiency;

Q. Encourage the improved design and effective use of the built environment through the use of CPTED (Crime Prevention through Environmental Design) principles for the purpose of reducing the fear and incidence of crime, and to improve the quality of life;

R. Require the provision of adequate off-street parking and loading facilities, and promote a safe and effective traffic circulation system;

S. Develop a timely, orderly, and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles; and

T. Regulate and control the type, placement, and physical dimensions of signs, and encourage innovative sign design.

19.1.5. CONFLICTING PROVISIONS

A. CONFLICT WITH STATE OR FEDERAL REGULATIONS

If the provisions of this Code are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

B. CONFLICT WITH OTHER CITY REGULATIONS

If the provisions of this Code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the City, the more restrictive provision shall control.

C. CONFLICT WITH PRIVATE AGREEMENTS

It is not the intent of this Code to interfere with, abrogate, or annul any easement, covenant, deed restriction, covenants, conditions, and restrictions ("CC&Rs"), or other agreement between private parties. If the provisions of this Code impose a greater restriction than imposed by a private agreement, the provisions of this Code will control the private parties. If the provisions of a private agreement impose a greater restriction than this Code, the provisions of the private agreement will control the private parties. The City shall not be responsible for interpreting, monitoring or enforcing private agreements, including CC&Rs, to which the City is not a party.

19.1.6. RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. PURPOSE AND ROLE

The Comprehensive Plan serves as the basic policy guide for the administration of this Code. The goals, vision, recommendations, and policies of the Comprehensive Plan may be amended from time to time to meet the changing requirements of the City in accordance with the standards and procedures in Section 19.6.4.A, *Comprehensive Plan Amendments*.

B. EFFECT

All development and redevelopment within the City shall be in accordance with the applicable provisions of the Comprehensive Plan, as adopted or amended by the City Council. Amendments to the text of this Code (Section 19.6.4.B, *Development Code Text Amendments*) or rezoning of land (Section 19.6.4.C, *Rezonings*) may be required in order to ensure compliance with this section.

19.1.7. OFFICIAL ZONING MAP

A. ZONING MAP BOUNDARIES

The boundaries of the zoning districts established in this Code are shown on a map or series of maps designated the "zoning map," which is adopted and made a part of this Development Code as fully as if it were set out here in detail. In case of any dispute regarding the zoning classification of land subject to the Henderson Development Code, the original maps maintained by the Community Development and Services Director shall control. Questions or disputes regarding zoning designations shown on the zoning map shall be taken to the Community Development and Services Director.

B. INTERPRETATION OF MAP BOUNDARIES

The Community Development and Services Director shall be responsible for interpretations of the zoning map in accordance with the standards in Section 19.6.9.F, *Interpretation*, and the following standards:

1. Boundaries delineated by the centerline of streets highways, or alleys shall follow such centerlines.

2. Boundaries delineated by lot lines shall follow such lot lines.

3. Boundaries delineated by railroad lines shall be midway between the main tracks or the centerline of a single track.

4. Boundaries dividing a lot or transecting un-subdivided land shall be determined using the scale appearing on the zoning map unless the boundary location is indicated by dimensions shown on the map.

5. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

6. Where the actual location of existing physical or natural features varies from those shown on the zoning map, or in other circumstances not covered by this subsection, the Community Development and Services Director shall have the authority to interpret the district boundaries. Appeals of the Community Development and Services Director's decision shall be reviewed by the Planning Commission in accordance with Section 19.6.9.E, Appeal.

19.1.8. TRANSITIONAL PROVISIONS

A. CONTINUITY OF PROVISIONS

The provisions of this Code, insofar as they are substantially the same as previously existing Code provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not new enactments. Any actions or proceedings commenced or permits issued pursuant to any previously existing ordinance shall not be affected by the enactment of this Code, but such actions, proceedings, and permits shall hereafter conform to this Code.

B. VIOLATIONS CONTINUE

Any violation of the previous Development Code will continue to be a violation under this Code and be subject to penalties and enforcement under Chapter 19.11: *Enforcement*, unless the use, development, construction, or other activity complies with the provisions of this Code.

C. LEGAL NONCONFORMITIES UNDER PRIOR CODE

Any legal nonconformity under the previous Development Code will also be a legal nonconformity under this Code, as long as the situation that resulted in the nonconforming status under the previous Code continues to exist. If a nonconformity under the previous Development Code becomes conforming because of the adoption of this Code, then the situation will no longer be a nonconformity.

D. USES, LOTS, STRUCTURES, AND SITES RENDERED NONCONFORMING

1. When a lot is used for a purpose that was a lawful use before the effective date of this Code and this Code no longer classifies such use as either a permitted use or conditional use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by the provisions of Chapter 19.10: Nonconformities.

2. Where any building, structure, lot, or development site that legally existed on the effective date of this Code does not meet all standards set forth in this Code, such building, structure, lot, or site shall be considered nonconforming and shall be controlled by the provisions of Chapter 19.10: Nonconformities.

E. APPROVED PROJECTS

1. Use permits, variances, architectural or design approvals, master plan overlays, and tentative subdivision maps, including planned unit developments, any of which are valid on March 1, 2010, shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.

2. No provision of this Code shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to March 1, 2010.

3. The Community Development and Services Director may renew or extend the time of a previous approval of an application that was administratively approved if the required findings or criteria for approval remain valid. Any extension granted shall not exceed one year in length, and no more than one extension may be granted. Tentative maps may only be extended in accordance with the provisions in Section 19.6.5.D, Tentative Map. The Community Development and Services Director shall provide written notice of any approved extension to the City Clerk, who shall be responsible for posting notice of the approved extension in City Hall. The notice shall remain in place for at least ten days from the date of the City Clerk's receipt of notice.

4. Any re-application for an expired project approval shall meet the standards in effect at the time of reapplication.

F. MAP INTERPRETATIONS

Questions or disputes regarding zoning designations on the City of Henderson zoning map resulting from adoption of the new Development Code shall be submitted to the Community Development and Services Director for written interpretation in accordance with Section 19.6.9.F, *Interpretations*.

G. TRANSITION TO NEW ZONING DISTRICTS

Upon the effective date of this Code, land that is zoned with a zoning district classification from the previous Development Code shall be re-classified or translated to one of the zoning district

classifications set forth in this Code by separate action of the City Council. Table 19.1.9-1 summarizes the translation or re-classification of the zoning districts in the previous Development Code to the zoning districts used in this Code.

TABLE 19.1.9-1: TRANSITION TO NEW ZONING DISTRICTS

OLD ZONING DISTRICT	CORRESPONDING NEW ZONING DISTRICT
RESIDENTIAL DISTRICTS	
Low-Density Single-Family Residential 1A (RS-1A)	Low-Density Single-Family Residential 1 (RS-1)
Low-Density Single-Family Residential 2 (RS-2)	Low-Density Single-Family Residential 2 (RS-2)
Low-Density Single-Family Residential 4 (RS-4)	Low-Density Single-Family Residential 4 (RS-4)
Low-Density Single-Family Residential 6 (RS-6)	Low-Density Single-Family Residential (RS-6)
Medium-Density Residential 8 (RM-8)	Low-Density Single-Family Residential 8 (RS-8)
Medium-Density Residential 10 (RM-10)	Medium-Density Residential 10 (RM-10)
Medium-Density Residential 16 (RM-16)	Medium-Density Residential 16 (RM-16)
High-Density Multifamily Residential 20 (RH-20)	High-Density Multifamily Residential (RH-24)
High-Density Multifamily Residential 24 (RH-24)	
High-Density Multifamily Residential 30 (RH-30)	High-Density Multifamily Residential (RH-36)
High-Density Multifamily Residential 36 (RH-36)	
Mobile Home Residential 5 (RX-5)	Mobile Home Residential (RMH)
Mobile Home Residential 8 (RX-8)	
Development Holding (DH)	Development Holding (DH)
NONRESIDENTIAL DISTRICTS	
Public and Semipublic (PS)	Public and Semipublic (PS)
Neighborhood Commercial (CN)	Neighborhood Commercial (CN)
Commercial Office (CO)	Office Commercial (CO)
Community Commercial (CC)	Community Commercial (CC)
Highway Commercial (CH)	Highway Commercial (CH)
Tourist Commercial (CT)	Tourist Commercial (CT)
Auto-mall Commercial (CA)	Auto-mall Commercial (CA)
Mixed-Use Commercial (CM)	[DELETED]
	Corridor/Community Mixed-Use (MC)
	Neighborhood Mixed-Use (MN)
	Regional Mixed-Use (MR)
Limited Industrial (IL)	Limited Industrial (IL)
General Industrial (IG)	General Industrial (IG)
Industrial Park (IP)	Industrial Park (IP)
Planned Community (PC)	Planned Community (PC)
DOWNTOWN DISTRICTS	
Downtown Low-Density Residential (DRL)	Downtown Low-Density Residential (DRL)
Downtown Medium-Density Residential (DRM)	Downtown Medium-Density Residential (DRM)
Downtown High-Density (DRH)	Downtown High-Density Residential (DRH)
Downtown Core Commercial (DCC)	Downtown Core Commercial (DCC)
Downtown Highway Commercial (DHC)	Downtown Highway Commercial (DHC)
Downtown Public (DP)	Downtown Public (DP)

TABLE 19.1.9-1: TRANSITION TO NEW ZONING DISTRICTS	
OLD ZONING DISTRICT	**CORRESPONDING NEW ZONING DISTRICT**
OVERLAYS	
Airport Environs (AE)	Airport Environs (AE)
Master Plan (MP)	Master Planned Development (MP)
Planned Unit Development (PUD)	Planned Unit Development (PUD)
Gaming Enterprise (G)	Gaming Enterprise (G)
Efficiency Lot (E)	[DELETED]
Redevelopment (RD)	Redevelopment (RD)
Center (C)	[DELETED]
Hillside (H)	Hillside (H)
Sensitive Lands (SL)	Sensitive Lands (SL)
Rural Neighborhood (RN)	Rural Neighborhood (RN)
Transmission (TL)	[DELETED]
NOTE: Lands designated under the "Old Zoning District" in the left column of the table are translated or reclassified to the "Corresponding New Zoning District" in this Code as depicted in the right column of this table. This reclassification occurred upon the effective date of this Development Code.	

19.1.9. COMPLIANCE WITH DISTRICT STANDARDS

No land within the City shall be developed except in accordance with the zoning district regulations and all other applicable regulations of this Code, including but not limited to:

1. Chapter 19.4: Overlays;
2. Chapter 19.5: Use Regulations;
3. Chapter 19.7: Development and Design Standards;
4. Chapter 19.8: Signs;
5. Chapter 19.9: Subdivision Design and Improvements; and
6. Any applicable provisions from the Henderson Municipal Code (HMC).

19.1.10. SEVERABILITY

It is expressly declared that this Code and each section, subsection, sentence, and phrase would have been adopted regardless of whether one or more other portions of the Code is declared invalid or unconstitutional.

A. If any section, subsection, sentence, or phrase of this Code is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, the remaining portions of this Code shall not be affected.

B. If any court of competent jurisdiction invalidates the application of any provision of this Code, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.

C. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

CHAPTER 19.2: RESIDENTIAL ZONING DISTRICTS

19.2.1. GENERAL PURPOSES AND INTENT

The residential districts in this chapter are created for the following general purposes:

A. To provide appropriately located areas for residential development that are consistent with the Comprehensive Plan and with standards of public health and safety established by this Code;

B. To ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other significant adverse environmental effects;

C. To protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards;

D. To provide for residential lands with varying densities and types of housing to provide city residents with a variety of housing options;

E. To increase residential activity and density within downtown Henderson;

F. To allow low-intensity, resident-serving, nonresidential uses within some residential areas to minimize the need for travel and to encourage vibrant neighborhoods; and

G. To ensure the provision of public services and facilities needed to accommodate planned population densities.

19.2.2. CHAPTER ORGANIZATION

A. Section 19.2.3, Establishment of Base Residential Districts, sets out the range of residential base zoning districts used in this Code.

B. Sections 19.2.5 through 19.2.16 describe the residential districts and the downtown public district, including purpose statements, dimensional requirements, photographic examples of typical structures and block patterns, and district-specific standards (where applicable).

C. Section 19.2.17, Summary Dimensional Table for Residential Districts, includes a summary table of dimensional standards for all the districts in this chapter.

19.2.3. ESTABLISHMENT OF BASE RESIDENTIAL ZONING DISTRICTS

Table 19.2.3-1 sets out the base residential zoning districts used in this Code.

TABLE 19.2.3-1: BASE RESIDENTIAL ZONING DISTRICTS ESTABLISHED	
DISTRICT ABBREVIATION	**BASE ZONING DISTRICT NAME**
RS-1	Low-Density Single-Family Residential 1
RS-2	Low-Density Single-Family Residential 2
RS-4	Low-Density Single-Family Residential 4
RS-6	Low-Density Single-Family Residential 6
RS-8	Low-Density Single-Family Residential 8
RM-10	Medium-Density Residential 10
RM-16	Medium-Density Residential 16
RH-24	High-Density Multifamily Residential 24
RH-36	High-Density Multifamily Residential 36
DP	Downtown Public
RMH	Mobile/Manufactured Home Residential
DH	Development Holding

19.2.4. STRUCTURE OF ZONING DISTRICT STANDARDS

A. Each of the following base zoning district sections has a common structure consisting of a purpose and intent statement and a series of district-specific standards presented in a graphic and tabular format. Each table or graphic is numbered for reference purposes.

B. The district-specific standards include one or more of the following graphic illustrations:

1. A photograph representative of typical building forms;

2. A graphic depiction of the district's bulk and dimensional standards; and

3. One or more tables setting out the district's bulk and dimensional requirements.

C. The graphic illustrations in this chapter are intended to illustrate the dimensional standards and the general character of each district, and do not necessarily reflect all the standards that may apply to a particular development. All development is subject to the dimensional standards of this chapter and also any applicable overlay standards in Chapter 19.4, the applicable use-specific standards in Chapter 19.5, and the general development and design standards in Chapter 19.7.

19.2.5. RS-1: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 1

The RS-1 district is established to accommodate large-lot, single-family, detached residential uses and accessory development compatible with the desert landscape. The district provisions discourage any use that would substantially interfere with the development of single-family detached dwellings or the quiet residential nature of the district. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are permitted uses. General and large day care uses, some forms of institutional housing, religious assemblies, and major utilities are allowed with a conditional use permit. Any RS-1-zoned parcel less than 40,000 square feet in area but that is one-fifth or more of the net area of what was originally a government-created five-acre parcel shall be considered to contain 40,000 square feet (regardless of lot size)

Figure 19.2.5-A: RS-1 Example Building Form

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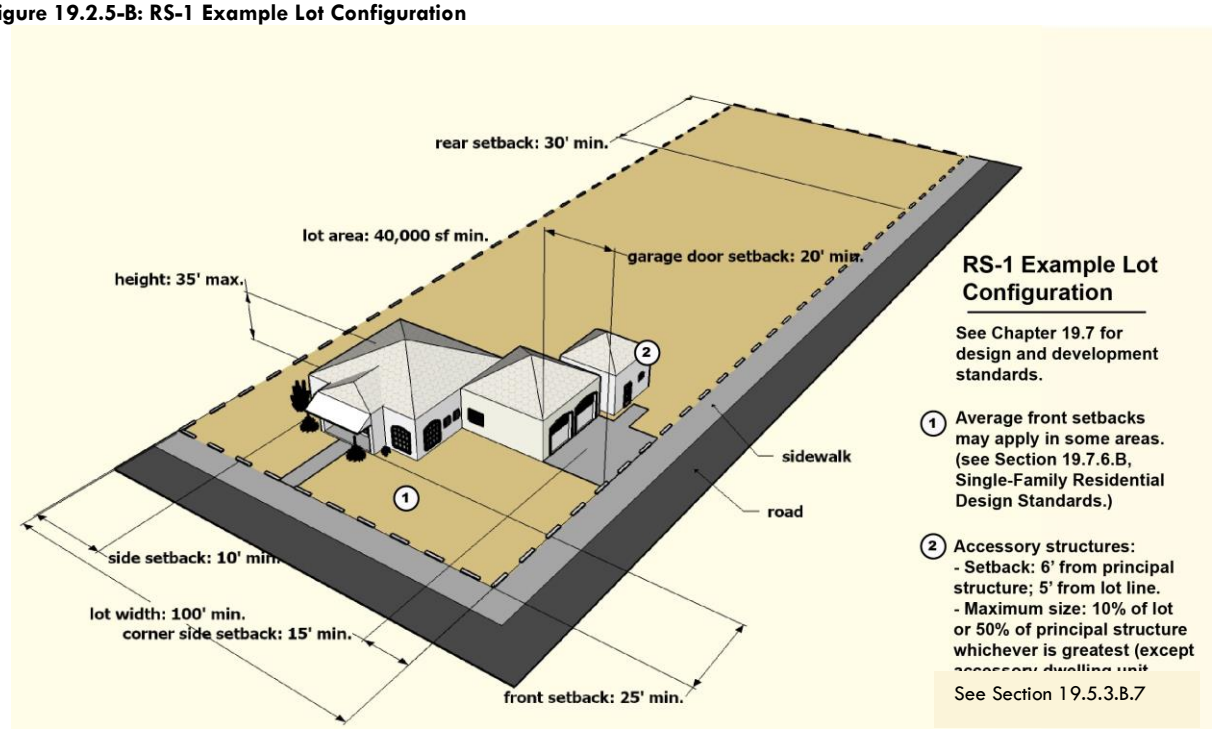
TABLE 19.2.5-1: DIMENSIONAL STANDARDS RS-1 DISTRICT

DISTRICT STANDARDS	
Density, max (units/gross acre)	1
LOT STANDARDS	
Lot area, min (sq ft)	40,000
Lot width, min (ft)	100
Lot coverage, max (%)	N/A
SETBACKS, MINIMUM	
Front (ft)	25
Side, interior (ft)	10
Side, corner (ft)	15
Rear (ft)	30
Accessory structures (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
Front-loaded garage (ft)	20 from property line or minimum building setback, whichever is greater
BUILDING STANDARDS	
Principal bldg height, max (ft)	35
Dwelling unit size, min (sq ft)	1,200
Floor area ratio (FAR)	N/A
Accessory structure height, max (ft)	24; 20 flat roof
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater (except accessory dwelling unit). See Section 19.5.3.B.7	

Figure 19.2.5-B: RS-1 Example Lot Configuration



19.2.6. RS-2: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 2

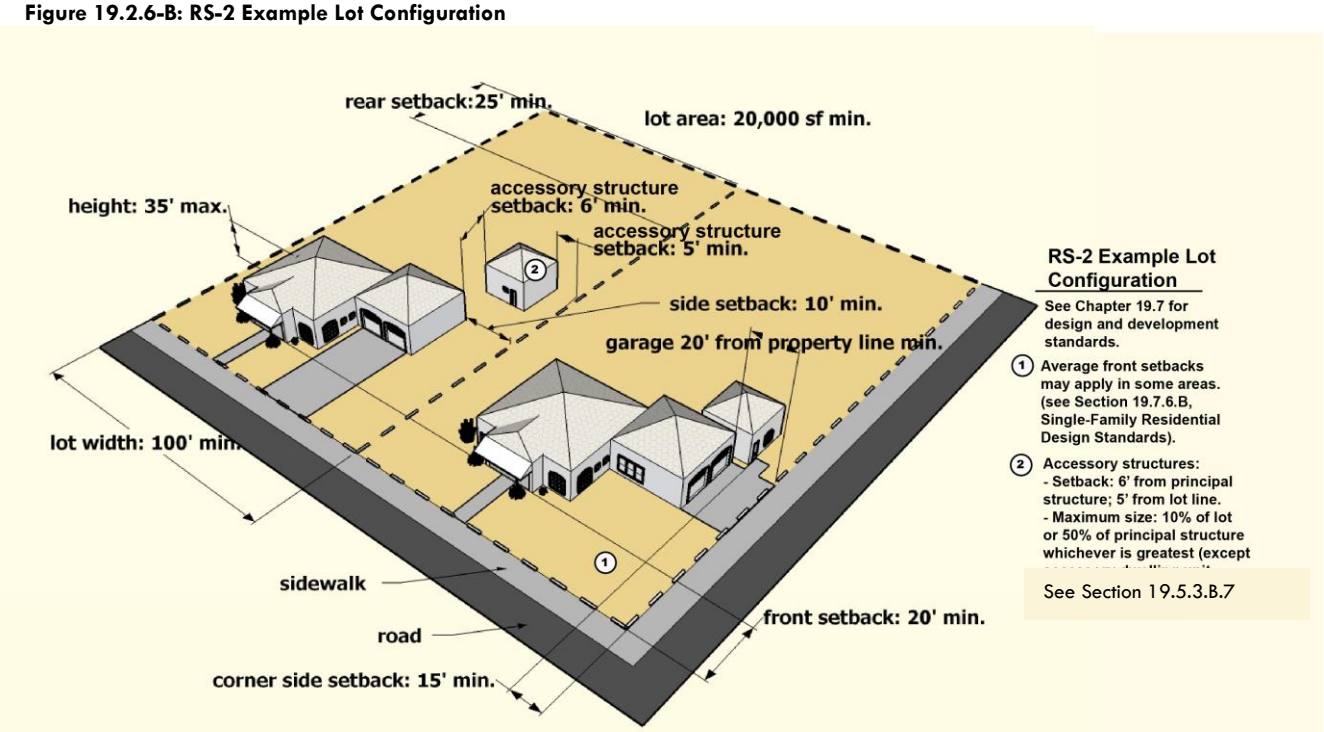
The RS-2 district is established to accommodate large-lot, single-family, detached dwellings and accessory development compatible with the desert landscape. Single-family attached units existing on the effective date of this Code may remain as conforming uses. The district provisions discourage any use that would substantially interfere with the development of single-family detached dwellings or the quiet residential nature of the district. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are permitted uses. General and large day care uses, some forms of institutional housing, religious assemblies, and major utilities are allowed with a conditional use permit. Any RS-2-zoned parcel that is less than 20,000 square feet in area, but that is one-tenth or more of the net area of what was originally a government-created five-acre parcel shall be considered to contain 20,000 square feet (regardless of lot size).

Figure 19.2.6-A: RS-2 Example Building Form

TABLE 19.2.6-1: DIMENSIONAL STANDARDS RS-2 DISTRICT

DISTRICT STANDARDS	
Density, max (units/gross acre)	2
LOT STANDARDS	
Lot area, min (sq ft)	20,000
Lot width, min (ft)	100
Lot coverage, max (ft)	N/A
SETBACKS, MINIMUM	
Front (ft)	20
Side, interior (ft)	10
Side, corner (ft)	15
Rear (ft)	25
Accessory structures (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
Front-loaded garage (ft)	20 from property line
BUILDING STANDARDS	
Principal bldg height, max (ft)	35
Accessory bldg height, max (ft)	24; 20 flat roof
Spacing between units (ft)	N/A
Dwelling unit size, min (sq ft)	1,200
Floor area ratio (FAR)	N/A
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater (except accessory dwelling unit). See Section 19.5.3.B.7	

Figure 19.2.6-B: RS-2 Example Lot Configuration



19.2.7. RS-4: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 4

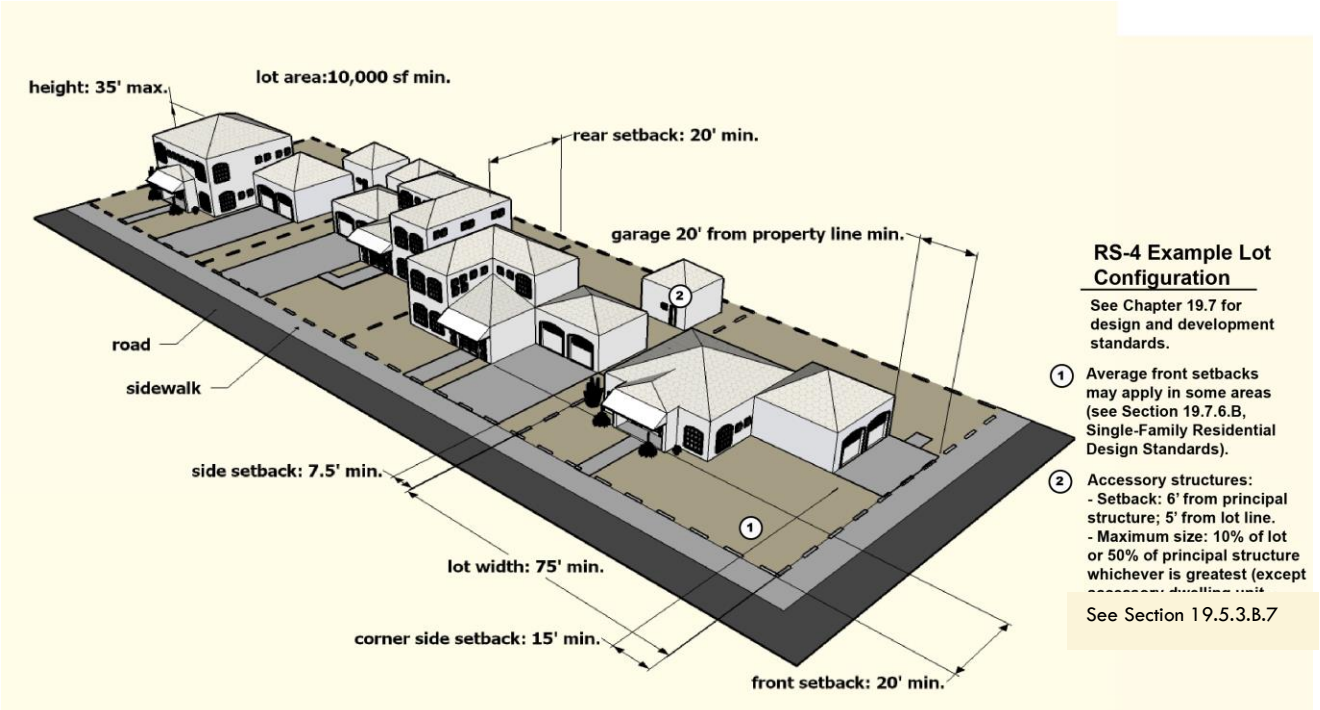
The RS-4 district is established to accommodate a variety of residential use types at low densities. The district allows single-family detached homes as well as typical accessory development. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are permitted uses. General and large day care uses, some forms of institutional housing, religious assemblies, and major utilities are allowed with a conditional use permit.

Figure 19.2.7-A: RS-4 Example Building Form

TABLE 19.2.7-1: DIMENSIONAL STANDARDS RS-4 DISTRICT

DISTRICT STANDARDS	
Density, max (units/gross acre)	4
LOT STANDARDS	
Lot area, min (sq ft)	10,000
Lot width, min (ft)	75
Lot coverage, max (%)	N/A
SETBACKS, MINIMUM	
Front (ft)	20
Side, interior (ft)	7.5
(Reduction to 5-ft interior side yard setback allowed, provided the aggregate of the two adjacent interior side yards is 15 ft.)	
Side, corner (ft)	15
Rear (ft)	20
Accessory structures (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
Front-loaded garage (ft)	20 from property line
BUILDING STANDARDS	
Principal bldg height, max (ft)	35
Accessory bldg height, max (ft)	24; 20 flat roof
Building spacing, min (ft)	15 (principal to principal)
Floor area ratio (FAR)	N/A
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater (except accessory dwelling unit). See Section 19.5.3.B.7	

Figure 19.2.7-B: RS-4 Example Lot Configuration



19.2.8. RS-6: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 6

The RS-6 district is established to accommodate a variety of residential use types at low densities on moderately-sized lots. The district allows single-family detached homes as well as typical accessory development. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are permitted uses. General and large day care uses, some forms of institutional housing, religious assemblies, and major utilities are allowed with a conditional use permit.

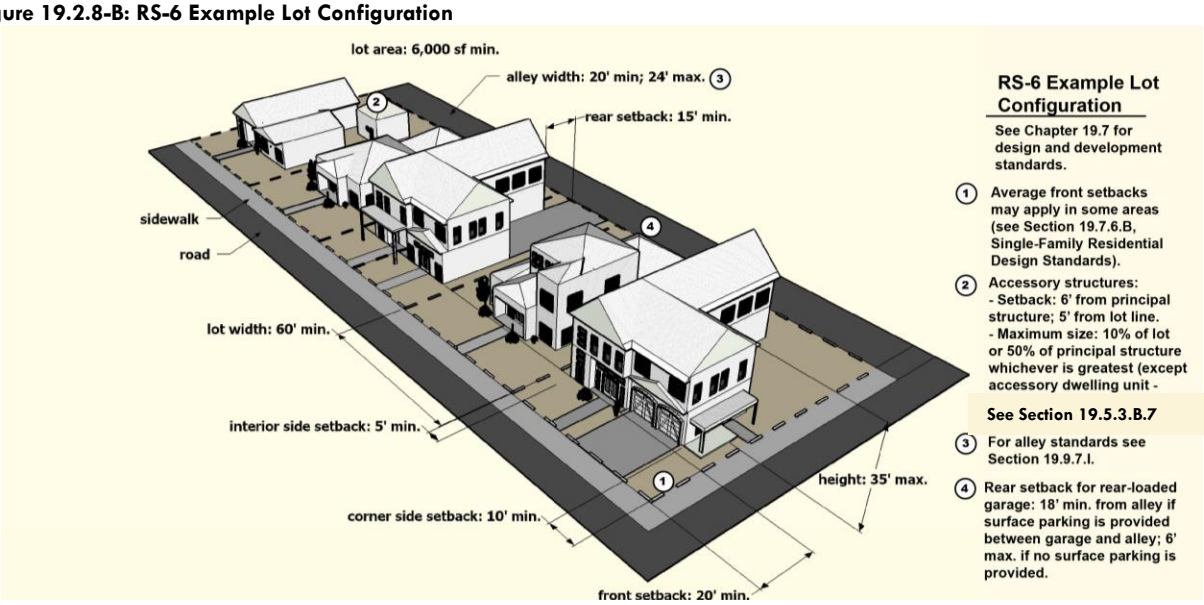
Figure 19.2.8-A: RS-6 Example Building Form

Areas zoned RS-6 prior to March 1, 2010, are subject to the requirements of the prior Development Code and not the requirements of this section. RS-6 PUDs established prior to the effective date of this Code are subject to their individual adoption ordinances and not the requirements of this section.

TABLE 19.2.8-1 DIMENSIONAL STANDARDS RS-6 DISTRICT

DISTRICT STANDARDS	
Density, max (units/gross acre)	6
LOT STANDARDS	
Lot area, min (sq ft)	6,000
Lot width, min (ft)	60
Lot coverage, max (%)	N/A
Corner lots for residential uses that are less than 10,000 square feet shall have a minimum width of 5 feet more than the minimum lot width otherwise required by the underlying zoning district.	
SETBACKS, MINIMUM	
Front, measured from back of the sidewalk or lot line, whichever is greater (ft)	10 to house 20 to a street-facing garage 10 to a side-entry garage
Side, interior (ft)	5
Side, corner (ft)	10
Rear (ft)	15 (except for alleys; see note below)
Accessory structure (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
Regardless of front setback utilized, minimum front yard landscape plant requirements must be met.	
BUILDING STANDARDS	
Principal bldg height, max (ft)	35
Accessory bldg height, max (ft)	24; 20 flat roof
Building spacing, min (ft)	10 (principal to principal)
Floor area ratio (FAR)	N/A
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater (except accessory dwelling unit). See Section 19.5.3.B.7	
GUEST PARKING STANDARDS	
A total of 1.5 spaces of guest parking per dwelling unit are required when utilizing nonstandard driveway lengths (less than 18 feet). Guest parking may be provided in mid-block bays of up to 12 spaces, in designated lots, or as on-street spaces. For developments with private street, half of the required guest parking shall be off-street. The parking spaces shall be distributed throughout the development.	

Figure 19.2.8-B: RS-6 Example Lot Configuration



19.2.9. RS-8: LOW-DENSITY SINGLE-FAMILY RESIDENTIAL 8

The RS-8 district is established to accommodate a variety of residential use types with flexible setbacks and lot sizes in high-quality developments. Setbacks and lot sizes are provided as ranges to encourage, but not require, variable lot and dwelling unit sizes within a single development. The district allows all forms of single-family residential development as well as lower-density forms of multifamily uses (e.g., mansion apartments) and live/work units. In addition, the district allows small-scale, very-low-intensity neighborhood-serving retail and personal services uses of 2,500 square feet or less on a limited number of corner lots, subject to the standards in Section 19.7.6.D.6, *Residential Compatibility Standards* and Section 19.4.5, *Planned Unit Development Overlay (PUD)*. Complementary uses such as parks, open space, religious assemblies, minor utilities, and certain temporary uses are permitted. The minimum lot area varies based on use type and the maximum density is six units per gross acre. Additional district form standards are in Table 19.2.9-2.

TABLE 19.2.9-1 DIMENSIONAL STANDARDS RS-8 DISTRICT

DISTRICT STANDARDS	
Density, max (units/gross acre)	8
Common open space, min (sq ft)	700 per unit
LOT STANDARDS	
Lot area, min (sq ft)	Varies (see Table 19.2.9-2)
Lot width, min (ft)	None
Lot coverage, max (%)	N/A
SETBACKS, MINIMUM	
Front and corner side (ft)	Varies (see Table 19.2.9-2)
Side, interior (ft)	
Rear (ft)	
Accessory structure (ft)	6 from principal structure; 5 from lot line (See 19.5.7.C)
Front-loaded garage (ft)	20 from front property line
Side-loaded garage (ft)	10
BUILDING STANDARDS	
Building height, max (ft)	35
Building spacing	Varies (see Table 19.2.9-2)
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater	
Floor area ratio (FAR)	N/A
GUEST PARKING STANDARDS	
A total of 1.5 spaces of guest parking per dwelling unit are required when utilizing nonstandard driveway lengths (less than 18 feet). Guest parking may be provided in mid-block bays of up to 12 spaces, in designated lots, or as on-street spaces. For developments with private street, half of the required guest parking shall be off-street. The parking spaces shall be distributed throughout the development.	

Figure 19.2.9-A: RS-8 Example Lot Configuration

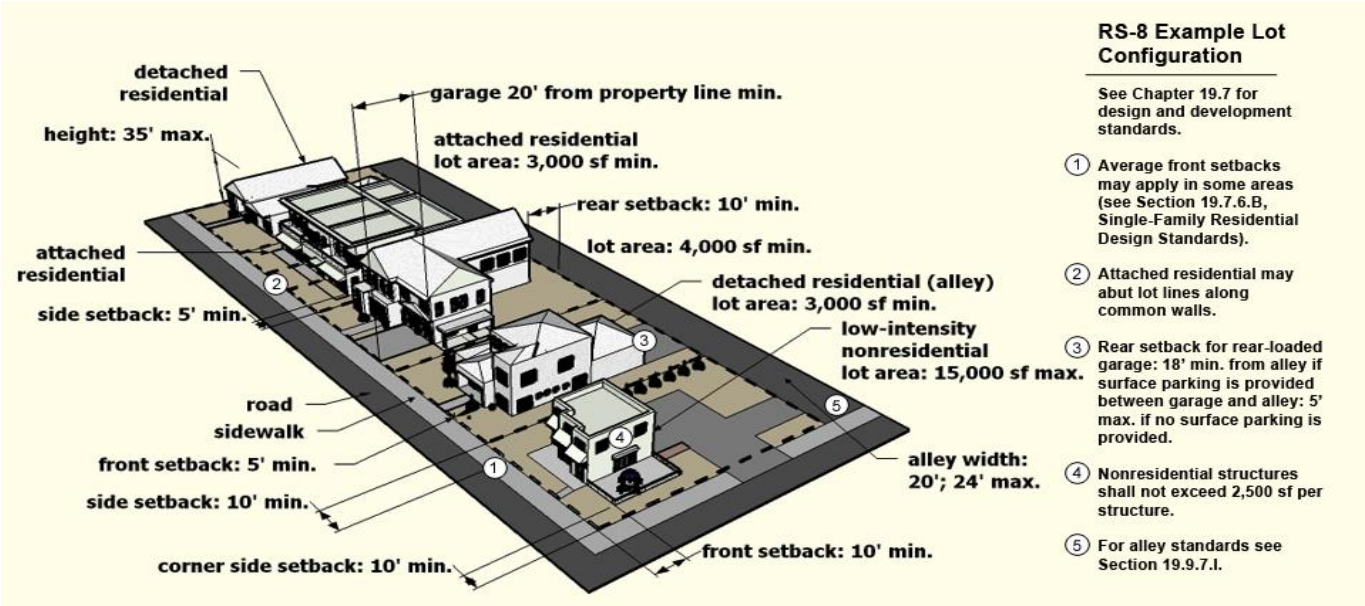


TABLE 19.2.9-2: FORM REQUIREMENTS IN THE RS-8 DISTRICT

STANDARD	USE TYPE			
	SINGLE-FAMILY DETACHED (STREET-LOADED)	SINGLE-FAMILY DETACHED (ALLEY-LOADED) {1}	SINGLE-FAMILY ATTACHED	MIXED-USE AND NONRESIDENTIAL {2}
Maximum density (units/gross acre)	8	8	8	8
Lot area (sq ft)	4,000 min.	3,000 min.	2,000 per lot min., plus additional 1,000 per unit	15,000 max.
Lot width, min (ft)	None			
Front setbacks, min (ft) {3}	10	10	10	10
Corner side setbacks, min/max (ft)	10 / 30	10 / 30	10 / 25	10 / 25
Interior side setbacks, min (ft)	5	5	0 (5 between end units of buildings)	3; 10 from residential
Rear setbacks, min (ft)	10	5	10 (5 from alley)	3; 10 from residential
Garage setback from alley, max/min (ft) {4}	N/A	5/ 18	5 / 18	5/ N/A
Lot coverage, max (%)	None			35 (excludes outdoor seating/gathering spaces)
Building spacing (residential-nonres), min (ft)	20			
Locational standards	None			Limited to corner lots; applicant shall designate location at time of entitlement application
Building square footage (max sq ft)	None			2,500
Maximum percentage of single-family attached per block	60%			

NOTES:

{1} Cluster homes are subject to the single-family detached (alley-loaded) standards for purposes of this table.

{2} Nonresidential and mixed-uses are subject to concept plan review requirements in Section 19.6.3.A.3, and planned unit development overlay requirements in Section 19.4.5, and may be subject to the residential compatibility standards in Section 19.7.6.D.6.

{3} Also see Section 19.7.6.B, *Single-Family Residential Design Standards*.

{4} Alley loaded garages may not have less than a three-foot rear yard setback.

19.2.10. RM-10: MEDIUM-DENSITY RESIDENTIAL 10

The RM-10 district is established as a medium-density residential district designed to promote high-quality, well-designed, single-family detached, and moderate-density attached residential development on smaller parcels. The district promotes single-family development as a viable alternative in areas where public facilities are not likely to accommodate demands from multifamily development. The district allows most single-family development types as well as complementary uses such as parks, open space, schools, religious assemblies, minor utilities, accessory uses, and certain temporary uses. In addition, the district allows small-scale, very-low-intensity neighborhood-serving retail and personal services uses of 2,500 square feet or less on a limited number of corner lots, subject to the standards in Section 19.7.6.D.6, *Residential Compatibility Standards* and Section 19.4.5, *Planned Unit Development Overlay (PUD)*. The minimum average lot size may be reduced to 2,500 square feet through the waiver process (Section 19.6.9.D). Additional district form standards are included in Table 19.2.10-2.

Figure 19.2.10-A: RM-10 Example Building Form

TABLE 19.2.10-1: DIMENSIONAL STANDARDS RM-10 DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	10
Density, max (units/gross acre)	10
Common open space, min (sq ft)	700 per unit
LOT STANDARDS	
Lot area, min (sq ft)	3,000
Lot width, min (ft)	N/A
Corner lots for residential uses that are less than 10,000 square feet shall have a minimum width of 5 feet more than the minimum lot width otherwise required by the underlying zoning district.	
SETBACKS, MINIMUM	
Front (ft)	Varies (see Table 19.2.10-2)
Side, interior and corner (ft)	
Rear (ft)	
Paseo (ft)	
Accessory structure (ft)	See note below; applies to single-family lots
Front-loaded garage (ft)	20 from front property line
BUILDING STANDARDS	
Building height, max (ft)	35
Spacing between principal buildings, min (ft)	10
Dwelling unit size, min (sq ft)	N/A
Nonresidential building size, max (sq ft)	2,500
Accessory structure height, max (ft)	24; 20 flat roof
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater	

Figure 19.2.10-B: RM-10 Example Lot Configuration

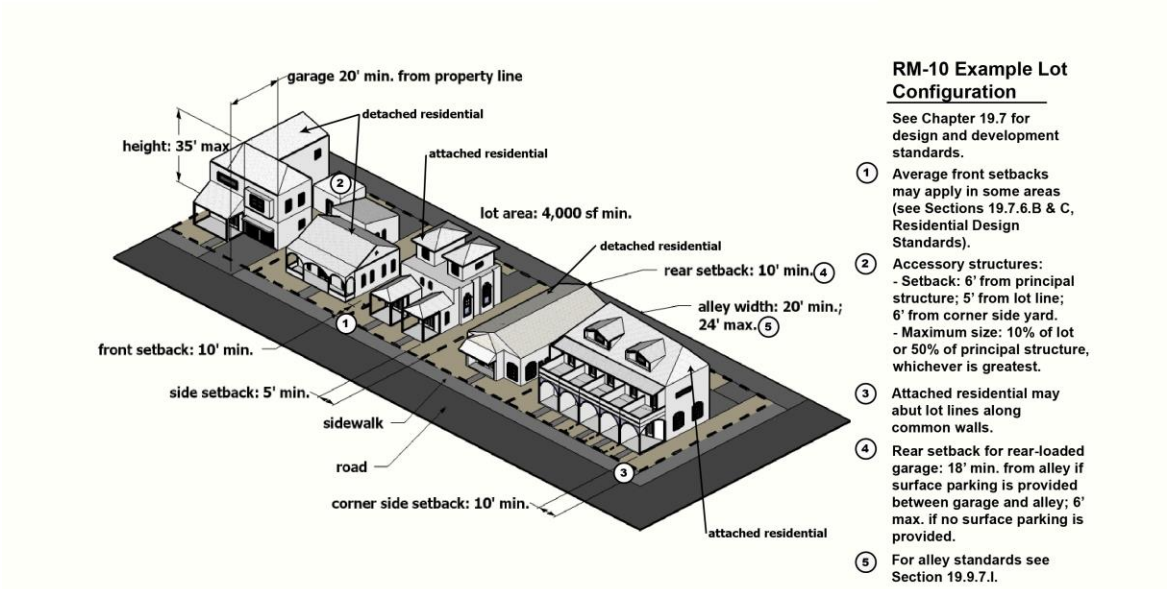


TABLE 19.2.10-2: FORM REQUIREMENTS IN THE RM DISTRICTS	
STANDARD	**DISTRICT REQUIREMENTS**
All setbacks	All setbacks must at least equal Building Height when adjacent to lower-density residential districts.
Front setback (measured from the back of the sidewalk or lot line, whichever is greater)	20 feet to a street-facing garage 10 feet to the front building wall 10 feet to a side-entry garage 8 feet to a porch of at least 36 square feet, including a depth of at least six feet
Interior side setbacks	0 feet for attached walls 5 feet for other interior side setbacks
Corner side setbacks	10 feet
Rear setback	The setback for a garage shall be at least 18 feet from the edge of the alley/property line when surface parking is provided between the garage and the alley, or 5 feet or less if no surface parking is provided. 10 feet for all other structures not located adjacent to an alley
Paseo setback	10 feet from a 20-foot-wide paseo 5 feet from a 30-foot or wider paseo
Garages	Two-car garages are required for each detached single-family residential dwelling unit. Single-car garages may be permitted through the waiver process (Section 19.6.9.D) Must comply with the minimum garage dimensions, see Section 19.7.4.K.9.
Guest parking	RM-10 developments shall provide a total of 1.5 spaces of guest parking per dwelling unit in the development. Guest parking may be provided in mid-block bays of up to 12 spaces, in designated lots, or as on-street spaces.

19.2.11. RM-16: MEDIUM-DENSITY RESIDENTIAL 16

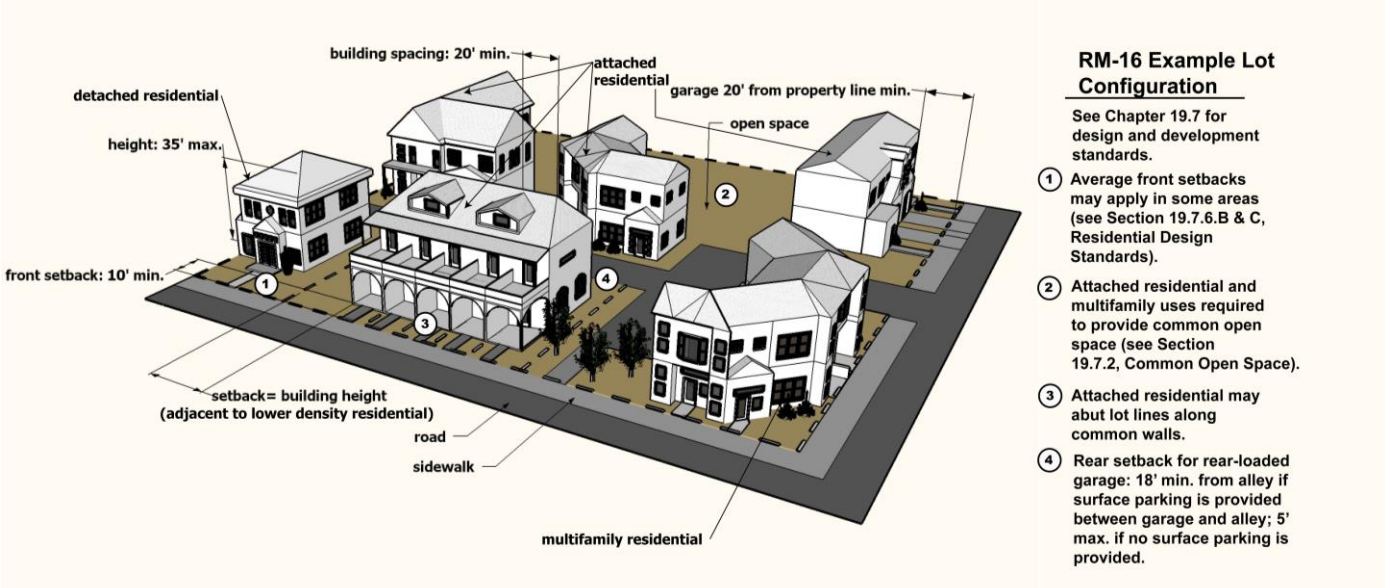
The RM-16 district is established and intended to encourage a wide range of low-to-medium density housing types, especially multifamily and single-family attached development, even though single-family detached is also allowed to meet the diverse needs of city residents. Small scale, very-low intensity neighborhood-serving retail and personal services uses in buildings of 2,500 square feet or less, subject to the standards in Section 19.4.5, *Planned Unit Development Overlay (PUD)*. Other complementary uses (e.g., parks, open space, schools, religious assemblies, minor utilities, accessory uses, and certain temporary uses) are permitted uses. Nonresidential development is subject to the standards in Section 19.7.6.D.6, *Residential Compatibility Standards*. Maximum residential density is limited to 16 units per gross acre. Multifamily development is subject to the multifamily design standards in Section 19.7.6.C.

Figure 19.2.11-A: RM-16 Example Building Form

TABLE 19.2.11-1 DIMENSIONAL STANDARDS RM-16 DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	10
Density, max (units/gross acre)	16
Common open space, min (sq ft)	500 per unit
LOT STANDARDS (ATTACHED RESIDENTIAL)	
Lot area, min (sq ft)	N/A
Lot width, min (ft)	N/A
LOT STANDARDS (DETACHED RES/NONRES)	
Lot area, min (sq ft)	3,000
Lot width, min (ft)	45
Lot coverage, max (%)	75
SETBACKS (ATTACHED RESIDENTIAL), MINIMUM	
Front (ft)	10 (20 to street-facing garage)
Side (ft)	0 (5 between end units of buildings)
Corner side (ft)	10
Rear (ft)	15
All setbacks must at least equal Building Height when adjacent to lower-density residential districts.	
SETBACKS (DETACHED RES/NONRES), MINIMUM	
Front (ft)	See Table 19.2.10-2
Side, interior (ft)	
Side, corner (ft)	
Rear (ft)	
BUILDING STANDARD	
Principal bldg height, max (ft)	35
Accessory structure height, max (ft)	24; 20 flat roof
Spacing between principal buildings (ft)	20
Dwelling unit size, min (sq ft)	N/A
Nonresidential building size, max (sq ft)	2,500
Accessory structure size, max: 10% of lot or 50% of dwelling unit size, whichever is greater	

Figure 19.2.11-B: RM-16 Example Lot Configuration



19.2.12. RH-24: HIGH-DENSITY MULTIFAMILY RESIDENTIAL 24

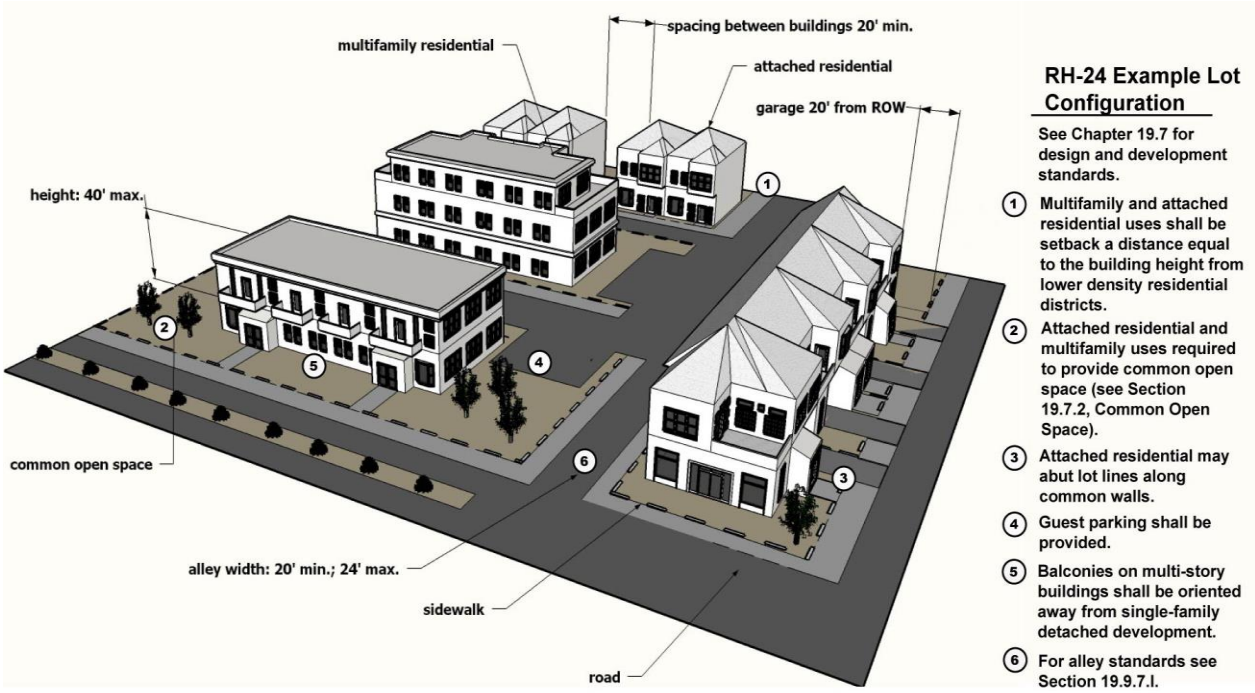
The RH-24 district is established to provide opportunities for high-density multifamily residential uses that are designed to be compatible with their sites and surroundings. The district also allows other medium-density residential use types, including attached residential, live/work units, and residential units over ground-floor nonresidential uses. The district allows for the inclusion of ground-floor and stand-alone small-scale, very-low intensity nonresidential uses, including neighborhood-serving retail and personal services uses, subject to the standards in Section 19.7.6.D.6, *Residential Compatibility Standards* and Section 19.4.5, Planned Unit Development Overlay (PUD). Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are also allowed.

Figure 19.2.12-A: RH-24 Example Building Form

TABLE 19.2.12-1 DIMENSIONAL STANDARDS RH-24 DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	10
Density, max (units/gross acre)	24
Common open space, min (sq ft)	500 per unit
LOT STANDARDS	
Lot area, min (sq ft)	N/A
Lot width, min (ft)	N/A
SETBACKS, MINIMUM (ADJACENT TO LOWER-DENSITY RESIDENTIAL DISTRICTS)	
Front (ft)	Same as building height
Side, interior (ft)	
Side, corner (ft)	
Rear (ft)	
SETBACKS, MINIMUM (NOT ADJACENT TO LOWER-DENSITY RESIDENTIAL DISTRICTS)	
Front (ft)	10
Side, interior (ft)	10 (0 feet for attached walls)
Side, corner (ft)	5
Rear (ft)	15
BUILDING STANDARD	
Height, maximum (ft)	40
Spacing between buildings (ft)	20
Dwelling unit size, minimum (sq ft)	N/A
Floor area ratio (FAR)	N/A
Building area for nonresidential uses, max (sq ft)	2,500

Figure 19.2.12-B: RH-24 Example Lot Configuration



19.2.13. RH-36: HIGH-DENSITY MULTIFAMILY RESIDENTIAL 36

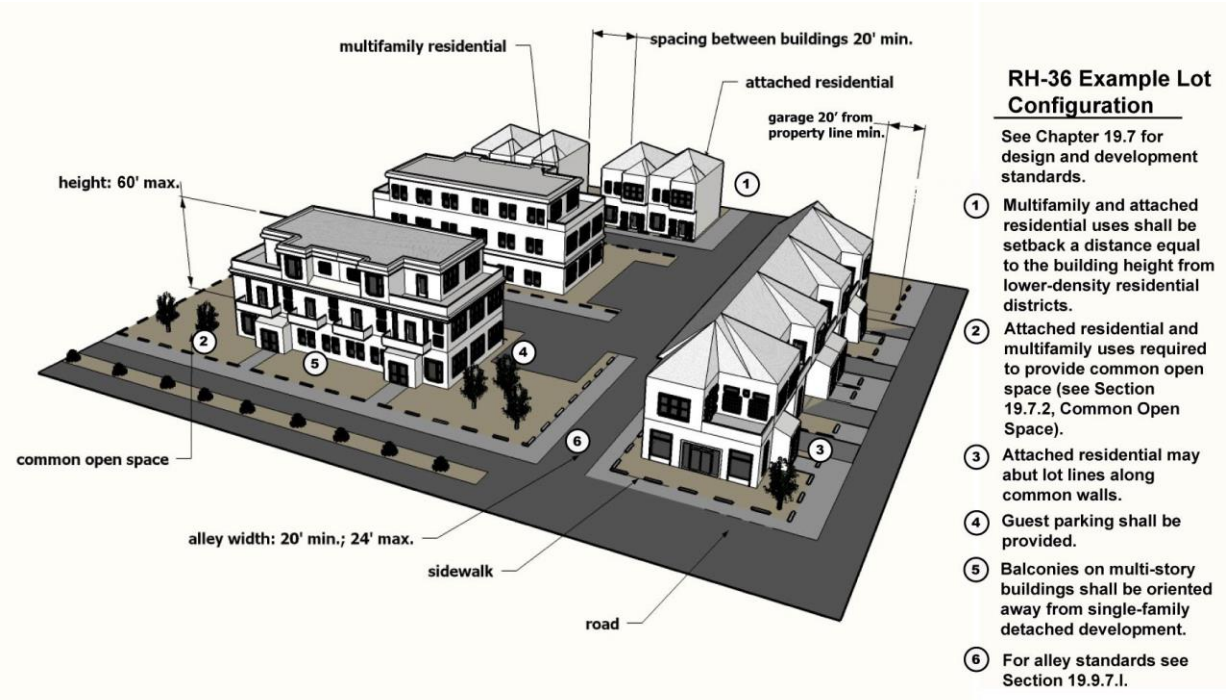
The RH-36 district is established to provide opportunities for high-density multifamily residential uses that are designed to be compatible with their sites and surroundings. The district also allows other medium-density residential use types, including attached residential, live/work units, and residential units over ground-floor nonresidential uses. The district allows for the inclusion of ground-floor and stand-alone small-scale, very-low intensity nonresidential uses, including neighborhood-serving retail and personal services establishments, subject to the standards in Section 19.7.6.D.6, *Residential Compatibility Standards* and Section 19.4.5, *Planned Unit Development Overlay (PUD)*. Complementary uses such as parks, open space, minor utilities, accessory dwellings, and certain temporary uses are also allowed.

Figure 19.2.13-A: RH-36 Example Building Form

TABLE 19.2.13-1 DIMENSIONAL STANDARDS RH-36 DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	10
Density, max (units/gross acre)	36
Common open space, min (sq ft)	500 per unit
LOT STANDARDS	
Lot area, min (sq ft)	N/A
Lot width, min (ft)	N/A
SETBACKS, MINIMUM (ADJACENT TO LOWER-DENSITY RESIDENTIAL DISTRICTS)	
Front (ft)	Same as building height
Side, interior (ft)	
Side, corner (ft)	
Rear (ft)	
SETBACKS, MINIMUM (NOT ADJACENT TO LOWER-DENSITY RESIDENTIAL DISTRICTS)	
Front (ft)	10
Side, interior (ft)	10 (0 feet for attached walls)
Side, corner (ft)	5
Rear (ft)	15
BUILDING STANDARD	
Height, maximum (ft)	45
Spacing between buildings (ft)	20
Dwelling unit size, minimum (sq ft)	N/A
Floor area ratio (FAR)	N/A
Building area for nonresidential uses, max (sq ft)	2,500

Figure 19.2.13-B: RH-36 Example Lot Configuration



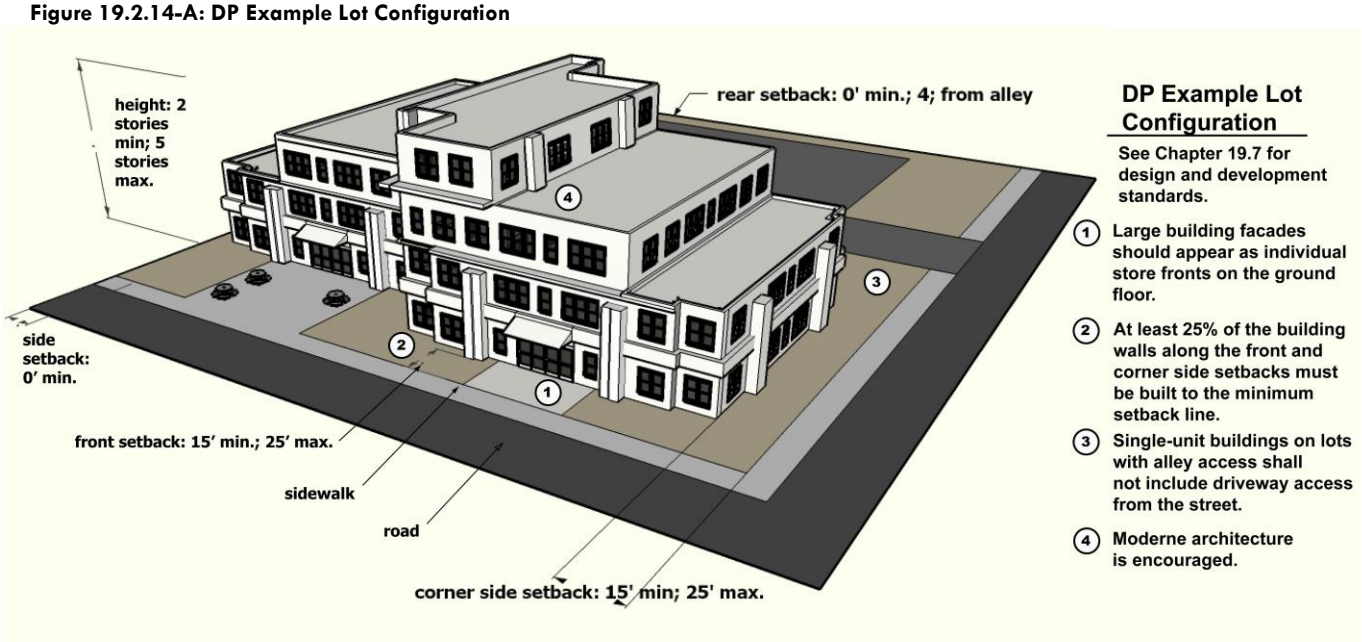
19.2.14. DP: DOWNTOWN PUBLIC

The DP district is established to provide an attractive, functional arts and entertainment hub, government services, recreational opportunities, and medical services for downtown Henderson.

TABLE 19.2.14-1 DIMENSIONAL STANDARDS DP DISTRICT

DISTRICT STANDARDS	
District size, min	N/A
Density, max (units/gross acre)	N/A
LOT STANDARDS	
Lot area, min (sq ft)	N/A
Lot width, min (ft)	N/A
Lot coverage, max (%)	80
SETBACKS	
Min/max front (ft)	15/25
Side, interior (ft)	0
Min/max side, corner (ft)	15/25
Rear (ft)	0
Rear, alley (min) (ft)	4
BUILDING STANDARD	
Height, min/max (stories)	2/5
Dwelling unit size, min (sq ft)	N/A
DISTRICT-SPECIFIC DEVELOPMENT STANDARDS	
See Section 19.7.7.C	

Figure 19.2.14-A: DP Example Lot Configuration



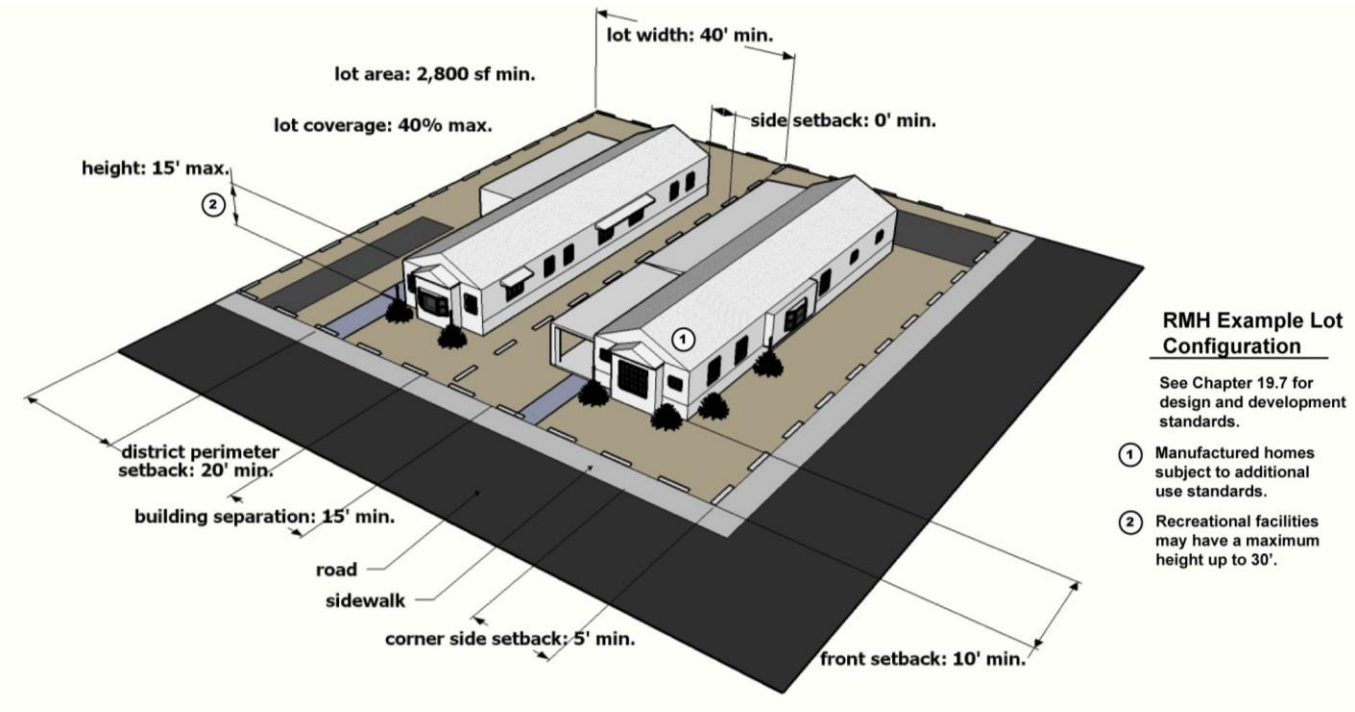
19.2.15. RMH: MOBILE HOME RESIDENTIAL

The RMH district is established to provide appropriate locations for mobile home park sites, parks for permanent residents, parks with rental spaces, and parks where spaces are individually owned in a mobile home estate subdivision. Complementary uses typically found in such parks may include laundry facilities, gathering areas, recreational facilities, rental offices, and certain accessory uses.

TABLE 19.2.15-1 DIMENSIONAL STANDARDS RMH DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	10
Density, max (units/gross acre)	8
Common open space, min (sq ft)	700 per unit
LOT STANDARDS	
Lot area, min (sq ft)	2,800
Lot width, min (ft)	40
Lot coverage, max (%)	40
SETBACKS, MINIMUM	
Front (ft)	10
Side, interior (ft)	0
Side, corner (ft)	5
Rear (ft)	0
Street / common driveway (ft)	15
District perimeter (ft)	20
BUILDING STANDARD	
Height, max (ft)	15
Spacing between units (ft)	15
Dwelling unit size, min (sq ft)	N/A
Floor area ratio (FAR)	N/A
DISTRICT-SPECIFIC DEVELOPMENT STANDARDS	
See Section 19.5.3.F	

Figure 19.2.15-A: RMH Example Lot Configuration



19.2.16. DH: DEVELOPMENT HOLDING

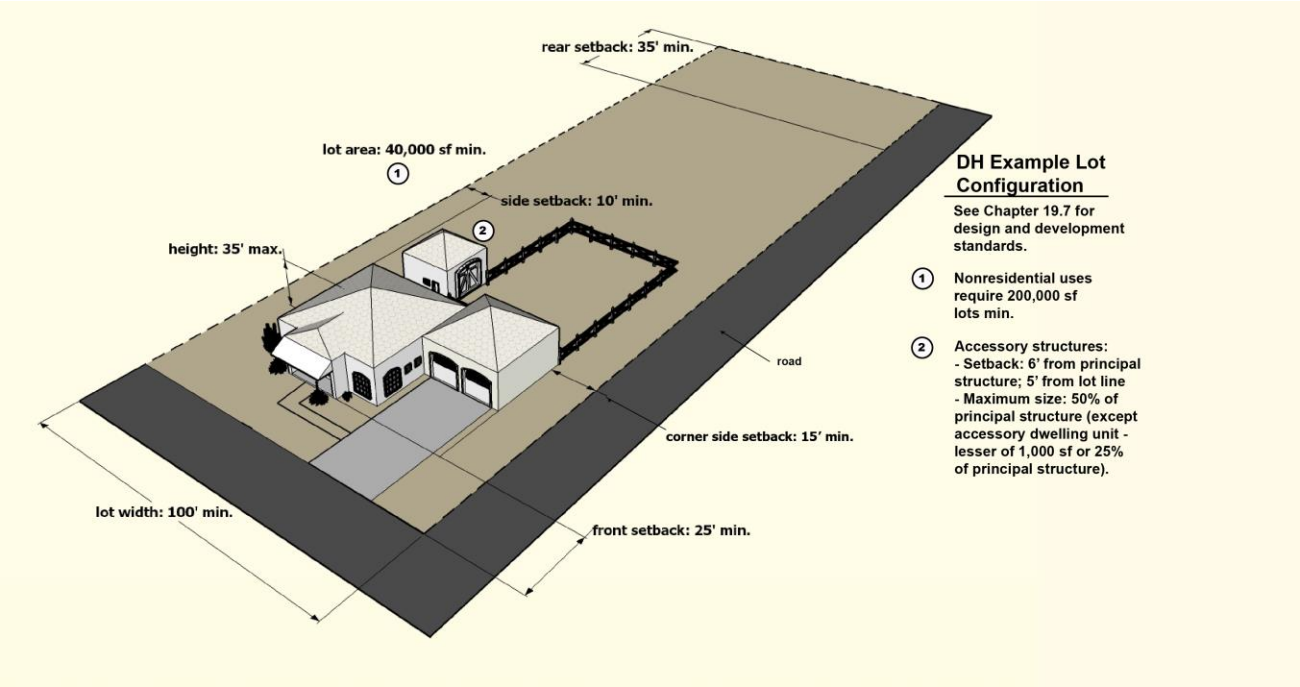
The Development Holding district is established to provide a suitable classification for limited service areas (as designated on the Comprehensive Plan), avoid premature development that cannot be provided with utility service, and permit only low-density development until utility and community services can be provided. When a land owner can demonstrate that utility services can be extended to a development site in accordance with a financing plan acceptable to the City, the City may rezone such land to another base district in accordance with the provisions of this Code.

Figure 19.2.16.A: DH Example Building Form

TABLE 19.2.16.1 DIMENSIONAL STANDARDS DH DISTRICT

DISTRICT STANDARDS	
District size, min	N/A
Density, max (units/gross acre)	1
LOT STANDARDS	
Lot area, min (sq ft)	40,000 (res) 200,000 (nonres)
Lot width, min (ft)	100
Lot coverage, max (%)	N/A
SETBACKS, MINIMUM	
Front (ft)	25
Side, interior (ft)	10
Side, corner (ft)	15
Rear (ft)	35
BUILDING STANDARD	
Height, max (ft)	35
Spacing between units (ft)	N/A
Dwelling unit size, min (sq ft)	1,200
Floor area ratio (FAR)	N/A

Figure 19.2.16.B: DH Example Lot Configuration



19.2.17. SUMMARY DIMENSIONAL TABLE FOR RESIDENTIAL DISTRICTS

Table 19.2.17-1 includes most of the dimensional standards for the residential districts. See Sections 19.2.5 through 19.2.16 for additional details on each district.

TABLE 19.2.17-1: SUMMARY DIMENSIONAL TABLE FOR RESIDENTIAL DISTRICTS

District	District Standards			Lot Standards		Min. Setbacks				Building Standards		
	Min. Site Area (acres)	Max Density (units/ gross acre)	Min Common Open Space per Dwelling Unit (sq ft) See Section 19.7.2	Min Lot Area (square feet)	Min Lot Width (feet)	Front	Interior Side	Corner Side	Rear {1}	Max Principal Building Height (feet)	Min Spacing Between Units (feet)	Min Dwelling Unit Size (sq fet)
RS-1	N/A	1	N/A	40,000	100	25	10	15	30	35	N/A	1,200
RS-2	N/A	2	N/A	20,000	100	20	10	15	25	35	N/A	1,200
RS-4	N/A	4	N/A	10,000	75	20	7.5	15	20	35	15	N/A
RS-6	N/A	6	N/A	6,000	60	*				35	10	N/A
RS-8	N/A	8	700	*	*	*				35	*	N/A
RM-10	10	10	700	3,000	N/A	*				35	10	N/A
RM-16	10	16	500	*	*	*				35	20	N/A
RH-24	10	24	500	N/A	N/A	*				40	20	N/A
RH-36	10	36	500	N/A	N/A	*				45	20	N/A
DP	N/A	N/A	N/A	N/A	N/A	15 (25 max)	0	15 (25 max)	0 (4 alley)	5 stories	N/A	N/A
RMH	10	8	700	2,800	40	10	0	5	0	15	15	N/A
DH	N/A	1	N/A	*	100	25	10	15	35	35	N/A	1,200

* Variable – see district standards.
{1} Rear setbacks along alleys vary depending upon district. See standards.

CHAPTER 19.3: NONRESIDENTIAL, MIXED-USE, AND SPECIAL-PURPOSE ZONING DISTRICTS

19.3.1. GENERAL PURPOSE AND INTENT

The nonresidential and mixed-use districts in this chapter are created to:

Help implement the Comprehensive Plan by accommodating a full range of office, retail, commercial, service, and mixed-uses needed by Henderson's residents, businesses, visitors, and workers;

Encourage site planning, land use planning, and architectural design that create an interesting, pedestrian-friendly environment;

A. Maintain and enhance the City's economic base and provide shopping, entertainment, and employment opportunities close to where people live and work;

B. Preserve, protect, and promote employment-generating uses;

C. Create suitable environments for various types of commercial and mixed (residential/nonresidential) uses and protect them from the adverse effects of incompatible uses;

D. Allow flexibility to encourage redevelopment and positive improvements to existing businesses and residences;

E. Minimize potential negative impacts of nonresidential development on adjacent residential areas;

F. Help ensure that the appearance and operational impacts of commercial developments do not adversely affect the character of the areas in which they are located; and

G. Provide suitable locations for public and semipublic uses needed to complement nonresidential development.

19.3.2. CHAPTER ORGANIZATION

A. Section 19.3.3 sets out the range of nonresidential, mixed-use, and special-purpose base zoning districts used in this Code.

B. Sections 19.3.5 through 19.3.20 describe the districts, including purpose statements, dimensional requirements, photographic examples of typical structures and block patterns, and district-specific standards.

C. Section 19.3.21 includes a summary table of dimensional standards for all the districts in this chapter.

19.3.3. ESTABLISHMENT OF BASE NONRESIDENTIAL, MIXED-USE, AND SPECIAL-PURPOSE ZONING DISTRICTS

Table 19.3.3-1 sets out the base nonresidential and mixed-use zoning districts used in this Code.

TABLE 19.3.3-1: BASE NONRESIDENTIAL, MIXED-USE, AND SPECIAL-PURPOSE ZONING DISTRICTS ESTABLISHED	
DISTRICT ABBREVIATION	**BASE ZONING DISTRICT NAME**
CN	Neighborhood Commercial
CO	Office Commercial
CC	Community Commercial
CH	Highway Commercial
CT	Tourist Commercial
CA	Auto-mall Commercial
DCC	Downtown Core Commercial
DHC	Downtown Highway Commercial
IL	Limited Industrial
IG	General Industrial
IP	Industrial Park
MC	Corridor/Community Mixed-Use
MN	Neighborhood Mixed-Use
MR	Regional Mixed-Use
PS	Public and Semipublic
PC	Planned Community

19.3.4. STRUCTURE OF ZONING DISTRICT STANDARDS

A. Each of the following base zoning district sections has a common structure consisting of a purpose and intent statement and a series of district-specific standards presented in a graphic and tabular format. Each table or graphic is numbered for reference purposes.

B. The district-specific standards include one or more of the following graphic illustrations:

1. A photograph representative of typical building forms;

2. A graphic depiction of the district's bulk and dimensional standards; and

3. One or more tables setting out the district's bulk and dimensional requirements.

C. The graphic illustrations in this chapter are intended to illustrate the dimensional standards and the general character of each district and do not necessarily reflect all the standards that may apply to a particular development. All development is subject to the dimensional standards of this chapter and any applicable overlay standards in Chapter 19.4, the applicable use-specific standards in Chapter 19.5, and the general development and design standards in Chapter 19.7.

19.3.5. CN: NEIGHBORHOOD COMMERCIAL

The CN district is established to provide sites for businesses serving the daily needs of nearby residential areas and for small-scale offices while establishing development standards that prevent significant adverse effects on adjacent residential areas.

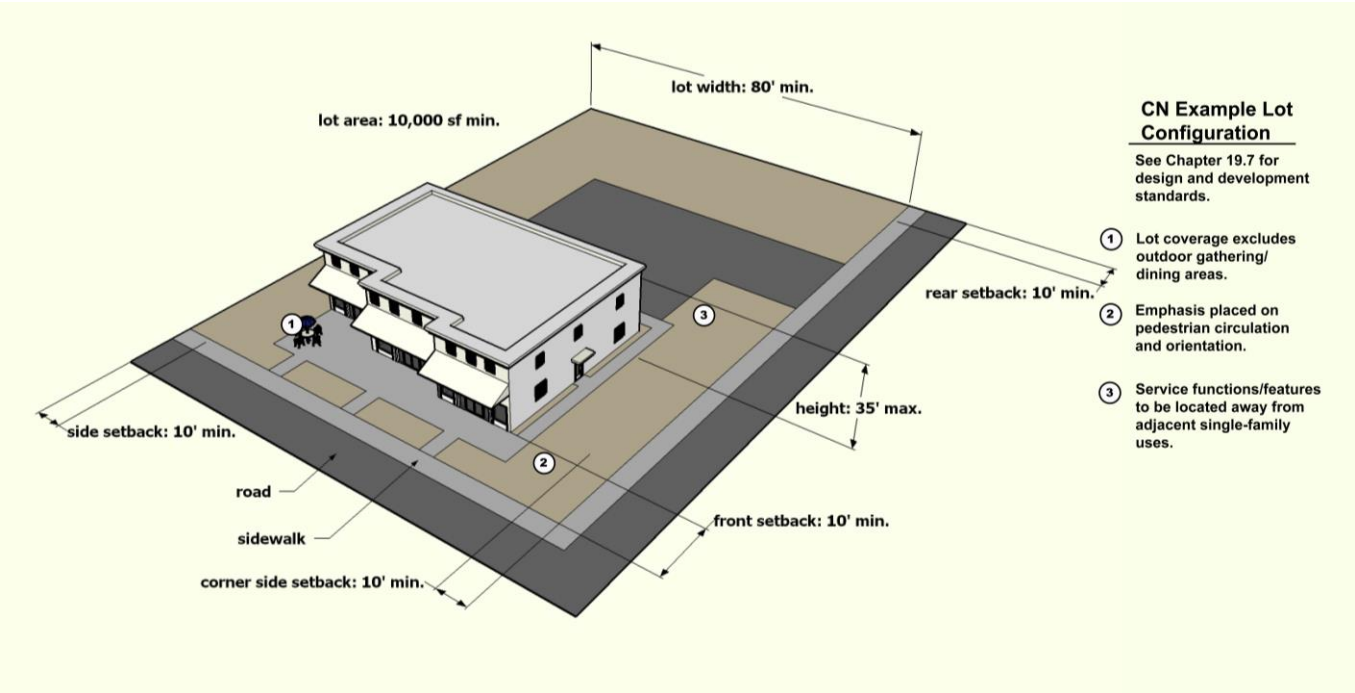
Figure 19.3.5-A: CN Example Building Form

TABLE 19.3.5-1: DIMENSIONAL STDS CN DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	2
District size, max(acres)	5
LOT STANDARDS	
Lot area, min (sq ft)	10,000
Lot width, min (ft)	80
Lot coverage, max (%)	35
SETBACKS, MINIMUM	
Front (ft)	10
Side, interior (ft)	10
Side, corner (ft)	10
Rear (ft)	10
BUILDING STANDARDS	
Height, max (ft)	35
Floor area ratio (FAR)	N/A

* Residential adjacency standards apply and may affect allowable building height and other design features. See Section 19.7.6.D.6, *Residential Compatibility Standards*.

Figure 19.3.5-B: CN Example Lot Configuration



19.3.6. CO: OFFICE COMMERCIAL

The CO district is established to provide areas primarily for high-quality low-rise office development that will be compatible with nearby residential uses and that will protect these office developments from potential disruption by incompatible commercial and industrial uses. Secondary commercial uses whose primary purpose is to serve the businesses and employees of the district are allowed.

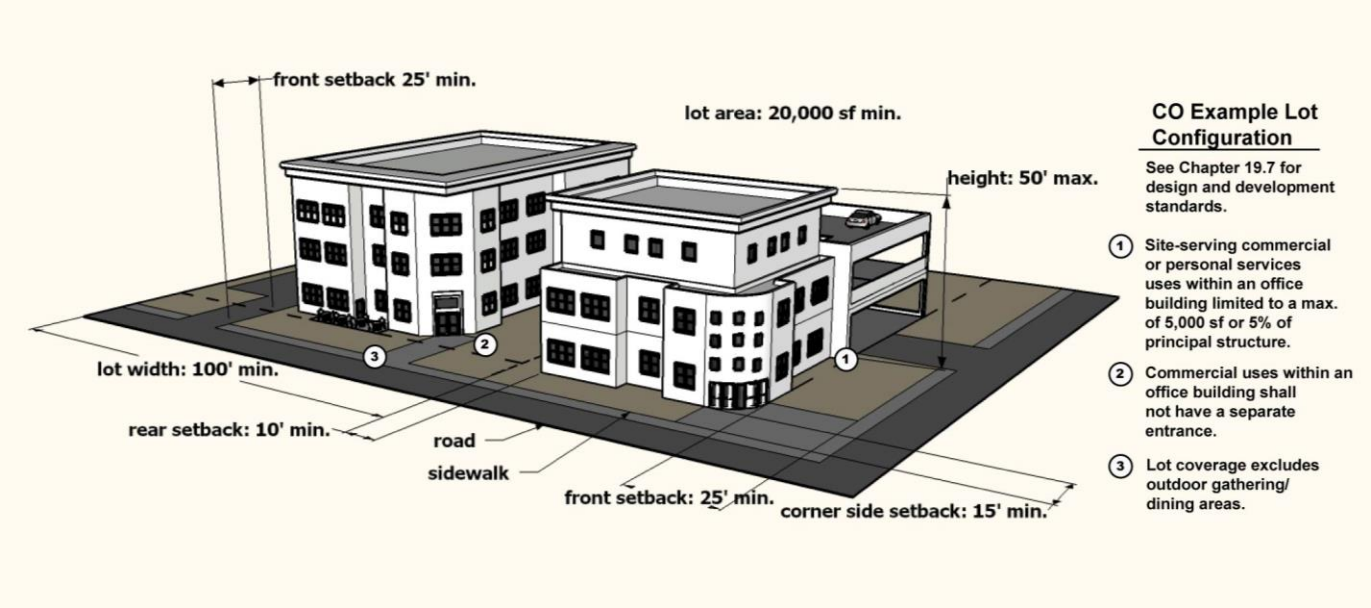
Figure 19.3.6-A: CO Example Building Form

TABLE 19.3.6-1: DIMENSIONAL STDS CO DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	2
LOT STANDARDS	
Lot area, min (sq ft)	20,000
Lot width, min (ft)	100
Lot coverage, max (%)	40
SETBACKS, MINIMUM	
Front (ft)	25
Side, interior (ft)	10
Side, corner (ft)	15
Rear (ft)	10
BUILDING STANDARDS	
Height, max (ft)	50
Floor area ratio (FAR)	N/A

* Residential adjacency standards apply and may affect allowable building height and other design features. See Section 19.7.6.D.6, *Residential Compatibility Standards*.

Figure 19.3.6-B: CO Example Lot Configuration



19.3.7. CC: COMMUNITY COMMERCIAL

The CC district is established to provide sites for community and regional retail shopping centers containing a wide variety of commercial establishments including retail stores and businesses selling home furnishings, apparel, durable goods, and specialty items; restaurants; commercial recreation; service stations; and business, personal, and financial services. The CC district is generally intended for application along Lake Mead Parkway and at the intersection of two arterial streets as identified on the Master Streets and Highways Plan.

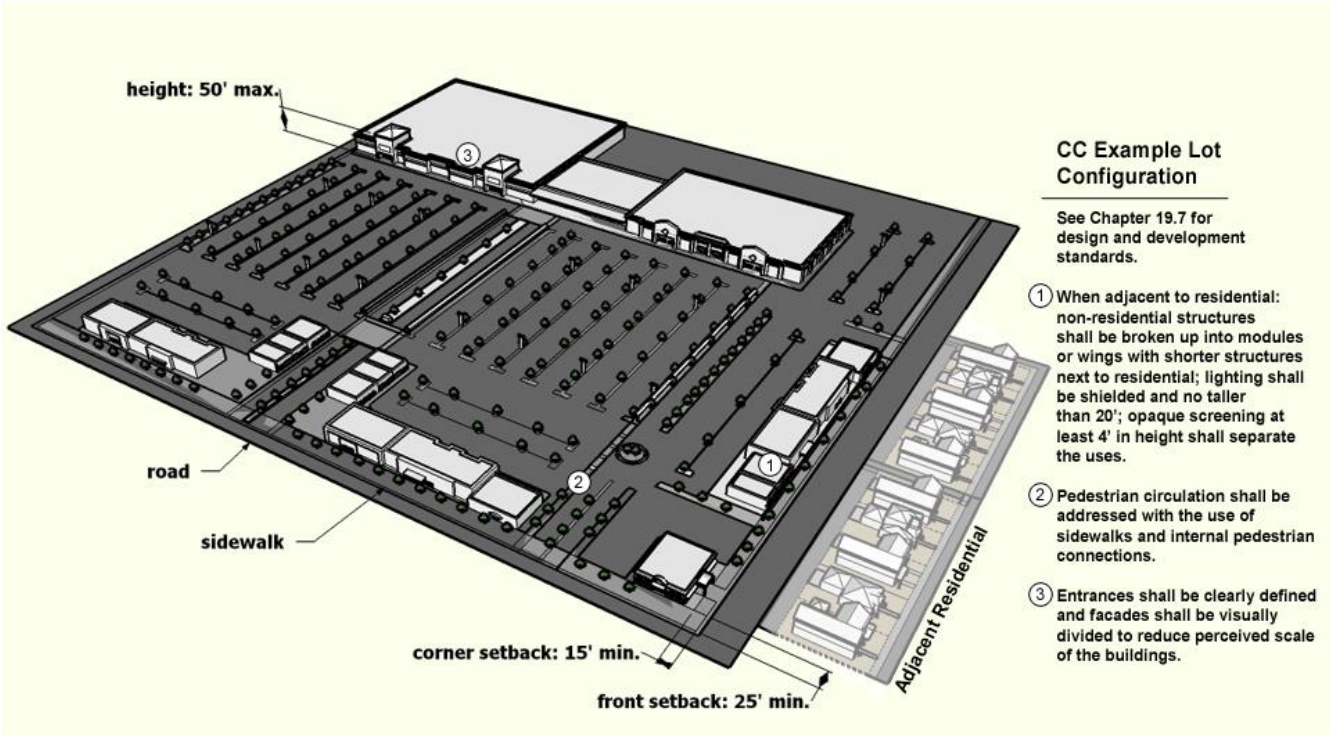
Figure 19.3.7-A: CC Example Building Form

TABLE 19.3.7-1: DIMENSIONAL STDS CC DISTRICT

DISTRICT STANDARDS	
District size, min	10 acres
LOT STANDARDS	
Lot area, min (sq ft)	10,000
Lot width, min (ft)	75
Lot coverage, max (%)	N/A
SETBACKS, MINIMUM	
Front (ft)	*
Side, interior (ft)	
Side, corner (ft)	
Rear (ft)	
BUILDING STANDARDS	
Height, max (ft)	50
Spacing between units (ft)	N/A
Dwelling unit size, min (sq ft)	N/A
Floor area ratio (FAR)	N/A

* All setbacks shall be equal to the size of the required landscape buffer, except where residential compatibility standards require a larger setback. See Section 19.7.6.D.6, *Residential Compatibility Standards*.

Figure 19.3.7-B: CC Example Lot Configuration



19.3.8. CH: HIGHWAY COMMERCIAL

The CH district is established to provide sites for auto-oriented commercial uses including hotels, motels, service stations, car washes, automobile sales and services, drive-through and drive-in restaurants, offices, limited warehousing, and commercial services.

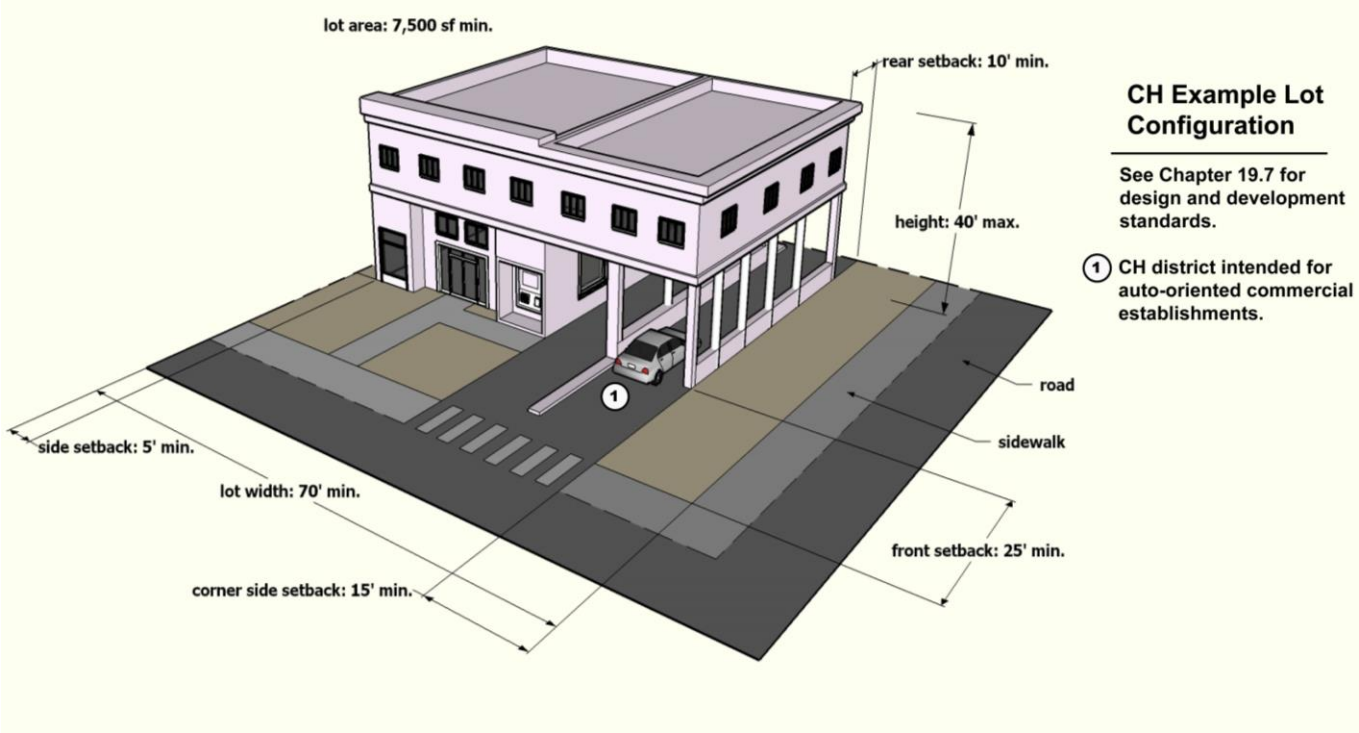
Figure 19.3.8-A: CH Example Building Form

TABLE 19.3.8-1: DIMENSIONAL STANDARDS CH DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	5
Density, max (units/gross acre)	N/A
LOT STANDARDS	
Lot area, min (sq ft)	7,500
Lot width, min (ft)	70
Lot coverage, max (%)	40
SETBACKS, MINIMUM	
Front (ft)	*
Side, interior (ft)	
Side, corner (ft)	
Rear (ft)	
BUILDING STANDARDS	
Height, max (ft)	40
Floor area ratio (FAR)	N/A

* All setbacks shall be equal to the size of the required landscape buffer, except where residential compatibility standards require a larger setback. See Section 19.7.6.D.6, *Residential Compatibility Standards*.

Figure 19.3.8-B: CH Example Lot Configuration



19.3.9. CT: TOURIST COMMERCIAL

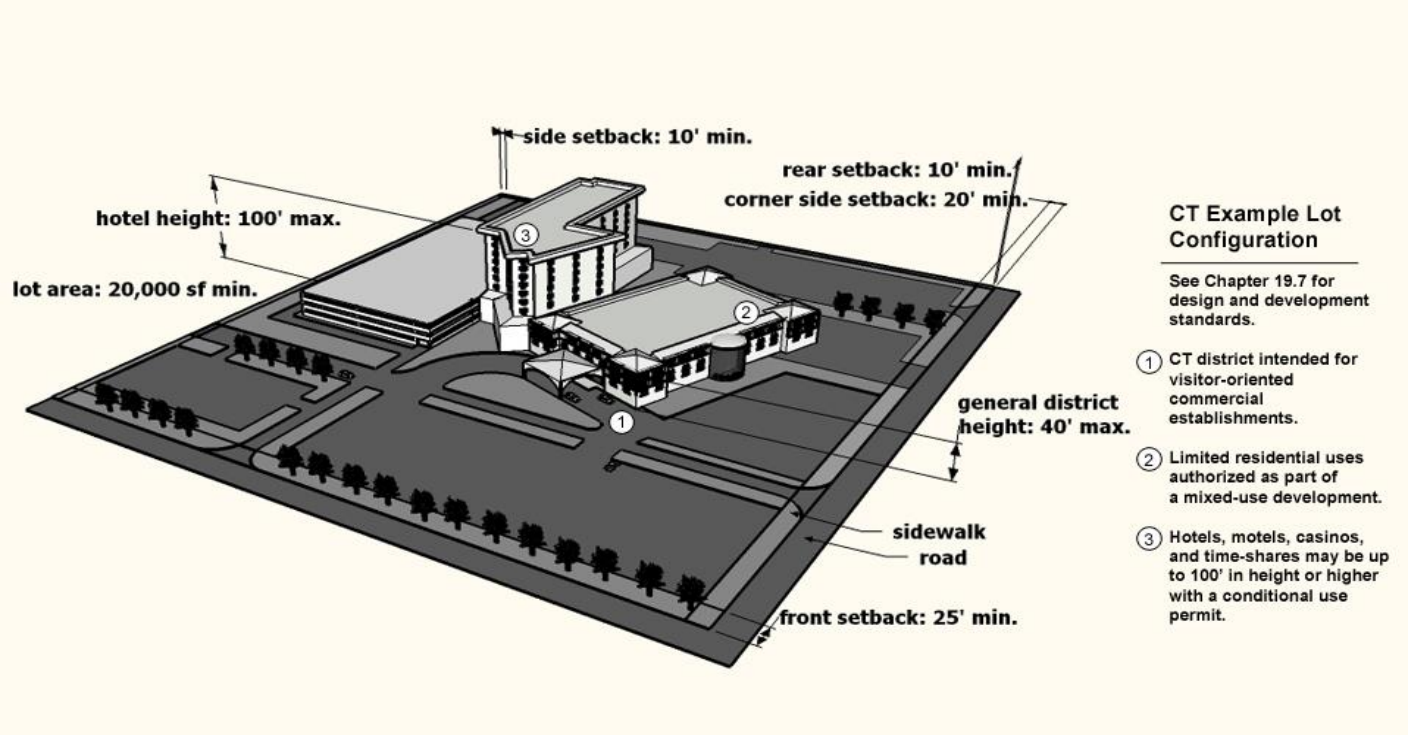
The CT district is established to provide sites for visitor-oriented uses including casinos, hotels, motels, resort complexes, commercial recreation facilities, restaurants, travel trailer and RV facilities, and limited residential development in a mixed-use project.

Figure 19.3.9-A: CT Example Building Form

TABLE 19.3.9-1: DIMENSIONAL STANDARDS CT DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	5
Density, max (units/gross acre)	N/A
LOT STANDARDS	
Lot area, min (sq ft)	20,000
Lot width, min (ft)	100
Lot coverage, max (%)	30
SETBACKS, MINIMUM	
Front (ft)	25
Side, interior (ft)	10
Side, corner (ft)	20
Rear (ft)	10
BUILDING STANDARDS	
Height, max (ft)	40
Floor area ratio (FAR)	N/A
Hotels, motels, gaming establishments, and time-shares may exceed 40-foot height limit; see respective use-specific standards.	

Figure 19.3.9-B: CT Example Lot Configuration



19.3.10. CA: AUTO-MALL COMMERCIAL

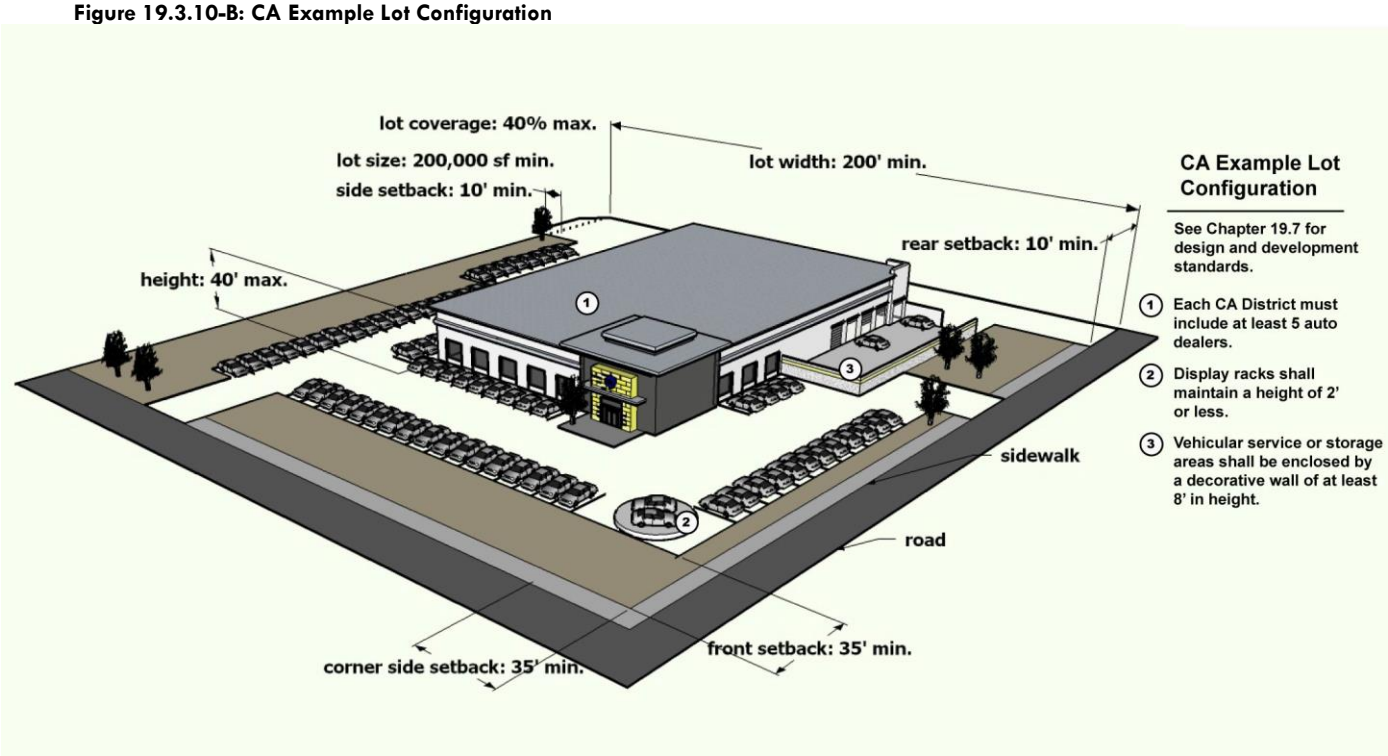
The CA district is established to provide sites for new automobile dealerships and related uses. All development in the CA district shall comply with the district-specific development standards in Section 19.7.7.F.

Figure 19.3.10-A: CA Example Building Form

TABLE 19.3.10-1: DIMENSIONAL STANDARDS CA DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	50
Density, max (units/gross acre)	N/A
LOT STANDARDS	
Lot area, min (sq ft)	200,000
Lot width, min (ft)	200
Lot coverage, max (%)	40
SETBACKS, MINIMUM	
Front (ft)	35
Side, interior (ft)	10
Side, corner (ft)	35
Rear (ft)	10
BUILDING STANDARDS	
Height, max (ft)	40
Floor area ratio (FAR)	N/A
DISTRICT-SPECIFIC DEVELOPMENT STANDARDS	
See Section 19.7.7.F	

Figure 19.3.10-B: CA Example Lot Configuration



19.3.11. IL: LIMITED INDUSTRIAL

The IL district is established to provide areas appropriate for low-intensity industrial uses including light manufacturing, warehousing and distribution, research and development, and commercial services, and to protect these areas, to the extent feasible, from the disruption and competition for space from unrelated retail uses, primary office uses, and general industrial uses. Conversion of buildings and sites to general office use is permitted only as expressly stated in this Development Code. Secondary accessory office uses on the site are allowed.

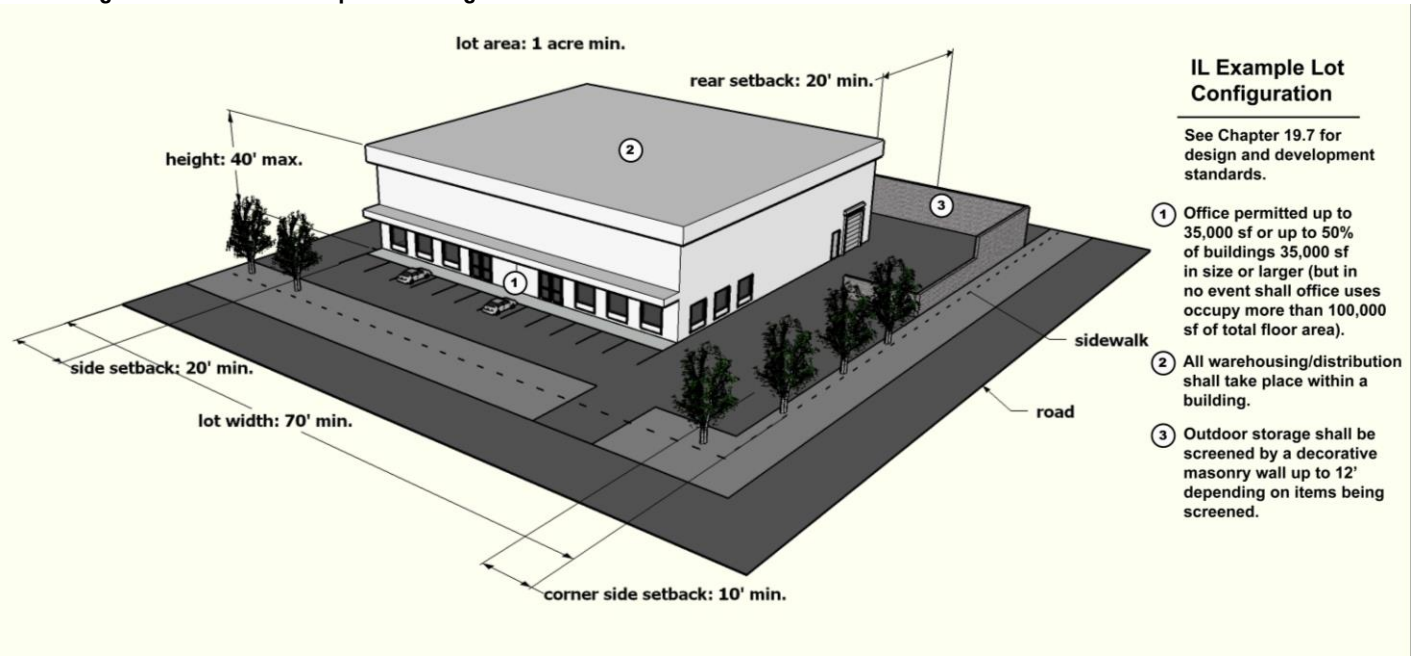
TABLE 19.3.11-1: DIMENSIONAL STDS IL DISTRICT

DISTRICT STANDARDS	
District size, min	N/A
Density, max (units/gross acre)	N/A
LOT STANDARDS	
Lot area, min (acres)	1
Lot width, min (ft)	70
Lot coverage, max (%)	50
SETBACKS, MINIMUM	
Front (ft)	25*
Side, interior (ft)	20
Side, corner (ft)	10*
Rear (ft)	20*
BUILDING STANDARDS	
Height, max (ft)	40
Floor area ratio (FAR)	N/A

* Thirty-five foot setbacks are required from Sunset Road, Gibson Road, and Warm Springs Road in areas where the right-of-way width is less than 120 feet.

Figure 19.3.11-A: IL Example Building Form

Figure 19.3.11-B: IL Example Lot Configuration



19.3.12. IG: GENERAL INDUSTRIAL

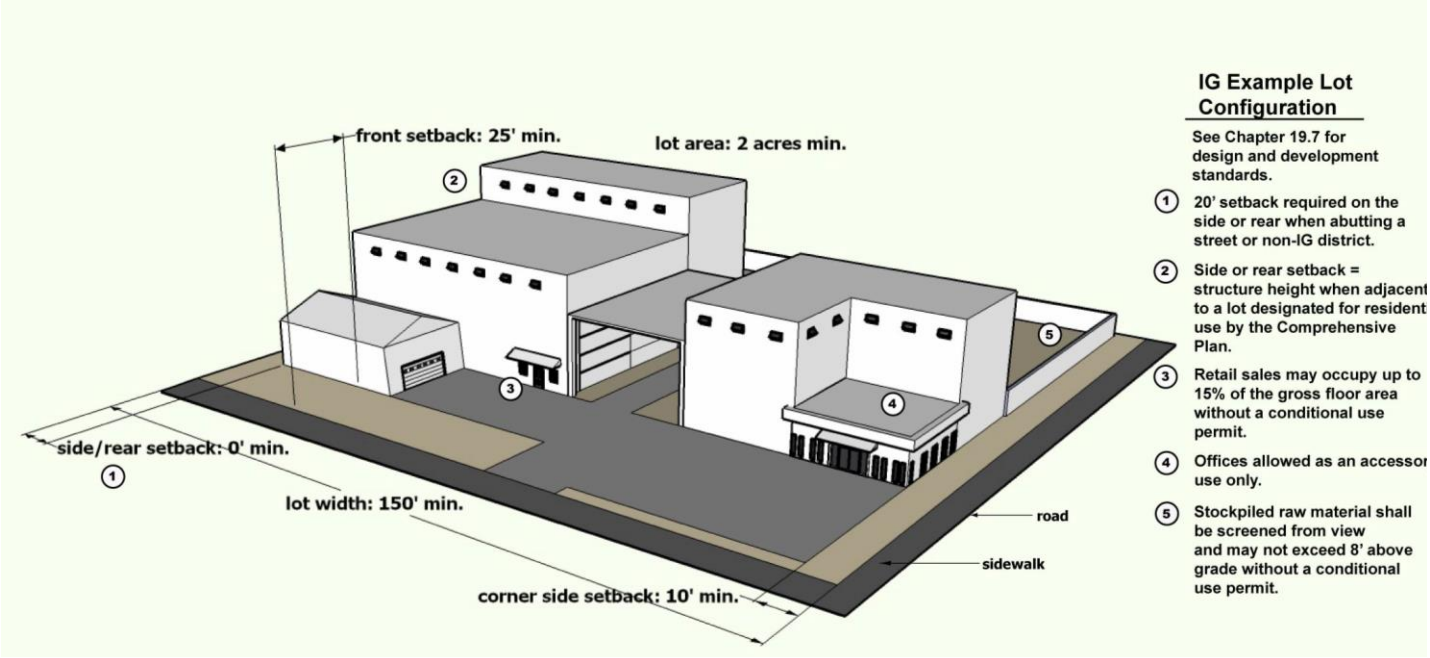
The IG district is established to provide and protect existing industrial sites and allow for continued operation of existing general industry, manufacturing, extraction, salvage, and related activities, subject to performance standards and buffering requirements to minimize potential environmental impacts.

Figure 19.3.12-A: IG Example Building Form

TABLE 19.3.12-1: DIMENSIONAL STANDARDS IG DISTRICT

DISTRICT STANDARDS	
District size, min	N/A
Density, max (units/gross acre)	N/A
LOT STANDARDS	
Lot area, min (acres)	2
Lot width, min (ft)	150
Lot coverage, max (%)	50
SETBACKS, MINIMUM	
Front (ft)	25*
Side, interior (ft)	0
Side, corner (ft)	10*
Rear (ft)	0*
BUILDING STANDARDS	
Height, max (ft)	N/A
Floor area ratio (FAR)	N/A
ADDITIONAL STANDARDS	
Side or rear– 20' setback required when abutting a non-IG district Rear – 20' setback required when abutting a street Side or rear setback = structure height when adjacent to a lot designated for residential use by the Comprehensive Plan	
* 35 foot setbacks are required from Sunset Road, Gibson Road, and Warm Springs Road in areas where the right-of-way width is less than 120 feet.	

Figure 19.3.12-B: IG Example Lot Configuration



19.3.13. IP: INDUSTRIAL PARK

The IP district is established to provide and protect sites for research and development facilities and limited industrial activities including non-nuisance production, distribution, and storage of goods, but no raw materials processing or bulk handling in a landscaped setting. Offices and support commercial services are permitted in mixed-use projects.

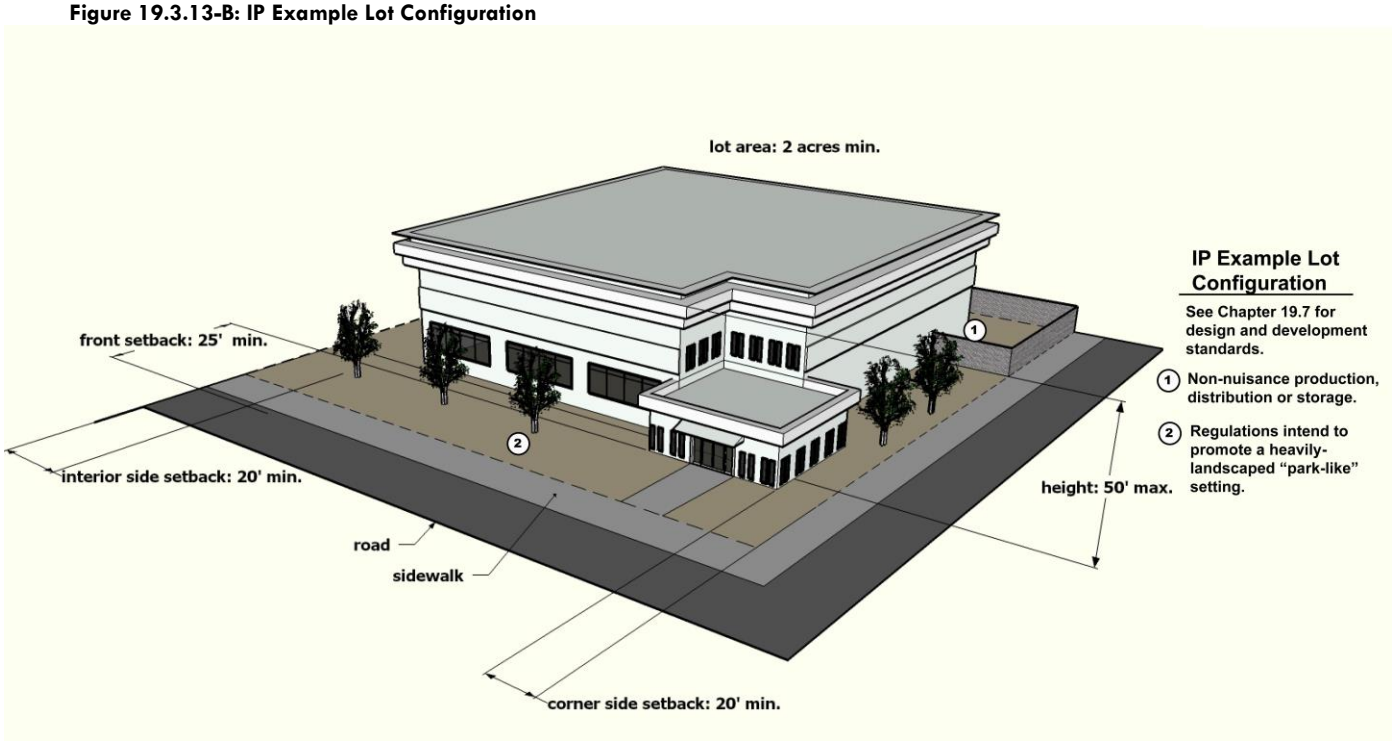
TABLE 19.3.13-1: DIMENSIONAL STANDARDS IP DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	N/A
LOT STANDARDS	
Lot area, min (acres)	2
Lot width, min (ft)	N/A
Lot coverage, max (%)	50
SETBACKS, MINIMUM	
Front (ft)	25*
Side, interior (ft)	20
Side, corner (ft)	20*
Rear (ft)	20*
BUILDING STANDARD	
Height, max (ft)	50
Floor area ratio (FAR)	N/A

* Thirty-five foot setbacks are required from Sunset Road, Gibson Road, and Warm Springs Road in areas where the right-of-way width is less than 120 feet.

Figure 19.3.13-A: IP Example Building Form

Figure 19.3.13-B: IP Example Lot Configuration



19.3.14. MC: CORRIDOR/COMMUNITY MIXED-USE

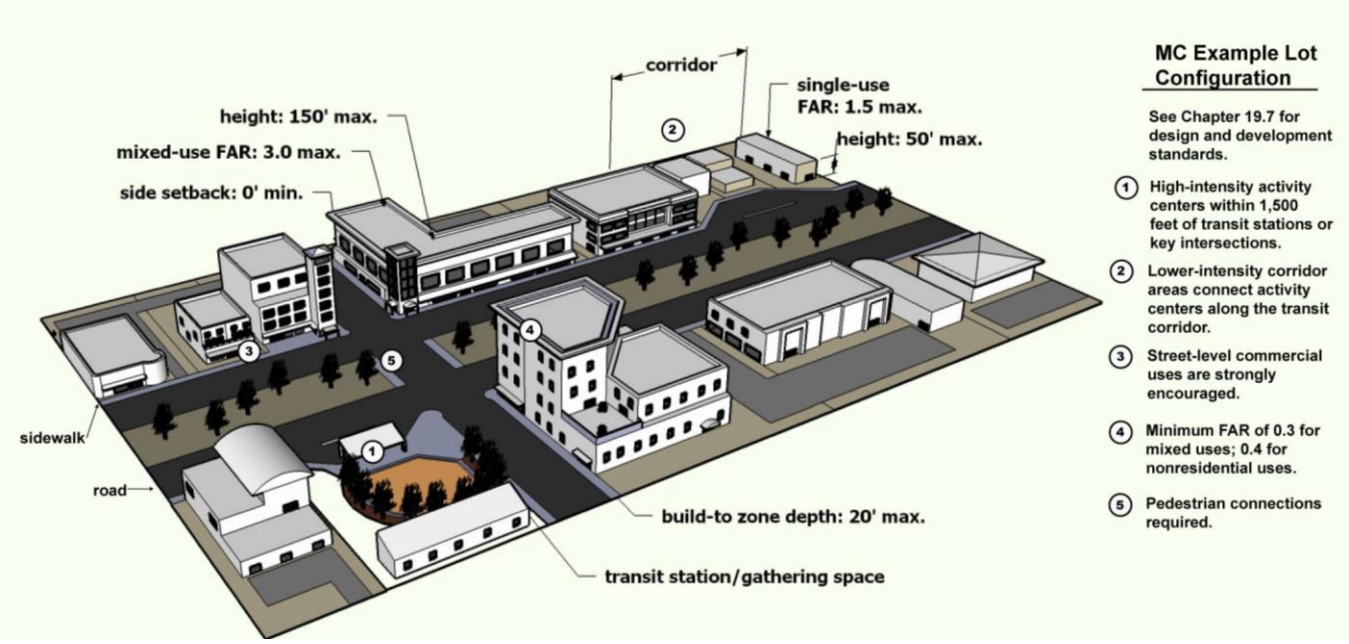
The MC district is intended to allow the vertical and horizontal mixing of uses at a higher scale than is appropriate for neighborhood locations. The district is intended to apply along the Boulder Highway and other transit-supportive development corridors, where it includes the mixed-use activity centers immediately surrounding designated transit stops, and also corridor areas located between stations. The district also is intended to apply to nodal mixed-use centers away from transit corridors. The MC district is intended to include commercial, institutional, residential, recreational, and service facilities needed to support surrounding neighborhoods and the community at-large. Commercial uses may include retail, offices, hotels, and tourism-related businesses. Medium- to higher-density housing should be incorporated both within and around the district, and development should facilitate pedestrian connections between residential and nonresidential uses. Development should provide facilities that create a safe, accessible, and pleasing environment for pedestrians. The district is intended to promote gradual development and redevelopment of the corridor and to transition away from the predominantly auto-oriented commercial development pattern found today.

Figure 19.3.14-A: MC Example Building Form

TABLE 19.3.14-1: DIMENSIONAL STANDARDS MC DISTRICT

MINIMUM RESIDENTIAL DENSITY (SINGLE USE)	
Corridor Areas(units/gross acre)	15
Mixed-Use Activity Centers (units/gross acre)	30
FAR (SINGLE USE)	
Corridor Areas (min/max)	0.4/ 0.75
Mixed-Use Activity Centers(min/max)	0.4/ 1.5
Single-use developments are not allowed in the MC district on parcels outside a transit corridor.	
FAR (MIXED-USE)	
Corridor Areas(FAR) (min/max)	0.3/ 1.5
Mixed-Use Activity Centers (FAR) (min/max)	0.3/ 3.0
SETBACKS	
Build-to zone width (ft)	0; 20 max.
Side, min (ft)	0
Rear, min (ft)	0
HEIGHT (FT)	
Corridor Areas, max (single-use)	50
Corridor Areas, max (mixed-use)	90
Mixed-Use Activity Centers, max (single-use)	90
Mixed-Use Activity Centers, max (mixed-use)	150
DISTRICT-SPECIFIC DEVELOPMENT STANDARD	
See Section 19.7.7.C	

Figure 19.3.14-B: MC Example Lot Configuration



19.3.15. MN: NEIGHBORHOOD MIXED-USE

The MN district is established for horizontal and vertical mixed-use development and/or buildings. Development shall include pedestrian-scaled, neighborhood-serving nonresidential uses and high-density residential uses in the same structure or in close proximity. Nonresidential uses may include small-scale retail, service, and professional offices that provide goods and services to the residents of the surrounding neighborhood. Nonresidential uses should typically have frontage along a 80-foot or wider street. Residential uses are encouraged on the upper floors of nonresidential establishments. There are no minimum lot sizes, but residential densities are limited to a maximum of 16 units per gross acre.

Figure 19.3.15-A: MN Example Building

TABLE 19.3.15-1: DIMENSIONAL STANDARDS MN DISTRICT

DISTRICT STANDARDS	
District size, max (acres)	10
Density, max (units/gross acre)	16
LOT STANDARDS	
Lot area, min (sq ft)	N/A
Lot width, min (ft)	N/A
Lot coverage, max (%)	75
SETBACKS, MINIMUM	
Front (ft)	Varies; see Table 19-3.15-2
Side, interior (ft)	
Side, corner (ft)	
Rear (ft)	
BUILDING STANDARDS	
Height, max (ft)	35
Spacing between units (ft)	N/A
Dwelling unit size, min (sq ft)	N/A
Floor area ratio (FAR)	N/A
DISTRICT-SPECIFIC DEVELOPMENT STANDARDS	
See Section 19.7.7.G	

Figure 19.3.15-B: MN Example Lot Configuration

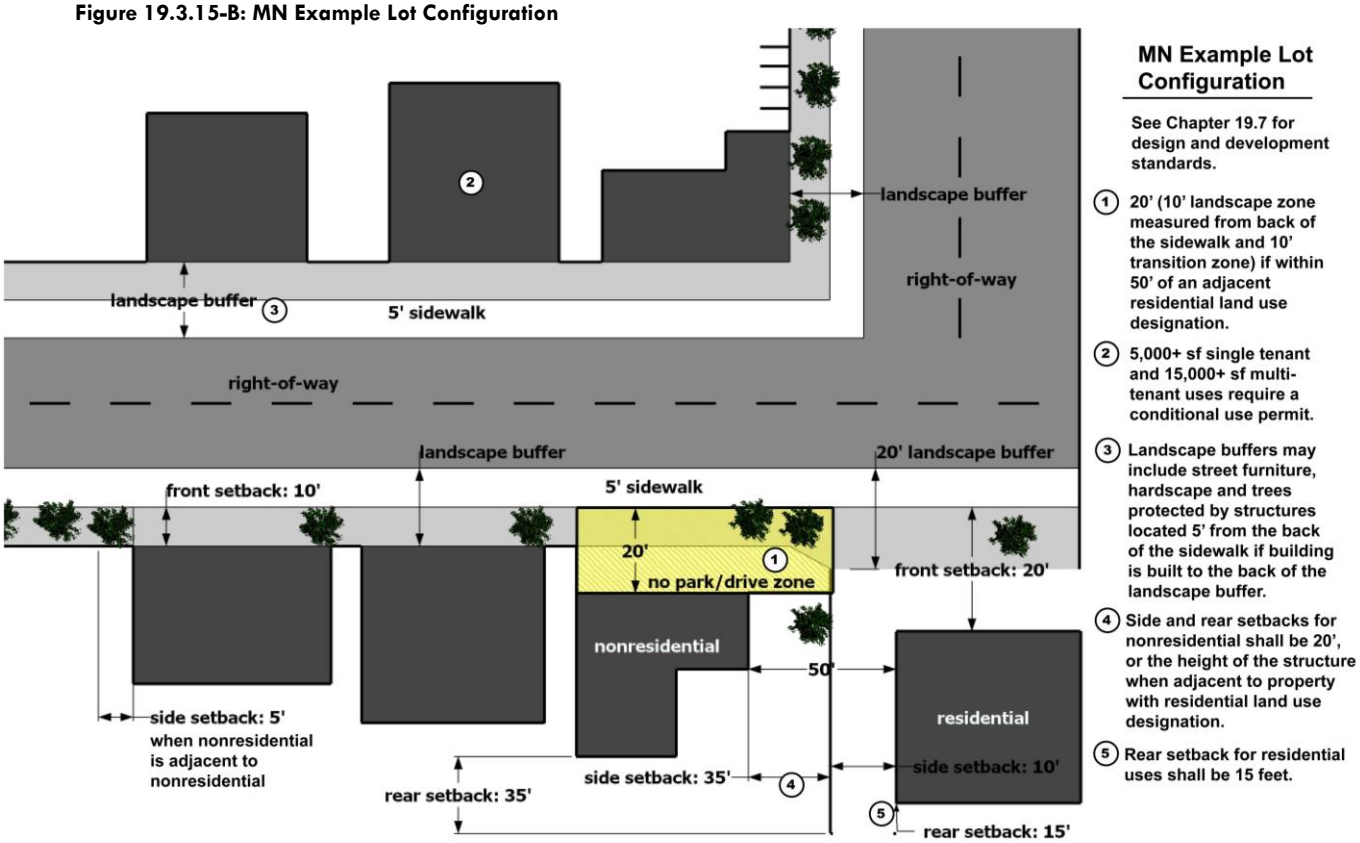


TABLE 19.3.15-2: FORM REQUIREMENTS IN THE MN DISTRICT	
STANDARD	**DISTRICT REQUIREMENTS**
Front and corner side setback	10 feet, if proposed development is not within 50 feet of residential land use designation {1} 20 feet for residential, and for nonresidential , if within 50 feet of an adjacent residential land use designation {2}
Side and rear setback: nonresidential/mixed-use building abutting residential land use designation	20 feet or the height of a structure, whichever is greater, when adjoining a property with a residential land use designation
Side setback: residential building abutting residential land use designation	Equal to the adjoining residential zoning district side yard setback when single-family residences (attached or detached) are proposed adjacent to a residential land use designation 20 feet or the height of a structure, whichever is greater, when multifamily is proposed adjacent to residential land use designation
Side setback: nonresidential building abutting nonresidential/mixed-use land use designation	5 feet
Side setback: residential building abutting Nonresidential/mixed-use land use designation	10 feet
Rear setback: residential	15 feet
Nonresidential buildings	Establishment of single-tenant nonresidential buildings exceeding 5,000 square feet and multiple-tenant nonresidential buildings exceeding 15,000 square feet shall require a conditional use permit.
NOTES: {1} See front/corner landscape buffer requirements for the MN district in Section 19.7.5.C.4. {2} No Park/Drive Zone: Parking, drive aisles, and/or drive-throughs shall not be permitted between the building and front/corner yard landscape buffer on the site.	

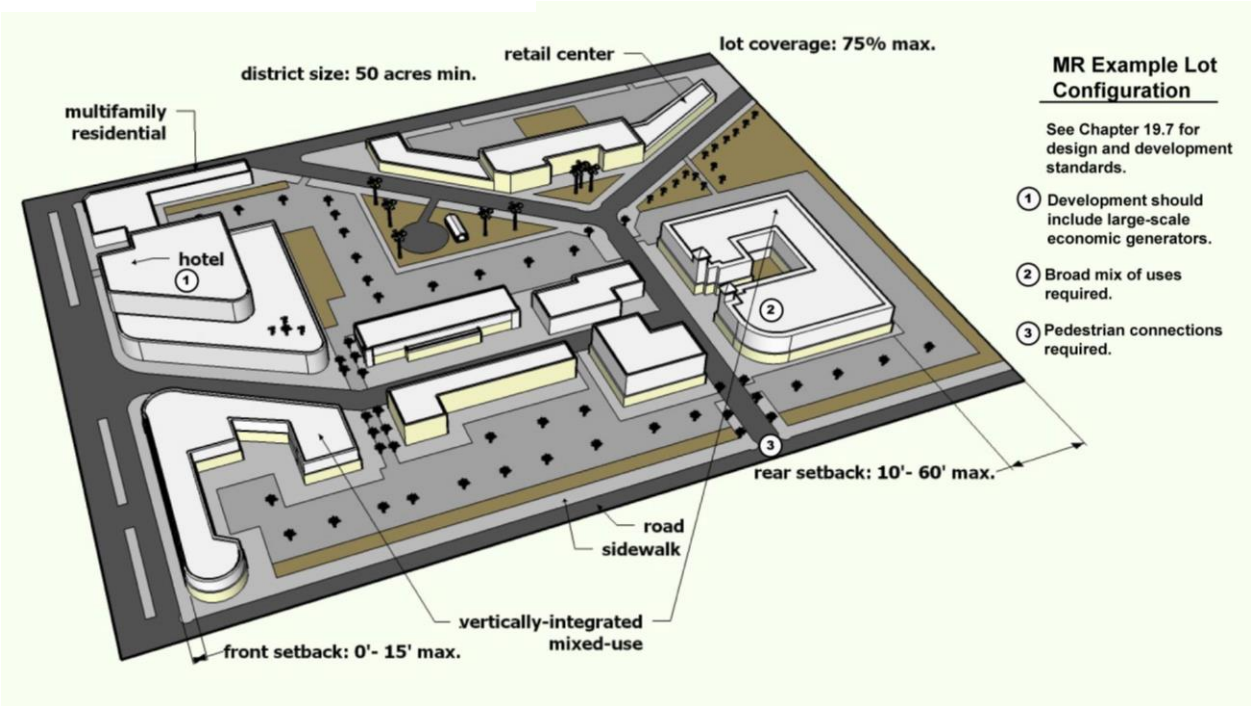
19.3.16. MR: REGIONAL MIXED-USE

The MR district is intended to encourage and facilitate the development of large-scale, distinctive, attractive regional centers containing a mix of concentrated land uses. These high-quality and highly visible regional activity centers are intended to serve as Henderson's "image-makers." The centers should include major economic generators, most with a regional market draw, such as a regional shopping mall, major employer, community college, restaurants, theaters, hotels, and relatively dense office development. The area should contain a broad mix of complementary uses, including high-density multifamily housing, major civic and public facilities, parks, and open space. Mass transit facilities and pedestrian-friendly elements are important components of development in these centers in order to reduce demand for auto travel as well as increase visual interest. There are no minimum lot sizes and density limitations, but all development in the district is subject to an approved master plan and shall be approved through a rezoning to the MP overlay district. The MR development standards are approved through the master plan process and shall incorporate the applicable district-specific standards in Section 19.7.7.G and the dimensional standards in Table 19.3.16-1. A development standards document is required for all proposals in the MR district. While waivers are not necessary, if a project does not meet the applicable district-specific or dimensional standards, the applicant shall provide a written explanation of how the project meets the intent of the standards, as well as a list of standards to be modified. See also Section 19.4.4, Master-Planned Development Overlay, and Section 19.6.4.D, Rezonings to MP or PUD Overlay.

TABLE 19.3.16-1: DIMENSIONAL STANDARDS MR DISTRICT

DISTRICT STANDARDS	
District size, min (acres)	50
Density, min (units/gross acre)	30
LOT STANDARDS	
Lot area, min (sq ft)	N/A
Lot width, min (ft)	N/A
Lot coverage, max (%)	75
SETBACKS, MINIMUM	
Front (ft) (min/max)	0/15
Side, interior (ft) (min/max)	0/15
Side, corner (ft) (min/max)	0/15
Rear (ft) (min/max)	10/60
BUILDING STANDARDS	
Height, max (ft)	250
Spacing between units (ft)	N/A
Dwelling unit size, min(sq ft)	N/A
Floor area ratio (FAR)	N/A
DISTRICT-SPECIFIC DEVELOPMENT STANDARDS	
See Section 19.7.7.G	

Figure 19.3.16-A: MR Example Lot Configuration



19.3.17. PS: PUBLIC AND SEMIPUBLIC

A. PURPOSE AND INTENT

The PS district is established to:

1. Allow consideration of public or semipublic use separately from regulations for an underlying base zoning that may or may not be appropriate in combination with the public or semipublic use;

2. Permit consideration of establishment or expansion of a large public or semipublic use at rezoning hearings rather than at conditional use permit hearings only and give notice to all of the extent of a site approved for a large public or semipublic use by delineating it on the zoning map; and

3. Allow the Planning Commission and City Council to consider the most appropriate use of a site following discontinuance of a large park or recreation facility without the encumbrance of a base zoning district that may or may not provide appropriate regulations for reuse of the site.

B. DISTRICT STANDARDS

Intensity and dimensional standards shall be as specified by the conditional use permit, provided that if the conditional use permit fails to regulate an element regulated by an abutting base district, or no conditional use approval is required for the use listed in Chapter 19.5: *Use Regulations*, the most restrictive regulations of the nearest base district shall apply to each portion of a PS district.

19.3.18. PC: PLANNED COMMUNITY

A. PURPOSE

1. The purpose of the Planned Community (PC) district is to implement any Master Plan (MP) Overlay or development agreement that the City Council, in its sole discretion, has determined is the appropriate vehicle for development of the property.

2. Upon determination of the appropriateness of a development agreement, the PC district may be utilized to ensure Comprehensive Planning of large areas of land and to create efficient and stable developments offering a combination of planned land uses. This district is designed to provide for maximum flexibility in the development of planned communities.

3. In order to effectuate the purposes of the development agreement, the developer or applicant shall:

(a) Ensure adequate provision of public facilities and services;

(b) Provide for a creative arrangement of land uses with respect to each other to the entire planned community and to all adjacent land;

(c) Provide for a variety of housing types, employment opportunities, and commercial services to achieve a balanced community for families of a wide variety of ages, sizes, and levels of income;

(d) Provide for a planned and integrated transportation system for pedestrian and vehicular traffic, which includes provisions for transportation and roadways, bicycle and/or equestrian paths, pedestrian walkways, and other similar transportation facilities;

(e) Provide sensitive site planning and design with enhanced landscaping and other site amenities; and

(f) Provide high-quality structures in terms of community design standards, materials, and layout.

4. If the Planned Community (PC) zoning designation is accompanied by the Master Plan (MP) Overlay District, the developer must comply with all requirements of Section 19.4.4.

B. ALLOWED USES

The permitted uses for any development in the PC district shall be in accordance with the approved development agreement or project development standards.

C. ADDITIONAL USE STANDARDS

1. General

(a) If it is determined that a development agreement is necessary to accommodate the Planned Community District prior to, or concurrent with, the processing of an application for a Planned Community district approval, the developer shall enter into a development agreement with the City in accordance with Section 19.6.10.A.

(b) No land division in an area subject to a PC district shall be permitted without an approved Master Plan (MP) Overlay or an approved development agreement.

(c) Except as otherwise provided in an approved development agreement, subsequent development applications shall be initiated and processed in accordance with Chapter 19.6: *Administration*, Sections 19.6.5, *Land Division Applications*, 19.6.4.D *Rezonings to MP or PUD Overlay District*, or 19.6.6.B, *Design Review*.

2. Amendments

The development of the property within the PC district may proceed only in strict accordance with the approved master development plan as part of the Master Plan (MP) Overlay or an approved development agreement.

(a) Master Plan Overlay

Amendments to the Master Plan Overlay and/or the related master development plan shall be in accordance with 19.4.4.

(b) Development Agreements

Minor or major modifications to the approved development within the PC district shall be in accordance with the amendment provisions as defined in the approved development agreement and subject to NRS 278.0201 *et seq*.

(1) Upon receipt of an application for a minor modification, the Director of Community Development and Services shall forward a copy of the application to the Development Agreement Advisory Committee. The

Development Agreement Advisory Committee may determine that the application be treated as a major modification, in which case the modification shall proceed as a major modification in accordance with the development agreement. Otherwise, the Director of Community Development and Services shall process and make an administrative decision regarding the minor modification.

(2) In the event that an individual is aggrieved by a decision of the Community Development and Services Director as it relates to an administrative decision concerning a minor modification, such an individual may appeal in accordance with Section 19.6.9.E, *Appeals*.

D. INTENSITY AND DIMENSIONAL STANDARDS

1. General

Intensity and dimensional standards for any development in the PC district shall be in accordance with the approved master development plan as part of a Master Plan (MP) Overlay or in a development agreement.

2. Minimum District Size

The PC district shall only be applied to an area of contiguous property of at least 500 gross acres in size, or as defined in either the approved master plan or the approved development agreement.

3. Conflicting Provisions

(a) Development Agreements

Should a City Council approved development agreement fail to regulate any element of a Planned Community Development Plan, the Henderson Municipal Code (HMC) in effect at the time the development agreement is approved shall govern. Any entitlement granted under the terms of a development agreement shall be subject to such amendments, changes or additions required to protect the health, safety, or welfare of the citizens of Henderson.

(b) Master Plan Overlay

Conflicting provisions shall be addressed as part of the master development plan or in compliance with 19.1.5.

19.3.19. SUMMARY DIMENSIONAL TABLE FOR THE NONRESIDENTIAL, MIXED-USE, AND SPECIAL-PURPOSE DISTRICTS

Table 19.3.19-1 includes the dimensional standards from Sections 19.3.5 through 19.3.18.

TABLE 19.3.19-1: SUMMARY DIMENSIONAL TABLE FOR THE NONRESIDENTIAL, MIXED-USE, AND SPECIAL-PURPOSE DISTRICTS

DISTRICT	DISTRICT STANDARDS		LOT STANDARDS				SETBACKS				HEIGHT
	Min District Size (acres)	Max Density (units/ gross acre)	Min Lot Area (square feet)	Min Lot Width (feet)	Max Lot Coverage (%)	Floor Area Ratio (FAR)	Min Front	Min Interior Side	Min Corner Side	Min Rear	Max Building Height (feet)
CN	2	N/A	10,000	80	35	N/A	10	10	10	10	35
CO	2	N/A	20,000	100	40	N/A	25	10	15	10	50
CC	10	N/A	10,000	75	N/A	N/A	25	*	*	*	50
CH	5	N/A	7,500	70	40	N/A	25	*	*	*	40
CT	5	N/A	20,000	100	30	N/A	25	10	20	10	40
CA	50	N/A	200,000	200	40	N/A	35	10	35	10	40
IL	N/A	N/A	43,560	70	50	N/A	25	20	10	20	40
IG	N/A	N/A	87,120	150	50	N/A	25	0	10	0	None
IP	N/A	N/A	87,120	N/A	50	N/A	25	20	20	20	50
MC	See Table 19.3.14-1, Dimensional Standards MC District										
MN	See Table 19.3.15-1, Dimensional Standards MN District										
MR	See Table 19.3.16-1, Dimensional Standards MR District										
PS	See Section 19.3.17, PS: Public and Semipublic										
PC	See Section 19.3.18, PC: Planned Community										

* All setbacks shall be equal to the size of the required landscape buffer, except where residential compatibility standards require a larger setback. See Section 19.7.6.D.6, *Residential Compatibility Standards*.

CHAPTER 19.4: OVERLAYS

19.4.1. GENERAL PURPOSE AND INTENT

The overlays contained in this chapter are intended to apply in combination with the underlying base zoning district to impose regulations and standards in addition to those required by the base district.

19.4.2. ESTABLISHMENT OF OVERLAYS

A. OVERLAYS ESTABLISHED

Table 19.4.2-1 sets out the overlays used in this Code.

TABLE 19.4.2-1: OVERLAYS ESTABLISHED

OVERLAY ABBREVIATION	OVERLAY NAME
AE	Airport Environs
MP	Master Plan
PUD	Planned Unit Development
G	Gaming Enterprise
RD	Redevelopment
H	Hillside
SL	Sensitive Lands
RN	Rural Neighborhood

B. RELATIONSHIP WITH BASE ZONING DISTRICTS

1. Where lands are classified within an overlay in addition to an underlying base zoning district, the regulations governing development in the overlay shall apply in addition to the regulations governing development in the underlying base zoning district.

2. In the event of an express conflict between the standards of a base zoning district and overlay standards, the standards in the overlay shall apply.

3. Overlays are established in accordance with the procedure described in Section 19.6.4.C, Rezonings.

4. In cases where lands are classified into multiple overlays and there is a conflict between the overlay standards, the most restrictive standard shall apply.

19.4.3. AIRPORT ENVIRONS OVERLAY (AE)

A. PURPOSE

The specific purpose of the Airport Environs Overlay (AE) is to ensure land use compatibility around McCarran International and Henderson Executive Airports and to provide for the safe operation of aircraft by controlling height limits.

B. APPLICABILITY

The AE shall include all noise and hazard exposure zones of 60 Ldn (day-night average sound level) and greater.

C. ZONING MAP DESIGNATION

Each AE overlay shall be shown on the zoning map by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding a designator "-AE" to the base district designation. The creation of and subsequent amendment to any AE overlay shall not take effect until the City's zoning map is amended in accordance with Section 19.6.4.C.

The boundaries of the Noise Zones are as designated on the City's Airport Environs Noise Zones Map.

D. USE STANDARDS IN AE OVERLAY

Land use regulations shall be those of the base district within which the Airport Environs is combined, subject to the restrictions set forth in Table 19.4.3-1, *Land Use Compatibility in the AE Overlay*.

TABLE 19.4.3-1: LAND USE COMPATIBILITY IN THE AE OVERLAY

(SEE KEY AT END OF TABLE FOR SYMBOL INTERPRETATION)

PRIMARY USE	SPECIFIC USE TYPE		RISK ZONES AND NOISE ZONES IN 60 OR GREATER LDN						
		RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
Undetermined	An Undetermined Use	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Nonresidential	Unspecified Accessory Use	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Residential	Unspecified Accessory Use	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
	Accessory Use to Residential (≥2 Du/ac)	No	No	No	25	25	(No)	<No>	<No>
	Single-Family (≥2 Du/ac)	No	No	No	25	25	(No)	<No>	<No>
	Accessory Use to Residential (≤2 Du/ac)	No	No	Yes	25	25	30	<No>	<No>
	Single-Family (≤2 Du/ac)	No	No	Yes	25	25	30	<No>	<No>
	Two-Family	No	No	No	25	25	(No)	<No>	<No>
	Multifamily Structures	No	No	No	25	25	(No)	<No>	<No>
	Group Quarters	No	No	No	25	25	(No)	<No>	<No>
	Permanent Mobile Home Parks-Courts	No	No	No	25	25	(No)	<No>	<No>
	Transient Mobile Home Parks-Courts	No	No	No	Yes	Yes	(No)	<No>	<No>
	Hotels, Motels & Tourist Courts	No	No	No	Yes	25	30	35	<No>
	Other Residential	No	No	No	25	25	(No)	<No>	<No>
Manufacturing	Food & Kindred Products	No	No	(Yes)	Yes	Yes	(25)	(30)	(35)
	Textile Mill Products	No	No	No	Yes	Yes	(25)	(30)	(35)
	Apparel & Finished Products	No	No	No	Yes	Yes	(25)	(30)	(35)
	Lumber & Wood Products (Except Furn)	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
	Furniture & Fixtures	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)

TABLE 19.4.3-1: LAND USE COMPATIBILITY IN THE AE OVERLAY

(SEE KEY AT END OF TABLE FOR SYMBOL INTERPRETATION)

PRIMARY USE	SPECIFIC USE TYPE		RISK ZONES AND NOISE ZONES IN 60 OR GREATER LDN						
		RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
	Paper & Allied Products	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
	Printing-Publishing	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
	Chemicals & Allied Products	No	No	No	Yes	Yes	(25)	(30)	(35)
	Petroleum Refining & Related Industries	No	No	No	Yes	Yes	(25)	(30)	(35)
	Rubber & Miscellaneous Plastic	No	No	No	Yes	Yes	(25)	(30)	(35)
	Stone, Clay & Glass Products	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
	Primary Metal Industries	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
	Fabricated Metal Products	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
	Instruments & Optical Goods	No	No	No	Yes	25	30	No	No
	Miscellaneous Manufacturing	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
Trans. & Utilities	Railroad, Rapid Rail & Street Railway	No	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
	Motor Vehicle Transportation	No	(Yes)	Yes	Yes	Yes	(25)	(30)	(35)
	Aircraft Transportation	No	(Yes)	Yes	Yes	Yes	(25)	(30)	(35)
	Highway & Street R-O-W	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
	Auto Parking	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
	Communications	(Yes)	(Yes)	Yes	Yes	Yes	(25)	(30)	(35)
	Utilities	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
	Other Trans.-Comm. & Utilities	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
Trade	Wholesale Trade	No	Yes	Yes	Yes	Yes	(25)	(30)	(35)
	Building Materials & Hardware (Retail)	No	Yes	Yes	Yes	Yes	(25)	(30)	(35)
	General Merchandise (Retail)	No	No	Yes	Yes	Yes	25	30	35
	Food-Retail	No	No	Yes	Yes	Yes	25	30	35
	Automotive, Marine & Aircraft Access.	No	Yes	Yes	Yes	Yes	25	30	35
	Apparel & Accessories (Retail)	No	No	Yes	Yes	Yes	25	30	35
	Furniture & Home Furnishings (Retail)	No	No	Yes	Yes	Yes	25	30	35
	Eating & Drinking Places	No	No	No	Yes	Yes	25	30	35
	Other Retail Trade	No	No	Yes	Yes	Yes	25	30	35
Services	Finance, Insurance & Real Estate	No	No	<Yes>	Yes	Yes	25	30	35
	Personal Services	No	No	<Yes>	Yes	Yes	25	30	35
	Cemeteries	<Yes>	<Yes>	<Yes>	Yes	Yes	(25)	(30)	(35)
	Business Services	No	No	<Yes>	Yes	Yes	25	30	35
	Warehousing & Storage Services	No	Yes	Yes	Yes	Yes	(25)	(30)	(35)
	Explosives Storage	No	No	No	Yes	Yes	(25)	(30)	(35)
	Repair Storage	No	<Yes>	<Yes>	<Yes>	<Yes>	(25)	(30)	(35)
	Medical & Other Health Services	No	No	No	Yes	25	30	No	No
	Legal Services	No	No	<Yes>	Yes	Yes	25	30	35
	Other Professional Services	No	No	<Yes>	Yes	Yes	25	30	35
	Contract Construction Services	No	<Yes>	<Yes>	Yes	Yes	(25)	(30)	(35)
	Government Services	No	No	<Yes>	Yes	Yes	25	30	35

TABLE 19.4.3-1: LAND USE COMPATIBILITY IN THE AE OVERLAY

(SEE KEY AT END OF TABLE FOR SYMBOL INTERPRETATION)

PRIMARY USE	SPECIFIC USE TYPE		RISK ZONES AND NOISE ZONES IN 60 OR GREATER LDN						
		RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
	Educational Services	No	No	No	Yes	25	30	No	No
	Religious Activities	No	No	No	Yes	25	30	No	No
	Other Miscellaneous Services	No	No	<Yes>	Yes	Yes	25	30	35
Recreation	Cultural Activities	No	No	No	Yes	25	30	No	No
	Nature Exhibitions	No	(Yes)	(Yes)	Yes	Yes	No	No	no
	Outdoor Entertainment Assembly	No	No	No	Yes	No	No	No	No
	Indoor Entertainment Assembly	No	No	No	Yes	25	30	No	No
	Outdoor Sports Assembly	No	No	No	Yes	Yes	Yes	No	No
	Indoor Sports Assembly	No	No	No	Yes	Yes	25	30	35
	Miscellaneous Public Assembly	No	No	No	(Yes)	(25)	(30)	No	No
	Fairgrounds & Amusement Parks	No	No	No	Yes	Yes	Yes	No	No
	Outdoor Amusements	No	No	(Yes)	Yes	Yes	Yes	No	No
	Indoor Amusements	No	No	(Yes)	Yes	Yes	25	30	35
	Outdoor Sports Activities	No	(Yes)	(Yes)	Yes	Yes	Yes	No	No
	Indoor Sports Activities	No	No	(Yes)	(Yes)	(Yes)	25	30	35
	Outdoor Playground & Athletic Areas	No	No	(Yes)	Yes	Yes	Yes	No	No
	Indoor Playground & Athletic Areas	No	No	(Yes)	(Yes)	(Yes)	25	30	35
	Golf Courses, Riding Stables & Water Rec.	No	Yes	(Yes)	Yes	Yes	(25)	(30)	(35)
	Other Recreation	No	Yes	(Yes)	Yes	Yes	Yes	No	No
	Resorts & Group Camps	No	No	No	Yes	Yes	Yes	No	No
	Parks	No	Yes	Yes	Yes	(25)	(30)	(35)	No
Resources	Dairy Farm	No	Yes	Yes	Yes	(25)	(30)	(35)	No
	Livestock Farms & Ranches (2)	No	Yes	Yes	Yes	(25)	(30)	(35)	No
	Other Agriculture (3)	Yes	Yes	Yes	Yes	(25)	(30)	(35)	(35)
	Agricultural-Related Activities (2)	No	Yes	Yes	Yes	(25)	(30)	(35)	No
	Forestry Activities & Related Services	No	Yes	Yes	Yes	(25)	(30)	(35)	(35)
	Fishing Activities & Related Services (3)	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Mining Activities & Related Services	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Undeveloped	Undeveloped & Unused Land	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Water Areas (3)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Open Space	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

KEY FOR TABLE 19.4.3-1:

(*)	previously undetermined or undefined uses will be reviewed by City staff and assigned appropriate restrictions.
Yes	land use and related structures allowed without restrictions.
No	land use and related structures are not compatible and are not allowed.
(No)	where the provisions of the AE overlay permit uses but require noise attenuated construction in buildings and structures, a minimum exterior to interior noise level reduction of 35 decibels must be incorporated into building construction.
<No>	where the provisions of the AE overlay permit uses but require noise attenuated construction in buildings and structures, a minimum exterior to interior noise level reduction of 35 decibels must be incorporated into building construction.
25	requires a minimum exterior to interior noise level reduction of 25 decibels incorporated into building construction.
30	requires a minimum exterior to interior noise level reduction of 30 decibels incorporated into building construction.
35	requires a minimum exterior to interior noise level reduction of 35 decibels incorporated into building construction.
(25)	a minimum exterior to interior noise level reduction of 25 decibels must be incorporated into construction of portions of buildings where public is received, office areas, noise sensitive areas, or where the normal noise level is low.
(30)	a minimum exterior to interior noise level reduction of 30 decibels must be incorporated into construction of portions of buildings where public is received, office areas, noise sensitive areas, or where the normal noise level is low.
(35)	a minimum exterior to interior noise level reduction of 35 decibels must be incorporated into construction of portions of buildings where public is received, office areas, noise sensitive areas, or where the normal noise level is low.
(Yes) (mfg)	conditional use permit required; additional factors to be considered: labor intensity, structural manufacturing coverage, explosive characteristics, air pollution, size of establishment, people density, peak period (including shoppers/visitors) concentrations.
(Yes)	no structures in clear zones. No passenger terminals and no major aboveground transmission lines unless allowed by the FAA.
(Trans/Utils)	Trans./Utils. in runway protection zones or APZ I.
<Yes>	(services) conditional use permit required: low-intensity office use only (limited scale of concentration of services of such uses). Meeting places (including chapels), auditoriums, etc. not allowed.
(Yes)	(Recreation) conditional use permit required: facilities must be low intensity.
(1)	"Other agriculture" includes livestock grazing but excludes feedlots and intensive animal husbandry.
(2)	"Livestock farms and ranches" and "agricultural related activities" includes feedlots and intensive animal husbandry.
(3)	"Fishing activities & related services" and "water areas" include hunting and fishing.
≤	less than or equal to.
≥	greater than or equal to.

E. OVERLAY-SPECIFIC STANDARDS

1. No use may be made of land that would create electrical interference with radio communication between the airport and the aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare, impair visibility, or otherwise interfere with or endanger the landing, taking off, or maneuvering of aircraft.

2. Exterior to interior noise level reduction (a minimum of 30 decibels for AE-60 and a minimum of 35 decibels for AE-65) is required where habitable space is greater than 35 feet in height.

3. Noise disclosure is required for all new residential developments or units and condominium conversions within the Airport Environs Overlay District. This disclosure includes:

(a) A form recorded against the land by the applicant, with copies provided to the City of Henderson and the Clark County Department of Aviation;

(b) A copy of the recorded form must be presented to the initial occupant;

(c) The recorded noise disclosure form should include a map, obtained by the applicant from the Clark County Department of Aviation, highlighting the project location in relation to associated flight tracks.

F. NOISE LEVEL REDUCTION STANDARDS

The noise level reduction standards in Henderson Municipal Code Chapter 15.56 shall be used to meet the corresponding interior noise level reduction requirements of Table 19.4.3-1.

G. NOTIFICATION OF AIRPORT AUTHORITY

Except for alterations and additions to residential uses, the City shall notify the Airport Authority of applications and provide necessary exhibits for any new or expanded uses or developments within an AE.

19.4.4. MASTER PLAN DEVELOPMENT OVERLAY (MP)

A. PURPOSE

In addition to the general purposes of this Code in Section 19.1.5, the specific purposes of the Master Plan Development Overlay (MP) are to:

1. Ensure orderly planning for the development of large, unsubdivided parcels of the city within limited service areas, and in other developing areas, consistent with the Comprehensive Plan;

2. Maintain an environmental equilibrium consistent with existing vegetation, soils, geology, topography, and drainage patterns, and protect sensitive natural resources;

3. Avoid premature or inappropriate development that would result in incompatible uses or create public service demands or traffic exceeding the capacity of existing or planned facilities;

4. Encourage innovative and sensitive site planning and design with high levels of landscaping and other site amenities;

5. Ensure adequate provision of open space, recreational facilities, and other community amenities;

6. Encourage high-quality structures in terms of design, materials, and layout;

7. Ensure that transportation links are maintained and enhanced with adjacent developments and other areas in the city; and

8. Accommodate neo-traditional (Traditional Neighborhood Development) designs.

B. APPLICABILITY AND ZONING MAP DESIGNATOR

1. The MP overlay may be combined with any base district and applied to an area at least 50 acres in size, unless otherwise approved by the City Council.

2. Each MP overlay shall be shown on the zoning map by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding an "-MP" designator to the base district designation.

C. INITIATION

1. The MP overlay may be initiated by the City Council or the Planning Commission or by a petition of property owners under the procedures established for zoning map amendments to the MP overlay in Section 19.6.4.D.

2. If the property proposed for a MP is not under a single ownership and all owners agree to the proposed development, then all owners must join the application, and a map showing the extent of ownership must be submitted with the application.

3. Applications to amend zoning or conditions that are part of an approved MP shall be initiated by the master developer. If there is no master developer with an interest remaining at the time of the amendment, then the authorized representatives of the homeowner's or property owner's association, the owner of the property in question, or the City of Henderson may initiate an application.

D. REQUIRED PLANS AND MATERIALS

Each MP master development plan shall set forth a land use and circulation system concept that is consistent with the traffic-carrying capacity of surrounding streets, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. Submittal requirements and exhibits shall be the same as for a planned unit development application, except that a tentative map (Section 19.6.5.D) shall only be required for an accompanying subdivision or planned unit development.

E. APPROVAL OF A MASTER DEVELOPMENT PLAN

1. General Procedures

The review and approval procedures for a master development plan are set out in Section 19.6.4.D.

2. Required Findings

In order to approve a master development plan, the City Council must make the same findings as are required for a planned unit development (Section 19.6.4.D).

F. LAND USE REGULATIONS

Land use regulations shall be those of the base zoning district within which the MP overlay is combined provided that no new or expanded use may be approved unless a master development plan has been approved. To promote mixed-use developments, commercial and residential uses may be combined in any plan, site or building.

G. DEVELOPMENT REGULATIONS

Unless expressly modified in an approved master development plan, the otherwise applicable regulations of this Development Code shall apply within a MP overlay, including the use, intensity, and dimensional standards of the underlying zoning district; the general development regulations; and the subdivision design and improvement standards. A development standards document is required for all proposals with modifications to Development Code regulations, and for all proposals in the MR district. No land division in an area subject to an MP shall be permitted without an approved master development plan. The Planning Commission may recommend and the City Council approve a master development plan including lots smaller than those required by the base district. Restrictions on the number of dwelling units permitted shall be recorded with a subdivision map or prior to issuance of a grading permit.

H. AMENDMENTS TO ADOPTED MASTER DEVELOPMENT PLAN

Amendments to adopted master development plans shall be processed as zoning map amendments, in accordance with the procedures of Section 19.6.4.D.

I. DEVELOPMENT PLAN REVIEW

Plans shall be accepted for design review under Section 19.6.6.B only if they are consistent with an approved master development plan, a master sign plan (if required), and with all other applicable requirements of this Development Code.

J. PARK ACREAGE

Park acreage shall be provided at a minimum of 5.5 acres per 1,000 residents in every MP overlay.

19.4.5. PLANNED UNIT DEVELOPMENT OVERLAY (PUD)

A. PURPOSE

The Planned Unit Development Overlay (PUD is intended to encourage innovative land planning and site design concepts that achieve a high level of environmental sensitivity, energy efficiency, aesthetics, high-quality development, and other community goals by:

1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;

2. Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;

3. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses;

4. Requiring compliance with development standards that reflect the high level of public investment in adjoining lands; and

5. Accommodating neo-traditional (Traditional Neighborhood Development) designs.

B. DEVELOPER'S STATEMENT OF INTENT

Each application for approval of a planned unit development shall include a statement by the applicant describing how the proposed development departs from the otherwise applicable standards of this Development Code and how the proposed development, on balance, is an improvement over what would be required under otherwise applicable development regulations.

C. REVIEW AND APPROVAL PROCEDURES

The review and approval procedures for planned unit developments are set out in Section 19.6.4.D.

D. STANDARDS OF GENERAL APPLICABILITY

The standards of this subsection shall apply to all planned unit developments unless otherwise expressly provided.

1. Allowed Uses

(a) Residential Planned Unit Developments

(b) The following uses may be allowed if approved as part of a planned unit development that is located in a residential base zoning district, so long as the use is permitted in the underlying base district:

(1) Detached and attached single-family homes (including mobile and modular homes in trailer estates).

(2) Multifamily residences, including multi-story residential structures.

(3) Day care, including limited, large-family, and general facilities.

(4) Religious assembly.

(5) Accessory buildings and structures.

(6) Circulation and parking facilities including lots and garages supporting the planned unit development.

(7) Signs including public and private street identification signs.

(8) Streetlighting and street furniture.

(9) Underground utilities.

(10) Other residential and supporting uses expressly approved as part of the planned unit development.

(c) Nonresidential Planned Unit Developments

Only uses permitted in the underlying base zoning district shall be allowed in planned unit developments that are located in nonresidential base zoning districts.

2. Size

There shall be no minimum or maximum size requirement for planned unit developments.

3. Density

The maximum residential density permitted within a planned unit development shall be that of the zoning district in which the planned unit development is located.

4. Development Standards and Modifications

Unless otherwise expressly allowed by this section and approved by the City Council during the PUD approval process, planned unit developments shall be subject to all applicable standards of this Development Code, including those of the underlying base zoning district. In order to approve modifications of otherwise applicable standards, the City Council must find that:

(a) Deviations from applicable base district or subdivision design standards that otherwise would apply are justified by compensating benefits of the planned unit development that are provided in accordance with Section 19.7.11, Compensating Public Benefits.

(b) The planned unit development includes adequate provisions for utility services and emergency vehicle access.

5. Setbacks

Setbacks shall be provided in accordance with the underlying zoning district standards unless another minimum setback is expressly approved as part of the planned unit development approval.

6. Signs

Unless otherwise expressly provided in this Development Code, planned unit developments shall be subject to the sign regulations of Section 19.6.7.

7. Landscaping

Unless otherwise expressly provided in this Development Code, planned unit developments shall be subject to the landscaping and buffer regulations of Section 19.7.5, *Landscaping and Screening*.

8. Parking

Planned unit developments shall be subject to the off-street parking and loading standards of this Development Code.

9. Common Open Space

(a) Minimum Requirements

All planned unit developments that include residential dwelling units shall provide common open space in accordance with Section 19.7.2, *Common Open Space*.

(b) Management

A planned unit development that includes common open space shall be subject to NRS 278A.130 to 278A.190, inclusive.

10. Compliance with Zoning District Standards

Unless otherwise specified in the approval of the planned unit development, once initial construction is complete, all subsequent development and construction shall be governed by the underlying zoning district regulations unless otherwise specified in the original approval.

19.4.6. GAMING ENTERPRISE OVERLAY (G)

A. PURPOSE

The Gaming Enterprise Overlay (G) is intended to comply with Chapter 463 of NRS, as amended, by seeking to ensure adequate roads, water, sanitation, utilities, and related services to areas where nonrestricted gaming establishments are proposed. Such establishments shall enhance, expand, and stabilize employment and the local economy. Such establishments shall not unduly impact public services, consumption of natural resources, or the quality of life enjoyed by the residents of surrounding neighborhoods. Such establishments shall not be detrimental to the health, safety, or general welfare of the community or be incompatible with the surrounding area.

B. APPLICABILITY AND ZONING MAP DESIGNATOR

1. The restrictions of this section apply to all lands and businesses within the City of Henderson except:

(a) An establishment that holds a nonrestricted license for a resort hotel on December 31, 2002.

(b) A proposed establishment located entirely within the boundary line of a master-planned community of 125 acres or more if, before June 28, 1997, the master-planned community was initially approved by the local governing body having

jurisdiction over the master-planned community and was, in whole or in part, zoned for gaming or designated a Gaming Enterprise district.

2. If the City has established one or more Gaming Enterprise districts, the City shall make available for public inspection a map that shows the location of each Gaming Enterprise district.

(a) The City shall update the map at least once every four months.

(b) The map is a public record that is subject to the provisions of Chapter 239 of NRS.

C. LAND USE REGULATIONS

Land use regulations shall be those of the base district with which the G district is combined providing, however, that no new or expanded casinos with nonrestricted gaming shall be approved unless they meet the conditional use permit and hotel room requirements of this Code and the restrictions of HMC Chapter 4.32.

D. PROPERTY DEVELOPMENT REGULATIONS

Property development regulations shall be those of the base district with which the G overlay is combined unless modified by an approved development plan. Unless otherwise expressly stipulated, no waivers within this section shall be permitted.

E. INITIATION

An application to approve a G overlay shall be initiated by a property owner or authorized agent, or by the City. If the property is not under a single ownership, all owners shall join the application, and a map showing the extent of ownership shall be submitted with the application, if applicable.

F. REQUIRED PLANS AND MATERIALS

A property owner or other authorized agency shall initiate an application for a G overlay by filing a complete application with the Community Development and Services Director that shall contain the following:

1. A completed application form.

2. A vicinity map showing the location and street address of the subject property and showing all residential, commercial, industrial, and public uses and zoning districts within 7,500 feet of all boundaries of the subject property.

3. A concept plan indicating the existing and proposed uses, approximate gross floor area, building coverage, height, parking, and density.

4. A circulation plan showing proposed streets and the relation to the master plan for streets and highways.

5. An analysis of any adverse impacts upon surrounding properties and proposed mitigation methods including, but not limited to, construction traffic, noise and other construction-related impacts, post-construction traffic, parking, signage, lighting, and any other impacts associated with the casino operation.

6. A preliminary development schedule indicating phases and the sequence and timing of development.

7. A plan for extension of public facilities, services, and utilities and for flood control and drainage.

8. The required application fee.

9. Proof of compliance with findings in Section 19.4.6.G.

G. PROCEDURE FOR APPROVAL OF GAMING ENTERPRISE OVERLAY DISTRICT--GROUNDS FOR DENIAL--REAPPLICATION

1. Notice

Notice shall be given in accordance with Nevada Revised Statutes and as set forth below.

(a) If a person is proposing to operate an establishment with a nonrestricted license and the location of the proposed establishment has not been designated a G overlay pursuant to this section, the person may petition the City to designate the location of the proposed establishment a G overlay as set forth below.

(b) If a person files an application to designate the location of a proposed establishment a G overlay, the City shall, at least ten days before the date of the hearing of the application, mail a notice of the hearing to:

(c) Each owner of real property whose property line is less than 5,000 feet from the property line of the proposed establishment.

(d) Each tenant of a mobile home park whose property line is less than 5,000 feet from the property line of the proposed establishment.

(e) Any advisory board that represents one or more owners of recreational vehicle property or tenants of a mobile home park whose property line is less than 5,000 feet of the property line of the proposed establishment.

(f) The notice must be written in language that is easy to understand and must set forth the date, time, place, and purpose of the hearing and contain a physical description or map of the location of the proposed establishment. The applicant shall pay the costs of providing the notice that is required by this section.

2. Public Hearing

Any interested person is entitled to a public hearing. The Planning Commission shall conduct a public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date.

3. Decision and Notice

Following close of the public hearing, the Planning Commission shall recommend approval, conditional approval, or denial of the application. The City Council shall affirm, deny, or modify the Planning Commission's recommendation at its next regularly scheduled meeting. An affirmative vote of ¾ of the City Council shall be required to approve the addition of a G overlay designation to any district.

4. Limits on Conditions of Approval

No conditions of approval of a G overlay shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable base district regulations, unless specifically approved by the City Council.

5. Findings

At the hearing, the applicant must prove by clear and convincing evidence that:

(a) The roads, water, sanitation, utilities, and related services to the location are adequate.

(b) The proposed establishment will not unduly impact public services, consumption of natural resources, and the quality of life enjoyed by residents of the surrounding neighborhoods.

(c) The proposed establishment will enhance, expand, and stabilize employment and the local economy.

(d) The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive.

(e) The proposed establishment will not be detrimental to the health, safety, or general welfare of the community or be incompatible with the surrounding area.

(f) On the date that the application was filed:

(1) The property line of the proposed establishment was at least 5,000 feet from the property line of a developed residential district as defined in NRS 463.3086(9)(a).

(2) The property line of the proposed establishment was at least 5,000 feet from the property line of a public school, private school, or structure used primarily for religious services or worship.

(3) The proposed establishment will not adversely affect:

i. Any developed residential district unit whose property line is within 7,500 feet of the property line of the proposed establishment.

ii. A public school, private school, or structure used primarily for religious purposes, whose property line is within 5,000 feet of the property line of the proposed establishment.

(4) The provisions of Subsections (1)-(3) above shall not apply in the event:

i. A proposed G overlay is located entirely within a Master Plan overlay district or Planned Community district of 1,000 acres or more and such Master Plan overlay district or Planned Community district or G overlay would be either:

1. Established on or before January 1, 2008; or

2. Located within a redevelopment district.

ii. An expansion is proposed of an existing G overlay in existence as of September 18, 2007.

iii. A proposed G overlay is within 1,500 feet of existing or future alignment of the centerline of Las Vegas Boulevard, as amended, contains a minimum of 25 acres, a minimum of 500 hotel rooms and meets all other criteria of a resort hotel as defined by Title 4 of the HMC.

(5) An application filed pursuant to Subsection (4) of this section shall require proof that on the date the application was filed:

i. The property line of the proposed establishment was at least 500 feet from the property line of a developed residential district.

ii. The property line of the proposed establishment was at least 1,500 feet from the property line of a public school, private school, or structure primarily for religious services or worship.

iii. The proposed establishment will not adversely affect:

1. Any developed residential district whose property line is within 2,500 feet of the property line of the proposed establishment.

2. A public school, private school, or structure used primarily for religious purposes, whose property line is within 2,500 feet of the property line of the proposed establishment.

6. Reapplication

If the City Council denies a petition submitted pursuant to this section, it shall not consider another petition concerning the same location or any portion thereof for one year after the date of the denial.

H. APPEALS

Appeals of City Council decisions on amendments to the G overlay district shall be in accordance with NRS 463.3088.

I. AMENDMENTS TO GAMING OVERLAY PLAN

Any amendment to an approved plan shall require a new application and approval in accordance with this Development Code.

J. EXPIRATION, EXTENSION, AND TRANSFER

Unless extended, an approved G overlay shall expire two years from the date of approval, with the following exceptions:

1. The project for which the G overlay was approved is diligently pursuing construction or is completed.

2. The G overlay runs with the land and automatically transfers to subsequent property owners as long as there is no change in the development plan. Except as specified in Subsections B and C of this section, any change in the approved development plan will cause the G overlay to expire.

K. DEVELOPMENT PLAN REVIEW

Following approval of a G overlay the applicant shall apply for a conditional use approval and specific development plan review. Plans for a project requiring a G overlay shall be accepted for conditional use permit and development plan review only if they are consistent with the approved development plan presented to the Planning Commission and City Council with the G overlay application and with all other applicable requirements of this Title.

19.4.7. REDEVELOPMENT OVERLAY (RD)

A. PURPOSE

1. The purpose of the Redevelopment Overlay (RD) is to ensure that redevelopment within designated areas is in accordance with all applicable Henderson Redevelopment Plans.

2. The goal of the Henderson Redevelopment Plan is to economically and culturally stabilize and enhance certain areas in Henderson. The Henderson Redevelopment Plan addresses employment, land use, circulation, open space, community facilities, regulatory controls, financing methods, and other elements necessary to achieve the adopted goal.

B. REDEVELOPMENT OVERLAY BOUNDARY

1. The RD overlay shall be the boundary of the Henderson redevelopment area, as depicted in the adopted Henderson Redevelopment Plan on the map entitled, "Redevelopment Area," and as amended from time-to-time by the City Council.

2. The zoning designation on all lands within the boundary of the Redevelopment Overlay shall include the designation "-RD."

C. REDEVELOPMENT REGULATIONS ADOPTED - AMENDMENTS

The Henderson Redevelopment Plan, including all regulations contained therein, dated October 4, 1995, and as amended from time-to-time by the City Council, is adopted. Amendments to the Redevelopment Plan shall be initiated and processed in accordance with NRS 279.

D. APPLICABILITY

1. Provisions of the RD overlay shall apply to all development within the RD boundary.

2. Except as otherwise specified in the Redevelopment Plan, allowable land uses and land use restrictions of the underlying base zoning district on all parcels within the RD shall remain in effect.

E. APPLICATION REVIEW

1. Each application for development within the RD overlay shall be subject to the redevelopment area review procedures of Section 19.6.6.C.

2. The Community Development and Services Director shall review each request, obtain Redevelopment Agency advice when appropriate, and make written findings in accordance with provisions set forth in the Redevelopment Plan.

3. If the Community Development and Services Director finds the proposed project to be in compliance with the Redevelopment Plan, the applicant shall then apply for design review and any other approvals required for the project under this Code.

4. If the Community Development and Services Director does not find the project in compliance, the applicant shall either withdraw the application, redesign the project to

comply or appeal the Community Development and Services Director's decision to the Henderson Redevelopment Agency.

5. If the Redevelopment Agency upholds the applicant's appeal, the applicant shall then apply for design review and any other approvals required for the project under this Code.

F. REQUIRED PLANS AND MATERIALS

Each application submitted in accordance with requirements of this section for review by the Community Development and Services Director shall include the same exhibits as required for a design review application (Section 19.6.6.B), as well as any additional information required by the Community Development and Services Director for thorough review of the application.

19.4.8. HILLSIDE OVERLAY (H)

A. PURPOSE

The Hillside Overlay (H) provides for the reasonable use of hillside areas and related lands while protecting the public health, safety, and general welfare by:

1. Determining whether certain conditions exist, such as loose or easily eroded soils or rocky soils that may require blasting, and using appropriate engineering technology to ensure stable slopes during and subsequent to development.

2. Reducing water runoff, soil erosion, and rock slides by minimizing grading and by requiring re-vegetation.

3. Permitting intensity of development compatible with the natural characteristics of hillside terrain, such as degree of slope, significant landforms, soil suitability, and existing drainage patterns.

4. Preserving the scenic quality of the desert and mountain environment by identifying and considering sensitive ridgelines in development of hillside areas.

5. Reducing the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring restoration of graded areas.

6. Providing safe and convenient vehicular access by encouraging development on the less steeply sloped terrain.

7. Promoting cost-efficient public services by encouraging development on the less steeply sloped terrain, thereby minimizing service extensions and utility costs and maximizing access for all necessary life safety services.

8. Providing specific design criteria for offsite improvements that will reduce grading and site disturbance.

9. Recognizing the unique characteristics of the hillside terrain and promoting the placement of building pads that are compatible with the hillside terrain.

B. APPLICABILITY AND ZONING MAP DESIGNATOR

1. The H overlay may be applied to any area identified on the Hillside Regulation Map.

2. Establishment of an H overlay may be initiated by the City Council, Planning Commission, or by a petition of property owners under the rezoning procedures established in Section 19.6.4.C.

3. Each H overlay shall be shown on the zoning map by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding an "-H" designator to the base district designation.

4. If the 15 percent slope line covers only a portion of a parcel, then the entire parcel is subject to the H overlay.

C. HILLSIDE DEVELOPMENT PLAN REQUIRED

1. In addition to compliance with the provisions of this section, lots within the H overlay with slopes of 15 percent or greater shall also be required to prepare a Hillside Development Plan prior to applying for development approvals.

2. A slope analysis shall be prepared to determine if a parcel or lot is subject to the requirement for a Hillside Development Plan.

3. No land division or new construction shall occur on a lot in the H overlay with a slope of 15 percent or more without approval of a Hillside Development Plan.

4. A lot or parcel that will be further divided prior to development shall be subject to the Hillside Development Plan only in the areas with 15 percent slope or greater.

5. A lot or parcel with slopes of 15 percent or more that will not be further divided prior to development shall be subject to the H overlay on the entire parcel or lot.

D. HILLSIDE DEVELOPMENT PLAN REQUIREMENTS

1. Minimum Requirements

Hillside development plans shall, at a minimum, include the following information:

(a) The slope analysis;

(b) A response to the City's Hillside Checklist requirements;

(c) An Existing Conditions Report;

(d) A preliminary Hillside Restoration Plan; and

(e) A three-dimensional model (physical or electronic) that depicts the before-and-after conditions of the proposal. (The three-dimensional model does not have to be submitted with the entitlement application but must be provided at the public hearing.)

2. Existing Conditions Report

The Existing Conditions Report required in the Hillside Development Plan shall contain the following:

(a) A Native Plant Inventory prepared by a qualified revegetation company experienced in Mojave Desert restoration that contains the following:

(1) An aerial photograph with site boundaries clearly marked;

(2) Identification of four, non-adjacent, 25,000-square-foot test areas to determine average plant density for overall site;

(3) A plant list identifying plant species and number of plant species in the test area;

(4) Identification of area to be disturbed;

(5) Identification of plants to be salvaged from the disturbed area; and

(6) Identification of onsite or offsite plant nursery for salvaged materials.

(b) A photo study depicting the proposed development site prior to development. Photos should include all washes and significant topographical features as determined by site walk with staff per Section 19.4.8.E.;

(c) A preliminary grading and drainage study;

(d) Identification of desert washes; and

(e) Identification of protected ridgelines.

E. SITE MEETING REQUIRED

Prior to submittal of a hillside development application, the applicant, together with Community Development and Public Works Parks and Recreation staff members, shall conduct a meeting on the development site to discuss overall site design and constraints.

F. DEVELOPMENT REGULATIONS

The following standards shall apply within the H overlay:

1. Density Allocation and Maximum Site Disturbance

(a) For all areas of the lot or parcel with less than a 15 percent slope and outside a sensitive ridgeline, 100 percent site disturbance may occur.

(b) For areas of slope greater than 15 percent, the standards of this section shall apply. For property that is currently zoned DH-H and all residential districts with the H overlay (with the exception of RS-1-H and RS-2-H), the amounts of density and site disturbance shall be specific to the slope category in which it is located.

(c) Property currently zoned RS-2-H or RS-1-H that is proposed to be rezoned or subdivided shall be subject to the standards in this subsection.

(d) For all nonresidential districts with the H overlay, density limits shall not apply; however, the amount of site disturbance shall be specific to the slope category in which it is located.

(e) Density and site disturbance shall be determined in accordance with a slope analysis and Table 19.4.8-1, Density Allocation and Site Disturbance:

TABLE 19.4.8-1: DENSITY ALLOCATION AND SITE DISTURBANCE		
SLOPE CATEGORY (%)	**DENSITY (DU/AC)**	**MAXIMUM SITE DISTURBANCE (%)**
15-19.9	2	50
20-24.9	1	40
25-29.9	0.4	30
30-34.9	0.2	25
35 or more	0.1	15

(f) Existing lots of record that were created prior to July 1, 1997, that are currently zoned RS-2 (Single-Family Residential) district may be developed at a maximum of two dwelling units per gross acre with a maximum of 50 percent site disturbance.

(g) Existing lots currently zoned RS-1-H may be developed at a maximum of one dwelling unit per gross acre with a maximum of 50 percent site disturbance prior to subdividing.

(h) Site disturbance shall include all grading for the development of the property, but shall not include any public or private street on existing lots of record that were created prior to July 1, 1997, and zoned RS-1-H and RS-2-H.

(i) A maximum of ten percent increase in site disturbance shall be allowed for the construction of a driveway subject to staff level approval on such lots. Any increase in excess of ten percent shall be subject to Planning Commission approval.

2. Density and Site Disturbance Redistribution

Density and site disturbance may be redistributed from portions of a lot or parcel with a slope 15 percent or greater to any area of the Hillside Development Plan, regardless of slope, in accordance with the following standards:

(a) Areas from which density and site disturbance are redistributed shall be designated as natural areas in accordance with this section.

(b) Density and site disturbance shall be redistributed only within the boundaries of the Hillside Development Plan. In no case shall the gross density exceed the base zoning of the property.

(c) Density and site disturbance transfer within a master plan shall be permitted in accordance with Table 19.4.8-1, and shall be determined by a slope analysis for each planning area with slopes of 15 percent or greater.

(d) Site disturbance shall be tracked for each planning area of the hillside development submitted for review within the master plan. As each planning area is developed, the site disturbance will be tracked through the tentative map review process to ensure compliance with site disturbance limitations for the overall master plan.

3. Minimum Lot Area

The minimum lot area for parcels zoned single-family residential shall be 4,500 square feet. The minimum lot area for parcels zoned other than single-family residential shall be as required by the underlying zoning district.

4. Lot Width and Depth

(a) General

Lot width and depth of non-flag lots shall not exceed a ratio of three feet of width/depth for one foot of width/depth. Minimum lot width shall be 45 feet.

(b) Flag Lots

(1) The flagpole or panhandle portion of the lot shall be a minimum of 24 feet wide, and the depth of the flagpole or panhandle shall not exceed 150 feet as measured from the adjacent public or private street.

(2) The non-flag portion of a flag lot shall be subject to the lot width/depth ratios for non-flag lots.

(3) The flagpole or panhandle portion of the lot shall not be included in calculating lot size.

5. Setbacks, Commercial, Industrial, and Multifamily

Except for required sensitive ridgeline setbacks, commercial, industrial, and multifamily projects shall provide setbacks in accordance with the base district in which the project is located.

6. Setbacks, Single-Family Residential

(a) Minimum

Except for required sensitive ridgeline setbacks, single-family residential shall provide setbacks in accordance with Table 19.4.8-2, *Single-Family Residential Setbacks*:

TABLE 19.4.8-2: SINGLE-FAMILY RESIDENTIAL SETBACKS

SETBACK	DISTANCE (FEET)
Front	20 front entry to garage
	14 to living area
	10 to side-loaded garage
Rear	15
Corner Side	10
Side	5

(b) Adjustments

However, in order to adjust for terrain and produce the optimum building area, setbacks may be provided as follows:

(1) The aggregate total of setback dimensions around a building shall be equal to the sum of the minimum setbacks.

(2) Corner side setbacks may not be reduced.

(3) No setback, regardless of lot placement, shall be less than five feet. (For example, this Code requires an interior-side setback of five feet and a rear setback of 15 feet. Those two setbacks may be adjusted to ten-foot side and ten-foot rear.)

(4) On flag lots, the dwelling may be located five feet from any two sides, but the garage shall remain a minimum of 20 feet from the street. Interior side and rear setbacks for non-corner lots shall be the cumulative total of the setbacks, so long as a minimum of five feet is maintained from a property line.

7. Building Height

No structure shall exceed a height of 35 feet unless the structure is stepped or terraced. For the purposes of this section, a stepped or terraced building that exceeds an overall height of 35 feet must have a horizontal offset that is equal to, or greater than, the corresponding vertical height of each "step." The height of each step or terrace shall not exceed 35 feet as measured from the lowest finished grade elevation or the maximum peak roof height on the lower step to the maximum peak roof height on the upper step.

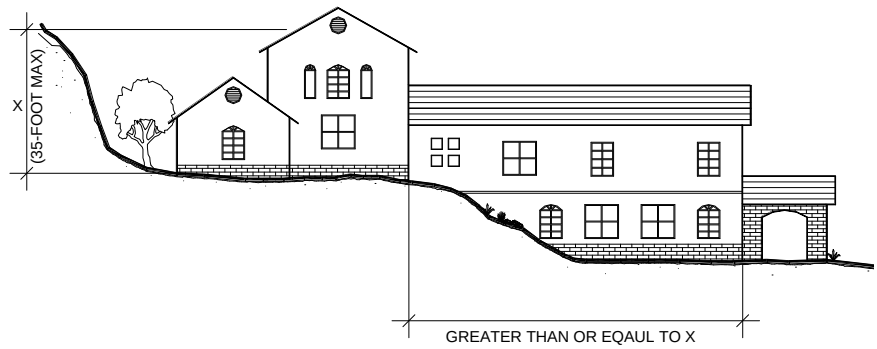


Figure 19.4.8-A: Hillside Building Height

8. Grading Standards

All development subject to the provisions of the hillside development regulations shall have a grading plan approved by the Community Development and Services Director and Public Works Parks and Recreation Director. The review process for the grading plan shall coincide with the tentative map, planned unit development, or design review process. When none of the above are required, it will coincide with the building permit review. The grading scheme shall be shown as a separate grading plan. All development shall meet all of the following criteria:

(a) The portions of the site or lot to be graded must be clearly shown on the grading plan.

(b) The site or preliminary grading plan shall be approved by the Community Development and Services Director and the Public Works Parks and Recreation Director prior to Planning Commission approval.

(c) Unless approved by the Public Works Parks and Recreation Director and the Community Development and Services Director, there shall be no blasting,

grubbing, grading, or clearing prior to approval of civil improvement plans and final grading plans by the Public Works Parks and Recreation Director and issuance of a grading permit by Building and Fire Safety. Blasting, grubbing, grading, and clearing are to occur only within the areas identified on the approved grading plan.

(d) A bond for restoration must be provided prior to issuance of a preliminary grading or grading permit.

(e) All portions of the site or lot to be left ungraded are to remain undisturbed areas and are not to be used for stockpiling of materials or excess fill.

(f) If natural areas are designated on a site or lot, temporary fencing shall be installed where they abut construction areas in order to prevent encroachment into the natural areas.

(g) With the exception of roadways and driveways, the maximum vertical height of a vertical cut or fill shall not exceed 35 feet, the maximum length of a vertical cut or fill shall not exceed 150 feet, and:

(1) The cut or fill shall be varnished and revegetated in accordance with the hillside development plan.

(2) The back-filled area shall be compacted per the approved grading plan and revegetated/varnished in compliance with this section.

(3) The edges of the cut or fill shall be shaped to conform with the natural topography of the land.

(h) Areas disturbed for roadways and driveways shall be varnished and/or revegetated.

(i) Prior to any cut or fill on slopes that encroach into a floodplain, the cut or fill design must first obtain the necessary floodplain approval (Certified Letter of Map Revision/Letter of Map Revision) and be approved by the Community Development and Services Director and the Public Works Parks and Recreation Director.

(j) The grading plan shall include a statement that certifies all finished floor elevations are a maximum of 18 inches above the 100-year base flood elevation.

(k) Excess material shall be hauled to an appropriate offsite disposal area.

(l) All site restoration shall be completed within 90 days of completion of work or prior to issuance of a certificate of occupancy, whichever occurs first. If grading operations cease for more than 120 days, site restoration shall occur and shall be completed within 60 days.

9. Hillside Restoration

All cut and fill areas including public or private streets and driveways must be restored according to the following:

(a) Revegetation Plan

(1) A landscape permit must be reviewed and approved by the Community Development Department.

(2) Restored areas must include only native plant materials.

(3) Plant density must be at least 70 percent of the native density based on the native plant inventory per Section 19.4.8.D.2.

(4) A temporary watering system shall be installed, activated, and maintained until the revegetated or salvaged plant materials are established. Plant materials are considered established if they survive for one growing season after the temporary watering system is removed.

(5) Guarantee 80 percent survival rate of plant material.

i. Survival rate shall be determined when the plant materials are considered established per paragraph (a)(4). above.

ii. Responsibility for the replacement of plants to meet the 80 percent survival rate falls on the developer or their designees. Restored hillside areas shall not be turned over to a homeowners' association until it is determined that 70 percent of the native plant density has been restored and 80 percent of the plants have survived.

(6) Areas not exceeding a three-to-one slope must replicate the desert floor using the hand placement of rock, prior to application of varnish. Typical rock-mulching in restored areas is prohibited.

(7) Seeds for trees, desert shrubs, and grasses must be planted with a density adequate to control erosion and shall use one of the following methods of planting:

i. Raked into the soil with appropriate mulch materials;

ii. Hydroseeding;

iii. Anchored mulches;

iv. Established on jute, rolled straw, or similar material; or

v. Any other method approved by the Community Development and Services Director.

(b) Revarnishing Plan

All disturbed areas to be restored must be varnished using a hue similar to the surrounding undisturbed area using an approved process.

10. Slope Stabilization

All cut and fill slopes steeper than a ratio of three-to-one or as approved by a geotechnical report, with the exception of retaining walls, shall be stabilized with properly engineered stone riprapping or sculptured rock, if necessary, as follows:

(a) Stone riprapping shall be hand-placed on the slope.

(b) The stabilizing material used shall blend with the natural appearance of the site or lot and its surrounding terrain.

(c) Unless otherwise approved by the Community Development and Services Director, vegetation retention and revegetation shall be used in conjunction with riprapping.

11. Natural Areas

The intent of natural areas is to provide for retention of hillside areas in their natural state. The density and site disturbance shall be transferred to other portions of a site. Specific criteria for natural areas includes:

(a) Natural areas shall be at least one-half acre in size or immediately adjacent or contiguous to other land also designated as a natural area that, in the aggregate, totals at least one-half acre in size.

(b) Site disturbance other than hiking trails shall not be permitted within the geographical area of a natural area.

(c) The natural area shall be delineated in a surveyable manner on the tentative and final maps of a subdivision or on any development plan required for development other than a subdivision and shall be designated by legal description on a document recorded with the Clark County Recorder for lot division.

(d) Natural areas may be designated as a deed-restricted portion of a privately owned lot or as a separate parcel. Such parcel may be under the ownership of a property owners' association or deeded to any organization that accepts responsibility for the perpetual preservation and maintenance of the natural area, subject to approval and acceptance by the City. To protect the natural areas, covenants that run with the land shall be recorded in favor of the City and of all owners with record interest in the natural area. Any covenant for the deed-restricted portion of the natural area must be filed/recorded with the County Recorder before or concurrently with the filing/recording of the final map. Should civil improvement drawings reveal that land within the deed-restricted area will have to be disturbed, then the final map and deed restriction must be amended such that an equal or greater amount of deed-restricted area results from the amendment.

(e) Prior to issuance of a grading permit, natural areas must be identified with survey stakes.

(f) Disturbed areas that are restored shall not be considered as natural non-disturbed areas. Designated natural areas that are disturbed must be restored to their natural condition.

12. Wall Standards

The intent of wall standards is to reduce the visual impact of screening and retaining methods used on hillside developments. Specific criteria for design includes:

(a) The maximum combined height of retaining walls is 36 feet.

(1) Masonry walls for each six feet of vertical height, a six-foot horizontal offset shall be provided. (Figure 19.4.8-B.)

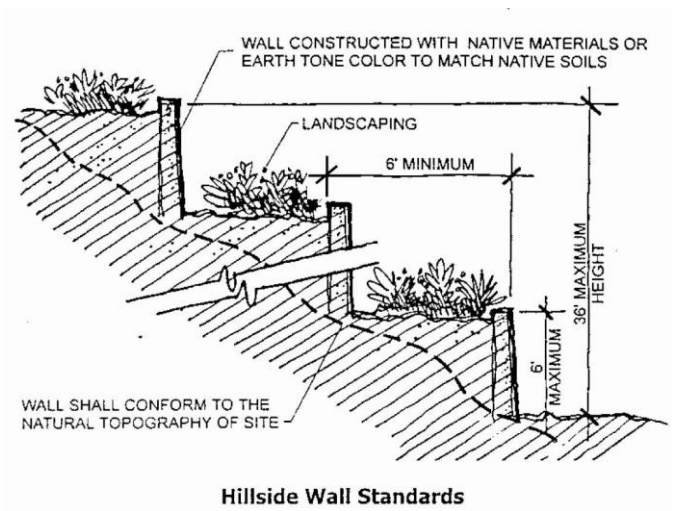


Figure 19.4.8-B: Masonry Walls

(2) Mortarless and groutless concrete masonry retaining walls for each 18-foot vertical maximum height a six-foot horizontal offset shall be provided. (Figure 19.4.8-C.)

(3) Rock wall for each 18-foot vertical maximum height a 6-foot horizontal offset shall be provided. (Figure 19.4.8-C.)

(4) A horizontal distance of 42 feet is required before another wall may begin unless otherwise approved through the Planned Unit Development (PUD) process.

(5) Offsets between walls must be sloped so that nuisance water flows do not overtop the wall.

(6) Offsets between the walls must be landscaped. Landscaping must be approved by the Community Development and Services Director.

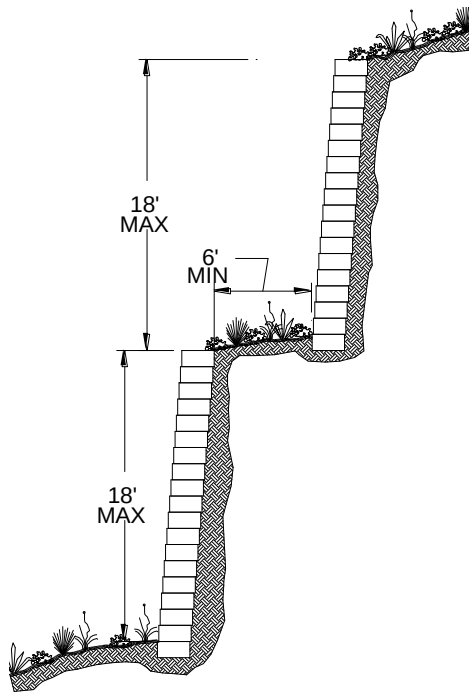


Figure 19.4.8-C: Mortarless and Rock Retaining Wall

(b) Walls shall conform to the topography of the site.

(c) Walls with a change in alignment shall, to the greatest practical extent, incorporate the use of graduating steps rather than sharp corners.

(d) Walls shall either incorporate the use of native materials or be earth-tone colors to match the native soils. All rockery walls must be varnished unless it can be demonstrated to the satisfaction of the Community

Development and Services Director that revarnishing would not fulfill the intent of this subsection.

(e) The use of wrought iron or other similar open materials is encouraged for security walls, such as for pools.

(f) Perimeter walls shall be permitted around the entire lot or parcel.

(g) Perimeter walls shall not exceed a maximum height of 32 inches solid block and 40 inches wrought iron or a maximum of 72 inches wrought iron and no solid block.

13. Color

For land subdivided by a tentative map/planned unit development and final map, as well as multifamily, commercial, industrial, public and semipublic uses, development within sensitive ridgeline setbacks and zoning approvals granted in accordance with the MP overlay, all exposed exterior walls and roofs of structures, retaining walls, and accessory structures, except satellite dishes, shall be colored to blend with the overall character of the desert environment.

The intent of this requirement is that existing single-family lots and single-family lots created by parcel maps or tentative map (not planned unit development) and final map that are not within sensitive ridgeline setbacks be exempt from color requirements.

14. Building Materials

Reflective building materials (mirror finished glass and mirror finished doors) shall not be permitted.

15. Building Pad

Stepping floor elevations shall be utilized to avoid massive building forms and surfaces that contrast with the surrounding terrain. All single-family detached lots within the H overlay shall be exempt from the slope and grading standards in this Code as they relate to usable yard area.

16. Mechanical Equipment, Residential

All external mechanical equipment shall be ground-mounted and screened. Additionally, required vents shall be architecturally compatible with the structure.

17. Mechanical Equipment, Commercial and Industrial

All external mechanical equipment shall either be located in a mezzanine or ground-mounted and screened. Additionally, buildings utilizing a flat roof shall provide a parapet one foot above the highest required vent, and the vents shall be architecturally compatible with the structure.

18. Landscaping

These requirements shall apply to those areas outside of the designated revegetated areas in accordance with the hillside development plan. For land subdivided by a tentative map/planned unit development, as well as multifamily, commercial, industrial, public and semipublic uses, development within sensitive ridgeline setbacks, and zoning approvals granted in accordance with the MP or PUD overlay, landscaping within the hillside development area shall be as follows:

(a) Plant materials shall be those per the SNRPC Regional Plant List or as specified by the Community Development and Services Director.

(b) Any installation of turf shall comply with HMC Title 14, and in no case shall turf areas violate applicable water conservation standards in effect at the time of development approval; additionally, turf areas shall be located within an enclosed area and not be visible from a lower elevation. Public or private parks and golf courses shall be exempt from this requirement.

(c) Golf courses shall be subject to the following landscaping criteria:

(1) A maximum of five acres of turf area per hole, to include a driving range, shall be permitted.

(2) Site disturbance shall be calculated based upon Table 19.4.8-1.

(3) Site disturbance may be transferred to areas of greater slope provided site disturbance in the higher slope area shall not exceed 50 percent.

(4) Cuts and fills shall be regulated per this Code.

(5) The intent of this requirement is that existing single-family lots and single-family lots created by parcel maps, a tentative map (not planned unit development), and a final map that are not located within sensitive ridgeline setbacks be exempt from landscaping requirements.

19. Improvements

All requirements and standards pertaining to public or private streets, driveways, drainage, sidewalks, curbs and gutters, curb cuts, water and fire hydrants, sewage, underground utility services, water supply, erosion control, and streetlighting shall be as prescribed by this Code.

(a) Water (Utility Services Department)

Except as noted, all water systems shall be designed in accordance with the Uniform Design and Construction Standards for Water Distribution Systems, Clark County, and the Uniform Standard Specifications for Public Works Parks and Recreation Construction, Clark County Area.

(b) Water (Fire Department)

(1) Water System Design Flow

The water mains and the distribution system shall be designed to deliver a minimum residual pressure of 20 pounds per square inch (psi) at the fire hydrants in service during maximum day demand plus the required fire flow demand. Minimum fire flow shall be as prescribed by the Fire Code. The system shall be designed in accordance with the requirements of the Department of Utility Services and the Fire Department, and assessed on a case-by-case basis. The system shall be designed to provide a minimum of 40 psi at the finish floor elevation of the structure during peak hour conditions without fire flow. A maximum pressure delivery at the point of service shall not exceed 120 psi.

(2) Building Fire Sprinkler Systems

All buildings shall be provided with an approved automatic fire sprinkler system in accordance with the Fire Code. The onsite private water system design shall accommodate the requirements for building fire sprinkler systems. The building fire sprinkler system shall meet City requirements, in addition to the Fire Code requirements. (Based upon steeper road grades, reduced roadway design speeds, reduced roadway width, longer dead-ends and cul-de-sacs, reduced water system design requirements, and relaxed secondary access requirements, the response time for emergency vehicles is increased above that of conventional development patterns within the City. Given the increased response time, a waiver of the requirement for building sprinkler systems is subject to review and approval by the Fire Chief.)

(3) Water Main Sizes

Residential water main sizes shall be as required by the Department of Utility Services. If minimum fire-flow requirements are met, water main extensions may not be required to be looped.

(4) Fire Hydrant Branch Lines

Fire hydrant branch lines shall be set at right angles to street mains. The hydrant shall be set at the end of the branch line and shall face the branch. No horizontal or vertical bends or reducers shall be used in installing fire hydrant branch lines unless specifically approved by the City. Under no circumstances shall any size or manner of tap be made on a fire hydrant branch line.

(5) Fire Hydrant Location and Distribution

The number and spacing of fire hydrants shall meet the approval of the Fire Department.

(c) Wastewater Collection Treatment

Wastewater collection systems shall be designed in accordance with the latest edition of the Design and Construction Standards for Wastewater Collection Systems, Clark County.

(d) Drainage Design

Drainage facilities shall be designed to maintain the natural run-off characteristics to the maximum practical extent. In the event that rear- and side-lot drainage facilities are utilized, all such facilities shall be designed in accordance with the Clark County Regional Flood Control District Hydrologic Criteria and Drainage Design Manual. Private drainage facilities and easements shall be privately maintained.

(e) Roadways

(1) All roadways, public or private, shall be designed according to the standards of this ordinance, AASHTO requirements, and the approved traffic study. The standards are also intended to supplement the Public Works Parks and Recreation Department Plan Review Guidelines. Roadways should be located such that impacts to the natural environment are avoided. They should follow the topography of the area to minimize

grading cuts and fills. Curvilinear horizontal alignments and gently rolling profiles consistent with the natural topography will minimize unnecessary site disturbance. Significant features, such as rock outcroppings, should be avoided.

(2) The standards in Table 19.4.8-3, Roadway Standards in the H Overlay, shall apply to roadways in the H overlay:

TABLE 19.4.8-3: ROADWAY STANDARDS IN THE H OVERLAY

ITEM #	FEATURE	REQUIRED STANDARD	
1	Right-of-way	42 feet (no parking or parking on side); see Figures 19.4.8-D & 19.4.8-E	
		45 feet (parking on both sides); see Figure 19.4.8-F	
2	Travel lanes	2	
3	Face-of-curb dimension	24 feet (no on-street parking)	
		28 feet (parking on one side)	
		36 feet (parking on both sides)	
4	Curbing	Curbing shall be required; curb type shall be as approved by the Public Works Parks and Recreation Director	
5	Design speed	20 miles per hour	
6	Stopping site distance	125 feet	
7	Site distance (intersections)	200 feet	
8 & 9	Minimum center line radius	180 feet without super-elevation	
		140 feet with 2 percent super-elevation	
10	Minimum vertical curve length	100 feet	
11	Maximum cross-slope in curve	4%	
12	Minimum grade	0.5% for L curb, 0.8% for rolled curb, unless otherwise approved by the Director of Public Works Parks and Recreation	
13	Maximum grade	15%	
14	Maximum grade length	Option A (within any given mile)	9% = 3,180 feet 9-12% = 1,400 feet 12-15% = 700 feet
		Option B	8% average, never to exceed 15%
15	Vertical clearance	13 feet 6 inches	
16	Sidewalks	Minimum lot sizes less than 20,000 sq. ft.: 4-foot walk on one side of the street	
		Minimum lot sizes greater than 20,000 sq. ft: none required	
17	Cul-de-sacs	Radius: 45 feet measured to the face-of-curb	
18	Vertical curves	Required if grade difference exceeds 1 percent	
19	Grade change	Maximum of 6% change over 25 feet	
20	Roadway aprons	2 percent maximum slope measured 4 feet from the back-of-curb on both sides of street	
21	Right-of-way slope	3 feet horizontal for 1 foot vertical behind the roadway apron and within the right-of-way	
22	Cross-slopes	4 percent	
23	Street lighting	Intersections and other locations for public safety as required by the Public Works Parks and Recreation Department	
24	Intersection spacing	200 feet, measured center line to center line	

(3) The following street cross section designs are allowed for interior subdivision streets in the H overlay:

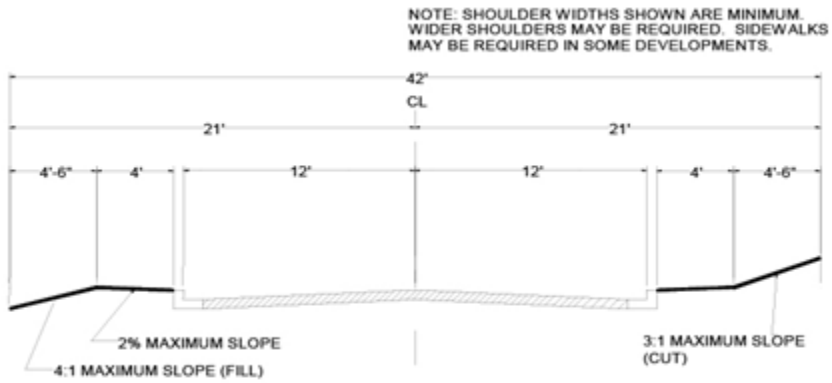


Figure 19.4.8-D: Road Configuration in H overlay with No On-Street Parking

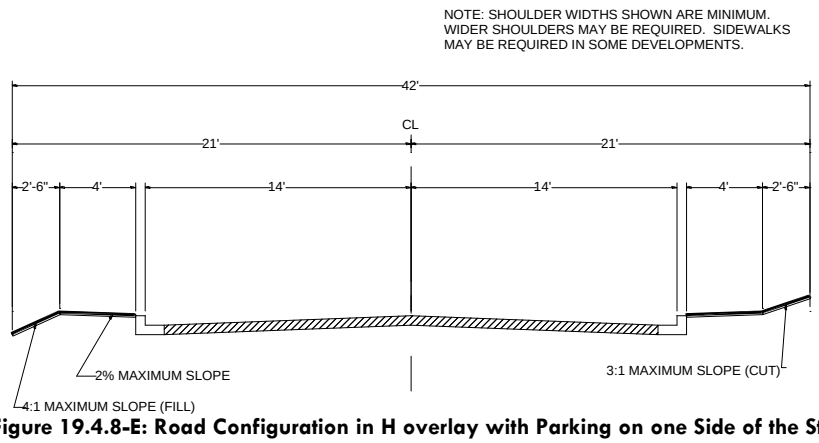


Figure 19.4.8-E: Road Configuration in H overlay with Parking on one Side of the Street (may only be used for single-loaded streets/streets with houses on only one side.)

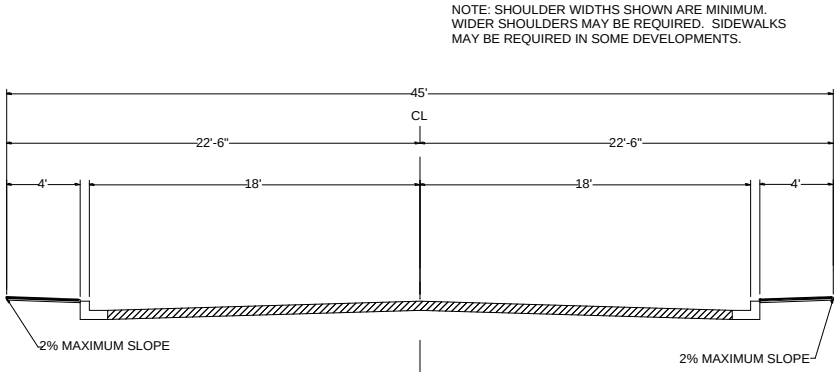


Figure 19.4.8-F: Road Configuration in H overlay with Parking on Both Sides of the Street

(f) Driveways

For the purposes of this section, driveways are private drives providing access from a roadway to a home or homes.

(1) A maximum of four homes are permitted per driveway.

(2) Additional driveways to a single residence, including circular driveways, may be permitted provided they do not adversely disrupt the surrounding environment, subject to Public Works Parks and Recreation Director approval.

(3) Driveways shall meet the criteria in Table 19.4.8-4, Driveway Configuration in the H Overlay:

TABLE 19.4.8-4: DRIVEWAY CONFIGURATION IN THE H OVERLAY

TYPE	MINIMUM WIDTH (FT)	MAXIMUM WIDTH (FT)	MAXIMUM GRADE (%)	SHOULDER WIDTH (FT)
Driveway serving a single residence	14	20	12	5 (both sides)
Driveway serving multiple residences	20	24		

(4) Driveways greater in length than 150 feet shall comply with the Fire Code and Fire Department guidelines for hillside driveways.

(5) Additional safety measures may be needed and will be reviewed on a case-by-case basis.

20. Homeowners' Association

Each hillside development plan that provides for private streets or improvements, common open space, perimeter landscaping, or natural areas shall establish and maintain a homeowners' association. The association shall be responsible for the maintenance and upkeep of all private streets and improvements as well as all common open space, perimeter landscaping, and natural areas.

21. Sensitive Ridgeline Development

(a) Sensitive Ridgeline Setback

All development, excluding perpendicular road crossings, is subject to a 100-foot setback from each sensitive ridgeline as depicted on the Hillside Regulation Map. The 100-foot setback is measured horizontally on each side of the center of the ridgeline unless taking advantage of exemption in Subsection (b). The applicant shall designate the sensitive ridgeline setback area as a natural area in accordance with Section 19.4.8.F.11, *Natural Areas*.

(b) Transfer of Development Outside Sensitive Ridgeline Setback

Hillside development plans that include property within a sensitive ridgeline setback are permitted transfer of density and site disturbance outside the area of a sensitive ridgeline setback.

(1) Calculate density and site disturbance per Section 19.4.8.F.1, Density Allocation and Maximum Site Disturbance, for the area within the sensitive ridgeline setback.

(2) Transfer all density and site disturbance outside the sensitive ridgeline setback.

(3) Designate the sensitive ridgeline setback area as a natural area in accordance with Section 19.4.8.F.11, Natural Areas.

(4) All transfers must occur within the subject property. Transfers cannot be to any other property that is not a part of a hillside development plan.

(c) Development Within Sensitive Ridgeline Setback

Residential development on pre existing lots of record created on or before July 1, 1997, not being further subdivided are subject to the following:

(5) Split-pad design shall be utilized.

(6) Maximum height shall not exceed 25 feet.

(7) Building material color to include walls shall match the natural colors found on the lot or parcel.

(8) The slope of all roofs shall be the same as the natural slope of the property.

22. Findings of Fact

In approving any development proposal that includes waivers, the Planning Commision or City Council must find that the proposed project:

(a) Preserves the integrity of and locates development within the least impact upon sensitive peaks and ridges, or any other significant topographical feature designated on the existing conditions report per Section 19.4.8.D.2(b).

(b) Minimizes grading and site disturbance.

(c) Locates development compatibly with the natural terrain.

(d) Provides for adequate drainage, protects downstream properties, and minimizes erosion.

(e) Provides for development standards in excess or equal to those required by this ordinance.

These findings are in addition to any other applicable findings required by this Code.

23. Application Requirements

Each application for approval of a hillside development plan shall be initiated by all property owners or their authorized agent. The form of the application and submittal requirements including additional submittal requirements required by the hillside checklist shall be as established by the Community Development and Services Director.

24. Amendment

(a) Any request for amendment to an approved hillside development plan that increases the number of dwelling units, decreases or relocates common open space or natural areas, alters lot lines or road patterns, changes the types of structures, increases the building area or results in a request for new waivers shall be initiated and processed as a new application.

(b) Minor amendments, including revisions to site plans or architecture proposed in response to conditions of approval, shall be approved administratively in accordance with Section 19.6.9.B, Administrative Adjustments.

(c) An application to approve additional area or annexation of property with a slope in excess of 15 percent in the H overlay shall be initiated by the Community Development and Services Director or by property owners or an authorized agent. If the property is not under a single ownership and all owners agree to the proposed development, then all owners shall join the application. A map showing the extent of ownership and the proposed area for inclusion within the H overlay shall be submitted with the application. Procedures for an amendment shall be initiated in the same manner as a new application for zoning.

25. Expiration and Renewal

(a) In order to maintain consistency with City development timing objectives, including but not limited to the Capital Improvement Program, hillside development plans are required to be implemented and constructed within a reasonable time from approval.

(b) Approval of a hillside development plan may be renewed and the expiration date extended by a time period equal to or less than the initial approval period. Requests for renewal shall be made in writing by the applicant prior to expiration. At the discretion of the City Council, any extension approval may include additional restrictions or approval conditions including but not limited to changes in development regulations adopted after the initial approval.

26. Exemptions

(a) Any approved MP as defined by Section 19.6.4.D, and any subdivision, as defined by NRS 278.320, that lies within all or part of the H overlay and has received City Council approval of development standards for the entire master plan through a zoning action or has tentative and final maps approved prior to enactment of this Code may be developed in compliance with the conditions and waivers as approved without regard for this Code.

(b) Any application to rezone property within a master plan, to resubdivide or to amend a tentative map shall comply with all provisions of the hillside regulations in effect at that time provided, however, that any application to rezone any property within a master plan, to resubdivide, or to amend a tentative map may include:

(1) A request that the approved development standards of the master plan or approved tentative map conditions be applicable to the property sought to be rezoned upon rezoning; or

(2) A request that amended development standards be applicable to the property upon rezoning or amendment. If amended development standards are requested to be applicable to the property to be rezoned, resubdivided or amended, then the findings of fact requirements set forth in Section 19.4.9.F.25, Expiration and Renewal, shall apply.

19.4.9. SENSITIVE LANDS OVERLAY (SL)

A. PURPOSE

It is the purpose and intent of the Sensitive Lands Overlay (SL) to protect and enhance the visual and environmental quality of designated areas such as, but not limited to, the area referred to as the Sloan Canyon National Conservation Area Gateway. More specifically, to ensure that:

1. Sites are developed with due regard to protecting the environmental qualities of the natural terrain and landscape including protection of native vegetation, wildlife habitat, and riparian areas, and that land disturbance is kept to a minimum to preserve and enhance the natural resources and visual quality of a site;

2. Development avoids natural hazard areas;

3. Structures, including roads, do not block or intrude adversely into significant views to and from the site. The scenic quality of the desert and mountain environment is preserved by designing structures and roads to be compatible with the natural topography;

4. Development is properly related to its site and surrounding landscape, and structures are compatible with their surroundings;

5. Natural open space, landscaping, parking, and other site features are designed to enhance the visual and physical use of the property and to screen visually intrusive uses;

6. Natural drainage channels are integrated into a system of protected, multiple purpose natural open space;

7. Multi-jurisdictional, regional planning, and collaboration are pursued to enhance the visual and physical use of the property as well as to ensure the safety of residents and visitors;

8. Development is oriented to maximize visibility and accessibility by minimizing the use of walls, fronting natural open space with streets, trails, parks, and/or other public places; and

9. Development shall be consistent with principles in the City's Comprehensive Plan, including but not limited to providing: a balance of nonresidential and residential uses; unique building characteristics to promote variety; internal and external connectivity through streets, sidewalks and trails as well as within subdivisions; integrated natural open spaces and natural features within built places; landscaping that reflects the desert environment; energy efficiency in building design to conserve resources; as well as other applicable principles.

B. CONFLICTING PROVISIONS

If the provisions of this section are inconsistent with the provisions found in another section of this Code, the provisions of this section shall apply.

C. APPLICABILITY AND ZONING MAP DESIGNATOR

1. The standards in this section shall apply to all lands and proposed development located within any area designated a SL overlay.

2. Each SL overlay shall be shown on the zoning map of the City by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding a "-SL" designator to the base district designation.

D. DESIGNATION OF SENSITIVE LANDS OVERLAY

1. The SL overlay shall be established in accordance with the rezoning procedures of Section 19.6.4.C, as modified by the standards and procedures of this section.

2. Upon its own initiative or upon recommendation by the Planning Commission, the City Council may, in addition to any existing base district, apply the SL overlay to any area or property. In designating such area, the City Council shall enumerate the significant natural and visual attributes justifying such designation and apply standards, uses, and densities pursuant to the procedures set forth in this section.

3. Designation as a SL overlay may be required as a condition for approving any request for a rezoning, conditional use permit, planned unit development, master plan, or any discretionary land use development application.

4. If requested by the applicant, a zoning map amendment to the SL overlay and promulgation of standards, uses, and densities may be processed simultaneously with other forms of required development approvals, as set forth in Section 19.6.3.B.8, Simultaneous Processing.

E. ESTABLISHMENT OF REVIEW STANDARDS, USES, AND DENSITIES

1. Prior to designation of an area or property as a SL overlay, the City Council shall direct the Community Development and Services Director to undertake such studies as are necessary to establish development review standards, appropriate uses, and densities for the overlay. These standards, uses, and densities shall be in keeping with the purposes set forth in this section and necessary to protect the significant natural and visual attributes of the overlay enumerated by the Planning Commission or City Council in proposing the overlay. Such studies may include, but are not limited to, environmental, traffic, design, and visual analyses.

2. The Community Development and Services Director shall, based on such studies, propose the boundaries of the overlay, development review standards, and a list of appropriate uses and densities of development. Such standards may address all aspects of development necessary to achieve the purposes of this section and to protect the significant natural and visual attributes of the overlay including but not limited to:

(a) Building design including, but not limited to, materials, colors, architectural detail, massing, and other exterior design features of any structure;

(b) Dimensional attributes of structures including height limits and setbacks;

(c) The location of structures on a site;

(d) Landscaping;

(e) Means of illumination;

(f) Fencing, screening, and buffering;

(g) Vegetation protection;

(h) Accessibility and circulation;

(i) Minimization of grading activities;

(j) Establishment of protected, natural open space;

(k) Storm drainage and trails; and

(l) Signage and gateway community features.

3. The Planning Commission shall review such proposed overlay boundaries, design standards, uses, and densities and make a recommendation to City Council for final approval simultaneous with designation of a SL.

F. DEVELOPMENT REVIEW PROCEDURES

Any application for development in a SL overlay shall comply with the required study referenced in this section or any applicable development agreement.

19.4.10. RURAL NEIGHBORHOOD OVERLAY (RN)

A. PURPOSE

The intent of this section is to preserve the rural character of the designated rural neighborhoods by identifying and maintaining the density unique to each of the rural neighborhoods in the city that have some or all of the following characteristics:

1. Populated by residents with common interests in more open-space lifestyles than experienced in urban neighborhoods;

2. Custom-built homes;

3. No mandatory Conditions, Covenants, and Restrictions (CC&Rs) or homeowners' associations;

4. Suitable for keeping and riding horses in a rural residential setting;

5. Trail access to mountainous areas surrounding the city;

6. Residential lots large enough to park boats, horse trailers, and other recreational vehicles behind the front setback line and having enough rear-yard area to construct accessory buildings, stables, tack houses, and other horse-related outbuildings;

7. Residential densities low enough to allow substantially more physical separation between neighboring dwellings than typically found in urbanized areas;

8. Modified pavement sections and few public streetlights and sidewalks; and

9. Less light pollution from fewer residential nighttime activities and house lighting in general.

B. APPLICABILITY AND ZONING MAP DESIGNATOR

1. The RN overlay may only be combined with the DH, PS, RS-1, and RS-2 districts.

2. Each RN overlay shall be shown on the zoning map of the City by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding a designator "-RN" to the base district designation. All development must be consistent with the provisions of this Code.

C. AMENDMENT

An application to establish or amend a RN overlay shall be initiated by a property owner or authorized agent, or by the City. For applications not initiated by the City, and if the properties to be added or removed are not under single ownership, all individual owners must join and sign

the application before submittal to the City. A map showing the extent of ownership shall be submitted with each application. The application shall adhere to the following standards:

1. Each RN overlay shall be a minimum affected area of 160 acres or greater and shall include a state-designated rural neighborhood within its boundaries. Exceptions to the size may be as approved by City Council.

2. Each application shall be in accordance with the purposes of this section.

3. An amendment shall not segment, divide, or create a non-RN island within the RN.

4. All applications shall show the limits of "Rural Preservation" as defined by state statute. Applications may include more area than that defined by state statute.

5. Applicants requesting amendments to the RN overlay shall demonstrate that the amendment mitigates any potential significant adverse impacts to the rural neighborhood and the city to the maximum practical extent.

6. Undeveloped lands outside Henderson corporate boundaries but adjacent to a rural neighborhood as designated by the City shall be subject to the provisions of this section upon annexation.

7. Applicants shall hold a neighborhood meeting before applying for a zone change from the City. The meeting shall be conducted at a nearby public facility such as a school, public library, or similar public meeting place. The applicant shall comply with the notification standards set forth in Section 19.6.3.B.4, Public Notice.

D. UNDERLYING ZONING DISTRICTS

1. Applications for zoning districts other than DH, RS-1, RS-2, or PS shall require removal of the RN overlay.

2. Applicants requesting to amend the underlying zoning districts on land designated as RN shall have the burden of demonstrating that the zone change will not have significant adverse impacts on other property in the vicinity of the subject amendment.

E. OVERLAY-SPECIFIC STANDARDS

The intent of this section is to preserve the rural character of the designated rural neighborhoods by not requiring sidewalks, streetlights, curbs, or gutters on residential streets. The Public Works Parks and Recreation Director shall retain the authority to modify these standards where conditions require. Except as otherwise stated in this section, land use regulations shall be those of the base zoning district and the following:

1. Streets

All streets shall conform to the adopted Master Streets and Highways Plan. Intersections with designated rural roads with modified street sections shall comply with Public Works Parks and Recreation' specifications. For streets not listed on the adopted Master Streets and Highways Plan, unless full dedication was accepted prior to adoption of this ordinance, the right-of-way on each residential street shall be maintained at 60-foot width, and the improvements therein shall be as follows:

(a) Each street shall have a pavement width of a minimum of 32 feet as measured 16 feet respectively on either side of the centerline of the right-of-way;

(b) The remaining right-of-way on either side shall be reserved for equestrian and trail use;

(c) Revocable or other use permits may be granted in the right-of-way on either side of the pavement;

(d) Sidewalks shall not be required in the remaining right-of-way; and

(e) Streetlights shall not be required.

2. Trails

(a) Connectivity and accessibility between trail systems within rural neighborhoods and consideration for trailhead sites is encouraged.

(b) Trailheads shall be located in a manner that will direct vehicular traffic onto arterial roadways rather than imposing on rural neighborhood streets.

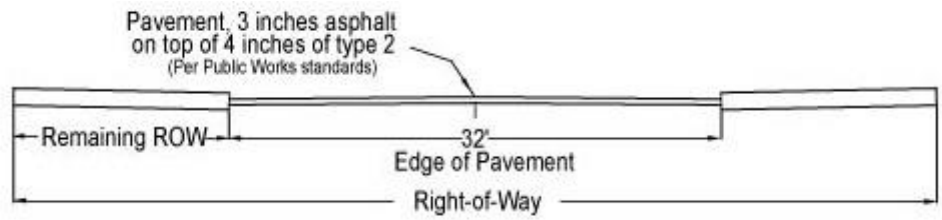


Figure 19.4.10-A: Rural Street Cross-Section

F. EXCEPTIONS

1. If a conflict occurs between the provisions set forth in this section and an approved neighborhood plan as defined by the Comprehensive Plan, the neighborhood plan shall control.

2. According to the provisions of NRS Section 278.251, the state regulations necessary to maintain the rural character of neighborhoods shall expire on June 1, 2004. Thereafter, the regulations in the RN shall control.

CHAPTER 19.5: USE REGULATIONS

19.5.1. CHAPTER ORGANIZATION

This chapter describes the land uses allowed in Henderson and the applicable use-specific standards.

A. USE CLASSIFICATION

Section 19.5.2, *Use Classification*, establishes the structure and hierarchy of the land uses allowed in this Code, including the general categories and specific use types. This section also includes the procedure for applying use-specific standards to buildings with multiple-use types and the procedure for consideration of unlisted uses.

B. USE REGULATIONS

Sections 19.5.3 through 19.5.6 list the uses allowed in this Code and summarize information related to each use, including the definition, a table showing the districts in which the use is allowed, the procedure under which the use may be approved, use-specific standards (if applicable), the minimum off-street parking requirement, and off-street loading group.

1. Explanation of Tables

The following abbreviations apply for all tables in this chapter:

(a) "P" (Permitted Use) = use permitted, subject to all applicable regulations of this Code.

(b) "S" (Standards) = use permitted, subject to additional standards listed for the specific use type in addition to all applicable regulations of this Code.

(c) "C" (Conditional Use) = use allowed only if reviewed and approved as a conditional use, in accordance with Section 19.6.6.A. Base standards may apply to a CUP approval, as specified in the table for the specific use type.

(d) "A" (Accessory Use) = use permitted as an accessory use to a principal use in the district. This does not exclude other land uses which are generally considered accessory to the primary use.

(e) "T" (Temporary Use) = use is permitted only by means of a Temporary Use Permit (or a conditional use permit when exceeding the allowed time limit) in accordance with 19.6.6.D, unless otherwise expressly allowed by the HMC. Base standards may apply to a TUP; see standards for the specific use type.

(f) Blank cell = use not allowed in the respective zoning district.

2. Off-Street Parking and Loading Requirements

The number of off-street parking spaces and loading zone requirements for uses listed in Sections 19.5.3 through 19.5.6 shall be as listed in the tables of that section. The requirements listed are minimums. Other general requirements and standards relating to parking and loading, including those that pertain to location, design, computation and handicapped parking, are as set forth in Section 19.7.4, *Parking and Loading*.

3. Use-Specific Standards

(a) For all uses in this chapter, the "All Districts" standards apply in all districts unless otherwise indicated, and any district-specific standards supplement the all-district standards unless otherwise indicated.

(b) Any modifications to the use-specific standards of this chapter through the conditional use permit approval process shall be specifically recorded in the approved permit. The use-specific standards of this chapter are not subject to modification through the waiver process.

(c) The use-specific standards in this chapter include cross-referencing tools that are intended to assist the City and the public in using and applying this Code. These cross-referencing tools are for the sake of convenience and assistance only, and do not diminish the applicability of substantive standards and limitations that appear outside this chapter. Except as otherwise specifically indicated, the absence or omission of a cross-reference in the land use tables of this chapter shall not be deemed to limit or negate any other provision of this Code.

C. ACCESSORY USES AND STRUCTURES

Section 19.5.7, *Accessory Uses and Structures*, sets out the use-specific standards for accessory uses. In some cases, these standards differ based upon the base or overlay zoning district where located.

D. TEMPORARY USES AND STRUCTURES

Section 19.5.8, *Temporary Uses and Structures*, includes the use-specific standards for temporary uses. In some cases, these standards differ based upon the base or overlay zoning district where located.

19.5.2. USE CLASSIFICATION

A. USE CLASSIFICATIONS

Use classifications organize land uses and activities into general "use categories," and specific "use types" within the categories, based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or housing types, how goods or services are sold or delivered, and site conditions. The use classifications provide a systematic basis for assigning present and future land uses into appropriate zoning districts. Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The use classifications in each of the use tables include: Residential Uses, Public/Institutional Uses, Commercial Uses, and Industrial Uses. Accessory Uses and Temporary Uses are addressed in Sections 19.5.7 and 19.5.8, respectively.

B. DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES

When all principal uses of a building fall within one use category, the entire building is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations within that category. Developments with multiple principal uses, such as shopping centers, may include only those use types allowed in the base zoning district. For developments that meet

COMMENTARY:

For example, a development that contains a bookstore, coffee shop, and bakery would be classified in the "Retail Sales and Service" category because all of the development's principal uses are in that use category.

the "shopping center" definition, parking for uses may be calculated at one space per 250 square feet.

C. UNLISTED USES

1. Procedure

Where a particular use type (principal, accessory, or temporary) is not specifically listed in this chapter, the Community Development and Services_Director may permit the use type upon finding the standards of this subsection are met in accordance with the procedure in Section 19.6.9.F, *Interpretation*. The Community Development and Services Director shall give due consideration to the purpose and intent of this Code concerning the zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question. Any new use type may be incorporated into this Code through a Development Code text amendment in accordance with the procedure in Section 19.6.4.B.

2. Standards for Approving Unlisted Uses

In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other use types allowed in a specific zoning district, the Community Development and Services Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

(a) The volume and type of sales, retail, wholesale, etc.;

(b) The size and type of items sold and nature of inventory on the premises;

(c) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;

(d) Any dangerous, hazardous, toxic, or explosive materials used in the processing;

(e) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);

(f) The type, size, and nature of buildings and structures;

(g) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;

(h) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;

(i) Trip purposes and whether trip purposes can be shared by other use types on the site;

(j) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other use types;

(k) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;

(l) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and

emissions required or recommended, and any significant power structures and communications towers or facilities; and

(m) The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types in the zoning district.

D. PROHIBITED USES

The following uses are prohibited within the City of Henderson:

1. Residential Motels

2. Bed & Breakfast facilities

19.5.3. RESIDENTIAL USES

A. GENERAL STANDARDS FOR ALL RESIDENTIAL USES

The following general standards apply to all residential uses allowed in the City of Henderson.

1. Maximum Dwelling Unit Occupancy

Occupancy by persons living as a single housekeeping unit in a dwelling unit shall be limited to the following: compliance with the definition for a "family unit"; and a dwelling unit with a minimum of 150 square feet of gross floor area for each of the first ten occupants and 300 square feet for each additional occupant, to a maximum of 20 occupants. In no case shall a dwelling unit be occupied by more than 20 persons or as limited by the "family unit" definition. A conditional use permit shall be required for occupancy of a dwelling unit by more than ten persons 18 years or older.

2. Domestic Employees

No shift change involving two or more employees shall take place between the hours of 10:00 p.m. and 6:00 a.m. For the purposes of this subsection, "employees" shall include child-care workers, domestic help, contract workers, in-home health-care providers, assisted-living service providers, or any other employee associated with a household living use.

3. Personal Property Sales

A personal property sale is defined as a temporary garage or yard sale of personal property typically conducted on residential land. Sales of personal property shall be limited to a period of not more than three days during each consecutive six-month period.

B. HOUSEHOLD LIVING

1. Dwelling, Live/Work

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C		C	C	C	C	

(a) Definition

A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

(b) General Standards

(1) The residential portion within the live/work unit shall be a minimum of 700 square feet in area. Waivers to this standard may be processed through the design review or conditional use permit process.

(2) The residential portion shall be contiguous with and an integral part of the working space, with direct access between the two areas, and not a separate stand-alone dwelling unit.

(3) Live/work units shall not be located within a single-family detached dwelling but may be located within single-family attached dwellings as well as vertical mixed-use dwellings.

(4) Live/work units must be specifically indicated as such on a site plan approved through an entitlement application.

(5) Live/work units are not permitted in existing developments unless the original approval for that development is amended.

(6) The nonresidential portion within the live/work unit shall be located on the ground floor.

(7) Any nonresidential activity shall require a City business license.

(8) The nonresidential portion of the building shall comply with all applicable nonresidential Building Code requirements.

(9) Employees shall be limited to occupants of the residential portion of the building plus up to two people not residing in the residential portion.

(10) Drive-through windows are prohibited.

(11) The use shall comply with the landscaping and open space standards for mixed-uses in Chapter 19.7*: Development and Design Standards*.

(12) No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

(13) The following uses are permitted for live/work units:

i. Business and professional offices;

ii. Artist studios;

iii. Retail sales of items produced or created on-site as part of the live/work use;

iv. Personal services such as photography studios, tailors, seamstresses, shoe repair, and other similar uses but excluding any uses prohibited below;

v. Personal improvement services such as music and dance lessons, tutoring, palmistry and fortune-telling, and other similar uses but excluding any uses prohibited below; and

vi. Other uses may be approved thru the Conditional Use Permit process if determined to be compatible with the overall characteristics of the development or neighborhood.

(14) A live/work unit shall not be established or used in conjunction with any of the following activities:

i. Sexually oriented businesses;

ii. Cosmetology or hair salons/barber shops;

iii. Animal sales and animal-related services;

iv. Liquor sales;

v. Eating and drinking establishments;

vi. Massage establishments;

vii. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles, vehicle detailing and painting, upholstery, etc);

viii. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;

ix. Welding, machining, or any open flame work; and

x. Any other activity or use determined by the Planning Commission to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

(15) Client and customer visits to live/work units are permitted subject to any applicable conditions of the applicable use permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.

(16) Client and customer visits to live/work units are permitted subject to any applicable conditions of the applicable use permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.

(17) Each of the above standards, as well as those of subsections (c) and (d) below and all other conditions imposed on the Conditional Use Permit, shall be set forth in codes, covenants, and restrictions, which shall be recorded with respect to the property after review and approval of the City Attorney.

(c) Standards for Mixed-Use and Nonresidential Districts

(1) Manufacturing activities associated with a live/work unit shall be limited to those types of manufacturing that would be classified as "Limited Industry" (Section 19.5.6.G.3(a)) under this Code if operated as a principal use.

(2) The Planning Commission may, with clear and convincing justification provided by the applicant, allow more than two employees at a live/work unit in the IL and IP districts.

(3) A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

(4) If a building contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the chief building official.

(5) The owner or developer of any nonresidential building containing live/work units shall provide written notice to all occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. State and federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.

(d) Standards for Residential Districts

(1) Manufacturing and retail sales activities shall not be allowed in a live/work unit in a residential district.

(2) The exterior appearance of the live/work unit shall be designed to be compatible with adjacent and nearby residential uses.

(3) Building and lot layout shall demonstrate that the quiet enjoyment expectations of the neighbors in the building or adjacent buildings take precedence over work needs of the unit in question.

(4) Signage shall be limited to one wall sign of 15 square feet.

(5) Garages and/or exterior areas shall not be used for work space for a live/work use.

(6) Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday, unless otherwise provided by use permit, and shall not occur on state and federal holidays.

(7) No more than one live/work use is allowed per legal dwelling unit on the property.

(8) No more than one single one-ton or smaller commercial vehicle related to the business activity shall be kept at the dwelling site.

(9) No outdoor storage of materials or equipment related to the business activity shall be permitted. No outdoor activity related to the business activity shall be permitted.

(10) Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.

(e) Off-Street Parking Requirement

Residential and nonresidential districts.

(1) The use shall comply with the parking standards for mixed-uses in Section 19.7.4, *Parking and Loading*. Any off-street surface parking shall be located as far as possible from existing adjacent single-family dwellings.

(f) Off-Street Loading Group

None.

2. Dwelling, Mansion Apartment

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
				S	S	S	S	S				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				S					S	S	S	

(a) Definition

A structure configured to appear as a large single-family dwelling with or without individual entryways, porches, or balconies. These use types include more than two but not more than six individual dwelling units.

(b) Standards

(1) Mansion apartments shall incorporate design elements intended to reinforce the building's appearance as a single-family home, including a consistent architectural style on all sides of the building.

(2) Mansion apartments shall comply with the single-family residential design standards in Section 19.7.6.B, *Single-Family Residential Design Standards*.

(3) The maximum length of the building may not exceed 200 linear feet.

(4) Except on corner lots, mansion apartments shall be served by a

Figure 19.5.3-A: Mansion Apartment Example

single driveway and off-street parking area.

(c) Off-Street Parking Requirement

1.5 parking spaces per unit.

(d) Off-Street Loading Group

None.

3. Dwelling, Multifamily

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					P	P	P	P				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C					P	P	P	

(a) Definition

A building containing two or more dwelling units on one lot, each of which includes a separate household, including duplexes, condominiums, townhouses, row houses, or apartments.

(b) Standards

(1) All Districts

Multifamily dwellings shall comply with the multifamily design standards in Section 19.7.6.C., *Multifamily Residential Design Standards*.

(2) CT District

i. Multifamily uses are allowed only with a conditional use permit as part of a mixed-use project.

ii. Household living areas may not occupy more than 20 percent of the CT-zoned area of the subject development or master plan.

(c) Off-Street Parking Requirement

(1) Residential and nonresidential districts

i. 1.5 spaces per 1-bedroom unit

ii. 2 spaces per 2-bedroom unit

iii. 2.5 spaces per 3-bedroom unit

iv. 3 spaces per 4-bedroom unit

v. Plus additional 0.25 space per unit for guest parking

(d) Off-Street Loading Group

None.

4. Dwelling, Single-Family Attached

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
			P	P	P	P	P	P				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									P	P	P	

(a) Definition

Two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall.

(b) Standards

(1) All Districts

Single-family attached dwellings shall comply with the applicable standards in Section 19.7.6.B, *Single-Family Residential Design Standards*.

(2) M Districts

Single-family attached dwellings shall only be developed in conjunction with a commercial component when in an M zoning district. Single-family attached dwellings shall not be a stand-alone project in an M zoning district.

(c) Off-Street Parking Requirement

2 spaces per dwelling unit.

(d) Off-Street Loading Group

None.

5. Dwelling, Single-Family Detached

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
P	P	P	P	P	P	P						
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S		P	

(a) Definition

A residential building containing not more than one dwelling unit and occupied by a family unit, and that is located on its own individual lot and not physically attached to any other principal structure. For regulatory purposes, this term does not include mobile homes, recreational vehicles, or other forms of temporary or portable housing. This term includes "manufactured home," which is defined as a dwelling unit that is built on a permanent chassis that is transportable in one or

more sections and designed to be used with or without a permanent foundation that complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq).

(b) Standards

(1) All Districts

i. Single-family detached dwellings shall comply with the applicable standards in Section 19.7.6.B, *Single-Family Residential Design Standards*.

ii. Manufactured homes shall comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq) and subject to Section 19.7.6.B.6.

(2) M District

i. Single-family detached dwellings are not allowed along the Boulder Highway frontage.

ii. Single-family detached dwellings shall only be developed in conjunction with a commercial component when in an M zoning district. Single-family detached dwellings shall not be a stand-alone project in an M zoning district.

(c) Off-Street Parking Requirement

2 spaces per dwelling unit.

(d) Off-Street Loading Group

None.

6. Senior Apartments and Condominiums

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					S	S	S	S				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

(a) Definition

An apartment or condominium development in which the ages of all occupants shall be restricted to 62 years of age or older for all units; or, in the alternative, at least one resident in each of 80 percent of the units shall be 55 years of age or older. This use includes multifamily dwelling units that qualify as "housing for older persons" under the provision of federal law, including without limitations housing developments that:

(1) Provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and

(2) Publish and adhere to policies and procedures that demonstrate intent to provide housing for persons 55 years of age or older to the extent allowed by applicable state or federal law.

(b) Standards

(1) Personal Services (General) uses may be allowed as accessory uses subject to the following:

i. Personal services uses shall be limited to residents of the development and shall not be open to the general public;

ii. No exterior signage shall be visible to the public; and

iii. No more than three individual personal service use types within a development shall be allowed.

(2) The applicant shall record a deed restriction against the property restricting the use to a Senior Apartment or Condominium project. The deed restriction must include the age limitation as stated in the definition for this use. The deed must be recorded and a copy provided to the Community Development Department prior to issuance of a building permit for the first building on the site.

(c) Off-Street Parking Requirement

1 space per unit plus a minimum of 1 space per 50 square feet of assembly area.

(d) Off-Street Loading Group

None.

7. Accessory Dwelling Unit

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C									
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									C		C	

(a) Definition

A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access.

(b) Districts Allowed

An accessory dwelling unit shall be allowed only through the conditional use process and only as accessory use to a single-family detached residential dwelling unit in the districts referenced in the table above.

(c) Standards

Accessory dwelling units shall comply with all requirements in Section 19.5.7.C, *General Standards for All Accessory Uses and Structures*, and also the following:

(1) The setback requirements for the principal dwelling shall apply to the accessory dwelling unit, not the general setback requirements for accessory structures;

(2) In the RS-6 district as of the effective date of this Code, accessory dwelling units may be allowed by conditional use permit only on lots greater than 10,000 square feet;

(3) Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units;

(4) Accessory dwelling units shall be the lesser in size of: 25 percent of the square footage of the principal dwelling unit (excluding carports, garages, and unfinished basements) or 1,000 square feet;

(5) There shall be no more than one accessory dwelling unit on a lot in addition to the principal single-family detached dwelling;

(6) Accessory dwelling units shall not count toward any applicable maximum residential density requirements;

(7) Accessory dwelling units shall not be sold apart from the principal dwelling upon the same lot where they are located;

(8) Accessory dwelling units shall not be leased or rented for tenancies of less than 30 days;

(9) Home occupations shall be prohibited within an accessory dwelling unit;

(10) Pool houses, cabanas, and casitas shall not be used as accessory dwelling units;

(11) Only one kitchen is allowed per accessory dwelling unit;

(12) In the mixed-use districts, an accessory dwelling unit shall only be allowed on a lot occupied by a single-family detached dwelling.

(d) Off-Street Parking Requirement

1 space for each accessory dwelling unit.

(e) Off-Street Loading Group

None.

C. FACILITY FOR TRANSITIONAL LIVING FOR RELEASED OFFENDERS

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C		C		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									C	C	C	

1. Definition

A dwelling unit of a residential character that provides housing and a living environment for up to six persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility as defined in NRS 449.00455. As used in this definition, "person who has been released from prison" means:

(a) A parolee;

(b) A person who is participating in:

(1) A judicial program pursuant to NRS 209.4886 or 213.625; or

(2) A correctional program pursuant to NRS 209.488 or 213.632.

(c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive; or

(d) A person who, within the past two years, has been released from prison by expiration of his term of sentence.

2. Standards

The standards below cannot be waived.

(a) The facility must comply on an ongoing basis with all governmental licensing and applicable notification requirements.

(b) The facility must be located on a parcel with minimum size of 6,500 square feet.

(c) The facility must be located on a parcel that is within 1,500 feet of an existing bus stop served by a regional bus system.

(d) Indoor common area shall be provided on the basis of a minimum of 25 square feet per resident.

(e) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.

(f) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Facility for Transitional Living for Released Offenders.

(g) A facility may not be located closer than 1,500 feet (measured by means of the shortest distance from property line to property line) from another Facility for Transitional Living for Released Offenders, a Halfway House for Recovering Alcohol and Drug Abusers, Residential Facility for Groups, religious assembly, school, day care facility, or city park.

(h) There shall be no more than two live-in facility staff at the subject property.

(i) The number of occupants within a Facility for Transitional Living for Released Offenders shall not exceed the following occupancy standards:

(1) For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (18 years of age or older).

(2) For each bedroom thereafter:

i. A maximum of one adult, for bedrooms less than 100 square feet in area; and

ii. A maximum of two adults, for bedrooms 100 square feet in area or greater.

3. Off-Street Parking Requirement

In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 2 residents.

4. Off-Street Loading Group

None.

D. HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S		S		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

1. Definition

A dwelling unit of a residential character that provides housing and a living environment for up to six recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term does not include a facility for the treatment of abuse of alcohol or drugs as defined in NRS 449.00455. The term does not include a facility for transitional living for released offenders. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

2. Standards

(a) A Halfway House for Recovering Alcohol and Drug Abusers is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:

(1) Another Halfway House for Recovering Alcohol and Drug Abusers;

(2) A Residential Facility for Groups; and

(3) Home for Individual Residential Care.

(b) A conditional use permit is required if the location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed below:

(1) The facility must comply on an ongoing basis with all governmental licensing requirements.

(2) Clients of the facility must be actively and continuously enrolled in an outpatient rehabilitation or substance abuse program that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both. The facility must adopt and enforce a policy prohibiting the use of drugs or alcohol by clients while they reside in the facility. Upon request, the facility operator shall produce evidence satisfactory to the Director of Community Development and Services that the facility is in compliance with this condition.

(3) The facility must be located on a parcel with a minimum size of 6,500 square feet.

(4) The facility must be located on a parcel that is within 1,500 feet of an existing bus stop served by a regional bus system.

(5) Indoor common area shall be provided on the basis of a minimum of 25 square feet per resident.

(6) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.

(7) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Halfway House for Recovering Alcohol and Drug Abusers.

(8) A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living for Released Offenders, a Home for Individual Residential Care, or a Residential Facility for Groups. However, a waiver of the distance limitation may be granted by the Planning Commission or City Council with approval of a conditional use permit upon finding that an "adequate barrier" exists between the subject location and another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living for Released Offenders, a Home for Individual Residential Care, or a Residential Facility for Groups. An "adequate barrier" includes, but not limited to, such items as an improved drainage channel, freeway, constructed roadway with a minimum width of 100 feet, or a topographical feature that prevents vehicular and pedestrian access. A waiver of the distance limitation may be obtained as follows:

i. A public hearing must be conducted by the Planning Commission, after notice of hearing has been provided as in the case of a conditional use permit.

ii. The applicant must demonstrate to the satisfaction of the Planning Commission that:

1. Approval of the conditional use permit will not adversely affect the health and safety of the general public or the residents of any existing or approved facility whose

location is being considered in connection with the conditional use permit;

2. The location of the proposed facility in proximity to existing or approved facilities whose location is addressed above will neither promote the clustering of facilities in nor inhibit the integration of the halfway house residents into the community or neighborhood in question;

3. The proposed facility will be operated in compliance with conditions (b)(1) and (2); and

4. The proposed facility will comply with conditions (b)(3) through (7) and condition (b)(9) and (10), unless any such condition has been waived in connection with the approval of a conditional use permit.

iii. Approval of a conditional use permit may be conditioned upon measures designed to ensure compatibility of the use.

(9) There shall be no more than two live-in facility staff at the subject property.

(10) The number of occupants within a Halfway House for Recovering Alcohol and Drug Abusers shall not exceed the following occupancy standards:

i. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (18 years of age or older);

ii. For each bedroom thereafter:

1. A maximum of one adult, for bedrooms less than 100 square feet in area; and

2. A maximum of two adults, for bedrooms 100 square feet in area or greater.

3. Off-Street Parking Requirement

In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 2 residents.

4. Off-Street Loading Group

None.

E. HOME FOR INDIVIDUAL RESIDENTIAL CARE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S		S		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

1. Definition

A dwelling unit of a residential character in which a natural person furnishes food, shelter, assistance, and limited supervision, for compensation, to not more than two persons who are aged, infirmed, mentally retarded, or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing the services. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

2. Standards

(a) A Home for Individual Residential Care is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:

(1) Another Home for Individual Residential Care;

(2) A Halfway House for Recovering Alcohol and Drug Abusers; and

(3) Residential Facility for Groups.

(b) A conditional use permit is required if the proposed location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed below:

(1) The facility must comply on an ongoing basis with all governmental licensing requirements;

(2) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood;

(3) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Home for Individual Residential Care;

(4) In multifamily developments, these establishments are only allowed in individually owned units;

(5) A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Home for Individual Residential Care, a Residential Facility for Groups, a Halfway House for Recovering Alcohol and Drug Abusers, or a Facility for Transitional Living for Released Offenders. However, a waiver of the distance limitation may be granted by the Planning Commission or City Council with approval of a conditional use permit upon finding that an

"adequate barrier" exists between the subject location and another Home for Individual Residential Care, a Residential Facility for Groups, a Halfway House for Recovering Alcohol and Drug Abusers, or a Facility for Transitional Living for Released Offenders. An "adequate barrier" includes, but not limited to, such items as an improved drainage channel, freeway, constructed roadway with a minimum width of one hundred feet, or a topographical feature that prevents vehicular and pedestrian access. A waiver of the distance limitation may be obtained as follows:

i. A public hearing must be conducted by the Planning Commission, after notice of hearing has been provided as in the case of a conditional use permit;

ii. The applicant must demonstrate to the satisfaction of the Planning Commission that:

1. Approval of a conditional use permit will not adversely affect the health and safety of the general public or the residents of any existing or approved facility whose location is being considered in connection with the waiver;

2. The location of the proposed facility in proximity to existing or approved facilities whose location is addressed above will neither promote the clustering of facilities in nor inhibit the integration of disabled persons into the community or neighborhood in question;

3. The proposed facility will be operated in compliance with condition (b)(1); and

4. The proposed facility will comply with conditions (b)(2) through (4), unless any such condition has been waived in connection with the approval of a conditional use permit.

iii. Approval of a conditional use permit may be conditioned upon measures designed to ensure compatibility of the use.

3. Off-Street Parking Requirement

No additional parking beyond the required parking for the specific dwelling type.

4. Off-Street Loading Group

None.

F. MOBILE HOME PARK OR SUBDIVISION

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
									S			
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

1. Definitions

(a) Mobile Home Park

A site containing spaces with required improvements and utilities that are leased for the long-term placement of mobile homes or manufactured homes, and that may include services and facilities for residents.

(b) Mobile Home Subdivision

A subdivision of individual lots, each containing one single-family mobile home or manufactured home.

2. Standards

(a) All dwelling units and habitable structures shall be served by underground utilities in accordance with City requirements.

(b) Each dwelling unit shall have at least a 2,800-square-foot lot or site area for dwelling placement.

(c) Each dwelling unit in the park or subdivision shall be set back at least 15 feet from any other dwelling unit, common driveway, or street.

(d) All structures shall be set back at least 20 feet from the perimeter boundary of the district.

(e) Common facilities and recreational features shall be centrally located.

3. Off-Street Parking Requirement

1 space per dwelling unit, plus 0.5 guest space per unit, within each park or subdivision.

4. Off-Street Loading Group

None.

G. RESIDENTIAL FACILITY FOR GROUPS

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S		S		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

1. Definition

An establishment in a dwelling of residential character that furnishes food, shelter, assistance, and limited supervision to ten or fewer persons who are aged, infirmed, mentally retarded, or handicapped. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes. This definition does not include:

(a) An establishment that provides care only during the day;

(b) A natural person who provides care for no more than two persons in his/her own home;

(c) A natural person who provides care for one or more persons related to him/her within the third degree of consanguinity or affinity;

(d) A halfway house for recovering alcohol and drug abusers; or

(e) A facility funded by a division or program of the State Department of Human Services.

2. Standards

(a) A Residential Facility for Groups is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:

(1) Another Residential Facility for Groups;

(2) A Halfway House for Recovering Alcohol and Drug Abusers; and

(3) Home for Individual Residential Care.

(b) A conditional use permit is required if the proposed location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed below:

(1) The facility must comply on an ongoing basis with all governmental licensing requirements.

(2) The facility must be located on a parcel with minimum size of 6,500 square feet.

(3) Indoor common area shall be provided on the basis of a minimum of 25 square feet per resident.

(4) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.

(5) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Residential Facility for Groups.

(6) A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Residential Facility for Groups, a Home for Individual Residential Care, a Facility for Transitional Living for Released Offenders, or a Halfway House for Recovering Alcohol and Drug Abusers. However, a waiver of the distance limitation may be granted by the Planning Commission or City Council with approval of a conditional use permit upon finding that an "adequate barrier" exists between the subject location and another Residential Facility for Groups, a Home for Individual Residential Care, a Facility for Transitional Living for Released Offenders, or a Halfway House for Recovering Alcohol and Drug Abusers. An "adequate barrier" includes, but not limited to, such items as an improved drainage channel, freeway, constructed roadway with a minimum width of one hundred feet, or a topographical feature that prevents vehicular and pedestrian access. A waiver of the distance limitation may be obtained as follows:

i. A public hearing must be conducted by the Planning Commission, after notice of hearing has been provided as in the case of a conditional use permit;

ii. The applicant must demonstrate to the satisfaction of the Planning Commission that:

1. Approval of a conditional use permit will not adversely affect the health and safety of the general public or the residents of any existing or approved facility whose location is being considered in connection with the waiver;

2. The location of the proposed facility in proximity to existing or approved facilities whose location is addressed above will neither promote the clustering of facilities in nor inhibit the integration of disabled persons into the community or neighborhood in question;

3. The proposed facility will be operated in compliance with condition (b)(1); and

4. The proposed facility will comply with conditions (b)(2) through (5) and condition (b)(7) and (8), unless any such condition has been waived in connection with the approval of a conditional use permit.

iii. Approval of a conditional use permit may be conditioned upon measures designed to ensure compatibility of the use.

(7) There shall be no more than two live-in facility staff at the subject property.

(8) The number of occupants within a Residential Facility for Groups shall not exceed the following occupancy standards:

i. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (18 years of age or older);

ii. For each bedroom thereafter:

1. A maximum of one adult, for bedrooms less than 100 square feet in area; and

2. A maximum of two adults, for bedrooms 100 square feet in area or greater.

(9) In connection with approval of a conditional use permit, the Planning Commission may waive any of the occupancy standards in condition (b)(8) for disabled adults, if the applicant demonstrates that:

i. There will be adequate parking based on the number of occupants physically or mentally capable of operating an automobile, as well as the number of automobiles expected to be utilized by staff regularly managing or serving the occupants; and

ii. The facility is adequate to accommodate the number of residents requested, including but not limited to adequate bathroom and kitchen facilities and eating and sleeping areas.

3. Off-Street Parking Requirement

In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 5 residents.

4. Off-Street Loading Group

None.

H. TRAVEL TRAILER/RV PARK

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C	C								

1. Definition

Any lot, tract of land, or facility renting or leasing space on a short-term or long-term basis for the accommodation of two or more owners or users of travel trailers and recreational vehicles, not intended for permanent residence.

2. Standards

In the CT district, travel trailer/recreational vehicle parks may only be approved with a conditional use permit as part of a mixed-use project.

3. Off-Street Parking Requirement

Schedule C (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

I. SHORT-TERM VACATION RENTAL

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C								

1. Definition

The commercial use, by any person, of any residential development for lodging, where any individual guest occupies the property for 30 consecutive calendar days or less. This use type does not include a dwelling or room used as a primary residence.

2. Standards

(a) All unit/property owners within a multifamily development must agree to allow for short-term vacation rentals.

(b) Property owners offering short-term vacation rental properties are subject to the following requirements:

(1) Units may be rented for no less than seven days and no more than 30 days.

(2) Each vacation rental unit is permitted a maximum of three guest vehicles on site.

(3) A vacation rental unit may not be rented, leased, or furnished to more than one party subject to limitations of two guests per bedroom plus two individuals, with a maximum of eight guests.

(c) One hundred percent of a multifamily development located within a CT zoning district may be short-term vacation rental units.

3. Off-Street Parking Requirement

Based upon type of housing unit being rented. See that use type for parking requirements.

4. Off-Street Loading Group

None.

19.5.4. PUBLIC/INSTITUTIONAL USES

A. AIRPORT OR LANDING STRIP

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

1. Definition

Runways and related facilities for aircraft, including rotary-winged and ultralight aircraft, take-off and landing.

2. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

3. Off-Street Loading Group

None.

B. CEMETERY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

1. Definition

Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.

2. Standards

Crematoriums must be separated a minimum of 1,500 feet from residentially zoned property.

3. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

C. CLUB OR LODGE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C					C	C	C	C	

1. Definition

Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests. This use type includes union halls, social clubs, youth centers, fraternal, and veteran's organizations.

2. Standards

(a) All Districts - Alcohol or Liquor Sales

Clubs or lodges offering alcohol or liquor for onsite or offsite consumption shall comply with Section 19.5.5.A., *General Standards for Alcohol and Liquor Uses,* and *Live Entertainment.*

(b) IP District

Clubs and lodges shall be limited to labor union and labor organization offices only. Such uses may include kitchens intended for food service to members only, and no food shall be served to the general public. Such uses may offer training classes, provided such classes take place solely within the building.

3. Off-Street Parking Requirement

All districts: 1 space per 100 square feet of assembly area.

4. Off-Street Loading Group

Group Three (Section 19.7.4.D)

D. CULTURAL INSTITUTION

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	P	P	P	P					P	C	P	

1. Definition

Non-profit institution displaying or preserving objects of interest in one or more of the arts or sciences. This use type typically includes but is not limited to libraries, museums, and art galleries.

2. Standards

3. Any use that includes live entertainment shall comply with the standards in Section 19.5.5.A.2, *Live Entertainment*.

4. Off-Street Parking Requirement

Nonresidential districts: 1 space per 90 square feet of assembly area plus 1 space per 300 square feet for the remaining building area.

5. Off-Street Loading Group

Group Three (Section 19.7.4.D)

E. DAY CARE FACILITY

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	S	C	C	S	C	C	C	C	C	C	C	

(a) Definition

Any commercial facility that provides care for more than 12 children or adults on a less-than-24-hour basis. This use may include nursery schools, preschools, accommodation facilities, and day care centers offering non-medical care. This use must also comply with all local and state licensing requirements.

(b) Standards

(1) All Districts

i. Such uses shall include the minimum square footage of outdoor play space on the site (including trees or structures that provide adequate shade over the play space) and indoor space per State of Nevada requirements as listed in NAC 432A.250 (Building and Grounds);

ii. When a day care abuts a residential use, additional buffering may be required to reduce adverse impacts to the residential use.

(2) All R Districts

General day care uses shall:

i. If located within a residential base zoning district, maintain a minimum separation of 1,000 linear feet from any other general or group child-care day care use also located within a residential district;

ii. Be located on lots that front an 80-foot-wide arterial or greater street as indicated on the Henderson Master Streets and Highways Plan; and

iii. Be located on a lot of at least 12,000 square feet in size.

(3) IG and IP Districts

General day care uses may only be permitted as an accessory use with a maximum size of up to 25 percent of a building's gross floor area.

(4) CO and CT Districts

A general day care use is required to obtain a conditional use permit, unless the following conditions can be met, in which case the use may be allowed by right:

i. The primary purpose of the use is to serve employees of the office development in the district;

ii. The use shall not be the principal use in any freestanding building;

iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less;

iv. The use shall not have an entrance leading directly to the outside; and

v. No freestanding sign shall be allowed in connection with such use.

(c) Off-Street Parking Requirement

A minimum of 1 space per 6-person capacity, including staff, is required based on maximum allowable capacity under state regulations and the Building Code. Adequate drop-off and pick-up lanes and areas must be provided.

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D)

2. Group Child Care

RESIDENTIAL											PUBLIC	
RS-1	**RS-2**	**RS-4**	**RS-6**	**RS-8**	**RM-10**	**RM-16**	**RH-24**	**RH-36**	**RMH**	**DH**	**PS**	**DP**
C	C	C	C	C	C				C			
COMMERCIAL						**INDUSTRIAL**			**MIXED-USE**			
CN	**CO**	**CC**	**CH**	**CT**	**CA**	**IL**	**IG**	**IP**	**MC**	**MN**	**MR**	
A	A	A							C	C	C	

(a) Definition

A residential dwelling used primarily as a residence or an accomodation facility that provides care for at least seven children but no more than 12 children on a less-than-24-hour basis. This may include nursery schools, preschools, and day

care centers offering non-medical care. This use must also comply with all local and state licensing requirements.

(b) Standards

(1) Conditional Use Requirements

i. If located within a residential base zoning district, maintain a minimum separation of 1,000 linear feet from any other general or group child care day care use also located within a residential district;

ii. Be located on lots that front a street right-of-way that is a minimum of 47-feet in width;

iii. Be located on a lot of at least 10,000 square feet in size; and

iv. Such uses shall include the minimum square footage of outdoor play space on the site (including trees or structures that provide adequate shade over the play space) and indoor space per State of Nevada requirements as listed in NAC 432A.250 (Building and Grounds).

(2) Accessory Use Requirements

i. The use may only operate as an accommodation facility.

ii. The primary purpose of the use shall be to serve employees of the onsite business in the district.

iii. The use shall not be the principal use in any freestanding building.

iv. The use shall not have an entrance leading directly to the outside.

v. No freestanding sign shall be allowed in connection with such use.

(c) Off-Street Parking Requirement

A minimum of 1 space per 6-person capacity, including staff, is required based on maximum allowable capacity under state regulations and the Building Code. Adequate drop-off and pick-up lanes and areas must be provided.

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D)

3. Family Home

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
P	P	P	P	P	P	P	P	P	P	P		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									P	P	P	

(a) Definition

A residential dwelling used primarily as a residence, which also provides care for a maximum of six persons on a less-than-24-hour basis, offering non-medical care for children or adults. This use must also comply with all local and state licensing requirements.

(b) Off-Street Parking Requirement

2 spaces.

(c) Off-Street Loading Group

None.

F. DETENTION FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

1. Definition

Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

2. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

3. Off-Street Loading Group

None.

G. EMERGENCY HEALTH CARE FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	P	P	P	S		C	C	C	P	P	P	

1. Definition

A facility maintained and operated to provide immediate and short-term emergency medical care. Overnight patient care is not provided.

2. Standards

CN and CT Districts: Emergency health care uses shall be limited in size to 7,500 square feet or less, and shall demonstrate that emergency response vehicles and visitor activities will not interfere with existing or anticipated adjacent uses.

3. Off-Street Parking Requirement

(a)1 space per 200 square feet.

4. Off-Street Loading Group

None.

H. EMPLOYMENT & TRAINING CENTER, NON-PROFIT

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			C		C	C		C	

1. Definition

Facility operated by a nonprofit organization (e.g. Goodwill Industries, Salvation Army, and Opportunity Village) intended to provide employment and training. Such facilities may include, but are not limited to, activities such as light assembly of products, training, administrative offices, repair and sale of secondhand clothing, and furniture and appliances, and may also include certain facilities for persons with profound mental retardation. This use type does not include homeless shelters or other forms of transient or permanent residential accommodation.

2. Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

3. Off-Street Loading Group

Group Three (Section 19.7.4.D)

I. GOVERNMENT OFFICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											P	P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P	P	P	P	P	P	P	P	

1. Definition

Administrative, clerical, or public contact offices of a government agency, including postal facilities, with incidental storage and maintenance of vehicles.

2. Off-Street Parking Requirement

Nonresidential districts: 1 space per 300 square feet.

3. Off-Street Loading Group

Group Two (Section 19.7.4.D)

J. HELIPORT

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C	C		C	C			C	

1. Definition

Pads and facilities enabling takeoffs and landings by helicopters and air ambulances.

2. Standards

Heliports shall maintain a minimum separation of 1,000 feet from residential districts. To establish a heliport within this separation distance, an applicant shall demonstrate through the conditional use process that the reduced separation does not adversely impact nearby residential properties.

3. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

K. HOSPITAL

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
											C	

1. Definition

Facilities providing medical, surgical, psychiatric, or emergency medical services to the sick or injured, primarily on an inpatient basis. This use type includes incidental facilities for

outpatient treatment, as well as training, research, and administrative services for patients and employees. A hospital may incorporate a restaurant, florist, pharmacy, and gift shop as accessory uses within the principal structure.

2. Off-Street Parking Requirement

1 space per 400 square feet, including hospital area and medical offices.

3. Off-Street Loading Group

Group Three (Section 19.7.4.D)

L. INSTITUTIONAL HOUSING

1. Congregate Housing

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					S	S	S	S				
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									P	P	P	

(a) Definition

Specially planned, designed, and managed multi-unit rental housing with self-contained apartments to promote an independent lifestyle. A limited number of services such as meals, laundry, housekeeping, transportation, and social and recreational activities may also be provided.

(b) Standards

Congregate housing shall be located near neighborhood commercial services so that residents have access to necessary services not provided on site.

(c) Off-Street Parking Requirement

0.7 space per bed or dwelling unit.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Continuing Care Retirement Community

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C			C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S		S	

(a) Definition

An age-restricted development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate care housing, and medical care. Dwellings include, but are not limited to, attached or detached houses, apartments, condominiums, or townhomes offering private or semiprivate rooms, and may be either rentals or owner-occupied units. Such facilities may offer health care and a variety of other personal services.

(b) Standards

(1) The ages of all occupants shall be restricted to 62 years of age or older for all units, or in the alternative, at least one resident in each of 80 percent of the units shall be 55 years of age or older.

(2) Housing structures exceeding two or more stories in height shall provide elevators or ramps between all levels with a maximum grade of one foot in height for every 12 feet of horizontal distance. Stairs shall not be the sole route between any two levels.

(c) Off-Street Parking Requirement

1 space per bed or dwelling unit, or alternate amount as approved through a parking study conducted by a certified professional engineer.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Group Living—Assisted

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C		C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C									S	S	S	

(a) Definition

A residential care facility with private or shared sleeping rooms designed primarily for seven or more occupants with no serious health problems, but who may have chronic or debilitating conditions requiring assistance with daily activities. Permitted services include, but are not limited to, staff-supervised meals, housekeeping, personal care, medication supervision, and social activities.

(b) Standards

(1) Such uses shall be considered as residential uses for the purpose of compliance with common open space standards of this Code in Section 19.7.2.

(2) Supporting retail or personal services uses may only be permitted as accessory uses and shall only be accessed through the principal structure. This does not apply to single-family detached dwellings.

(3) No outdoor signage shall be allowed in connection with such use.

(4) The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood or development.

(c) Off-Street Parking Requirement

(1) 0.7 space per bed or dwelling unit.

(2) If use is located within a single-family detached dweling: In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 5 residents or as otherwise approved through the conditional use permit.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

4. Group Living—General

RESIDENTIAL											PUBLIC	
RS-1	**RS-2**	**RS-4**	**RS-6**	**RS-8**	**RM-10**	**RM-16**	**RH-24**	**RH-36**	**RMH**	**DH**	**PS**	**DP**
					C	C	C	C	C		C	
COMMERCIAL						**INDUSTRIAL**			**MIXED-USE**			
CN	**CO**	**CC**	**CH**	**CT**	**CA**	**IL**	**IG**	**IP**	**MC**	**MN**	**MR**	
C				S					S	C	S	

(a) Definition

Shared living quarters for nine or more individuals without separate kitchen or bathroom facilities for each room or unit. This use type includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs, but excludes residential or apartment hotels or motels.

(b) Standards

(1) Such uses shall be considered as residential uses for the purpose of compliance with the common open space standards of this Code in Section 19.7.2.

(2) Supporting retail or personal service uses may only be permitted as accessory uses and shall only be accessed through the principal structure.

(3) No outdoor signage shall be allowed in connection with such use.

(c) Off-Street Parking Requirement

Residential and nonresidential districts: 1 space per bed or dwelling unit.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

5. Skilled Nursing Facility/Hospice

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C			C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C						P	P	P	

(a) Definition

A facility providing a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses aides prescribed by a resident's physician. These facilities are designed for those individuals who need health supervision, but not hospitalization. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound care, rehabilitation services, and monitoring of unstable conditions may also be provided, but surgical and emergency medical services are not permitted.

(b) Off-Street Parking Requirement

1 space per 2 beds or alternate amount as approved through a parking study conducted by a certified professional engineer.

(c) Off-Street Loading Group

Group One (Section 19.7.4.D)

M. PARK AND RECREATION FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C	C	C	P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C			S	P	P	P	

1. Definition

Noncommercial parks, playgrounds, recreation facilities, and open spaces.

2. Standards

(a) Residential Districts

Private or nonpublic park and recreation facilities shall not include commercial functions.

(b) CN, CO, CC, CH, CT, CA, and IP Districts

Park and recreation facilities shall be a maximum size of two acres.

(c) PS District

Park and recreation facilities shall be subject to review by the Parks and Recreation Board.

3. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

N. PUBLIC SAFETY FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C		C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C	C	C	C	C	C	C	

1. Definition

Facilities for public safety and emergency services, including police and fire protection, not including detention facilities.

2. Standards

Substations may be allowed as accessory to other primary uses (e.g., station within a recreation center or mall), subject to design review requirements. Stand-alone sub-stations require approval of a conditional use permit.

3. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

O. RELIGIOUS ASSEMBLY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C		C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C				C	C	C	C	C	C	

1. Definition

Facilities for religious worship and incidental religious education, but not including private schools as defined by this Code.

2. Standards

(a) A general day care facility proposed as part of a religious-assembly use shall require approval of a conditional use permit. The applicant must demonstrate that the use will be compatible with adjacent areas in terms of hours of operation, noise, lighting, parking, and similar considerations, and not cause significant traffic impacts.

(b) Only classes operating in conjunction with religious services may be permitted as an accessory use.

3. Off-Street Parking Requirement

All Districts: 1 space per 50 square feet of seating/assembly area.

4. Off-Street Loading Group

Group Three (Section 19.7.4.D)

P. SCHOOL, PUBLIC OR PRIVATE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C	C		C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C						C	C	C	C	

1. Definition

Educational institutions having a curriculum comparable to that required in the public schools or offered in institutions of higher learning in the State of Nevada. Private schools are further defined by NRS Section 394.103 and public schools are further defined by NRS Section 385.007.

2. Off-Street Parking Requirement

(a) Elementary and middle schools: 1 space per teacher/employee plus all required drop-off/pick-up spaces in accordance with Section 19.7.4.K.10.

(b) High schools: 1 space per teacher/employee plus 1 space per 5 students plus all required drop-off/pick-up spaces in accordance with Section 19.7.4.K.10.

(c) Colleges and universities: 1 space per 2 employees plus 1 space per 3 students based on maximum enrollment.

3. Off-Street Loading Group

Group One (Section 19.7.4.D)

Q. SCHOOL, BUSINESS, TRADE, OR VOCATIONAL

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	P	S	S	P	P	P	S		S	

1. Definition

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, business, or commerce, and meeting all applicable state requirements for a facility of its type.

2. Standards

(a) CO and CN Districts

The use shall consist of classroom instruction only and may not include any intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair).

(b) CA District

Only automobile driving schools, motorcycle driving schools, and auto-related trade schools are permitted. Auto body classes shall require approval of a conditional use permit unless operated on the premises of an existing auto body shop. The classes must operate in accordance with the existing conditions of approval for that location.

(c) CC, CT, MC, and MR Districts

Schools consisting of intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair, etc.) require approval of a conditional use permit.

3. Off-Street Parking Requirements

All Districts: 1 space for each staff member, plus 1 space for every 2 students in class when the school is at maximum capacity.

4. Off-Street Loading Group

None

R. UTILITY: MINOR

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

1. Definition

Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes, transformer boxes, cap banks, underground water and sewer lines, and utility communication devices.

2. Standards

(a) Unless excepted in accordance with Section 15.18.180 of the HMC, all electrical, telephone, cable television, internet, fiber optic, and similar distribution lines providing direct service to a development site shall be installed underground in accordance with Section 15.18 of the HMC.

(b) Utility communication devices as a permitted use are subject to the standards set forth in Section 19.12.3.C.1, *Exceptions to Height*.

3. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

4. Off-Street Loading Group

None.

S. UTILITY: MAJOR

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C	C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C	C	C	C	C	C	C	

1. Definition

Generating plants, renewable energy generating plants, electrical substations, aboveground electrical transmission lines, switching buildings, refuse collection, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities (including wireless), and similar facilities of public agencies or utility providers.

2. Standards

(a) The applicant shall submit a plan for screening and/or buffering major utilities from adjacent residential districts.

(b) Unless by exception in accordance with Section 15.18.22 of the HMC, all electrical, telephone, cable television, internet, fiber optic, and similar distribution lines providing direct service to a development site shall be installed underground in accordance with Section 15.18 of the HMC.

(c) Transmission lines and associated structures proposed to be located within an adopted Above-Ground Utility Corridor shall be processed administratively in accordance with 19.6.6.B.5(a).

(d) Transmission lines and associated structures proposed to be located outside an adopted Above-Ground Utility Corridor shall be processed as a Conditional Use Permit as outlined in Section 19.6.6.A.

(e) Renewable energy generating plants shall be screened to minimize visual, noise, and other impacts on residential development.

3. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

T. WIRELESS COMMUNICATION FACILITY

1. Wireless Communication Antenna

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C	C	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, and other communications signals.

(b) Standards

(1) General Standards

See Section 19.5.4.U.4, *General Standards for Wireless Communication Facilities*.

(2) Nonresidential or Mixed-Use Districts

A proposed wireless communication antenna that will not be attached to a tower may be approved by the Community Development and Services Director as an accessory use to any building in a nonresidential or mixed-use district, provided:

i. The antenna(s) is flush-mounted to the building structure and does not extend above the wall on which it is attached;

ii. The antenna(s) is painted to match the structure on which it is attached;

iii. The antenna complies with all applicable Airport Environs Overlay regulations; and

iv. The antenna(s) is behind a RF transparent screening material that is integrated into an existing structure in a manner that does not change the architecture or increase the height of the structure.

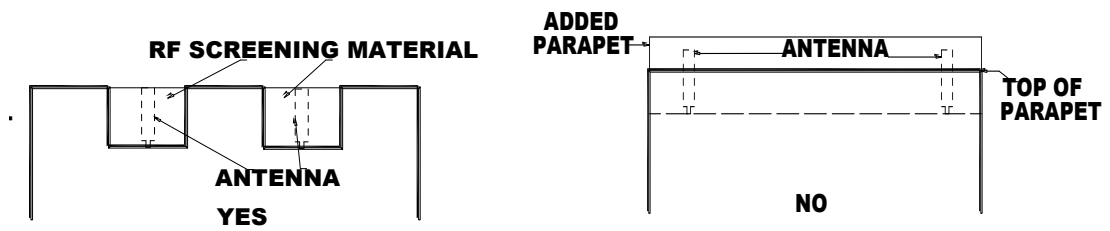


Figure 19.5.4-A: Appropriate Antenna Screening

(Figure 19.5.4-A)

v. Any wireless communication antenna that is mounted in such a way that the antenna extends above the wall of the structure upon which it is attached, and requires additional screening that is not integrated with the existing architecture, shall require a conditional use permit.

(3) Residential Districts

A wireless communications antenna proposed in a residential zoning district that will not be attached to a tower shall be subject to conditional use permit review and approval and the following additional standards:

i. The antenna(s) shall be flush-mounted to the building structure and not extend above the wall on which it is attached.

ii. The antenna shall not be located on a lot occupied by a single-family dwelling.

iii. The antenna shall not be located on a residentially zoned lot unless it is co-located on a nonresidential use such as a religious facility, utility, or other like use. This type of use requires a conditional use permit.

iv. The antenna shall not reduce the required amount of common open space for a development except when radio equipment does not require construction of an enclosure (i.e. when stored in an underground vault), in a building, or other acceptable alternative that conceals radio equipment.

v. The antenna shall be located on the perimeter of a development.

vi. The antenna shall only be allowed as an accessory use and shall not be located on a vacant lot.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

2. Wireless Communication Tower

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
										C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C	C	C	C	C	C	C	

(a) Definition

Any structure and support that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone and similar communications purposes, including monopoles, cellular telephone towers, and the like.

(b) Standards

(1) General Standards

See Section 19.5.4.T.4, *General Standards for Wireless Communication Facilities*.

(2) Conditional Use Permits

The following provisions shall govern the issuance of conditional use permits for wireless communications towers.

i. In granting a conditional use permit, the Planning Commission may impose necessary conditions to minimize any adverse effect of the proposed wireless communication tower on adjoining properties.

ii. A Nevada licensed professional engineer shall provide engineering documentation for any information of an engineering nature that the applicant submits as part of the conditional use permit application, whether civil, mechanical, or electrical.

iii. Applicants must be providers of wireless telecommunication services, licensed by the Federal Communications Commission.

(3) Factors Considered in Granting Conditional Use Permits

In addition to the approval criteria for conditional use permits, the Planning Commission shall consider the following factors in determining whether to issue a conditional use permit:

i. Height of the proposed wireless communication tower;

ii. Proximity of the wireless communication tower to residential structures and residential district boundaries;

iii. Nature of uses on adjacent and nearby properties;

iv. Surrounding topography;

v. Design of the wireless communication tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

vi. Proposed ingress and egress; and

vii. Availability of suitable existing wireless communication towers, other structures, or alternative technologies not requiring the use of wireless communication towers.

The Planning Commission may waive or reduce the burden on the applicant of these criteria if the Planning Commission concludes that the goals of this Code are better served by such waiver or reduction.

(4) Setbacks

Setbacks shall be based on the applicable zoning district.

(5) Separation

The following separation requirements shall apply to all wireless communication towers:

i. Separation from Adjoining Land Uses

1. Wireless communication tower separation shall be measured from the base of the wireless communication tower to the lot line of the adjoining land use.

2. Separation requirements for wireless communication towers shall comply with Table 19.5.4-1: *Wireless Communication Facility Separation*.

TABLE 19.5.4-1: WIRELESS COMMUNICATION FACILITY SEPARATION	
ADJOINING LAND USE (AS DEFINED IN COMPREHENSIVE PLAN)	**MINIMUM SEPARATION DISTANCE**
Low-density residential uses	Greater of: 200 feet or 300 percent of tower height
Medium- and high-density residential	Greater of: 100 feet or tower height
All other uses	District setbacks only

ii. Separation Distance between Wireless Communication Towers

1. Separation distance between wireless communication towers shall be applicable for and measured between the proposed wireless communication tower and preexisting wireless communication towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing wireless communication tower and the proposed base, pursuant to a site plan, of the proposed wireless communication tower. The separation distances between wireless communication towers shall be 600 feet.

2. The Planning Commission may reduce the standard separation requirements if the goals of this section would be better served.

(6) Tower Modifications to Allow Co-Location

A wireless communication antenna that is proposed to be attached to an existing wireless communication tower may be approved by the Community Development and Services Director provided such co-location and any wireless communication tower modifications comply with the following standards:

i. Form

1. A wireless communication tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same wireless communication tower type as the existing wireless communication tower, unless the Community Development and Services Director allows reconstruction as an alternative wireless communication tower structure.

2. A conditional use permit is required if full-array antennas are added to a “stealth” or "slim-line" pole.

ii. Height

1. An existing wireless communication tower may be modified or rebuilt to a taller height to accommodate the co-location of additional antenna(s). Increases shall not

exceed ten feet over the base zoning district height maximum or 70 feet.

2. The height change referred to above may only occur one time per wireless communication tower. Additional height increase requests shall be processed as conditional use permits.

iii. Onsite Location

1. A wireless communication tower that is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within 50 feet of its existing location subject to the separation requirements listed below.

2. After the wireless communication tower is rebuilt to accommodate co-location, only one wireless communication tower may remain on the site.

3. The onsite relocation of a wireless communication tower, which comes within the separation distances to residential units or residentially-zoned lands as established in this section, shall only be permitted when approved by the Community Development and Services Director.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

3. Alternative Tower Structure

RESIDENTIAL											PUBLIC	
RS-1	**RS-2**	**RS-4**	**RS-6**	**RS-8**	**RM-10**	**RM-16**	**RH-24**	**RH-36**	**RMH**	**DH**	**PS**	**DP**
		C	C	C	C	C	C	C	C	C	S	S
COMMERCIAL						**INDUSTRIAL**			**MIXED-USE**			
CN	**CO**	**CC**	**CH**	**CT**	**CA**	**IL**	**IG**	**IP**	**MC**	**MN**	**MR**	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

A wireless communications tower that may or may not include separate antennas that is designed to camouflage or conceal its presence through its design and placement. Alternative tower structures may be designed to appear as trees, clock towers, bell steeples, light standards, chimneys, or similar projections.

(b) Standards

(1) General Standards

See Section 19.5.4.T.4, *General Standards for Wireless Communication Facilities*.

(2) Separation

The following separation requirements shall apply to all alternative tower structures:

i. Alternative tower structure separation shall be measured from the base of the tower to the lot line of the adjoining land use; and

ii. Alternative tower structures shall be separated from all adjoining residential land uses at a ratio of one to one (height to separation). There is no separation requirement from nonresidential land uses; only zoning district setbacks apply.

The Community Development and Services Director may reduce the standard separation requirements if the goals of this Code would be better served.

(3) Residential Districts

An alternative tower structure proposed in a residential zoning district shall be subject to conditional use permit review and approval and, in addition, shall be subject to the following standards:

i. The tower shall not be located on a lot occupied by a single-family dwelling;

ii. The tower shall not reduce the required amount of common open space for a development or subdivision except when radio equipment does not require construction of an enclosure (i.e. when stored in an underground vault), in a building, or other acceptable alternative that conceals radio equipment;

iii. The tower shall be located on the perimeter of a development or subdivision; and

iv. The tower shall only be allowed as an accessory use and shall not be located on a vacant lot.

(4) Towers that Exceed Base District Height

If an alternative tower structure in any district not located on City of Henderson property is proposed to exceed ten feet above the base zoning district maximum height limit, a conditional use permit will be required. The separation requirements for alternative tower structures in this section shall apply.

(5) Alternative Tower Structures on City of Henderson Property

Any new wireless communication facility on City of Henderson property that is not co-located on an existing tower may be approved by the Community Development and Services Director provided:

i. On non-park City property, the facility is designed as a freestanding, co-locatable alternative tower structure or monopole not to exceed the height of the existing structures on the site or 70 feet, whichever is taller; or

ii. The facility consists of concealed or slim-line antennas attached to existing or replaced sports-field lights or net posts, but does not increase the height of the line or post structure; and

iii. On Parks and Recreation sites, the Public Works Parks and Recreation Parks and Recreation Director has reviewed the proposed wireless communication facility and provided written comments to the Community Development and Services Director; and

iv. The wireless communication facility is located on the property in an area predetermined by the City of Henderson; and

v. Any alterative tower structure shall be separated from adjoining land uses per Section 19.5.4.T.3(b)(2) above; and

vi. All associated support equipment not located within an existing building shall be located within an underground vault or within an enclosed structure designed to be architecturally compatible with existing buildings on site or the nearest adjacent buildings. The equipment storage structure shall be designed to accommodate equipment for future locations as well as additional storage as needed.

vii. An alternative tower structure designed as a flagpole shall display an appropriately sized flag. If an American flag is displayed then it shall comply with the Federal Flag Code (Public Law 94:344). A plaque measuring no more than 12 inches by 12 inches and displaying the facility reference number and a contact telephone number for maintenance of the flag shall be attached to the structure in a means clearly visible to the public.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

4. General Standards for Wireless Communication Facilities

(a) Purpose

The purpose of this section is to establish additional standards for the siting of wireless communications facilities, in addition to those standards established in subsections 1 through 3 above. The term "wireless comunications facilities" includes wireless communications antennas, wireless communications towers, and alternative tower structures. The goals of these standards are to:

(1) Protect residential areas and land uses from potential adverse impacts of wireless communication facilities.

(2) Encourage the location of wireless communication facilities in nonresidential areas.

(3) Minimize the total number of wireless communication facilities throughout the community.

(4) Strongly encourage the joint use of new and existing wireless communication tower sites as a primary option rather than construction of additional single-use wireless communication towers.

(5) Encourage users of wireless communication facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.

(6) Encourage users of wireless communication facilities to configure them in a way that minimizes adverse visual impacts through careful designing, siting, landscape screening, and innovative camouflaging techniques.

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(8) Consider the public health and safety of wireless communication towers.

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of structures.

(b) Applicability

(1) New Wireless Communications Facilities

All new wireless communications facilities in the City shall be subject to these regulations.

(2) Pre-existing Wireless Communications Facilities

Except for the AE overlay provisions, preexisting wireless communications facilities shall not be required to comply with these standards.

(c) Administratively Approved Uses

(1) The Community Development and Services Director may approve administratively the following uses:

i. Any wireless communication facility that is allowed subject to a "P" or "S" in sections 1 through 3 above, or

ii. Any of the following:

1. Locating wireless communication antennas on existing structures or towers;

2. Locating any alternative tower structure no higher than ten feet above the base district maximum height limit, not to exceed 70 feet in any applicable zoning district, unless the alternative tower structure is located on City of Henderson property;

3. Wireless communication facilities located on the site of an electrical substation or on City of Henderson property if the owner has approved its use. Wireless communication facilities on City of Henderson property are subject to Section 19.5.4.T.3.(b)(5) above; or

4. Installing a network using multiple low-powered transmitters/receivers attached to existing wireline

systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(2) Applicants for administrative approval shall request approval of a design review or conditional use permit (if amending an existing conditional use permit) application from the Community Development and Services Director and shall follow the appropriate procedures set forth in Chapter 19.6: Administration.

(3) In connection with any administrative approval, the Community Development and Services Director may, in order to encourage the use of slim-line stealth monopoles, administratively allow the reconstruction of an existing "full-array" tower to slim-line stealth monopole construction.

(d) Conditional Use Permits

If an applicant seeks to establish any type of wireless communications facility (antenna, tower, or alternative tower structure) that is designated as "P" or "S" in subsections 1 through 3 above, yet cannot meet the applicable standards for that facility, the applicant may seek approval of the proposed facility through the conditional use permit procedure.

(e) Standards

(1) FCC Licensing

Applicants must be providers of wireless telecommunication services, licensed by the Federal Communications Commission.

(2) GPS Coordinates

Applicants shall provide global positioning system (GPS) coordinates for the proposed wireless communication facility prior to issuance of a building permit.

(3) Principal or Accessory Use

Wireless communications facilities may be considered either principal or accessory uses.

(4) Lot Size

For the purpose of determining whether the installation of a wireless communication facility complies with district-specific standards, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the wireless communications facility may be located on leased parcels within such lot.

(5) Inventory of Existing Sites

Each application for a wireless communication facility shall include an inventory of existing and approved wireless communication facilities that are within one mile of the proposed location, including specific information about the service area, location, height, and design of each facility. The Community Development and Services Director may share such information with other applicants or other organizations seeking to

locate a wireless communication facility within the City provided, however, that the Community Development and Services Director is not by sharing such information in any way representing or warranting that such sites are available or suitable.

(6) Aesthetics

Wireless communications facilities shall meet the following requirements:

i. Wireless communications towers shall, to the extent possible and subject to any applicable standards of the FAA, be architecturally integrated into the surrounding environment so that their purpose as a communications tower is not readily apparent.

ii. At a wireless communications tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

iii. If a wireless communications antenna is installed on a structure other than a wireless communications tower, the antenna and supporting electrical and mechanical equipment shall be painted or screened in a way to match the colors or simulate the materials of the supporting structure.

iv. Alternative tower structures shall be designed to be consistent with the existing built or natural environment.

(7) Lighting

Wireless communications facilities shall not be artificially lit, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding uses and must comply with Section 19.7.8.E., *Glare and Lighting*.

(8) Airport Environs Overlay

All wireless communications facilities shall meet the height restrictions set forth in Section 19.4.3, *Airport Environs Overlay*.

(9) Measurement

For the purpose of measurement, wireless communications tower and alternative tower structure setbacks and separation distances shall be calculated and applied to all facilities irrespective of municipal and county jurisdictional boundaries.

(10) Non-utility

Wireless communications facilities shall be subject to the standards in this section and shall not be regulated or permitted as major or minor utilities.

(11) Signs

No signs shall be allowed on a wireless communication facility unless required by the FAA, FCC, or other applicable authority.

(12) Buildings and Support Equipment

Buildings and support equipment associated with wireless communication facilities shall comply with the requirements in this section.

(13) HENNET

Wireless communications facilities shall not have any adverse impact or be constructed within the line of site of any existing or future proposed HENNET facilities operated by the City's Department of Utility Services.

(14) Buildings or Other Equipment Storage

An eight-foot-high solid masonry fence with a solid-metal gate shall surround all equipment not located within an existing building. The fence and gate shall be designed to match existing development on the site. If located on vacant land, the applicant must build the enclosure out of decorative materials such as split-faced block, slump-stone, or stuccoed and painted CMU. No chain-link fencing is allowed.

(f) Availability of Suitable Existing Wireless Communication Towers, Other Structures, or Alternative Technology

No new wireless communication facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission or staff that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antennas. An applicant shall submit information requested by the Planning Commission or staff related to the availability of suitable existing towers, other structures, or alternative technology, which may consist of the following:

(1) No existing towers or structures are located within the geographic area, which meet the applicant's engineering requirements.

(2) Existing towers or structures do not have sufficient height to meet applicant's engineering requirements.

(3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(4) The applicant's proposed antenna would cause or be affected by electromagnetic interference with antenna on the existing towers or structures.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.

(g) Removal of Abandoned Wireless Communication Facilities

Any wireless communication facility that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such facility shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned facility within said 90 days shall be grounds to remove the facility at the owner's expense. If there are two or more users of a single wireless communication tower, then this provision shall not become effective until all users cease using the wireless communication tower.

(h) Nonconforming Uses

(1) Not Expansion of Nonconforming Use

Towers that are constructed and antennas that are installed, in accordance with the provisions of this Code, shall not be deemed to constitute the expansion of a nonconforming use or structure.

(2) Preexisting Wireless Communication Towers

Preexisting wireless communication towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting wireless communication towers. New construction other than routine maintenance on a preexisting wireless communication tower shall comply with the requirements of this Code.

(3) Rebuilding Damaged or Destroyed Nonconforming Wireless Communication Facilities

Notwithstanding Section 19.5.4.T.4(a), bona fide nonconforming wireless communication facilities that are damaged or destroyed may be rebuilt without having to first obtain design review or a conditional use permit and without having to meet the separation requirements specified in these standards. The type, height, and location of the wireless communication tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

(i) Denial

In the event that an application for a Wireless Communication Facility is denied, either by the Community Development and Services Director, the Planning Commission, or the City Council, a written explanation shall be provided to the applicant as well as the governing body, including the following:

(1) A list of each procedure and standard that the applicant failed to meet.

(2) Each specific ground upon which the denial was based.

(3) A record of the documents relied upon for the decision.

U. YOUTH DROP-IN CENTER

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C			C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C			C		C	C	C	C	

1. Definition

An establishment in a dwelling of residential character or a commercial facility that provides services only during the day, furnishes food, temporary respite, financial assistance, assistance in obtaining permanent residence, counseling, limited medical care for unaccompanied minors. The facility must be operated by a nonprofit organization, as defined by Chapter 82 of the Nevada Revised Statues. This use must comply with all local and state licensing requirements. This definition does not include a day care facility, a facility that provides immediate and short-term emergency medical care.

2. Standards

(a) All Districts

(1) The facility must be located on a parcel with a minimum size of 6,000 square feet unless modified through the Conditional Use Permit process.

(2) Only the underlying property owner or qualified supervisor shall be permitted to live at the facility if located within a residence.

(3) A qualified supervisor shall be present at all times. A qualified supervisor shall be a minimum of 18-years old, and meet the State of Nevada requirements of NRS 244.

(4) The maximum age of a person who utilizes services at the facility shall not be older than 18 years of age.

(5) Youth Drop-In Center hours of operation shall be limited from 8:00 a.m. to 6:00 p.m. Those requiring assistance are not allowed to utilize the facility for no more than 2-hours at any given time. The hours of operation can be modified through the conditional use permit if the applicant demonstrates mitigation of potential impacts on other uses and/or surrounding properties.

(6) Such uses shall provide an outdoor open space within an enclosed area. Users of the facility shall not congregate outside without qualified supervision.

(7) No youth drop-in center may be located within a mile radius of any other youth drop-in center, or any parcel where a general day-care facility is established or approved. This separation requirement is measured by the shortest line between the parcel in the residential district or the occupied space in a nonresidential district to be occupied by the youth drop-in center and the property line of the nearest established youth drop-in center or general day care facility. Waivers or reductions of the

separation requirement may be considered through the conditional use permit process.

(8) Waivers or reductions of the separation distance may be considered in cases where adequate barriers exist between the proposed use and youth drop-in center or day care use. An "adequate barrier" includes, but is not limited to, such items as an approved drainage channel, a freeway, constructed roadway with a minimum width of 100 feet, or a topographical feature that prevents vehicular and pedestrian access.

(9) Loitering in the surrounding neighborhood is prohibited.

(b) Off-Street Parking Requirement

A minimum of 1 space per 6-person capacity, including staff, is required based on maximum allowable capacity under state regulations and the Building Code. Adequate drop-off and pick-up lanes and areas must be provided.

(c) Off-Street Loading Group

Group Two (Section 19.7.4.D)

19.5.5. COMMERCIAL USES

A. GENERAL STANDARDS FOR ALCOHOL AND LIQUOR USES AND LIVE ENTERTAINMENT

1. Distance Limitations for Alcohol and Liquor Uses

Uses involved in the sale or offering of alcohol or liquor shall submit a distance separation analysis application, as defined in Section 19.6.10.C, for review and determination of site suitability; comply with the requirements in Section 4.36 of the Henderson Muncipal Code (HMC), *Liquor – Regulations and Licensing;* and the following standards:

(a) Except for establishments within any resort village (as defined in Title 19 of the HMC), such uses shall comply with the minimum separation requirements in Table 19.5.5-1, Minimum Separation:

TABLE 19.5.5-1: MINIMUM SEPARATION

PROPOSED USE TYPE	REQUIRED BUFFER ZONE SEPARATION FROM EXISTING AND APPROVED USES {1} {2}		
	SCHOOL SITE	RELIGIOUS ASSEMBLY	GENERAL DAY CARE
	BUFFER ZONE (FEET) {3}		
Category I Uses (tavern; nonprofit club; billiard hall; liquor store, brewpub, microbrewery, craft distillery)	1,000	500	200
Category II Uses (restaurant with bar; beer, wine, and spirit-based products on or off-sale; full on-sale; full off-sale; convenience market; wine lounge, winery)	500	500	0

NOTES:
{1} Buffer zone separation requirements shall be applied regardless of whether the school site, religious assembly, or general day care use is located inside or outside the city.

{2} Catering, wholesale sale of alcohol or liquor, and retail sale of gift baskets containing alcohol or liquor are exempted from these separation requirements.

{3} For purposes of the buffer zone measurement, accommodation facilities located within or operated as part of limited or non-restricted gaming locations are exempt.

(b) The foregoing distance separation requirements may be considered to be waived or reduced through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such buffer zone separation requirement will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City.

(c) In addition, the applicant must demonstrate the proposed use may be conducted in a manner that is harmonious and compatible with existing and/or approved protected uses.

(d) Demonstration of "by clear and convincing evidence" may include the following:

(1) Unique operating and/or locational characteristics of the proposed alcohol and liquor use;

(2) A freeway, railroad, or other major roadway with a minimum width of 100 feet;

(3) A topographical feature that prevents vehicular and pedestrian access; or

(4) An improved drainage facility that prevents vehicular and pedestrian access.

(e) Sales, services, and distribution of alcohol or liquor is prohibited within a 1,000-foot buffer zone of a sexually oriented business.

(f) Issuance of a conditional use permit does not guarantee or constitute approval of a liquor license.

2. Live Entertainment

Any use that includes live entertainment as defined in this Code shall comply with the following standards:

(a) Definition

Regulations pertaining to "live entertainment" in this Code apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on the site of a use other than a public or semipublic use:

(1) A musical, dance, or comedic act or event, disc jockey (unless he or she merely plays recorded music and does not perform or entertain the patrons), play, revue, recital, concert, or other similar performances, activity or presentation by one or more persons intended or tending to entertain or amuse, regardless of whether provided in exchange for compensation.

(2) A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing. A change of performers shall not constitute a change in the type of live entertainment.

(b) Standards

(1) A conditional use permit is required.

(2) A conditional use permit for live entertainment shall apply only to the type of entertainment listed in the notice of final action. If a different type of entertainment is requested other than those listed, it shall require approval of a new or amended conditional use permit.

(3) Exits and entrances shall not be located opposite a residential district immediately adjoining the site. This provision does not apply to emergency entrances and exits.

(4) Additional restrictions may be added through the conditional use permit process to ensure compatibility with surrounding uses and zoning districts.

B. AGRICULTURE

1. Crop Production

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C								C	C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

(a) Definition

The production, keeping, or maintenance for sale or lease of plants useful to man, including but not limited to: forages and sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or land devoted to a soil conservation or forestry management program.

(b) Standards

Crop production uses located in a residential base zoning district may not include onsite retail sales or leasing.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

2. Community Garden

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

Land designated for gardening by a community-based organization or other group of people, with the intent of harvesting to include, but not limited to: vegetables, fruits, floral, trees, and herbs for personal consumption or for sales or distribution to the community on a limited basis. This term does not include a garden that is incidental to a residential use and whose products are intended for the use of those residing on the parcel.

(b) Standards

(1) Power equipment use shall be limited to the hours between 7 am and 7 pm or dusk, whichever is later, and shall comply with Section 19.7.8.G, *Noise*.

(2) A storage shed or shade structure is a permitted structure with setbacks designed for accessory structures, see Section 19.5.7. Maximum height of a storage shed and/or shade structure shall be 12 feet.

(3) No more than one identification sign is permitted in the area. Maximum square footage of the sign shall be nine square feet.

(4) On-site incidental sales of crops grown are permitted through a conditional use permit only.

(5) In a residential district, hours of operation shall be from 7 am to 7 pm or dusk, whichever is later, unless different hours are approved through a conditional use permit.

(6) Site may only be enclosed by wrought-iron fencing, a maximum of 8 feet in height. Solid block walls are prohibited unless already existing.

(7) Sites over one acre require a conditional use permit.

(c) Off-Street Parking Requirement

If on-site sales, parking will be determined through the conditional use permit application process.

(d) Off-Street Loading Group

None.

C. AMBULANCE SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	S			S					S	

1. Definition

Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

2. Standards

(a) Ambulance service uses shall front or have direct access to an arterial street as designated on the Master Streets and Highways Plan.

(b) CH and IL districts: A conditional use permit is required if the use will be located within one-half mile of a residential district, school, or park and recreation facility. In approving a conditional use permit, the City may apply limits to maximum vehicle speeds, use of sirens, number of vehicles or other potential adverse impacts.

(c) CC and MR districts: In approving a conditional use permit, the City may apply limits to maximum vehicle speeds, use of sirens, number of vehicles, or other potential adverse impacts.

(d) PS district: Ambulance services are permitted as an accessory use to a hospital.

3. Off-Street Parking Requirement

1 space per 500 square feet.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

D. ANIMALS AND RELATED SERVICES

1. Purpose

This section contains supplemental regulations governing the care and keeping of animals. These standards are intended to provide for compatibility between such animals and neighboring land uses. These standards are in addition to the general requirements governing animals established by HMC Title 7, *Animals*.

2. Animal Boarding

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C									C		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		S	S	S		C			S	S	S	

(a) Definition

Provision of shelter and care for small animals on a commercial basis. This use type includes activities such as feeding, exercising, grooming, and incidental medical care.

(b) Standards

(1) All Districts

i. All animals shall be confined within an enclosed area or on a leash at all times.

ii. The property owner/operator must comply with all applicable requirements of HMC Title 7, Animals, and obtain a Professional Animal Handler permit.

iii. No exterior overnight boarding shall be permitted.

(2) RS-1, RS-2, and DH Districts

i. Animal boarding is only permitted as an ancillary use to the primary residential use of the property.

ii. Animal boarding uses shall be entirely enclosed, properly ventilated, and provide odor protection to adjacent properties.

iii. Any exterior pens for daytime use shall be located a minimum of 50 feet from any residential-zoned property, unless modified through a conditional use permit. Additional buffering may be required as part of the conditional use permit.

(3) CC and CH Districts

i. Animal boarding uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.

ii. Rooms containing cages or pens are not permitted to have windows, doors, or other penetrations on exterior walls adjacent to existing residences.

iii. Any exterior pens for daytime use shall be located a minimum of 50 feet from any residential zoned property and shall be screened from view from adjacent streets and adjoining properties.

(4) MC, MN, and MR Districts

i. Animal boarding uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.

ii. No outside pens are allowed.

iii. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.

(5) CT District

Animal boarding may only be allowed on the site of a hotel.

(c) Off-Street Parking Requirement

1 space per 400 square feet in all districts except residential. For residential, 1 parking space in addition to the residential parking requirement.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Animal Grooming

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S		S	S						S	S	S	

(a) Definition

Provision of bathing and trimming services for small domestic animals on a commercial basis.

(b) Standards

(1) Animals receiving grooming services may only be boarded for a maximum period of 48 hours.

(2) All animals shall be confined within an enclosed area or on a leash at all times.

(3) Animal grooming uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.

(4) Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.

(5) The property owner/operator must comply with all applicable requirements of HMC Title 7, Animals, and obtain a Professional Animal Handler permit.

(c) Off-Street Parking Requirement

All Districts: 1 space per 400 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

4. Animal Husbandry

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
										C	C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

(a) Definition

Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming, and poultry farming.

(b) Standards

(1) Conditions may be imposed limiting operations to designated areas to protect water resources from runoff and to protect the public health, safety, and welfare.

(2) The number of animals allowed shall be determined as part of the conditional use permit. The location in relation to existing residential dwellings and compatibility with the surrounding neighborhood shall be considered.

(3) The use shall comply with the standards in Section 19.5.7.D.1, Barns, Stables, and Corrals.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

5. Animal Retail Sales

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S		S	S						S	S	S	

(a) Definition

A retail sales establishment that offers domestic animals as well as products and services for the keeping of domestic animals. Such uses may include animal grooming, boarding, and veterinarian services as ancillary uses for animals not for sale.

(b) Standards

(1) All Districts

i. All animals shall be located within an entirely enclosed building, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection for adjacent properties and users within the same development.

ii. Incidental boarding of animals for up to 30 days may be permitted.

iii. The property owner/operator shall comply with all applicable requirements of HMC Title 7, *Animals*, and obtain a Professional Animal Handler permit.

(2) CN District

Animal boarding as an ancillary use requires approval of a conditional use permit.

(c) Off-Street Parking Requirement

All Districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

6. Livestock Farming (Equines/Bovines)

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S									S	C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				S								

(a) Definition

The raising or keeping of equines or bovines for recreational, entertainment, or training purposes for the owner's or resident's use only. The term does not include the breeding or raising of animals for consumption or sale.

(b) Standards

The standards governing equines and bovines are intended to ensure compatibility between uses maintaining animals and neighboring land uses. Conditions may be imposed on such uses that limit operations to designated areas. This use may be permitted in accordance with the following standards:

(1) All Districts

i. Equines and bovines shall not run free and shall be maintained in a permanently fenced yard, corral, or other enclosure constructed in accordance with the requirements of a fence permit issued by the Building Department.

ii. Where a yard is surrounded by a fence constructed and inspected subject to a fence permit, inspection of portable corrals within the yard is not required.

iii. The parcel must be occupied by a residential dwelling.

iv. All parcels shall be evaluated on actual net lot area.

v. Must properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.

vi. The keeping of fowl is permitted as an ancillary use to the keeping of equines or bovines, except that roosters are prohibited.

vii. Keeping equines or bovines shall comply with the standards in Section 19.5.7.D.1, Barns, *Stables, and Corrals*.

(2) RS-1, RS-2, and DH Districts - Equines

i. A maximum of one horse and one foal up to the age of one year may be kept for each 10,000 square feet of site area.

ii. For the purposes of this section, regardless of actual square footage, any RS-2 zoned parcel that is less than 20,000 square feet in area, but that is one-tenth or more of the net area of what

was originally a government-created five-acre parcel, shall be considered to contain 20,000 square feet; and any RS-1 zoned parcel that is less than 40,000 square feet in area, but that is one-fifth or more of the net area of what was originally a government created five-acre parcel, shall be considered to contain 40,000 square feet. All other parcels shall be evaluated based on actual net lot area.

(3) RS-1 and DH Districts - Bovines

i. The keeping of bovines requires approval of a conditional use permit.

ii. One bovine is allowed per 40,000 square feet of site area.

iii. A maximum of two bovines per lot/parcel is allowed.

iv. Bovines shall be kept within a fenced or walled enclosure at all times.

v. Enclosures shall be a minimum of six feet in height.

vi. Open fencing shall not be permitted, unless screen material is installed.

vii. At no time shall a conditional use permit allow an increase in the number of bovines.

(4) CT District

The keeping of equines is permitted only as a conditional use in conjunction with a resort hotel or similar tourist destination-type use.

(c) Off-Street Parking Requirement

No additional minimum requirement beyond the residential use requirement.

(d) Off-Street Loading Group

None.

7. Stable or Riding Academy

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C									C		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

(a) Definition

Establishments offering facilities for the care and exercise of equines (horses), and for use in providing instructional or recreational activities in horseback riding for persons other than occupants of the premises. This use category also includes related equestrian activities, rings, stables, and exercise areas.

(b) Standards

(1) The maximum number of horses shall be determined as part of the conditional use permit but in no case shall the maximum number exceed one animal per 4,000 square feet of lot area. Location to existing residential dwellings and compatibility with the surrounding neighborhood shall be considered.

(2) The owner shall properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.

(3) The keeping of fowl as an ancillary use to the keeping of horses is subject to the restrictions set forth in HMC Title 7, Animals.

(4) Keeping horses shall comply with the standards set forth in Section 19.5.7.D.1, Barns, Stables, and Corrals.

(c) Off-Street Parking Requirement

1 parking space per 4 stalls.

(d) Off-Street Loading Group

None.

8. Veterinary Clinic/Hospital

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		S	S						C	C	C	

(a) Definition

Establishments where animals receive dental, medical, and surgical treatment as well as shelter and care during the time of such treatments. This use may include incidental grooming and boarding services.

(b) Standards

(1) All Districts

i. All animals shall be confined within an enclosed area or on a leash at all times.

ii. Uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.

iii. The property owner/operator shall maintain a 100-square-foot or greater landscape area with turf (or artificial turf), shrubs, and at least one tree for animal use within 20 feet of the entrance.

iv. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.

v. Incidental grooming and boarding of animals for up to 30 days may be permitted.

vi. All boarding shall take place within the interior of the structure, and outdoor boarding is prohibited.

vii. Outdoor daytime activity areas (e.g. walking areas, pens, dog runs) shall be allowed when a minimum of 50 feet away from any residential land use.

viii. The property owner/operator must comply with all applicable requirements of HMC Title 7, Animals, and obtain a Professional Animal Handler permit.

(2) CC and CH Districts

Such uses may only be permitted by right in a freestanding single-use building, or as "end" or "corner" uses in multi-tenant buildings.

(c) Off-Street Parking Requirement

All Districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

9. Household Pets

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A	A	A	A	A	A	A	A	A	A	A	A
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				A					A	A	A	

(a) Definition

Animals or birds ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, ferrets, birds, potbellied pigs, hamsters, parakeets, rabbits, non-venomous reptiles and amphibians not more than six feet in length but not including their young less than three months old.

(b) Standards

(1) All Districts

i. Except as otherwise provided in HMC Title 7, *Animals*, or any other section of this Code, in conjunction with any residential use, no person shall keep more than three dogs, three cats, and/or three ferrets over three months of age, at any place, or premises, or in any one residence.

ii. Any outdoor enclosure shall be located in an interior side or rear yard and set back at least five feet from the property line.

iii. Keeping wild and exotic animals, as defined by this Title and HMC Title 7, *Animals*, is prohibited.

(2) Potbellied Pigs

i. Potbellied pigs are only permitted in the RS-1 and RS-2 zoning districts.

ii. The keeping of potbellied pigs must be in conjunction with a single-family detached dwelling.

iii. Every potbellied pig:

1. Shall be registered with a nationally recognized registry for potbellied pigs.

2. Shall be spayed or neutered.

3. Shall not exceed 28 inches in height, measured from the shoulder.

4. Shall not exceed 150 pounds in weight.

5. Shall be appropriately vaccinated.

iv. A maximum of one potbellied pig may be maintained per property/lot. At no time shall a conditional use permit allow an increase in the number of potbellied pigs.

v. The owner shall properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.

(c) Off-Street Parking Requirement

No additional requirement, beyond the residential use requirement.

(d) Off-Street Loading Group

None.

10. Nondomesticated Companion Animals

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A									A		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

(a) Definition

Nontraditional animal species bred and kept in captivity and utilized as pets. These animals that qualify under this definition are: emus, rheas, llamas, and alpacas.

(b) Standards

(1) The permitted number of animals shall be five per acre up to a maximum of ten on a lot or parcel.

(2) The use shall comply with the following standards:

i. Must be in conjunction with a single-family detached dwelling.

ii. Animals shall be kept within a fenced or walled enclosure at all times.

iii. Enclosures shall be a minimum of six feet in height.

iv. All non-domestic companion animals shall be kept in such a way that they are not visible to the public from any city street or alleyway. A solid wall or visual barrier must surround the property boundary. All nondomestic companion animals shall be corralled or fenced within the area surrounded by the visual barrier or solid wall. Open fencing shall not be permitted, unless screened material is installed.

v. All adjoining property owners must sign an approval statement that includes the proposed use and number of animals. The statements must be provided to Community Development.

vi. A design review application shall be submitted. The review of this application is necessary to ensure compliance with the above-listed requirements.

vii. If the above requirements are not met, a conditional use permit shall be required. At no time shall a conditional use permit allow an increase in the number of animals.

viii. The property owner must comply with all application requirements of HMC Title 7, Animals.

(c) Off-Street Parking Requirement

No additional requirement, beyond the required residential use.

(d) Off-Street Loading Group

None.

11. Backyard Chickens

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S				S	S		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

(a) Definition

Hens (not roosters) kept outdoors as household pets and/or for the production of eggs for personal consumption.

(b) Standards

(1) May only be located on the lot of a single-family detached dwelling.

(2) May only be kept on a lot with a minimum size of 6,000 square feet.

(3) A maximum of 7 hens may be kept on a single lot.

(4) The hens must be kept in a predator-proof coop with a fenced-in run. Coops larger than 120 square feet require a building permit and must meet all requirements for accessory structures.

(5) The coop must be separated by a minimum of 20 feet from any dwelling on an adjacent lot.

(6) The coop must be located at least 5 feet from any property line.

(7) The coop may not be located in a front yard.

(8) Coops must be maintained and cleaned at all times to minimize odors and other nuisances.

(9) Chickens may not be raised for slaughter or bred for sale.

(10) Per Title 7, roosters are not permitted in any zoning district.

(11) These standards do not apply to fowl kept in accordance with 19.5.5.D.6, *Equines/Bovines*.

(c) Off-Street Parking Requirement

No additional requirement beyond the residential use requirement.

(d) Off-Street Loading Group

None.

E. ARTS AND CRAFTS: ARTISTS' STUDIO

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P		P	P	P	P	P	P	

1. Definition

Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts or skilled in an applied art or craft.

2. Off-Street Parking Requirement

All Districts: 1 space per 500 square feet.

3. Off-Street Loading Group

None.

F. BAIL-BOND BROKER

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						P						

1. Definition

Person or establishment offering bonds in lieu of confinement by judicial courts.

2. Off-Street Parking Requirement

All Districts: 1 space per 400 square feet.

3. Off-Street Loading Group

None.

G. BANQUET FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	C	P	P						P	C	P	

1. Definition

An establishment that is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption only during an event; and 3) outdoor gardens or reception facilities.

2. Standards

All Districts: Live entertainment uses shall be permitted accessory to banquet facilities, provided they comply with the following standards:

(a) Exits and entrances shall not be located opposite a residential district immediately adjoining the site. This provision does not apply to emergency entrances and exits.

(b) All live entertainment activities shall occur within the banquet facility building or tenant space.

(c) Banquet facilities hours of operation shall be from 8 AM to 2AM.

(d) Any of these standards may be waived or modified through the conditions use permit process to ensure compatibility with surrounding uses and zoning districts.

(e) Banquet facilities shall comply with 19.5.5.A.1.

(f) Additional restrictions may be added through the conditional use permit process to ensure compatibility with surrounding uses and zoning districts.

3. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

4. Off-Street Loading Group

Group Two (Section 19.7.4.D)

H. BREW PUB/MICROBREWERY/CRAFT DISTILLERY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C		S		S	C	C	C	

1. Definition

An establishment that manufacturers malt beverages and sells those malt beverages at retail; or manufactures distilled spirits (per NRS Chapter 597). Sample products made on site may be offered at no cost to visitors.

2. Standards

(a) All Districts

(1) Defining Operating Characteristics

i. Brew pubs/microbreweries/craft distilleries that operate and meet the standards of a tavern, see Section 19.5.5.O.3, are subject to the minimum separation requirements for taverns. See Section 19.5.5.O.3, *Eating And Drinking Establishment: Tavern*.

ii. Brew pubs/microbreweries/craft distilleries that operate and meet the standards of a restaurant with bar, see Section 19.5.5.O.2, *Eating and Drinking Establishment: Restaurant with Bar*, are subject to the minimum separation requirements for Category II liquor uses.

(2) Any proposed brew pub/microbrewery/craft distillery operating as defined above shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses*, and all Title 4 requirements for the subject use.

(3) Brew pubs/microbreweries/craft distilleries located in and owned or operated by a nonrestricted or limited gaming licensee shall be covered under the licensee's nonrestricted/limited gaming establishment's liquor license.

(4) A freestanding brew pub/microbrewery/craft distillery or independently owned brew pub/microbrewery/craft distillery located within a nonrestricted or limited gaming location shall be licensed as required per Title 4.

(5) A brew pub/microbrewery/craft distillery establishment may provide accessory outdoor food service and seating areas, including tables and chairs, for the use of their customers, provided they comply with the standards for such accessory uses in Section 19.5.7.D.8.

(6) Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A, General Standards for Alcohol and Liquor Uses and Live Entertainment.

(7) Distance separations and exemptions for taverns shall also apply to brew pubs/microbreweries/craft distilleries that meet the requirements of 19.5.5.H.2(a)(1)(i). See Section 19.5.5.O.3(b)(2).

(8) Any use that includes Restricted Gaming shall comply with the standards in Section 19.5.5.S.2, *Restricted Gaming* and Title 4.32. An applicant shall demonstrate compliance with these standards through the Conditional Use Permit for a Brew Pub/Microbrewery/Craft Distillery.

(b) CT District

Brew pubs/microbreweries/craft distilleries are allowed only as part of a mixed-use project.

(c) IP District

(1) Brew pubs/microbreweries that manufacture malt beverages shall produce no more than 15,000 barrels on an annual basis.

(2) Brew pubs/microbreweries/craft distilleries must be located in a stand alone building or end unit of a multi-tenant building.

(3) Brew pubs/microbreweries/craft distilleries must provide sound-proofing and odor abatement.

3. Off-Street Parking Requirement

Nonresidential districts: 1 space per every 100 square feet of indoor and outdoor customer service area.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

I. BREWERY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	P	S				

1. Definition

An establishment that manufactures malt beverages, but does not sell those beverages at retail.

2. Standards

(a) IL District

A brewery may be permitted with a conditional use permit. Unless otherwise specified in the IL (limited industry) use classifications, no other general industry uses are allowed. All warehousing and manufacturing processes must be conducted within a totally enclosed building, and all outside storage of materials

and equipment must be behind a minimum eight-foot-high cinder block or comparable masonry fence approved by the City. All storage must be completely screened from view from all neighboring properties and the public rights-of-way.

(b) IP District

General warehousing and the manufacture of products from raw materials are permitted. Unless otherwise specified in the industrial park classifications, no other general industry uses are allowed. All warehousing and manufacturing processes must be conducted within a totally enclosed building, and all storage of materials and equipment, except vehicles used for transporting the warehoused or manufactured products, must be within a totally enclosed building. Vehicles used for transporting and warehoused or manufactured products must be screened from view from all neighboring properties and internal and external streets with masonry fencing and landscaping, berms and landscaping, or other comparable screening method approved by the City.

3. Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group Three (Section 19.7.4.D)

J. BUILDING MATERIALS AND SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			S	S		C		C	

1. Definition

Retailing, wholesaling, or rental of building supplies or equipment, or the provision of building construction-related services. This use type includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments exclusively devoted to retail sales of paint and hardware, and activities classified under "Vehicle/Equipment Sales and Services," including vehicle towing services.

2. Standards

Except for live plants, all outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of eight feet, constructed in accordance with the standards in Section 19.7.5.I, *Dumpster Screening*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.

3. Off-Street Parking Requirement

1 space per 400 square feet plus 1 space per 1,000 square feet of outdoor storage/display area.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

K. CATERING SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	P	P	P		P			P	P	P	

1. Definition

Preparation and delivery of food and beverages for offsite consumption without provision for onsite pickup or consumption.

2. Off-Street Parking Requirement

1 space per 400 square feet.

3. Off-Street Loading Group

Group One (Section 19.7.4.D)

L. COMMERCIAL RECREATION AND ENTERTAINMENT

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		S	S	S		C	C	C	C		C	

(a) Definition

Provision of participant or spectator recreation or entertainment. This use type includes theaters (movies, performing arts, etc.), sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, miniature golf courses, scale-model courses, shooting galleries, sports courts, recreation clubs (as defined in Title 4, Section 4.36.010), and pinball arcades or electronic game centers having more than three coin-operated game machines.

(b) Standards

(1) In commercial districts, any outdoor commercial recreation and entertainment use requires a conditional use permit.

(2) Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, Live Entertainment.

(c) Off-Street Parking Requirement

(1) Bowling alleys: 3 spaces per alley in nonresidential districts.

(2) Electronic game centers: 1 space per 250 square feet.

(3) Skating rinks: 1 space per 5 fixed seats or 1 space per 60 square feet of seating area if no fixed seats plus 1 space per 200 square feet of floor area not used for seating.

(4) Sports courts: 3 spaces per court.

(5) Indoor theaters: 1 space per 3 fixed seats or 1 space per 60 square feet of seating area if no fixed seats.

(6) Miniature golf courses: 3 spaces per hole.

(7) All other commercial recreation/entertainment uses: see Schedule "C" (Section 19.7.4.C.3).

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		P	P	P					P	C	P	

(a) Definition

Provision of participant or spectator recreation or entertainment as accessory uses occupying less than ten percent of the gross floor area of the primary building. This use type includes indoor movie theaters, performing arts theaters, and establishments with nonrestricted gaming and electronic game centers.

(b) Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

(c) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Teenage Dancehall

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C		C					C		C	

(a) Definition

An establishment in which social dances, attended by teenagers, are regularly held or conducted as a substantial part of the business, whether admission is by a set admission charge, the donation of money, or at no charge. Teenage dancehall does not include dance schools, places operated by government entities, schools, religious institutions, or any other place used by an establishment, association or organization which might occasionally host or sponsor a social dance for teenagers incidental to the entity's purpose.

(b) Standards

The purpose of regulating teenage dancehalls and teenage nightclubs is to ensure compatibility with surrounding uses and properties and to protect the welfare of both teenagers and the public generally. A conditional use permit is required subject to but not limited to the following criteria:

(1) Hours of Operation

The permittee's hours of operation shall end at 10:00 p.m. on any evening preceding a day in which the public middle or high schools in the City of Henderson are open for classes and 12:00 midnight on any other day. No patron shall be permitted to enter or remain on the permittee's premises after closing.

(2) Parking

Parking spaces and parking lot shall comply with all applicable standards in this Code regarding lighting, required parking spaces, parking lot material, and landscaping.

(3) Distance Requirement

i. No teenage dancehall establishment may be located closer than 2,000 feet from any other teenage dancehall or teenage nightclub establishment, as measured by the shortest line between the space to be occupied by the proposed teenage dancehall establishment and the occupied space of the nearest established or approved teenage dancehall or teenage nightclub establishment.

ii. No teenage dancehall establishment may be located closer than 1,000 feet from any parcel where a school, park, library, liquor store, tavern, or smoke/tobacco shop are established or approved, and from any parcel with a residential land use

category as designated by the Comprehensive Plan. This separation requirement is measured by the shortest line between the space to be occupied by the proposed teenage dancehall establishment and the property line of the nearest established or approved school, park, library, liquor store, tavern, smoke/tobacco shop, and residential land use category as designated by the Comprehensive Plan.

The foregoing distance requirements may be waived through the use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the aforestated purpose and the general intent of this Code to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include but are not limited to such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

(4) Other Requirements

i. Additional conditions may be required as part of the conditional use permit.

ii. The use shall conform to the requirements of HMC 4.60 for Teenage Dancehalls and Teenage Nightclubs.

iii. There shall be no outside speakers or outside sound systems related to the use.

(c) Off-Street Parking Requirement

1 space per 100 square feet of customer service and assembly area.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

4. Teenage Nightclub

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C		C					C		C	

(a) Definition

An establishment providing live entertainment as a substantial part of the business in which teenagers regularly gather, whether admission is by a set admission charge, the donation of money, or at no charge. Teenage nightclub does not include places operated by government entities, schools, religious institutions, or any other place used by an establishment, association or organization which might

occasionally host or sponsor live entertainment for teenagers incidental to the entity's purpose.

(b) Standards

The purpose of regulating teenage dancehalls and teenage nightclubs is to ensure compatibility with surrounding uses and properties and to protect the welfare of both teenagers and the public generally. A conditional use permit is required subject to but not limited to the following criteria:

(1) Hours of Operation

The permittee's hours of operation shall end at 10:00 p.m. on any evening preceding a day in which the public middle or high schools in the City of Henderson are open for classes and 12:00 midnight on any other day. No patron shall be permitted to enter or remain on the permittee's premises after closing.

(2) Parking

Parking spaces and parking lot shall comply with all applicable standards of this Code regarding lighting, required parking spaces, parking lot material, and landscaping.

(3) Distance Requirement

i. No teenage nightclub establishment may be located closer than 2,000 feet from any other teenage dancehall or teenage nightclub establishment, as measured by the shortest line between the space to be occupied by the proposed teenage nightclub establishment and the occupied space of the nearest established or approved teenage dancehall or teenage nightclub establishment.

ii. No teenage nightclub establishment may be located closer than 1,000 feet from any parcel where a school, park, library, liquor store, tavern, or smoke/tobacco shop are established or approved; and from any parcel with a residential land use category as designated by the Comprehensive Plan. This separation requirement is measured by the shortest line between the space to be occupied by the proposed teenage nightclub establishment and the property line of the nearest established or approved school, park, library, liquor store, tavern, smoke/tobacco shop, and residential land use category as designated by the Comprehensive Plan.

The foregoing distance requirements may be waived through the use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the aforestated purpose and the general intent of this Code to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include but are not limited to such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

(4) Live Entertainment for Teenage Nightclub

i. Exits and entrances shall not be located opposite an "R" zoning district immediately adjoining the site. This provision does not apply to required emergency entrances and exits.

ii. The conditional use permit shall include a request for the types of live entertainment. The types of live entertainment shall be included in the description for the advertisement of the conditional use permit.

iii. The conditional use permit shall apply to the type of live entertainment approved, and a different type of live entertainment shall require approval of a new conditional use permit.

(5) Other Requirements

i. Additional conditions may be required as part of the conditional use permit.

ii. The use shall conform to the requirements of HMC 4.60 for Teenage Dancehalls and Teenage Nightclubs.

iii. There shall be no outside speakers or outside sound systems related to the use.

(c) Off-Street Parking Requirement

1 space per 100 square feet of customer service and assembly area.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

M. CONVENTION

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											P	P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		A	A	A	A				A		A	

1. Definition

Meetings of professional, fraternal, business, or other organizations that last for five days or less.

2. Standards

Except in the DP and PS districts, conventions are allowed only as an accessory use to a hotel or hotel/casino.

3. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

4. Off-Street Loading Group

Group Three (Section 19.7.4.D)

N. DAILY LABOR SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			C			C		C	

1. Definition

Any building or premises that serves as a staging point or gathering place for persons who are seeking immediate employment in daily labor activities and who accept or are assigned such employment in accordance with whatever employment is available on that particular day. For purposes of this definition, "daily labor" means manual labor, including, without limitation, construction cleanup, garbage pickup and removal, demolition, convention setup and takedown, landscaping, planting, and digging.

2. Standards

(a) The use shall be located on a primary or secondary arterial as designated on the Master Streets and Highways Plan.

(b) The use shall not be located within 400 feet of any religious facility, school, general day care facility, city park, or residential zoning district.

(c) The hours of operation shall be limited to the hours between sunrise and sunset.

(d) Signage shall be posted on the premises indicating that loitering on the premises is not allowed. The signage may not exceed four square feet in size.

(e) Persons who are seeking employment must wait for employment within a fully enclosed structure or an area screened from public view.

3. Off-Street Parking Requirement

1 space for each 250 square feet of gross floor area.

4. Off-Street Loading Group

None.

O. EATING AND DRINKING ESTABLISHMENT

1. Restaurant

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	C	P	P	P	P	S		S	P	P	P	

(a) Definition

A place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and where only a service bar is allowed. See HMC 4.36.

(b) Standards

(1) All Districts

i. Any use that includes outdoor seating and outdoor food service areas shall comply with 19.5.7.D.8, *Outdoor Seating/Outdoor Food Service*.

ii. Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses*, and all Title 4 requirements for the subject use.

iii. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, *Live Entertainment*.

(2) CO District

A restaurant may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

i. The primary purpose of the use is to serve employees of the office development in the district.

ii. The use shall not be the principal use in any freestanding building.

iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.

iv. The use shall not have an entrance leading directly to the outside.

v. No freestanding sign shall be allowed in connection with the use.

(3) Limited to an Accessory Use

i. IL and IP Districts

A restaurant may only be permitted as an accessory use with a maximum size of 25 percent of a building's gross floor area.

ii. PS District

A restaurant may only be permitted as an accessory use in a cultural, educational, medical, civic institution, or recreational facility, provided the accessory use portion of the primary establishment does not exceed 5,000 gross square feet.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 100 square feet of indoor and outdoor customer service area.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Restaurant with Bar

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	S	S	S	S			C	S	C	S	

(a) Definition

A place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and has food available for service during all times that alcoholic beverages are sold, and wherein there is a fixed or permanent barrier to ensure separation between the bar/lounge area and the dining area sufficient to exclude minors from the bar/lounge area. See HMC 4.36.

(b) Standards

(1) All Districts

i. The hours of operation shall be limited to between 6:00 a.m. and 2:00 a.m. Extended hours of operation beyond the limits stated above may be requested through a Conditional Use Permit. Residential compatibility shall be considered when extended hours of operation are requested. The following items may be considered, but not limited to: location of building ingress and egress, setbacks, parking locations, and loading zones.

ii. A minimum of 50 percent of the net floor area of the premises occupied by the restaurant with bar (excluding cooking, food

preparation, office, storage, restroom, and outdoor seating areas) shall be designated as dining area.

iii. The actual seating available at all times within the indoor dining area must be able to accommodate at least one hundred persons.

iv. The use shall conform to the requirements of Title 4.36 for Restaurants with Bar.

v. Any use that includes outdoor seating and outdoor food service areas shall comply with 19.5.7.D.8, *Outdoor Seating/Outdoor Food Service*.

vi. Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, Distance Limitations for Alcohol and Liquor Uses, and all Title 4 requirements for the subject use.

vii. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, *Live Entertainment*.

viii. The bar area may not be fully enclosed (by use of full walls or other separation methods) with only an access door provided between it and the dining area. A maximum 42-inch tall wall may be utilized to separate the bar from the dining area, or other height to accommodate seating areas as determined by the Community Development and Services Director.

ix. Any use that includes Restricted Gaming shall comply with the standards in Section 19.5.5.S.2, *Restricted Gaming* and Title 4.32.

(2) CO District

A restaurant with bar may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

i. The primary purpose of the use is to serve employees of the office development in the district.

ii. The use shall not be the principal use in any freestanding building.

iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.

iv. The use shall not have an entrance leading directly to the outside.

v. No freestanding sign shall be allowed in connection with the use.

(3) Limited to an Accessory Use

i. IP District

A restaurant with bar may only be permitted as an accessory use with a maximum size of up to 25 percent of a building's gross floor area.

ii. PS District

A restaurant with bar may only be permitted as an accessory use in a cultural, educational, medical, civic institution, or recreational facility, provided the accessory use portion of the primary establishment does not exceed 5,000 gross square feet.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 100 square feet of indoor and outdoor customer service area, plus additional parking may be required if live entertainment is permitted.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Tavern

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C					C		C	

(a) Definition

An establishment primarily engaged in selling or serving alcoholic beverages at retail by the drink to the general public for on-premises consumption, with the ability to request approval for the following ancillary activities: a dance hall, live entertainment, food service, and/or restricted gaming.

(b) Standards

(1) All Districts Standards

i. Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses*, and all Title 4 requirements for the subject use.

ii. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, *Live Entertainment*.

iii. Any use that includes Restricted Gaming shall comply with the standards in Section 19.5.5.S.2, *Restricted Gaming* and Title 4.32. An applicant shall demonstrate compliance with these standards through the Conditional Use Permit for a Tavern.

(2) Proximity of Taverns

i. Objective

The health, safety, morals, and welfare of the inhabitants of the City are best promoted and protected by requiring a separation between individual taverns and established residential areas.

ii. Separation Distance Requirements

1. Unless exempted, a tavern use shall not be located within 2,000 feet as measured by the shortest line between the space to be occupied by the proposed tavern and the occupied space of another existing or approved tavern use, regardless of the jurisdiction where located.

2. Residential compatibility shall be considered when a tavern is located within 500 linear feet of any developed residential zoning district with an "R" designation. This distance shall be measured from the occupied space of the proposed tavern to the property line of the closest existing residential dwelling unit. The following items may be considered, but not limited to: location of building ingress and egress, setbacks, parking locations, and loading zones.

3. Nothing in this subsection shall be construed to authorize a proposed tavern use simply because a proposed tavern use may comply with the minimum separation requirements. The City retains all discretion to approve or disapprove a tavern use.

iii. Exemptions

The following taverns are exempted from the standards of this subsection:

1. Lawfully-established taverns in existence prior to July 3, 2001, unless the use is discontinued for a period of six months or more; and

2. Taverns located within a resort village or a nonrestricted casino/gaming establishment.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 100 square feet of indoor and outdoor customer service area, plus additional parking may be required if live entertainment is provided.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

4. Eating and Drinking Establishment with Drive-Through Service

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C	C				C	C	C	

(a) Definition

A restaurant with or without seating for patrons that includes service from a building to persons in vehicles through an outdoor service window.

(b) Standards

(1) All Districts

i. Outdoor speakers or other public address systems that emit sound shall not be located within 500 linear feet of an existing residential dwelling unit. Face-to-face service is required within 500 feet of an existing residential dwelling unit. An automated volume control system is required beyond 500 feet from residential dwelling units.

ii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).

iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.

iv. The above listed conditions may be modified or waived through a request as part of the conditional use permit.

(2) MC, MR, and MN Districts

i. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, and shall demonstrate how the drive-through will not be a negative impact on the pedestrian environment of the overall development.

ii. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

(3) MC District

Drive-through lanes and stacking spaces are prohibited within any build-to zone setback.

(4) MN District

i. Drive-through lanes and stacking spaces are prohibited within the 20-foot front or corner-side setback when within 50 feet of a residential land use designation (Section 19.3.17).

ii. Drive-through facility shall be designed as an integrated part of an in-line building or mixed-use building. Freestanding drive-through facilities are not permitted.

(5) MR District

A conditional use permit shall not be required if the drive-through use was approved through the Master Plan for the subject site.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 75 square feet of indoor and outdoor customer service area plus vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

5. Wine Lounge

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C		C					C	C	C	

(a) Definition

A place where the primary business is the service or sale of wine and similar beverages (but not including alcoholic liquors) at retail either by the glass or the bottle to the general public for consumption in a lounge setting. The sale of beer is permitted as an accessory use. Retail sale of wine for off-premises consumption is permitted as an accessory use.

(b) Standards

(1) Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses*, and all Title 4 requirements for the subject use.

(2) The hours of operation shall be limited to between 11:00 a.m. and 2:00 a.m.

(3) Slot machines are prohibited in the wine lounge.

(4) Service to tables/lounge area is required.

(5) A bar area with seating is prohibited.

(6) Incidental food service is permitted.

(7) Self-service wine dispensers are permitted.

(8) Any use that includes outdoor seating and outdoor food service areas shall comply with 19.5.7.D.8, *Outdoor Seating/Outdoor Food Service*.

(9) Any use that includes live entertainment shall comply with Section 19.5.5.A.2, *Live Entertainment*.

(c) Accessory Use to a Primary Business

A wine lounge is permitted as an accessory use to an approved Category I or II use, or a use approved by the Planning Commission, subject to the following:

(1) Total square footage to be used for serving wine shall be limited to 25% of the net floor area (not including offices, restrooms and storage area) or 1000 square feet, whichever is less.

(2) Standards in Section (b) above shall be met, with the exception of (2).

(3) The accessory use shall be operated during the hours of operation of the primary business.

(d) Off-Street Parking Requirement

Nonresidential districts: 1 space per 75 square feet of indoor and outdoor customer service area.

(e) Off-Street Loading Group

Group One (Section 19.7.4.D)

P. FINANCIAL INSTITUTION

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P	P	P			P	P	P	

(a) Definition

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This use type includes those

institutions whose primary service is the exchange of currency, including banks, credit unions, and other establishments engaged in the onsite circulation of cash money, but does not include bail-bond brokers or check-cashing services.

(b) Off-Street Parking Requirement

Nonresidential districts: 1 space per 300 square feet.

(c) Off-Street Loading Group

Group Two (Section 19.7.4.D)

2. Financial Institution with Drive-Through Service

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C	C	C	S			S	C	C	C	

(a) Definition

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses, and that include one or more automobile lanes accessible to persons who remain in their automobiles. This use includes stand-alone automated teller machines.

(b) Standards

(1) All Districts

i. Stand-alone automated teller machines not located on the same property as the primary financial institution shall require separate design review approval. The design shall be compatible with adjacent buildings.

ii. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary unless an intervening building or a major or minor arterial as shown on the Master Street and Highways Plan, is located between the drive-through service and the residential district boundary.

iii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).

iv. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and

architectural compatibility with the principal structure and development.

v. The above-listed conditions may be waived or modified through a request as part of a conditional use permit.

(2) MC, MR, and MN Districts

i. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, and shall demonstrate how the drive-through will not be a negative impact on the pedestrian environment of the overall development.

ii. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

(3) MC District

Drive-through lanes and stacking spaces are prohibited within any build-to zone setback.

(4) MN District

i. Drive-through lanes and stacking spaces are prohibited within the 20-foot front or corner-side setback when within 50 feet of a residential land use designation (Section 19.3.17).

ii. Drive-through facility shall be designed as an integrated part of an in-line building or mixed-use building. Freestanding drive-through facilities are not permitted.

(5) MR District

A conditional use permit shall not be required if the drive-through use was approved through the Master Plan for the subject site.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 300 square feet plus required vehicle stacking spaces. (Section 19.7.4.H)

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D)

3. Check-Cashing, Deferred-Deposit Service, and/or Vehicle Title Loan Facility

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C	C			S		S			C	

(a) Definition

(1) "Check Cashing" is any person(s) or establishment engaged in the business of cashing checks or accepting deferred deposits for a fee, service charge, or other consideration. Such uses are not licensed banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.

(2) "Deferred Deposit" is any person or establishment offering a transaction in which, pursuant to a written agreement: 1) a customer tenders to a person a personal check drawn upon the account of the customer; and 2) the service provides to the customer an amount of money that is equal to the face value of a check, less any fee charged for the transaction, and agrees not to cash the check for a specified period. Deferred-deposit services are not licensed banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.

(3) "Vehicle Title Loan" is a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself.

(b) Purpose

The purpose of regulating such uses is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of check-cashing, deferred-deposit, and/or vehicle title loan services that may result in the displacement of other necessary commercial and financial services.

(c) Standards

The building or portion thereof that is dedicated to the check-cashing, deferred-deposit service, and/or vehicle title loan use shall have a minimum size of 1,500 square feet of building floor area.

(1) Separation Requirements

The following distance requirements shall be applied to all locations:

i. No such use may be located closer than 1,000 linear feet to any other check-cashing, deferred-deposit service, and/or vehicle title loan use, as measured by the shortest line between the occupied spaces of the existing or approved use and the proposed facilities.

ii. No such use may be located closer than 200 feet to any parcel with a residential land use designation as depicted in the Comprehensive Plan. This 200-foot separation shall be measured as the shortest line between the space to be occupied by the proposed check-cashing, deferred-deposit service, and/or vehicle title loan facility and the property line of the nearest parcel with a residential land use designation.

iii. In cases where the check-cashing, deferred-deposit, and/or vehicle title loan use is located at a counter or space within another business (e.g. convenience store, grocery store, executive

office), the term "facility" shall mean the entire space of the businesses combined.

iv. These distance requirements may be reduced through the conditional use permit review process based on the provision of compensating public benefits and evidence from the applicant that the reduction will not compromise the aforementioned purpose and the general intent of this Code to protect the public health, safety, and general welfare of the City.

(2) Building Requirements

i. The building design shall be subject to review by the Community Development Department to ensure that it will be compatible with the surrounding area in terms of building materials, massing, and architectural style. Bright and/or fluorescent colors are prohibited as a principal exterior building color, but may be used as accent colors.

ii. Temporary signs are only permitted as described within Section 19.8.9, *Temporary Signs*, and must receive prior approval.

iii. The use shall comply with all applicable requirements of HMC Title 4.

(3) Vehicle Title Loan Facilities

No vehicles may be stored at the location of a vehicle title loan facility.

(d) Off-Street Parking Requirement

Nonresidential districts: 1 space per 300 square feet.

(e) Off-Street Loading Group

Group One (Section 19.7.4.D)

Q. FOOD AND BEVERAGE SALES

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	C	P	P	P	P				P	P	P	

(a) Definition

Groceries, delicatessens, and similar commercial establishments engaged in retail sales of food and beverages for offsite preparation and consumption.

(b) Standards

Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses,* and all Title 4 requirements for the subject use.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Liquor Stores

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C					C	C	C	

(a) Definition

Retail establishments that sell alcoholic beverages for consumption off-premises as a primary use.

(b) Standards

Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses,* and all Title 4 requirements for the subject use.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

R. FUNERAL AND INTERMENT SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C	C		P	P					

1. Definition

Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead other than in cemeteries or religious assembly

uses. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial or cremation, crematoriums, and columbariums.

2. Standards

(a) Within the commercial districts, funeral and interment service uses are limited to mortuaries.

(b) They may be allowed as an accessory use to a cemetery in the PS district.

(c) Crematoriums must be separated a minimum of 1,500 feet from residentially zoned property.

3. Off-Street Parking Requirement

Nonresidential districts: 1 space per 35 square feet of seating area.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

S. GAMING ESTABLISHMENT

1. Nonrestricted Gaming

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C	C					C		C	

(a) Definition

The operation of 16 or more slot machines, gaming devices, or live games. This license is limited to a resort hotel or other specific nonconforming establishments as defined in Title 19 and Title 4 of the HMC.

(b) Standards

(1) All Districts

Nonrestricted gaming establishments shall comply with the following standards:

i. New nonrestricted gaming establishments may only be established as part of a resort hotel (as defined in Title 19).

ii. Existing casino establishments and those approved for development by the City Council prior to July 21, 1998, may only be altered subject to a conditional use permit, requirements in HMC Section 4.32.350.B, and design review.

(2) CT District

Gaming establishments may be up to 100 feet in height, and may exceed 100 feet in height if approved through a conditional use permit, provided

minimum setbacks abutting residential zoning districts or lots occupied by residential uses be increased by at least one foot for each one foot increase in height above 100 feet.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 30 square feet of gaming and seating area. Also, additional parking shall be provided for all accessory, non-gaming uses within the nonrestricted gaming establishment (such as bowling alleys, convention spaces, and movie theaters) at the minimum ratios established in this chapter.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Restricted Gaming

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

The operation of 15 or fewer slot machines that are incidental to the primary business at the establishment wherein the slot machines are to be located regardless of ownership of the slot machines; or as may be amended from time to time by the State in NRS Chapter 463. Restricted gaming facilities must comply with Title 4.32.

(b) Standards

(1) Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, *Live Entertainment*.

(2) An establishment which is licensed to sell alcoholic beverages at retail by the drink to the general public shall comply with the following:

i. 1-5 slot machines

1. Restaurant with Bar use shall be subject to the standards as required in Title 19.5.5.O.2 with the addition that all slot machines must be embedded in the bar top;

2. All other restricted gaming locations shall be required to comply with the minimum State standards as stated in NRS 463.161 (regardless of the effective date) with the addition that all slot machines must be embedded in the bar top.

ii. 6-15 slot machines

1. The establishment shall be primarily engaged in the service of meals with selling or serving alcoholic

beverages at retail by the drink to the general public for on-premises consumption;

2. Contain a permanent physical bar per NRS 463.161 (regardless of the effective date);

3. Minimum eight (8) slot machines must be embedded in the bar top. If less than eight (8), all slot machines must be embedded in the bar top;

4. Contain a restaurant which:

a. Serves meals ordered by patrons from tables or booths;

b. Includes an indoor dining area with seating for at least 75 persons (25 of the seats may include table or booth seating within the bar area) in a room separate from the on-premise kitchen. The stools or chairs at the bar and outdoor dining area may not be counted;

c. Includes a kitchen which is operated between the hours of 6 a.m. and 2 a.m.;

d. Complies with Title 4.36.

5. The bar area may not be fully enclosed (by use of full walls or other separation methods) with only an access door provided between it and the dining area. A maximum 42-inch tall wall may be utilized to separate the bar from the dining area, or other height to accommodate seating areas as determined by the Community Development and Services Director.

(c) Off-Street Parking Requirement

Parking shall be based upon the requirements of the primary use.

(d) Off-Street Loading Group

Loading shall be based upon the requirements of the primary use.

T. GOLF COURSE OR DRIVING RANGE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C								

1. Definition

A tract of land, either public or private, laid out for at least nine holes for playing the game of golf and improved with tee boxes, greens, fairways, and hazards. This use also

includes a driving range, which is a limited area on which golf players drive golf balls from a central driving tee. Such uses may include related facilities such as clubhouses, golf schools, and accessory uses such as a restaurant or restaurant with a bar, pro shops, and related facilities.

2. Standards

(a) Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses*, and all Title 4 requirements for the subject use.

(b) The use shall comply with applicable turf restrictions in HMC Titles 14 and 19.

3. Off-Street Parking Requirement

(a) Golf course: 4 spaces per hole plus spaces provided for accessory uses.

(b) Driving range: 1 space per tee.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

U. HOOKAH LOUNGE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C		C		C				

1. Definition

Any business which primarily serves tobacco or non-tobacco products (e.g., fruit, vegetables) whereby patrons, who are 18 years of age or older, share the tobacco or non-tobacco products from a communal hookah, water pipe, or similar device. The business may also sell non-alcoholic beverages and snacks. A hookah, water pipe, or similar device may not be used as a primary or ancillary use where minors are allowed. A Hookah, hooka, or shisha is a single- or multi-stemmed water pipe for smoking.

2. Standards

The sale of alcohol shall be allowed only as part of an approved restaurant with service bar, restaurant with bar, or tavern. Must comply with Clark County Health Department requirements.

3. Off-Street Parking Requirement

1 space per 250 square feet.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

V. HORTICULTURE

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
										C		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
							C					

(a) Definition

The raising of vegetables, flowers, ornamental trees, and shrubs as a commercial enterprise, including the storage of nursery equipment and materials and the erection of nursery structures.

(b) Off-Street Parking Requirement

1 parking space per 2 acres. Also, if open to the public, 1 space per 375 gross square feet of sales area.

(c) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C								C		
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		S				S	S					

(a) Definition

The raising of vegetables, flowers, ornamental trees, and shrubs as a commercial enterprise, provided that no nursery equipment or materials shall be stored.

(b) Standards

(1) No permanent structures shall be erected.

(2) Storage of nursery equipment or materials is prohibited.

(3) Retail sale of plants or plant materials is not permitted within residential base zoning districts.

(c) Off-Street Parking Requirement

1 parking space per 2 acres. Also, if open to the public, 1 space per 375 gross square feet of sales area.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

W. LABORATORY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											A	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P		P	P	P	P	C	P	

1. Definition

Establishments providing medical or dental laboratory services or small-scale establishments providing photographic, analytical, or testing services within a building or portion of a building of 5,000 square feet or less. Other laboratories are classified as "Industry, Research and Development."

2. Standards

PS District

Laboratories are permitted as an accessory use to a hospital.

3. Off-Street Parking Requirement

Nonresidential districts: 1space per 500 square feet.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

X. MAINTENANCE AND REPAIR SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	P	P	P		P	P		P		P	

1. Definition

Establishments providing appliance repair, office machine repair, furniture upholstery, or building maintenance services, but not including maintenance and repair of vehicles.

2. Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

3. Off-Street Loading Group

Group One (Section 19.7.4.D)

Y. MEDICAL MARIJUANA ESTABLISHMENTS

1. Purpose and Intent

The purpose and intent of this section is to provide a procedure for the regulations of medical marijuana establishments within the City of Henderson. These regulations are in addition to the regulations of Title 4 of the Henderson Municipal Code and provide all land use regulations for medical marijuana establishments.

2. Distance Limitations for Medical Marijuana Establishments

Table 19.5.5-2 Minimum Separation [1]

Medical Marijuana Establishment	Protected Uses			Separation between Medical Marijuana Dispensaries (feet)[3]
	Separation to School (feet)[2]	Separation to Community Facility (feet)	Separation to public park or public playground (feet)[4]	
Cultivation Facility	1,000	300	1,000	
Dispensary	1,000	300	1,000	5,280
Infusion or Manufacturing	1,000	300	1,000	
Independent Testing Laboratory	1,000	300	1,000	

Note: The separation from a medical marijuana establishment to a protected use is for a protected use that existed or occupied on the date on which the application for the proposed medical marijuana establishment was submitted to the State Health Division.

[1] Distance shall be measured as the shortest straight line between the exterior walls of the building or portion thereof of the proposed medical marijuana establishment to the property line of the protected use. If both the proposed medical marijuana establishment and the protected use are tenants within a commercial or industrial development and located on the same parcel of property, the distance shall be measured as the shortest straight line distance between the closest exterior wall(s) of the building or portion thereof of the proposed medical marijuana establishment to the closest exterior wall(s) of the building or portion thereof of the protected use.

[2] Means a public or private school that provides formal education traditionally associated with preschool through grade 12.

[3] Distance separation between medical marijuana dispensaries shall be measured as the shortest straight line between the closest exterior walls of the building or portion thereof of the proposed medical marijuana dispensary to the closest exterior walls of the building or portion thereof of the established medical marijuana dispensary. This distance may be waived by City Council, if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such separation requirements will not compromise the general intent of this Code to protect the public health, safety and general welfare of the citizens of the City.

[4] For purposes of this section, "public park or public playground" includes privately owned and/or maintained parks that are made available for public purposes.

3. Medical Marijuana, Cultivation Facility

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	C	C				

(a) Definition

Means an enclosed facility that acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells medical marijuana and related supplies to medical marijuana dispensaries; facilities for the production of edible marijuana products or marijuana-infused products; or other medical marijuana cultivation facilities, as defined in NRS Chapter 453A, as may be amended or renumbered.

(b) Standards

(1) Shall comply with all H.M.C. Title 4 regulations.

(2) Shall comply with the distance separation requirements of 19.5.5.Y

(3) There shall be no emission of dust, fumes or vapors into the environments from the facility. The air filtration system shall be designed by a Nevada licensed engineer and shall be installed prior to certificate of occupancy.

(4) Shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.

(5) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.

(6) There shall be no retail sales at the cultivation facility.

(7) Shall be a minimum of 5,000 gross square feet.

(8) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.

(9) Signs shall meet the following regulations:

i. Shall be limited to wall signs only.

ii. Maximum sign area shall be 25 square feet.

iii. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs).

iv. Wall signs shall be internally illuminated. No exposed lighting sources are permitted.

v. No animation or electronic message unit signs are permitted.

vi. Color and design, including lettering shall complement the architecture of the building.

vii. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.

viii. Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices.

(10) Approval of a conditional use permit does not guarantee approval of a business license.

(11) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D.)

4. Medical Marijuana, Dispensary

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C			C	C	C				

(a) Definition

Means a business that is registered with the State of Nevada Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 453A.322, as may be amended or renumbered; and acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.

(b) Standards

(1) Shall comply with all H.M.C. Title 4 regulations.

(2) Shall comply with the distance separation requirements of 19.5.5.Y

(3) Shall have operating hours between the hours of 8:00 am and 8:00 pm.

(4) Drive-through services are prohibited.

(5) There shall be no emission of dust, fumes or vapors into the environment from the facility.

(6) Shall be a minimum of 1,400 gross square feet.

(7) Shall not provide outdoor seating.

(8) There shall be no outdoor display of merchandise or merchandise visible from the outside of the establishment.

(9) Shall be located in a permanent building, and shall not be located in a trailer, cargo/shipping container or motor vehicle.

(10) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.

(11) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.

(12) Signs shall meet the following regulations:

i. Shall be limited to wall signs, monument or freestanding signs;

ii. Maximum sign area shall be 25 square feet;

iii. A maximum of 25% of the wall sign or tenant panel of a freestanding sign may include a logo;

iv. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs);

v. Wall signs shall be internally illuminated. No exposed lighting sources are permitted;

vi. No animation or electronic message unit signs are permitted;

vii. Color and design, including lettering shall complement the architecture of the building;

viii. Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices;

ix. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.

(13) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.

(14) Approval of a conditional use permit does not guarantee approval of a business license.

(c) Industrial Districts

(1) Dispensaries may be permitted in the same building in conjunction with a cultivation site under the same ownership or management.

(2) Stand-alone dispensaries shall only be permitted within buildings that contain multiple tenant spaces designed with retail/office storefronts, located on arterial roadways as designated by the Master Streets and Highways Plan.

(d) Off-Street Parking Requirement

1 space per 250 square feet.

(e) Off-Street Loading Group

Group Two (Section 19.7.4.D.)

5. Medical Marijuana, Infusion or Manufacturing Facility

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	C	C				

(a) Definition

An enclosed facility that produces products that are infused with marijuana or an extract thereof; and are intended for use or consumption by humans through means other than inhalation or oral ingestion. The term includes, without limitation, topical products, ointments, oils and tinctures, defined in NRS Chapter 453A, as may be amended or renumbered.

(b) Standards

(1) Shall comply with all H.M.C. Title 4 regulations.

(2) Shall comply with the distance separation requirements of 19.5.5.Y

(3) Shall be a minimum of 1,400 gross square feet.

(4) There shall be no retail sales at the facility.

(5) Shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.

(6) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.

(7) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.

(8) Signs shall meet the following regulations:

i. Shall be limited to wall signs only.

ii. Maximum sign area shall be 25 square feet.

iii. A maximum of 25% of the wall sign may include a logo.

iv. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs)

v. Wall signs shall be internally illuminated. No exposed lighting sources are permitted.

vi. No animation or electronic message unit signs are permitted.

vii. Color and design, including lettering shall complement the architecture of the building.

viii. Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices.

ix. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.

(9) Approval of a conditional use permit does not guarantee approval of a business license.

(10) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.

(c) Off-Street Parking Requirement

1 space per 500 square feet.

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D.)

6. Medical Marijuana, Independent Testing Laboratory

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	S				

(a) Definition

Means a facility that tests marijuana, edible marijuana products and marijuana-infused products that are to be sold in the State of Nevada, as defined in NRS 453A, as may be amended or renumbered.

(b) Standards

(11) Shall comply with all H.M.C. Title 4 regulations.

(12) Shall comply with the distance separation requirements of 19.5.5.Y

(13) There shall be no emission of dust, fumes or vapors into the environments from the facility.

(14) There shall be no retail sales at the facility.

(15) Shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.

(16) There shall be no outdoor storage, including the use of cargo/shipping containers for on-site storage.

(17) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind shall be strictly prohibited.

(18) Signs shall meet the following regulations:

i. Shall be limited to wall signs only.

ii. Maximum sign area shall be 25 square feet.

iii. A maximum of 25% of the wall sign may include a logo.

iv. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs)

v. Wall signs shall be internally illuminated. No exposed lighting sources are permitted.

vi. No animation or electronic message unit signs are permitted.

vii. Color and design, including lettering shall complement the architecture of the building.

viii. Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices.

ix. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.

(19) Approval of a conditional use permit does not guarantee approval of a business license.

(20) The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.

(c) Off-Street Parking Requirement

1 space per 500 square feet.

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D.)

Z. MINI-STORAGE FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
					C	C	C					
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		P	P			P	P	C				

1. Definition

Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces. This use classification may include limited vehicle storage and quarters for one or more persons employed by and residing at the mini-storage facility for the purpose of onsite management and security.

2. Standards

(a) All Nonresidential Districts

(1) Mini-storage facilities shall comply with all development regulations listed for the zoning district or planned unit development in which the facility is located.

(2) All mini-storage facilities shall provide minimum 32-foot-wide drive aisles between all buildings and adjacent to all building walls with storage compartment access doors.

(3) Resident manager's quarters, where provided, shall be incorporated into and occupy space on the premises of the mini-storage facility. No freestanding manager's quarters are permitted within the IP district.

(4) Mini-storage facility shall include a single 500-square-foot (minimum) landscaped private recreation area within the mini-storage project adjacent to the caretaker's quarters for exclusive use by resident manager/caretaker. The landscaped recreation area shall include a minimum of one large shade tree installed at 24-inch-box size, shrubs, and recreation equipment as approved by the Community Development and Services Director. Recreation equipment shall consist of picnic table and barbecue facilities or other comparable equipment for use by the resident manager.

(5) All buildings in the mini-storage facility shall be architecturally compatible with the surrounding uses. Architectural compatibility shall be measured as follows:

i. Projects constructed abutting residential or public/semipublic zoning shall employ sloped concrete tile or clay roofs and shall display wall relief features and colors commonly found in residential construction;

ii. Projects abutting commercial or industrial zoning districts may employ more rigid lines and features;

iii. Where a project abuts a residential or public/semipublic zoning district, the residential compatibility requirement shall control;

iv. For facilities proposed within existing commercial/shopping centers, the design standards of 19.7.6.D shall control, with special attention given to adhering to any established architectural styles or themes within the center, which may negate the requirement for a sloped/tile roof.

(6) Hours of public access to mini-storage units abutting one or more residential zoning districts shall be restricted to the period from 6:00 a.m. to 10:00 p.m. daily.

(7) All setbacks abutting residentially-zoned parcels shall be landscaped.

(8) Rear and side building setbacks may be reduced to zero feet for single-story buildings when adjacent to commercial or industrial districts.

(9) Mini-storage uses shall provide a decorative perimeter wall with a maximum height of eight feet, up to 12 feet under certain circumstances where additional height is required to secure storage areas.

(10) Perimeter walls shall comply with the fence/wall appearance standards in Section 19.7.5.I, *Dumpster Screening*.

(11) This use may include outdoor vehicle storage not to exceed a maximum of 20 percent of the site. Where greater than 20 percent of the site is

allocated to vehicle storage, the vehicle storage must be treated as a separate use.

(12) All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of eight feet, constructed in accordance with the standards in Section 19.7.5.I, *Dumpster Screening*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.

(13) The storage of hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Material Storage*.

(b) CC and CH Districts

The following additional standard applies: A conditional use permit is required for mini-storage facilities without a resident manager or with more than one resident manager living unit.

(c) CN District

The following additional standards apply:

(1) Mini-storage buildings shall be limited to one story, except for the office and caretaker's quarters.

(2) No outdoor vehicle storage shall be permitted.

(3) No storage or rental of vehicles or equipment utilized for moving shall be permitted.

(d) RM-16, RH-24, and RH-36 Districts

(1) Prohibited in developments that include single-family detached and single-family attached dwelling units.

(2) Mini-storage facilities within multifamily developments shall be allowed only in locations that meet the following criteria:

i. The development is located within one-half (1/2) mile of a college and/or university as defined by NRS Section 394.103 and NRS Section 385.007; or

ii. The development has at least 500 feet of frontage along a right-of-way with a width of 200 feet or greater.

(3) Shall be prohibited when adjacent to a lower-density residential zoning district.

(4) Mini-storage facility shall be limited to a maximum height of 8 feet if the roof is flat and 12 feet if roof is pitched unless exempted from the height requirement in this Code.

(5) A manager or security official shall remain onsite 24-hours, seven days a week. A manager/security quarters may be permitted within a unit of the multifamily buildings.

(6) A maximum of 5 percent of the site may be allocated for all mini-storage facility buildings and accessory storage uses.

(7) Mini-storage facilities shall be compatible in design, materials, scale, and roofline architecture with the multifamily buildings.

(8) The development shall have frontage along an arterial or collector street as identified in the Master Streets and Highways Plan.

(9) Mini-storage uses shall be setback a minimum 5-feet from all property lines, and a minimum of 25-feet from residential buildings.

(10) A minimum 5-foot landscape buffer shall be provided between the mini-storage uses and multifamily buildings, unless separated by a private drive aisle.

(11) Hours of public access to mini-storage units shall be restricted to the period from 9:00 a.m. to 5:00 p.m. daily.

(12) No outdoor vehicle storage shall be permitted.

3. Off-Street Parking Requirement

(a) 1 space per 100 lockers/units on the inside of fenced area and at least five spaces outside the fenced area.

(b) Must include one covered parking space for exclusive use by each resident manager quarters.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

AA. OFFICE

1. Business and Professional

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
												P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P	S	S	S	S	P	P	P	

(a) Definition

Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment, and legal offices, but not including banks and savings and loan associations. This includes establishments providing travel information and travel reservations to individuals and businesses, but not car-rental agencies and reservation services that do not make travel arrangements as a primary function of their operation.

(b) Standards

(1) CA District

Office uses are only allowed on the site of and when directly associated with a car dealership.

(2) IL and IP Districts

Office uses are limited to a maximum of 50 percent of each business's leased area.

(3) IG District

Offices shall only be allowed as an accessory use.

(c) Off-Street Parking Requirement

Residential and Nonresidential Districts

(1) Business and professional offices: 1 space per 300 square feet.

(2) Mixed office uses (combination of business/professional and medical/dental offices): 1 space per 250 square feet.

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D)

2. Medical

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
												P
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P					P	P	P	

(a) Definition

Offices for physicians and dentists, medical clinics, outpatient surgical centers, surgical recovery centers, and holistic or alternative health services (including hypnotherapy, reiki, and other similar uses), but not including emergency health care.

(b) Standards

(1) Surgical Recovery Centers: All Districts

Surgical recovery centers are considered an ancillary use to medical office since they contain suites where medically stable guests can recover after surgical procedures for a short time (typically 2-3 days) with medical supervision. Family members may visit without visiting hour restrictions unless restricted through the project's entitlement approvals. Surgical recovery centers shall be limited to:

i. Six or fewer suites

ii. Maximum length of stay of five days

iii. One overnight guest per patient

(2) Medical Clinic: PS District

Medical clinics are allowed as conditional uses only when ancillary to a primary use, except that they are permitted by right when ancillary to a hospital. Clinics located on the site of a school shall:

i. Be open only to students and faculty/staff, and not the general public; and

ii. Be open no more than two hours before and/or after scheduled school times.

(c) Off-Street Parking Requirement

Nonresidential Districts

(1) Medical offices: 1 space per 200 square feet.

(2) Mixed office uses (combination of medical and business/professional offices): 1 space per 250 square feet.

(d) Off-Street Loading Group

Group Two (Section 19.7.4.D)

BB. PAWNSHOP

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			S	S				C	

(a) Definition

Establishments engaged in the buying or selling of new or secondhand merchandise, and offering loans secured by personal property. This category does not include used autos (auto pawn).

(b) Standards

(1) All Districts

Pawnshops shall be licensed in accordance with requirements in HMC Section 4.64.

(2) CC and CH Districts

Pawnshops shall obtain a conditional use permit subject to, but not limited to, the following requirements:

i. At least 50 percent of the public space in the store shall be dedicated to the display of items for sale.

ii. Sale or display of firearms is prohibited.

iii. A maximum of one pawnshop is allowed within any single commercial center, which must be located at the intersection of two or more major arterial streets.

(c) Off-Street Parking Requirement

1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Pawnshop with Vehicles

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S					

(a) Definition

Businesses dealing exclusively in offering loans secured by automobiles, trucks, motorcycles, recreational vehicles, travel trailers, and similar vehicles, the storage of which requires one or more large parking areas.

(b) Standards

(1) Pawnshops shall be licensed in accordance with requirements in HMC Section 4.64.

(2) A maximum of one pawnshop is allowed within any single industrial center, which must be located at the intersection of two or more major arterial streets.

(3) A dealer may sell unredeemed pawned vehicles, but the sale of new vehicles is prohibited.

(4) The applicant must demonstrate that the minimum amount of off-street parking required by this Code will be provided for all uses, and a plan must be submitted to show the location for stored pawned vehicles.

(c) Off-Street Parking Requirement

1 space per 250 square feet plus one space for each pawned vehicle proposed to be kept on site.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

CC. PERSONAL IMPROVEMENT SERVICE

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	S	P	P	S	S	C	C	C	P	P	P	

1. Definition

Provision of instructional services or facilities including photography, fine arts, crafts, dance or music studios, driving schools, hypnotherapy (not in conjunction with a medical office), palmistry and fortune telling, karate schools and similar instructional services, diet centers, fitness studios, health clubs, spas, and weight-reduction establishments.

2. Standards

(a) Commercial Districts

(1) CO and CT Districts: Personal improvement services shall be limited to health clubs, spas, and weight-reduction establishments.

(2) CA District: Only automobile driving schools, motorcycle driving schools, and auto-related trade schools are permitted. Auto body classes shall require approval of a conditional use permit, unless operated on the premises of an existing auto body shop. The classes must operate in accordance with the existing conditions of approval for that location.

(b) Industrial Districts

Personal improvement service uses require a conditional use permit. The applicant must demonstrate that such uses will not adversely affect the health, safety, and welfare of surrounding industrial uses.

(c) PS District

Such uses may be allowed as an accessory use in conjunction with a school, park, or religious assembly.

3. Off-Street Parking Requirement

(a) Personal improvement service uses in nonresidential districts in developments less than 25,000 square feet: 1 space per 175 square feet.

(b) Personal improvement service uses in nonresidential districts in developments of 25,000 square feet or larger: 1 space per 250 square feet.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

DD. PERSONAL SERVICE

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
				A	A	A	A				C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	S	P	P	S		C	C	C	P	P	P	

(a) Definition

Provision of frequently needed services of a personal nature, such as: barber and beauty shops, tanning booths/salons, photographic studios, seamstresses, tailors, shoe repair shops, laundry and dry-cleaning drop-off/pick-up facilities (no dry cleaning performed on the premises), and self-service laundries (laundromats).

(b) Standards

(1) All Districts

Please see Section 19.5.7.D.4 for standards for a drive-through/drop-off window accessory use.

(2) Residential Districts

If all criteria below are met, the use shall be allowed as an accessory use:

i. The use shall comply with the standards in Section 19.7.6.D.6, *Residential Compatibility Standards*;

ii. Personal service uses shall be limited to residents of the development and shall not be open to the general public;

iii. No exterior signage shall be visible to the public; and

iv. No more than three individual personal services use types within a development shall be allowed.

(3) PS District

i. Personal services use types may be provided as an accessory use to the uses in the "Institutional Housing" use classification.

ii. Personal services uses shall be limited to residents of the institutional housing and shall not be open to the general public.

iii. No exterior signage shall be visible to the public.

(4) CO, IL, IG, IP, and PS Districts

Self-service laundries (laundromats) are not an allowed use.

(5) CT Districts

Self-service laundries (laundromats) require approval of a conditional use permit.

(c) Off-Street Parking Requirement

(1) Nonresidential districts in developments 25,000 square feet or larger: 1 space per 250 square feet.

(2) Nonresidential districts in developments less than 25,000 square feet: 1 space per 175 square feet.

(3) Vehicle stacking spaces shall be required for any drive-up use (Section 19.7.4.H).

(d) Off-Street Loading Group

Group One (Section 19.7.4.4)

2. Dry-Cleaning Agency

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	C	S	S	S					P	P	P	

(a) Definition

Dry-cleaning agencies perform dry cleaning on the premises for retail customers only. Such use types do not include commercial laundries.

(b) Standards

(1) All Districts

Please see Section 19.5.7.D.4 for standards for a drive-through/drop-off window accessory use.

(2) CN, CC, CH and CT Districts

Dry-cleaning agencies may be permitted by right only in freestanding buildings. Conditional use approval is required if located in a building with attached lease space on one or more sides.

(3) CO District

A dry-cleaning agency may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

i. The primary purpose of the use is to serve employees of the office development in the district;

ii. The use shall not be the principal use in any freestanding building;

iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less;

iv. The use shall not have an entrance leading directly to the outside;

v. No outside signs shall be allowed in connection with the use.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Massage

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C		C				C		C	

(a) Definition

Any fixed place of business where any individual, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on, or permits to be engaged in or conducted, for money or any other consideration, any massage or health treatments involving massages including, but not limited to, those businesses that provide massage accessory to their principal permitted use. The definition of massage and the regulations set forth in this section do not apply to massage therapy performed by a person specified in NRS 640C.100(1)(a) if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) Standards

(1) All Districts

i. HMC Requirements

All massage establishments shall conform to the requirements of Title 4.84 of the HMC for Massage Establishments.

ii. Hours of Operation

Massage establishment hours of operation shall be limited from 8:00 a.m. to 10:00 p.m.

iii. Location Requirements

1. No massage establishment may be located closer than 1,000 feet from any other massage establishment, as measured by the shortest line, without regard to

intervening obstacles, between the space to be occupied by the proposed massage establishment and the occupied space of the nearest established or approved massage establishment.

2. The foregoing distance requirement may not be waived at any time.

3. Nothing in this subsection shall be construed to authorize a proposed massage establishment simply because a proposed massage establishment may comply with the minimum separation requirement. The City retains all discretion to approve or disapprove a massage establishment use.

iv. Building Design

1. Exterior windows shall not be tinted, covered, or blocked in such a manner to impede a view inside the massage establishment from the exterior. Establishment must comply with Title 4 standards regarding window tint and exterior reflectance percentages.

2. The establishment shall provide a waiting area for patrons separate from any area wherein massages are provided. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance.

3. Any cubicle, room, booth, or area within the massage establishment in which a massage may be given may not be fitted with a door capable of being locked.

v. Conditional Use Permits

1. Additional conditions may be required as part of the conditional use permit.

2. All massage establishments must comply with approval criteria for a conditional use permit as listed in Section 19.6.6.A.

(2) Accessory Use – Resort Hotels

Massage may be permitted by right as an accessory use to a resort hotel, subject to the following:

i. The use shall conform to the building design requirements for massage set forth in 19.5.5.DD.3(b)(1)(iv).

ii. A detailed floor plan shall be submitted to Community Development at the time of licensing and building permit to show compliance with all requirements of Title 19.

iii. The use shall conform to the requirements of HMC Title 4.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

None.

(e) Enforcement Authority

(1) Any authorized representative of the City shall have access to every part and portion of the premises for which a conditional use permit is issued under the provisions of this section, at any time when such business is open for the transaction of business, and after regular business hours if business is still being conducted, for the purpose of determining that the provisions of this Chapter and Title 4 are being complied with. It shall be unlawful for any person to fail to allow any authorized city representative access to the premises or to hinder such representative in any manner.

(2) The conditional use permit may be subject to revocation pursuant to Chapter 19.11, *Enforcement,* in the event the massage establishment business license expires, is revoked, or is otherwise terminated.

4. Reflexology

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S		S					S	S	S	

(a) Definition

Any establishment that involves the application of specific pressure by the use of the licensed practitioner's hands, thumbs, and fingers to reflex points in the client's hands, feet, or ears using alternating pressure, and such techniques as thumb walking, finger walking, hook and back up, and rotation on a reflex. This practice does not involve the removal of any clothes other than shoes or socks.

(b) Standards

The following standards apply in all districts:

(1) HMC Requirements

i. All reflexology establishments shall conform to the requirements of Title 4.85 of the HMC for Reflexology.

(2) Hours of Operation

i. Reflexology establishment hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. or the hours of operation for the specific development, whichever is more restrictive. A conditional use permit is required if requesting different hours of operation, and

the applicant shall demonstrate how the modified hours are consistent and compatible to other uses within the same development and with uses on the surrounding properties.

ii. The primary business of reflexology must be provided during all times the business is open.

(3) Location Requirements

i. No reflexology establishment may be located closer than 1,000 feet from any other reflexology establishment, as measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed reflexology establishment and the occupied space of the nearest established or approved reflexology establishment.

ii. The foregoing distance requirements may be waived through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

iii. Nothing in this subsection shall be construed to authorize a proposed reflexology establishment simply because a proposed reflexology establishment may comply with the minimum separation requirement. The City retains all discretion to approve or disapprove a reflexology establishment use.

(4) Building Design Requirements

i. Exterior windows shall not be tinted, covered, or blocked in such a manner to impede a view inside the reflexology establishment from the exterior. Establishment must comply with Title 4 standards regarding window tint and exterior reflectance percentages.

ii. The establishment shall provide a waiting area for patrons separate from any area wherein reflexology is provided. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance.

iii. Reflexology shall not take place within an enclosed room. Individual reflexology areas may be defined by walls not taller than three feet in height, as measured from the finished floor.

iv. A detailed floor plan shall be submitted to Community Development for review and approval at the time of licensing and building permit to show compliance with all requirements of Title 19.

(5) Conditional Use Permit

If a conditional use permit is required, the following additional standards shall apply:

i. All reflexology establishments must comply with approval criteria for a conditional use permit as listed in Section 19.6.6.A.

ii. Additional conditions may be required as part of the conditional use permit.

(6) CN, CC, CH, CT, CA, MC and MR Districts

Reflexology establishments may be permitted by right as an accessory use to a personal service use, hotel, resort hotel, beauty shop, fitness club, country club, golf course clubhouse, public or private recreation center, or a massage establishment, subject to the following:

i. Reflexology as an accessory use is limited to hours of operation between 8:00 a.m. to 10:00 p.m. A conditional use permit is required if requesting different hours of operation and the applicant can demonstrate how the modified hours are consistent and compatible with the other uses within the same development and on the surrounding properties.

ii. The use shall conform to the building design requirements for reflexology set forth in 19.5.5.DD.4(b)(4).

iii. The use shall conform to the requirements of HMC Title 4.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

None.

(e) Enforcement Authority

(1) Any authorized representative of the City shall have access to every part and portion of the premises for which a conditional use permit is issued under the provisions of this section, at any time when such business is open for the transaction of business, and after regular business hours if business is still being conducted, for the purpose of determining that the provisions of this Chapter and Title 4 are being complied with. It shall be unlawful for any person to fail to allow any authorized city representative access to the premises or to hinder such representative in any manner.

(2) The conditional use permit may be subject to revocation pursuant to Chapter 19.11, *Enforcement,* in the event the reflexology establishment business license expires, is revoked, or is otherwise terminated.

5. Tattoo and Body Alteration Parlor

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C		C			C		C	

(a) Definition

Establishments offering permanent body art or coloring, establishments where decorations are inserted in human skin, and similar businesses whose primary function is permanent body alteration for nonsurgical purposes. Establishments engaged solely in ear piercing, establishments that provide permanent facial make-up, and medical offices are not included in this use type.

(b) Standards

(1) All Districts

i. A Tattoo and Body Alteration Studio shall not be located within 500 feet of another Tattoo and Body Alteration Studio. The distance shall be measured as the closest straight line from exterior wall of proposed use to exterior wall of existing use. This standard may be modified through the conditional use permit process.

ii. A Tattoo and Body Alteration Studio hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m.

iii. No alcohol may be sold, consumed or purchased in any Tattoo and Body Alteration Studio.

iv. Storefront doors and windows shall not be tinted, covered or blocked in such a manner to impede a view inside the Tattoo and Body Alteration Studio from the exterior.

(2) CC District

i. A conditional use permit shall be required for any Tattoo and Body Alteration Studio.

ii. Tattoo and Body Alteration Studios located within a regional mall shall be limited to the hours of operation for the regional mall and shall only have a storefront that is located facing internally to the regional mall.

(3) MC, MR Districts

A Tattoo and Body Alteration Studio shall only be located on the first floor of a vertical mixed-use building.

(c) Off-Street Parking Requirement

1 space per 250 square feet.

(d) Off-Street Loading Group

None.

EE. PLANT NURSERY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	P			P	P					

1. Definition

Establishments selling plants and garden supplies in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

2. Standards

All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

3. Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group Two (Section 19.7.4.D)

FF. RECREATIONAL VEHICLE RESORT

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C	C								

1. Definition

A commercial establishment providing individual spaces and facilities for recreational vehicles for the purpose of transient lodging or recreation purposes. Such use types may include accessory retail sales, outdoor recreation, and limited personal services establishments for use by resort patrons.

2. Off-Street Parking Requirement

1 space per each recreational vehicle plus one guest space per ten recreational vehicles.

3. Off-Street Loading Group

Group One (Section 19.7.4.D)

GG. RETAIL SALES AND SERVICE

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	C	P	P	P		S	S	S	P	P	P	

(a) Definition

The retail sale or rental of merchandise not specifically listed under another use classification. This use type includes department stores, clothing stores, video rental stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, art, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (but not including service and installation).

(b) Standards

(1) All Districts

Any proposed alcohol or liquor use shall comply with 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses,* and all Title 4 requirements for the subject use.

(2) CO District

A general retail sales and services use may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

i. The primary purpose of the use is to serve employees of the office development in the district.

ii. The use shall not be the principal use in any freestanding building.

iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.

iv. The use shall not have an entrance leading directly to the outside.

v. No outside signs shall be allowed in connection with the use.

(3) IL, IG, and IP Districts

Limited to sale of products manufactured or processed on the subject premises. Permitted for areas up to 15 percent of the gross floor area of onsite buildings directly associated with the manufacturing, processing, and administration of the retailed products. A conditional use permit is required for exceptions to this use requirement.

(c) Off-Street Parking Requirement

(1) Furniture, appliances, and other large consumer goods: 1 per 500 square feet.

(2) All other retail sales uses in nonresidential districts in developments over 25,000 square feet: 1 space per 250 square feet.

(3) All other retail sales uses in nonresidential districts in developments less than 25,000 square feet: 1 space per 175 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Auction Facility

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			S			S	S					

(a) Definition

An activity where goods or livestock are sold by auction within an enclosed building or structure or conducted outdoors.

(b) Standards

(1) CH and IL Districts

All activities shall be conducted within an enclosed building.

(2) IG District

Outdoor auctions are only permitted with approval of a conditional use permit.

(c) Off-Street Parking Requirement

1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Convenience Market

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	C	S	S	S	S	S	S	S	S	S	S	

(a) Definition

A small retail self-service store selling a limited line of fast-moving food and nonfood items, usually with extended hours of operation and usually with a high volume of customer traffic comprised of quick transactions of a small number of items.

(b) Standards

(1) All Districts

i. Any use that includes outdoor seating and outdoor food service areas shall comply with 19.5.7.D.8, *Outdoor Seating/Outdoor Food Service*.

ii. Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses*, and all Title 4 requirements for the subject use.

iii. Windows shall face all adjacent parking areas.

iv. All exterior doors shall be provided with individual light sources.

v. Parking areas shall remain lit from dusk to dawn, subject to the lighting standards of Section 19.7.8.E, *Glare and Lighting*.

(2) CO District

A convenience market use may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

i. The primary purpose of the use is to serve employees of the office development in the district.

ii. The use shall not be the principal use in any freestanding building.

iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.

iv. The use shall not have an entrance leading directly to the outside.

v. No outside signs shall be allowed in connection with the use.

(c) Off-Street Parking Requirement

Residential and nonresidential districts: 1 space per 200 square feet of convenience store/food sales area plus any vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

None.

4. Pharmacy

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	C	P	P	P		S			P	P	P	

(a) Definition

Stores or shops licensed by the Nevada Board of Pharmacy where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, dispensed or sold at retail, displayed for sale at retail, or where prescriptions are compounded or dispensed. This classification includes pharmacies owned or operated by the State of Nevada and political subdivisions and municipal corporations therein.

(b) Standards

(1) CO District

A pharmacy may be allowed by right and is not required to obtain a conditional use permit subject to the following conditions:

i. The primary purpose of the use is to serve employees of the office development in the district.

ii. The use shall not be the principal use in any freestanding building.

iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less.

iv. The use shall not have an entrance leading directly to the outside.

v. No exterior signage shall be allowed in connection with the use.

(2) IL District

The use is limited to the sale of products manufactured or processed on the subject premises. Permitted for areas up to 15 percent of the gross floor area of onsite buildings directly associated with the manufacturing, processing, and administration of the retail products. A conditional use permit is required for exceptions to this use standard.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

5. Pharmacy with Drive-Through Service

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C					C	C	C	

(a) Definition

A pharmacy that includes service from a building to persons in vehicles through an outdoor service window.

(b) Standards

(1) All Districts

i. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary unless an intervening building or a major or minor arterial as shown on the Master Street and Highways Plan, is located between the drive-through service and the residential district boundary.

ii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).

iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.

iv. The above-listed conditions may be waived or modified through a request as part of a conditional use permit.

(2) MC, MR, and MN Districts

i. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along

sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, and shall demonstrate how the drive-through will not be a negative impact on the pedestrian environment of the overall development.

ii. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

(3) MC District

Drive-through lanes and stacking spaces are prohibited within any build-to zone setback.

(4) MN District

i. Drive-through lanes and stacking spaces are prohibited within the 20-foot front or corner-side setback when within 50 feet of a residential land use designation (Section 19.3.17).

ii. Drive-through facility shall be designed as an integrated part of an in-line building or mixed-use building. Freestanding drive-through facilities are not permitted.

(5) MR District

A conditional use permit shall not be required if the drive-through use was approved through the Master Plan for the subject site.

(c) Off-Street Parking Requirement

1 space per 250 square feet plus stacking spaces per Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

6. Printing Service

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
P	P	P	P	P					P	P	P	

(a) Definition

A commercial establishment providing custom reproduction of written or graphic materials on a custom order or self-service basis. These use types typically provide photocopying, blueprint, and photo reproduction services, but do not include bulk or large-scale printing on presses, which is categorized as "limited industry."

(b) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(c) Off-Street Loading Group

Group One (Section 19.7.4.D)

7. Rental Service

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S		S	S						C	S	S	

(a) Definition

The rental of general merchandise and equipment primarily intended for homeowner use, including but not limited to clothing, electronics, videos, tools and garden equipment, furniture, household appliances, special occasion or seasonal items, and similar consumer goods. This use category does not include the rental, storage, or maintenance of large construction equipment; such vehicles are restricted to the broader use category of "Vehicle/Equipment Sales and Rentals."

(b) Standards

(1) The net site area shall not exceed two acres.

(2) All maintenance of equipment must be conducted within a building.

(3) All equipment shall be stored within an enclosed area or building.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

8. Secondhand Goods

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C							C	C	C	

(a) Definition

The retail sale or rental of used appliances, furniture, clothing, video games, and other merchandise by secondhand dealers. This use type does not include antique shops primarily engaged in the sale of used furniture and accessories, other than appliances, that are at least 60 years old, jewelry shops whose primary business

is the sale of newly manufactured jewelry, auto dealers, pawnshops, used-book stores, used-baseball-card stores, and stamp- and similar-collectibles stores.

(b) Standards

No outdoor display, sales, or storage of any merchandise shall be permitted unless otherwise permitted through the conditional use permit.

(c) Off-Street Parking Requirement

Nonresidential districts: 1 space per 250 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

9. Smoke/Tobacco Shop Establishment

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C	C	C		C	C	C	C	C	C	

(a) Definition

Establishment in which sales of tobacco products such as cigarettes, cigars, chewing tobacco, snuff, pipe tobacco, dipping tobacco, bidis, and tobacco paraphernalia and accessories consist of ten percent or more of the product display, sales, and storage areas of the space. Smoke/tobacco shop establishments include any person or business that operates a store, stand, booth concession, or other place at which the sales of tobacco products are made to purchasers for personal consumption. Smoke/tobacco shops shall prohibit minors to enter or remain upon the premises, unless the minor is accompanied by the minor's parent/guardian.

(b) Purpose

The purpose of regulating smoke/tobacco shops is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of smoke/tobacco shop establishments that may result in the displacement of other necessary commercial services.

(c) Standards

A conditional use permit is required subject to, but not limited to, the following standards:

(1) No smoke/tobacco shop establishment may be located within 2,000 feet of any other smoke/tobacco shop establishment. This separation requirement is measured by the shortest line between the space to be occupied by the proposed smoke/tobacco shop establishment and the occupied space of the nearest existing or approved smoke/tobacco shop establishment;

(2) No smoke/tobacco shop establishment may be located within 1,000 feet of any parcel where a school, park, or library are established or approved; and 500 feet from any parcel with a residential land use category as designated by the Comprehensive Plan. This separation requirement is measured by the shortest line between the space to be occupied by the proposed smoke/tobacco shop establishment and the property line of the nearest established or approved school, park, library, or residential land use category as designated by the Comprehensive Plan;

(3) Waivers or reductions of the minimum separation requirements may be considered through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such separation requirements will not compromise the aforestated purpose and the general intent of this Code to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, a freeway, railroad, or other major roadway with a minimum width of 100 feet, or a drainage facility or topographical feature that prevents vehicular and pedestrian access;

(4) A Smoke/Tobacco Shop Establishment may not be located within the same shopping center or development as a use that provides primarily child-oriented services or goods (i.e. doctors office, day care, recreational centers, retail stores, etc.). Such previously established smoke/tobacco shop establishments shall be exempt.

(d) Off-Street Parking Requirement

1 space per 250 square feet.

(e) Off-Street Loading Group

Group One (Section 19.7.4.D)

10. Swap Meet

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C				S					

(a) Definition

A location in which multiple vendors, dealers, sellers, or traders have rented, leased, purchased, or otherwise obtained an area from an operator or sponsor for the purpose of selling, bartering, exchanging, or trading new or used articles of personal property. The sale of merchandise may include secondhand items, specialty items, and hand-crafted items where the aggregate value of all such property exceeds the amount of one thousand dollars.

(b) Standards

(1) No outdoor display, sales, or storage of any merchandise or equipment is permitted, except if outdoor activities have been approved through the conditional use permit or in connection with temporary activities that have been authorized by means of a temporary use permit.

(2) All signage, including any temporary signage, shall comply with Chapter 19.8, *Signs*.

(3) The swap meet operation shall comply with all applicable requirements of HMC Title 4.

(c) Off-Street Parking Requirement

(1) Indoors: 1 space per 175 square feet.

(2) Outdoors: 4 spaces for each retail stall or unit.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

HH. SEXUALLY ORIENTED BUSINESS

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	C	C				

1. Definition

"Sexually oriented business" means adult bookstores, adult novelty businesses, adult video stores, adult motion picture theaters, adult video arcades, adult clubs, commercial adult establishments, escort services, nude modeling agencies, nude modeling studios, outcall promoters, and sex clubs. The terms within this definition are defined in HMC Title 4.

2. Standards

(a) All Districts

Separation Requirements

(1) The applicant shall provide evidence certified by a professional land surveyor licensed in the State of Nevada that the proposed sexually oriented business will be separated a minimum of 1,000 feet from the following, except iii, which requires a minimum 1,500 foot separation:

i. A child care facility;

ii. A religious assembly use;

iii. A property with a residential land use category as designated by the Comprehensive Plan;

iv. A property designated with a mixed-use zoning designation;

v. A hospital;

vi. A school (public or private);

vii. A governmental office;

viii. A public park;

ix. A Teenage Dancehall;

x. A Teenage Nightclub;

xi. Another sexually oriented business.

(2) All Districts

Measurement of the required 1,000 foot separation:

i. The separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed sexually oriented business establishment and the property line of the above-listed items (except for another sexually oriented business).

ii. The separation requirement for another sexually oriented business is to be measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed sexually oriented business establishment and the occupied space of the nearest established or approved sexually oriented business establishment.

iii. The foregoing distance requirements may be waived, except for 2(a)(1)iii – *A property with a residential land use category as designated by the Comprehensive Plan,* through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the purpose and the general intent of the HMC to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

(3) IP and IG Districts

Only adult bookstores, adult novelty businesses, and adult video stores as defined in HMC 4.110.010 may be considered within these zoning districts with approval of a Conditional Use Permit.

(b) Other Requirements

All Districts

(1) The use must comply with all approval criteria for a conditional use permit as listed in Section 19.6.6.A.

(2) Additional conditions may be required as part of the conditional use permit process.

(3) The use shall conform to the requirements of HMC 4.110 for Sexually Oriented Businesses.

(4) Businesses known as "outcall promoter and outcall entertainer" and "escort and escort service" shall also be subject to the requirements and regulations imposed by the provisions of HMC Chapter 4.110.

(5) Nothing in this Title pertaining to sexually oriented businesses is intended to make legal any business or activity that is expressly declared illegal under any other provisions of the Municipal Code or under any state or federal laws.

(c) Exemptions

The provisions of this section do not apply to those businesses that:

(1) Operate a manufacturing or wholesale business, licensed in accordance with HMC Chapter 4.04, Section 4.05.010;

(2) Are prohibited from conducting retail sales;

(3) Prohibit public access to the premises; and

(4) Meet all zoning requirements pursuant to HMC Title 19; or

(5) Personal introduction businesses.

3. Off-Street Parking Requirement

(a) Adult clubs: 1 space per 100 square feet.

(b) All other adult uses: 1 space per 250 square feet.

4. Off-Street Loading Group

None.

II. VEHICLE/EQUIPMENT SALES AND SERVICE

1. Auto Broker

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S		S	S	S	S				

(a) Definition

A facility or area used primarily for the wholesaling of motor vehicles, typically on an intermediary basis between an auction house and a car dealership. The term does not include a facility or area used for the retail sales of vehicles.

(b) Standards

(1) No more than two vehicles may be stored on the property.

(2) No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.

(3) The repair or servicing of vehicles is not allowed.

(4) No retail sales of vehicles to the public are allowed.

(c) Off-Street Parking Requirement

1 space for each 300 square feet of gross floor area, plus 2 additional spaces for vehicle storage.

(d) Off-Street Loading Group

None.

2. Car Wash, Attended

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		S	S		S				S		S	

(a) Definition

An establishment providing wash functions controlled manually by a car-wash employee where vehicle interiors and exteriors are cleaned and a customer's vehicle is automatically moved through the car wash.

(b) Standards

(1) All Districts

i. Site layout should include screening and buffering to help avoid adverse impacts on properties in the surrounding area.

ii. The location of display racks and vending machines shall be specified on the site plan as part of the design review application.

(2) Mixed-Use Districts

i. Car washes are permitted only accessory to a service station.

ii. All car-washing activities shall be carried on within an enclosed building.

iii. Vacuuming equipment shall be set back at least 50 feet from any adjacent residential uses.

iv. Design of the car wash drive lanes and stacking spaces shall demonstrate integration, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, architectural compatibility with the principal structure, and demonstrate how the drive through will not be a negative impact on the overall development.

(c) Off-Street Parking Requirement

1 space per 200 square feet of sales, office, or lounge area plus vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Car Wash, Unattended

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	P		S				C		C	

(a) Definition

An unattended or automatic establishment providing car wash functions automatically controlled or controlled by the customer where the customer drives the vehicle through the wash equipment. The car wash is for the vehicle exterior only but equipment for cleaning the interior may be available.

(b) Standards

(1) All Districts

i. Site layout should include screening and buffering to help avoid adverse impacts on properties in the surrounding area.

ii. The location of display racks and vending machines shall be specified on the site plan as part of the design review application.

iii. Openings to the wash bays shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.

(2) Mixed-Use Districts

i. Car washes are permitted only accessory to a service station.

ii. All car-washing activities shall be carried on within an enclosed building.

iii. Vacuuming equipment shall be set back at least 50 feet from any adjacent residential uses.

iv. Design of the car wash drive lanes and stacking spaces shall demonstrate integration, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, architectural compatibility with the principal structure, and demonstrate how the drive through will not be a negative impact on the overall development.

(c) Off-Street Parking Requirement

1 space per 200 square feet of sales, office, or lounge area plus vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

None.

4. Commercial (Retail) Fueling Center

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C		C	C	C	C	C	C	C	C		C	

(a) Definition

Any building, land or other premises used for the retail dispensing or sales of vehicular fuels or oils and accessories for the motor-vehicle trade.

(b) Standards

(1) All activities and operations shall be conducted entirely within an enclosed structure, except as follows:

i. The dispensing of petroleum products, water, and air from pump islands; and

ii. The sale of items from a vending machine which shall be located next to the main structure.

(2) No automotive repair may take place on the premises or within any building.

(3) No vehicle shall be parked on the premises for the purpose of offering the vehicle for sale.

(4) Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

(c) Off-Street Parking Requirement

Vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

None.

5. Commercial Parking Facility

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
												C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	C	C	C					C	C		C	

(a) Definition

Surface parking lot or parking structure offering short- or long-term vehicle parking services to the public for a fee.

(b) Standards

(1) CO District

Commercial parking facilities are allowed only in conjunction with an office principal use.

(2) DP Districts

To maintain an active street presence, the ground-floor perimeter space within commercial parking facilities that face Water Street, Pacific Avenue, or Basic Road shall not include parking and shall be reserved for commercial uses.

(3) MC District

When located within the Boulder Highway Corridor, commercial parking facilities shall only be permitted within 1,500 feet of a transit stop if contained within a parking structure.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

6. Fleet Fueling Station

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C			P	P	C				

(a) Definition

An unmanned facility for the fueling of vehicle fleets that may include fuel for certain gasoline vehicles. This use type is primarily intended to serve diesel trucks, taxicabs, and similar fleet-type vehicles employing charge account fuel billing. This use type does not include service stations, convenience stores, or other retail services except vending machines.

(b) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(c) Off-Street Loading Group

None.

7. Service Station

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	S	C	S	C	C		C		C	

(a) Definition

Any building, land area or other premises used for the retail dispensing or sales of vehicular fuels, minor servicing and maintenance of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and

similar vehicle accessories. This use type also includes express oil-change facilities. This use type does not include auto body or repair of heavy trucks or vehicles.

(b) Standards

(1) All Districts

i. Vehicle Repair

In the CC, IL, IG, and MC districts, major vehicle repairs, including drivetrain, engine, transmission, and differential repair and installation may be allowed as a conditional use in conjunction with the primary use of dispensing vehicular fuels, if specifically indicated in the public hearing notice and if approved by the Planning Commission and/or City Council.

ii. Site Layout

1. Site layout shall include screening and buffering to help avoid adverse impacts on properties in the surrounding area.

2. Openings to the service bays shall not face public rights-of-way and shall be designed to minimize their visibility from adjoining residential or lower-intensity zoned properties, as determined through the conditional use permit or design review application.

3. The location of display racks and vending machines shall be specified on the site plan as part of the entitlement review process.

iii. All automotive repairs shall take place within the building.

iv. No vehicle shall be parked on the premises for the purpose of offering the vehicle for sale.

v. No used or discarded automotive parts or equipment; or disabled, junked, or wrecked vehicles shall be located in any open area outside the main structure.

(2) Mixed-Use Districts

i. All car-washing and repair activities shall be carried on within an enclosed building.

ii. Vacuuming equipment shall be set back at least 50 feet from any adjacent residential uses.

iii. Design of the drive lanes and stacking spaces shall demonstrate integration with the site, screening, and coordination with pedestrian movement along sidewalks and through areas intended for public use, architectural compatibility with the principal structure, and shall demonstrate how the drive lanes and stacking spaces will not be a negative impact on the pedestrian environment or the overall development.

(c) Off-Street Parking Requirement

1 space per 200 square feet of convenience store/food sales area plus 1 space per service bay and vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

8. Smog-Check Station

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S		S	S		S	S	S	S	S		S	

(a) Definition

A facility for the testing of vehicle emissions.

(b) Standards

(1) All equipment must be stored within an enclosed structure, which shall be designed to be architecturally compatible with the principal structure on the site.

(2) When operated as a primary use, no other automobile repair shall be permitted in conjunction with the facility.

(3) A design review application is required to ensure compliance with these standards, parking, and other Code requirements.

(c) Off-Street Parking Requirement

1 employee space plus each station shall require a stacking lane or designated parking spaces that will accommodate at least 3 cars. No parking spaces required for this use or another onsite use shall be used or eliminated in order to provide smog services.

(d) Off-Street Loading Group

None.

9. Vehicle/Equipment Auction

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		A	C	C	A	C	C					

(a) Definition

Auction of automobiles, motorcycles, trucks, construction or agricultural equipment, recreational vehicles, boats, and similar equipment, including incidental storage and incidental maintenance.

(b) Standards

(1) CC and CA Districts

Vehicle auctions may only be permitted as an accessory use to vehicle/equipment sales establishments.

(2) IL and IG Districts

All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.7.5.K, *Fences and Walls*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

None.

10. Vehicle Dispatch

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	C	C	C	

(a) Definition

An area or facility used for the dispatching of vehicles with the incidental storage of dispatch vehicles only.

(b) Standards

(1) No more than 2 dispatch vehicles may be stationed on-site in commercial or mixed-use districts. To station more than 2 dispatch vehicles requires approval of a Conditional Use Permit.

(2) In all districts, the screening or indoor storage of dispatch vehicles stationed on-site may be required as part of a Conditional Use Permit.

(c) Off-Street Parking Requirement

One space per employee, plus one space for each vehicle that is stationed at the facility.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

11. Vehicle/Equipment Rental

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	A	C	C	A	P	C	C		C		A	

(a) Definition

Rental of automobiles, motorcycles, trucks, construction or agricultural equipment, recreational vehicles, boats, and similar equipment, including incidental storage and incidental maintenance.

(b) Standards

(1) All Districts

i. All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.7.5.K, *Fences and Walls*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.

ii. Required customer parking spaces shall not be used for vehicle/equipment rental display.

(2) CO, CT, and MR Districts

Freestanding vehicle/equipment rental uses are prohibited. Automobile and motorcycle rental uses may only be permitted as an accessory use to a hotel, motel, or parking structure.

(3) CC, CH, and MC Districts

The use is limited to the rental of automobiles and motorcycles only.

(c) Off-Street Parking Requirement

(1) Automobile and truck rental uses: 1 space per 400 square feet plus 1 space for each rental vehicle.

(2) All other rental uses: 1 space per 400 square feet plus 1 space per 500 square feet of outdoor display area.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

12. Vehicle/ Equipment Repair

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	S		S	S	S		C		C	

(a) Definition

Repair of automobiles, trucks, motorcycles, recreational vehicles or boats, including the sale, installation, and servicing of related equipment and parts. This use type includes auto repair shops, body and fender shops, vehicle upholstery shops, wheel and brake shops, and tire sales and installation, but does not include vehicle dismantling or salvage and tire retreading or recapping.

(b) Standards

(1) All Districts

i. The location of display racks and vending machines shall be specified on the site plan as part of the entitlement review process.

ii. Only one display rack of automobile products is allowed per street frontage, and such rack shall be no more than four feet wide and located within three feet of the principal building.

iii. Storage of unlicensed or inoperable vehicles shall be prohibited.

iv. Site Layout:

1. Site layout shall include screening and buffering to help avoid adverse impacts on properties in the surrounding area.

2. Openings to the service bays shall not face public rights-of-way and shall be designed to minimize their visibility from adjoining residential or lower-intensity zoned properties, as determined through the conditional use permit or design review application.

(2) CC and MC Districts

Body and fender shops are prohibited.

(3) CH and CA Districts

Body and fender shops shall obtain a conditional use permit.

(4) MC District

i. When located along Boulder Highway, bays may not face the public right-of-way unless there is an intervening building between the proposed use and the public right-of-way.

ii. Design of the drive-through facilities (including the drive lanes and stacking spaces) shall demonstrate integration, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, architectural compatibility with the principal structure, and demonstrate how the drive through will not be a negative impact on the overall development.

(5) MR District

i. Body and fender shops are prohibited.

ii. No building, structure, canopy, gasoline pump, or storage tank shall be located within 300 feet of a residential zoning district, unless otherwise approved through a conditional use permit.

iii. The following activities and equipment are permitted only within an enclosed building:

1. Lubrication equipment;

2. Motor vehicle washing equipment;

3. Hydraulic hoists and pits; and

4. Tire repair and installation.

iv. Bays shall not face a local, collector, or arterial street, but may face an alley or rear lot line.

(c) Off-Street Parking Requirement

See Schedule "B" (Section 19.7.4.C.2) plus vehicle stacking spaces required by Section 19.7.4.H.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

13. Vehicle Sales

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C	C	S	C	C		S		S	

(a) Definition

Sales of automobiles, motorcycles, trucks, or recreational vehicles, including incidental storage and incidental maintenance.

(b) Standards

(1) All Districts

Establishments engaged in the retail sale of used vehicles shall include at least one area for the display of vehicles for sale. The Community Development and Services Director may limit this area to one vehicle based on site conditions and the proposed use's ability to comply with the standards in this Code.

(2) Commercial Districts

i. New car sales are prohibited in all commercial districts except the CA district.

ii. All such uses in the CA district shall comply with all District Specific Standards for the CA District. See Section 19.7.7.F.

iii. In all commercial districts except the CO and CN districts, sale of used vehicles may be permitted with a conditional use permit, subject to the following standards:

1. Vehicle display and sales occurring outdoors shall be located on a site with a minimum size of 200,000 square feet, or all vehicle display and sales shall take place within an enclosed structure.

2. Required customer parking spaces shall not be used for vehicle display.

3. Vehicle display shall not be located within required landscaping areas.

4. Exterior lighting shall be configured and shielded so as to not pose a safety hazard, shine directly onto residential land, or otherwise negatively impact surrounding uses.

5. A master sign plan shall be required, and banners, balloons, pennants, festoons, rooftop signs, or displays shall be prohibited.

6. Materials, supplies, and equipment associated with operation of the use (including delivery trucks) shall be enclosed within a building or screened from all views from adjacent streets.

iv. IL and IG Districts

Sales of vehicles on lots in the IL and IG districts shall be limited to the following:

1. Used vehicle sales made between licensed dealers with no sales made directly to the general public;

2. Used vehicle sales as an accessory to an automobile dismantling/wrecking use;

3. Used vehicle sales as an accessory to an automobile salvage or towing use; and

4. Sales of classic, custom, and antique vehicles provided vehicles are displayed and stored indoors.

v. MC and MR Districts

The use is limited to the sale of motorcycles or similar small vehicles. All storage, display, and sales shall be contained within an enclosed building.

(c) Off-Street Parking Requirement

1 space per 400 square feet plus 1 space per 500 square feet of outdoor display area.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

14. Equipment Sales

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			C	C					

(a) Definition

Sales of all-terrain vehicles, boats, construction or agricultural equipment, and similar equipment, including incidental storage and incidental maintenance.

(b) Standards

(1) CC, CH, IL, and IG Districts

i. Establishments engaged in the retail sale of equipment shall include at least one area for the display of equipment for sale. The Community Development and Services Director may limit this area to one vehicle based on site conditions and the proposed use's ability to comply with the standards in this Code.

ii. Sale of equipment may be permitted with a conditional use permit, subject to the following standards:

1. Equipment display and sales occurring outdoors shall be located on a site with a minimum size of 200,000 square feet, or all equipment display shall take place within an enclosed structure.

2. Required customer parking spaces shall not be used for equipment display.

3. Equipment display shall not be located within required landscaping areas.

4. Exterior lighting shall be configured and shielded so as to not pose a safety hazard, shine directly onto residential land, or otherwise negatively impact surrounding uses.

5. A master sign plan shall be required, and banners, balloons, pennants, festoons, rooftop signs, or displays shall be prohibited.

6. Materials, supplies, and equipment associated with operation of the use (including delivery trucks) shall be enclosed within a building or screened from all views from adjacent streets.

(c) Off-Street Parking Requirement

1 space per 400 square feet plus 1 space per 500 square feet of outdoor display area.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

15. Vehicle Storage

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		S	C		S	C	C					

(a) Definition

Storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles.

(b) Standards

(1) CC and CA Districts

Vehicular storage may only be permitted as an accessory use to vehicular sales establishments.

(2) CH District

Recreational vehicle storage is limited to lots in the CH district, and shall comply with the following standards:

i. Recreational vehicle storage uses shall obtain a conditional use permit; and

ii. Recreational vehicle storage shall take place within an enclosed structure, or screened from all offsite views by a solid, decorative, masonry wall of at least eight feet in height.

(3) IL and IG Districts

All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.7.5.K, *Fences and Walls*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

None.

JJ. VISITOR ACCOMMODATION

1. Hotel/Motel

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	C	P	P						P		P	

(a) Definition

(1) "Hotel" means every building or other structure kept, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered at daily rates to transient guests on a less-than-weekly basis. Hotels must have a minimum of 90 rooms used for sleeping accommodations in a single or connected structure where access to the sleeping rooms is through a foyer and hallways. A hotel may also contain a restaurant and personal-service shops.

(2) "Motel" means every building or other structure kept, maintained, advertised, or held out to the public to be a place that provides five or more rooms as sleeping accommodations offered at a daily rate to transient guests on a less-than-weekly basis where access to the rooms used for sleeping accommodations in a single or connected structure is through a foyer and enclosed hallways. A motel may also contain incidental food service.

(3) This use category does not include bed-and-breakfast, residential hotel/motel uses, or hostel facilities.

(b) Standards

(1) All Districts

Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A.2, *Live Entertainment*.

(2) CT District

Hotels and motels may be up to 100 feet in height, and may exceed 100 feet in height if approved through a conditional use permit, provided minimum setbacks abutting residential zoning districts or lots occupied by residential uses be increased by at least one foot for each one foot increase in height above 100 feet.

(c) Off-Street Parking Requirement

Nonresidential districts: 0.75 space per guest room.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Resort Hotel

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C					C		C	

(a) Definition

(1) A building or group of buildings kept, used, maintained, advertised, and held out to the public to be a hotel or motel where sleeping accommodations are offered to transient guests, in which more than 200 rooms are used for sleeping accommodations, and the premises on which the building or group of buildings are located are a minimum of 25 acres or more, and that has a minimum of the following amenities, all of which are directly connected to the building or group of buildings upon the premises.

i. One main bar with more than 30 permanent seats wherein alcoholic liquors are dispensed by the drink to customers at such bar;

ii. One service bar wherein alcoholic liquors are prepared for service only at tables and not direct to customers at such bar;

iii. Entertainment that includes at least one of the following:

1. One facility with at least 25 seats wherein live entertainment is provided by at least one professional entertainer (musician or variety artist) on a regularly scheduled basis; or

2. One facility with at least 300 seats wherein live entertainment is provided by at least one professional entertainer (musician or variety artists) on a semi-regular basis (at least six times per year).

iv. One restaurant open for service to the public 24 hours per day, seven days per week, which is used, kept, maintained, advertised or held out to the public to be a place where meals are served and that has a seating capacity of more than 60 persons at one time at tables;

v. Room service to all rooms including, without limitation, service of meals;

vi. A recreational facility that includes at least one of the following:

1. Four regulation tennis courts with locker rooms and attendant facilities;

2. One swimming pool that is swimmable and adequate in relationship to the size of the resort hotel as approved by the City Council;

3. One regular golf course consisting of at least nine holes comprising at least 50 acres;

4. One gymnasium with dimensions of at least 40 feet in width, 60 feet in length, and 20 feet in height and equipped with exercise equipment.

(2) When determining whether a particular applicant complies with the resort hotel definition, the City Council may consider: (1) the physical layout of buildings and facilities, (2) the unity of title and ownership of the buildings or group of buildings, (3) the operation and management relationship of gaming to hotel administration, and (4) the proximity of the proposed resort hotel to residential development.

(3) When determining whether a particular applicant complies with the requirement of the resort hotel definition that the premises on which the building or group of buildings are located are a minimum of 25 acres or more, the City Council may exempt from this requirement those premises within a master-planned development provided that all other requirements of the resort hotel definition shall continue to apply to the particular applicant.

(b) Standards

Resort hotels shall comply with all applicable standards in Title 4.32 of the HMC and this Code.

(c) Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Time-Share Project

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C					C		C	

(a) Definition

A project or building in which a purchaser receives the right, for a specified duration, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room, or segment of real property. This right of use or occupancy may be annually or on some other seasonal or periodic basis. This use type may include time-share estates, interval ownership establishments, vacation licenses or leases, club membership, time-share uses, and hotel/condominium structures operating on a time-share basis.

(b) Standards

(1) CT District

i. Time-shares may be up to 100 feet in height, and may exceed 100 feet in height if approved through a conditional use permit, provided minimum setbacks abutting residential zoning districts or lots occupied by residential uses are increased by at least one foot for each one foot increase in height above 100 feet.

ii. Such uses are allowed only as part of a mixed-use project, shall obtain a conditional use permit, and shall comply with the following standards:

1. All time-share units must be affiliated with and located within a resort complex containing at least one hotel with 200 rooms or more.

2. No time-share unit shall serve as a primary residence.

3. Conversion of one or more individual time-share units to permanent residential use is prohibited unless all time-share units are being converted and the project complies with all the use-specific standards for multifamily development.

(2) MC and MR Districts

i. No time-share unit shall serve as a primary residence.

ii. Conversion of one or more individual time-share units to permanent residential use is prohibited unless all time-share units are being converted and the project complies with all the use-specific standards for multifamily development.

(c) Off-Street Parking Requirement

1 space for each time-share unit plus 10 spaces for each 1,000 square feet of accessory uses.

(d) Off-Street Loading Group

None.

KK. WEDDING CHAPEL

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		P	P	P					P	C	P	

1. Definition

Establishments performing marriage or wedding services for a fee. This use type does not include religious assembly uses.

2. Off-Street Parking Requirement

Nonresidential districts: 1 space per 60 square feet of seating area.

3. Off-Street Loading Group

Group One (Section 19.7.4.D)

LL. WINERY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				C		C	C	C			C	

1. Definition

An establishment that produces, bottles, blends, or ages wine, or that imports wine or juice from a winery located in another state to be fermented into wine. A winery may also include a tasting room and retail outlet as secondary uses within the winery, subject to standards set forth in NRS 597.240.

2. Standards

(a) All Districts

(1) Any proposed alcohol or liquor use shall comply with Section 19.5.5.A.1, *Distance Limitations for Alcohol and Liquor Uses*, and all Title 4 requirements for the subject use.

(2) A winery may provide accessory outdoor food service and seating areas, including tables and chairs, for the use of its customers, provided it complies with the standards for such accessory uses in Section 19.5.7.D.8.

(3) Any use that includes live entertainment shall comply with the standards for live entertainment uses in Section 19.5.5.A, *General Standards for Alcohol and Liquor Uses and Live Entertainment*.

(4) No more than twenty percent of the overall winery square footage may be allocated to a tasting room and/or retail outlet.

3. Off-Street Parking Requirement

(a) Nonresidential districts:

(1) 1 space per every 100 square feet of indoor and outdoor customer service area.

(2) 1 space per every 500 square feet of manufacturing or warehouse space.

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

19.5.6. INDUSTRIAL USES

A. GENERAL STANDARDS FOR ALL INDUSTRIAL USES

1. Prohibited Industrial Uses

The following uses are specifically prohibited in all industrial zoning districts, unless otherwise noted:

(a) Feedlots

(b) Petroleum and Coal Products Manufacturing

All establishments falling within North American Industry Classification System (NAICS) Major Group 3241, Petroleum and Coal Products Manufacturing, as identified in the 2007 U.S. NAICS Manual.

(c) Primary Metal Manufacturing

All establishments falling within NAICS Major Group 331, Primary Metal Manufacturing, as identified in the 2007 U.S. NAICS Manual.

(d) Fabricated Metal Product Manufacturing

All establishments falling within NAICS Major Group 332, Fabricated Metal Product Manufacturing, as identified in the 2007 U.S. NAICS Manual. Uses within this category may be considered through a Conditional Use Permit if the use(s) is operated in a way that would not cause safety or environmental concerns as determined by the Community Development and Services Director through the Development Review Committee.

(e) Electric Power Generation Facilities

All electric power generation facilities falling within NAICS Major Groups 221111, Hydro Electric Power Generation, 221112, Fossil Fuel Electric Power Generation, 221113, Nuclear Electric Power Generation, and 221119, Other Electric Power Generation, as identified in the 2007 U.S. NAICS Manual, but not including cogeneration facilities.

(f) Natural Gas Distribution

All establishments falling within NAICS Major Group 221210, Natural Gas Distribution, as identified in the 2007 U.S. NAICS Manual.

(g) Animal Slaughtering and Processing

All establishments falling within NAICS Major Groups 311611, Animal (except Poultry) Slaughtering, 311615, Poultry Processing, 311999, All Other Miscellaneous Food Processing, and 311613, Rendering and Meat Byproduct Processing, as identified in the 2007 U.S. NAICS Manual.

(h) Seafood Processing

All establishments falling within NAICS Major Groups 311711, Seafood Canning, and 311712, Fresh and Frozen Seafoood Processing, as identified in the 2007 U.S. NAICS Manual.

B. COGENERATION FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
							C					

1. Definition

A facility for the simultaneous production of useful thermal energy and electricity from the same fuel source.

2. Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

3. Off-Street Loading Group

None.

C. COMMERCIAL LAUNDRY

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						P	P					

(a) Definition

A business that launders and dry cleans clothing and other fabric articles in bulk quantities. The term includes cleaning services for hospitals, restaurants, hotels, and similar clients, as well as rug and dry-cleaning plants.

(b) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(c) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C				S	P	S				

(a) Definition

A "limited" commercial laundry is a business that launders clothing and other fabric articles in bulk quantities within a completely enclosed building. This use type does not include dry cleaning.

(b) Standards

(1) IP/IL District

Vehicles used for transporting laundered items shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

D. COMMUNICATION FACILITIES

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						P	P	P				

1. Definition

Broadcasting, recording, and other communication services accomplished through electronic mechanisms, but excluding Utilities, Major, and Wireless Communication Facilities. This classification includes radio, television, or recording studios, telephone switching centers, telegraph offices, and similar uses.

2. Standards

All exterior support equipment must be screened from public view with a minimum decorative 8-foot tall wall and landscaping.

3. Off-Street Parking Requirement

1 space per 500 square feet (Manned Facility)

4. Off-Street Loading Requirement

Group Two (Section 19.7.4.D)

E. CONCRETE PRODUCT PRODUCTION

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
							C					

1. Definition

Establishments that produce concrete products from raw materials on site, including concrete blocks, cinder blocks, and similar products. These use types often include stockpiling of raw materials and storage of products produced on site (including concrete ready-mix plants).

2. Standards

(a) Conditions may be imposed to ensure that fugitive dust, mud on adjacent roads, and other external environmental impacts are controlled.

(b) All finished concrete products shall be stored indoors or screened from view from neighboring properties and all public rights-of-way.

3. Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

F. CONSTRUCTION STORAGE YARD

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	S	C				

1. Definition

A facility utilized for the storage of vehicles, equipment, and materials utilized in the construction industry.

2. Standards

(a) All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.7.5.K, *Fences and Walls*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.

(b) No pile of raw material stockpiled outdoors shall exceed eight feet in height, unless approved by a conditional use permit.

3. Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

G. INDUSTRY

1. Custom

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	S				

(a) Definition

Establishments primarily engaged in onsite production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.

(b) Standards

(1) Industrial uses storing hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Materials Storage*.

(2) All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	S	C				

(a) Definition

Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials that typically involve a high incidence of truck or rail traffic, and outdoor storage. Warehousing accessory to the manufacturing process is permitted. This use type includes such items as food

processing and packaging and stonework. This use type does not include noxious industrial uses, such as asphalt and chemical manufacture, hot-mix plants, rendering, and tanneries.

(b) Standards

(1) All Districts

i. Industrial uses storing hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Materials Storage*.

ii. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(2) IL and IP Districts

All warehousing and manufacturing processes shall be conducted within a completely enclosed building.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	S				

(a) Definition

Provision of limited industrial services including manufacturing of finished parts or products, primarily from previously prepared materials, within an enclosed building. This use type includes laboratories, printing, processing, fabrication, assembly, treatment, and packaging, custom bookbinding, ceramic studios, candle-making shops, and custom-jewelry manufacture, but excludes basic industrial processing from raw materials, food processing, and vehicle/equipment services.

(b) Standards

Industrial uses storing hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Materials Storage*. All limited industry uses shall comply with the following:

(1) Any single piece of mechanical equipment associated with the manufacturing process shall not exceed a maximum of two horsepower.

(2) Such uses are limited to a single kiln with a maximum power usage of eight kilowatts or less.

(3) Incidental direct sale to consumers shall be limited to only those goods produced onsite.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

4. Research and Development

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	C	C	S			S	S	S				

(a) Definition

Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the Community Development and Services Director, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, films, and non-toxic computer component manufacturers.

(b) Standards

Uses storing hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Materials Storage*.

(c) Off-Street Parking Requirement

1 space per 400 square feet.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

H. JUNKYARD

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	C					

1. Definition

Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk or junk vehicles.

2. Standards

All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

3. Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

I. MAINTENANCE AND SERVICE FACILITY

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
			C			C	S	S				

1. Definition

Facilities providing maintenance and repair services for vehicles and equipment and materials storage areas, including corporation yards, equipment service centers, and similar facilities owned by the City, public or private utilities, or other public entities.

2. Standards

All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with

landscaping, or other comparable screening method that achieves the same level of screening.

3. Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

4. Off-Street Loading Group

Group One (Section 19.7.4.D)

J. MINING AND PROCESSING

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
							C					

(a) Definition

Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses include borrow pits, quarries, rock-crushing and power-screening facilities, oil and gas drilling rigs, or concrete batch plants.

(b) Off-Street Parking Requirement

Schedule "C" (Section 19.7.4.C.3)

(c) Off-Street Loading Group

None.

2. Short Term

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
C	C	C	C	C	C	C	C	C	C	C	C	C
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
C	C	C	C	C	C	C	C	C	C	C	C	

(a) Definition

Places or plants in place for more than two days but less than 18 months primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oils, or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses include borrow pits, quarries, rock-

crushing and power-screening facilities, oil and gas drilling rigs, or concrete batch plants.

(b) Standards

(1) The minimum distance between a short-term mining and processing facility and any existing, occupied residential dwelling units shall be ½ mile (2,640 feet). The only exceptions to this distance requirement shall be for temporary mining and processing equipment as described in Section 19.5.8.D.4 or by approval of a variance. Once an approved facility is in operation and a newly constructed or previously vacant dwelling unit becomes occupied within the ½ mile distance, the facility shall be allowed to continue operation until the end of the approved time limit stipulated by the conditions of the use permit or as stipulated by the conditions on any extensions of time for the use permit.

(2) All applicants shall provide documentation of the existing distance between a short-term mining and processing facility and any existing, occupied, residential dwelling units. Such documentation shall be provided at the time a use permit application is submitted to the Community Development and Services Department for processing.

(c) Off-Street Parking Requirement

1 space per employee plus 1 space per facility vehicle.

(d) Off-Street Loading Group

None.

K. RECYCLING

1. Recycling Drop-off Center

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		S	S			S	S	S				

(a) Definition

A collection site for the acceptance or purchase of recycable material from the public.

(b) Standards

(1) All Districts

i. A facility will be reviewed and approved in accordance with the design review procedures.

ii. Power-driven processing equipment and collection vehicles are prohibited.

iii. The facility shall be no larger than 3,000 square feet in size.

iv. Storage of recyclable materials, bins, boxes, and/or containers shall be within an enclosed building.

v. Recycling Drop-Off Center establishment's hours of operation shall be limited from 8:00 a.m. to 10:00 p.m., or as approved through a conditional use permit.

vi. The facility shall comply with 19.7.8.H, *Odors,* and no noxious odor for the subject use shall be detectable beyond property lines.

vii. Noise levels produced by the activities at the facility shall comply with 19.7.8.G, Noise.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2) and queing/stacking spaces.

(d) Off-Street Loading Group

Minimum of one Type 'A' space per 19.7.4.D but additional spaces may be required during the design review process depending on the operation of the center.

2. Recycling Center

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	C	C				

(a) Definition

Facility which collects, processes, repackages, and markets recyclable materials' eventual reuse in new products. Processing of recyclable materials includes, but is not limited to, bailing, compacting, flattening, crushing, shredding, cleaning, and any other mechanical sorting.

(b) Standards

(1) All Districts

i. Recycling Center establishment hours of operation shall be between the hours of 7:00 a.m. and 10:00 p.m. Facilities located within 500 feet of a parcel of land with a residential land use category as designated by the Comprehensive Plan shall be permitted to operate only during the hours between 9:00 a.m. and 7:00 p.m. The hours of operation may be modified through the conditional use permit.

ii. The storage of materials on the bare ground is prohibited. Storage of recyclable materials shall be in bins, boxes, containers, and/or on an impervious surface.

iii. Hazardous, prohibited, and putrescible waste as identified by the Southern Nevada Health District shall not be accepted at this facility.

iv. No dust shall be detectable beyond the property lines for the facility.

v. The facility shall comply with the 19.7.8.H, *Odors,* and no noxious odor, fumes, or smoke for the subject use shall be detectable beyond property lines.

vi. Applicants shall provide documentation of the *propo*sed haul routes to and from the recycling center at time of submittal to the City. Haul routes shall be approved by the Community Development and Services and Public Works Parks and Recreation Directors. A traffic study may be required by the Public Works Parks and Recreation Director.

vii. The applicant shall demonstrate the following:

1. The use meets the general intent of this Code to protect the public health, safety, and general welfare of the citizens of the City

2. The use may be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as outlined in the Comprehensive Plan.

3. The site is physically suitable for the type and intensity of land use being proposed.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

viii. Noise levels produced by the activities at the facility shall comply with 19.7.8.G, *Noise*.

ix. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2) and queuing/stacking spaces.

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

L. WAREHOUSING AND/OR STORAGE YARD

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						C	S	S				

(a) Definition

A building or tract of land used primarily for the storage of goods and materials including tank storage, commodity warehouses, refrigerated warehouses, and general merchandise warehouses.

(b) Standards

(1) All Districts

i. All outside storage of materials, products, and equipment must be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

ii. Warehousing and storage yards storing hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Materials Storage*.

(2) IL District

General warehousing and the manufacture of products from raw materials may be permitted with a conditional use permit. Unless otherwise specified in the IL (limited industry) use classifications, no other general industry uses are allowed. All warehousing and manufacturing processes shall be conducted within a totally enclosed building, and all outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(3) IP District

General warehousing and the manufacture of products from raw materials are permitted. Unless otherwise specified in the industrial park classifications, no other general industry uses are allowed. All warehousing and manufacturing processes must be conducted within a

totally enclosed building, and all storage of materials and equipment, except vehicles used for transporting the warehoused or manufactured products, must be within a totally enclosed building. Vehicles used for transporting and warehoused or manufactured products shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	S				

(a) Definition

Structures of 5,000 square feet or less that provide storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This use type does not include wholesaling, distribution, and storage, mini-storage, and vehicle storage uses.

(b) Standards

Limited warehousing and storage use storing hazardous materials shall comply with the standards in Section 19.7.8.D, *Hazardous Materials Storage*.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

M. WHOLESALING, DISTRIBUTION, AND STORAGE

1. General

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	S	S				

(a) Definition

Establishments primarily engaged in selling, distribution, or storing merchandise for sale or distribution to retailers, business uses, or other wholesalers.

(b) Standards

(1) All Districts

All outside storage of materials, products, and equipment must be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(2) IL District

All wholesaling and distribution functions shall take place within an enclosed building. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(3) IP District

All wholesaling, distribution, and storage shall take place within an enclosed building. Vehicles used for transporting and warehoused or manufactured products and all outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

2. Small-Scale

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		C	C			P	P	P				

(a) Definition

Establishments of 5,000 square feet or less primarily engaged in selling, distribution, or storing merchandise for sale or distribution to retailers, business uses, or other wholesalers, and having no more than two docks or service bays.

(b) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(c) Off-Street Loading Group

Group One (Section 19.7.4.D)

3. Trucking Terminal

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
						S	P	S				

(a) Definition

Storage and distribution facilities having more than six heavy trucks on the premises. This use type does not include trucking accessory to limited or general industry uses. For purposes of this definition, a "heavy truck" is one with a rating of more than 10,000 pounds or an unladen weight of more than 6,000 pounds.

(b) Standards

(1) IL District

All wholesaling and distribution must be conducted within a totally enclosed building. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a

berm with landscaping, or other comparable screening method that achieves the same level of screening.

(2) IP District

All wholesaling, distribution, and storage of materials and equipment, except vehicles used for transporting the warehoused products, shall be conducted within a totally enclosed building. Vehicles used for transporting the warehoused products shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

(c) Off-Street Parking Requirement

Schedule "B" (Section 19.7.4.C.2)

(d) Off-Street Loading Group

Group One (Section 19.7.4.D)

19.5.7. ACCESSORY USES AND STRUCTURES

A. PURPOSE

This subsection authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this subsection is to allow a range of accessory uses, provided they:

1. Are located on the same site as the principal use;

2. Comply with the standards set forth in this subsection; and

3. Do not create adverse impacts on surrounding lots or sites.

B. APPROVAL PROCEDURE

1. Generally

Any principal use listed in Sections 19.5.3 through 19.5.6, or any of the accessory uses identified in this Section 19.5.7, may be allowed as accessory to an authorized principal use provided that:

(a) The proposed accessory use is allowed in the base district or overlay district where proposed; and

(b) The proposed accessory use or structure is consistent with the general and specific standards for accessory uses in this subsection.

2. Subsequent to a Principal Use

(a) Unless exempted, a building permit shall be required in cases where an accessory use or structure is proposed subsequent to a principal use. Freestanding accessory structures of 120 square feet or less are exempted from the building permit requirement unless a mechanical or electrical permit is required.

(b) The Community Development and Services Director may also require design review (Section 19.6.6.B) to ensure compliance with the requirements of this subsection and other parts of the Code.

C. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

1. Use-Specific Standards

Unless otherwise provided in this Code, an accessory use or structure is subject to all regulations applicable to the principal structure on the site.

2. Size

All accessory uses and structures shall:

(a) Be clearly subordinate in area, extent, and purpose to the principal use or structure;

(b) Not violate the bulk, density, parking, landscaping, or open space standards of this ordinance when taken together with the principal use or structure; and

(c) In a commercial district, not exceed 14 feet in height at the property line when the accessory structure is located on the property line.

3. Function

All accessory uses and structures shall directly serve the principal use or structure, and be accessory and clearly incidental to the principal use or structure.

4. Timing

Except for temporary construction trailers, accessory uses and structures shall not be constructed or established prior to the start of construction of the principal use or structure.

5. Location

Accessory uses or structures shall be located on the same lot as the principal use or structure and shall comply with the following requirements:

(a) Accessory structures shall not be located within platted or recorded easements or over underground utilities.

(b) An accessory structure in a required interior side yard shall be a minimum of five feet from the side property line or located on the property line under certain conditions; and in a required rear yard shall be a minimum five feet from the rear property line or located on the property line under certain conditions. Structures located five feet or less from the property line require walls and eaves to have no penetrations or openings and have a minimum one-hour fire rating, in accordance with the International Building Code.

(c) For nonresidential or mixed-use developments, the location of accessory structures shall comply with Section 19.7.6.D.6, *Residential Compatibility Standards*.

6. Design Compatibility

(a) Except where exempted, all accessory structures shall be designed to be aesthetically compatible with the principal structure and the neighborhood character. Compatibility shall be measured in terms of building materials, building

orientation, building placement, and building mass. Non-enclosed stables, gazebos, greenhouses, and carports ten feet or less in height with a roofed area of 300 square feet or less are exempted from this compatibility requirement.

(b) Applicants for accessory structures not exempted in accordance with this subsection who request exceptions from the design compatibility requirements shall demonstrate screening methods or design features that will be used to minimize any potential adverse impacts on neighboring properties. This review shall be in accordance with the design review process.

(c) A storage/shipping container may be allowed as an accessory structure in the RS-1, RS-2, and DH districts in conjunction with an approved primary use. Containers must comply with accessory uses and structure standards. Containers shall not be stacked.

7. Ownership

Accessory uses or structures shall be owned or operated by the same person as the principal use or structure.

8. Residential Districts

In addition to complying with all standards in subsections 1 through 7 above, accessory uses and structures in residential districts shall comply with the following:

(a) Size

Except for accessory dwelling units, the total combined floor area of all detached accessory structures shall not exceed ten percent of the lot size or 50 percent of the floor area of the principal structure, whichever is greater.

(b) Location

(1) Detached accessory structures larger than 120 square feet shall:

i. Be separated from all other buildings by at least six feet;

ii. Not be located within a required front or corner side yard setback; and

iii. Not project beyond the front building line of the principal structure. See Figure 19.5.7-A.

iv. Any accessory structure constructed closer than six feet to a principal residential structure, located in the front or corner side yard, or located projecting beyond the front building line of the principal structure, must be attached to the principal structure.

v. Once attached, the accessory structure is no longer considered accessory, but rather a part of the principal structure and must be designed with the same wall and window materials as the principal structure with the connecting wall being of a height equal to the top-plate height of either the accessory structure or the principal structure.

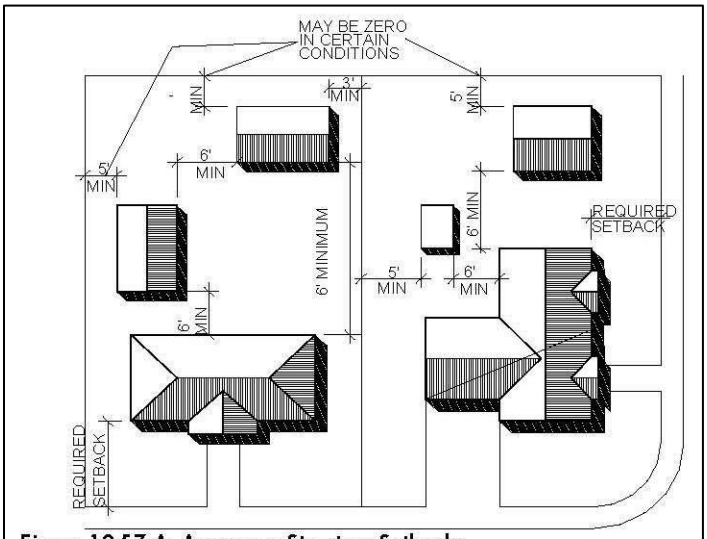


Figure 19.57-A: Accessory Structure Setbacks

vi. If the accessory structure is connected to the principal structure by a roof, it must have its roof slope and roofing materials identical to the principal structure. The connecting roof shall be a minimum of ten feet wide or the width of the accessory structure, whichever is less.

vii. For setback purposes, the attached buildings (accessory or principal) shall be treated as a single structure.

viii. This restriction is intended to be applied to buildings such as casitas, garages, and sheds that are enclosed. This restriction does not apply to residential patio covers, carports, or similar open shade structures.

(c) Function

Except for accessory dwelling units, accessory structures shall not include more than three plumbing fixtures unless more are approved during the design review process (see Section 19.6.6.B). Any three of the following fixtures may be used in combination provided any single fixture is not duplicated: sink, toilet, shower, bathtub or combination bathtub/shower fixture, or washing machine connections.

(d) Height and Roof Form

(1) Except in the RMH district, accessory structures shall be limited to a maximum height of 24 feet if roof is pitched and 20 feet if the roof is flat unless exempted from the height requirements in this Code. See Figure 19.5.7-B.

(2) Accessory structures within the RMH district shall be limited to a maximum height of 15 feet, except that the maximum height may be increased up to 30 feet from the finished grade for recreational facilities.

D. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

The following use types may be permitted as accessory uses to a lawfully established principal use.

1. Barns, Stables, and Corrals

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A										A	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	

(a) Standards

(1) Stables, barns, corrals, paddocks, or other approved fenced enclosures shall be in a rear or side yard a minimum of 75 feet from the front property line.

(2) Corrals or other approved enclosures for the keeping of equine, bovines, or livestock shall be a minimum of 20 feet by 20 feet per animal, shall include a minimum of 40 square feet of shade per animal, and shall have a properly operating hose bibb within ten feet of the fenced enclosure.

(3) Stables and barns shall be setback a minimum of 30 feet from any adjacent primary residential dwelling.

2. Carports and Garages

(a) Standards

Any garage or other accessory building used or intended for use as vehicle storage shall maintain a minimum distance of 20 linear feet or more from the right-of-way to the vehicle-entry point into the structure, unless otherwise permitted in Section 19.7.4, *Parking and Loading*, or Section 19.7.6.B, *Single-Family Residential Design Standards*.

3. Caretaker's Quarters

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
A	A	A	A	A	A							

(a) Definition

Accessory housing for an employee acting as caretaker, custodian, or security personnel for principal use on the same property.

(b) Standards

(1) The living area of caretaker's quarters shall not exceed 800 square feet of net interior floor area.

(2) Caretaker's or resident manager's quarters associated with a mini-storage use shall comply with the standards in Section 19.5.5.Y, *Mini-Storage Facility*.

(c) Off-Street Parking Requirement

1 parking space per unit.

4. Drive-Through/Drop-Off Window Uses

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S		S	S	S	S				S	S	S	

(a) Definition

An outdoor service window or similar area that allows for a service to be provided from a building to persons in vehicles.

(b) Standards

This is an accessory use to the primary use of the building/tenant space where it is located. These standards are to be used for a use not specifically listed in the use section that includes a drive-through facility. The proposed drive-through must be approved by the Community Development and Services Director through design review process.

(1) All Districts

i. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary, unless an intervening building or a major or minor arterial as shown on the Master Street and Highways Plan is located between the drive-through service and the residential district boundary.

ii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and do not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping

with a berm, a low screen wall with landscaping, or other similar feature(s).

iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.

iv. The above-listed conditions may be waived or modified through a request as part of a conditional use permit.

(2) MC, MR, and MN Districts

i. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, and shall demonstrate how the drive-through will not be a negative impact on the pedestrian environment of the overall development.

ii. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

(3) MC District

Drive-through lanes and stacking spaces are prohibited within any build-to zone setback.

(4) MN District

i. Drive-through lanes and stacking spaces are prohibited within the 20-foot front or corner-side setback when within 50 feet of a residential land use designation (Section 19.3.17).

ii. Drive-through facility shall be designed as an integrated part of an in-line building or mixed-use building. Freestanding drive-through facilities are not permitted.

(5) MR District

i. A conditional use permit shall not be required if the drive-through use was approved through the Master Plan for the subject site.

ii. Stacking Space Requirement: Vehicle stacking spaces required by Section 19.7.4.H for the most similar use as determined by the Community Development and Services Director.

5. Home Occupations

(a) Definition

Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or accessory building. This does not include live/work dwellings.

(b) Where Authorized

A home occupation is permitted as an accessory use in all districts that allow residential uses.

(c) Standards

Home occupations shall comply with the following standards.

(1) Size/Area

A home occupation shall occupy no more than 20 percent of the building floor area, excluding garage space.

(2) Employees

No one other than a resident of the dwelling shall be employed onsite or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.

(3) Operational

i. There shall be no stock-in-trade other than items that are used for product demonstration or samples or products fabricated by artists or artisans.

ii. A home occupation shall be conducted entirely within a portion of a building, not within a required parking area.

iii. No home occupation may have customers or clients come to the home except by prior appointment, and no more than three customers or clients per hour are allowed.

iv. There shall be no advertising of the address of the home occupation that results in attracting persons to the premises.

v. No kilns exceeding ten cubic feet in size shall be permitted, and a home occupation shall comply with the performance standards in Section 19.7.8. There shall be no electrical or mechanical equipment not normally found in a residential structure.

vi. A home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount associated with residential uses in the district.

(4) Exterior Appearance and Outdoor Storage

i. No changes in the exterior appearance of the dwelling to accommodate the home occupation shall be allowed.

ii. No outdoor storage of materials or equipment in conjunction with the home occupation shall be permitted.

(5) Parking/Vehicles/Traffic

Not more than one truck or vehicle incidental to a home occupation shall be kept on the site or on any adjacent street. Commercial vehicles as defined by this Code are not permitted.

(d) Prohibited Home Occupations

(1) No home occupation shall be allowed that will create noise, dust, fumes, odors, smoke, glare, vibration, electrical hazards, fire hazards, the storage of hazardous materials, or any other nuisance to a greater degree than normally experienced in the district in which the permit is granted.

(2) The following uses and activities shall not be conducted as a home occupation:

i. Vehicle/Equipment repair;

ii. Beauty or barber shop; or

iii. Restaurants.

(3) No home occupation shall be allowed that is prohibited by the City of Henderson Building Code.

(e) Revocation

In cases where the use is not operated in accordance with these standards, authorization to operate a home occupation shall be revoked after 30 days written notice, unless the home occupation is altered to comply.

(f) Appeal

Decisions of the Community Development and Services Director regarding home occupations may be appealed by the applicant or owners of property located within 300 feet of the proposed home occupation in accordance with the procedure established in Section 19.6.9.E, *Appeals*.

6. Outdoor Display/Sale

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
A		A	A	A	A	A	A		A	A	A	

(a) Definition

The display and sale (or rental) of products and services primarily outside of a building or structure that houses an existing, licensed business including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

(b) Standards

Outdoor display of merchandise for sale and material for customer pick-up shall be subject to the following standards:

(1) Outdoor display/sales activities shall be limited to the CN, CC, CT, CH, CA, IL, IG, and mixed-use districts;

(2) Display/sales areas shall be located immediately adjacent to the front or sides of a building of the principal use, and shall not occur to the rear of a building;

(3) Display/sales areas shall be located outside of drive aisles, fire lanes, parking areas, required landscape areas, or pedestrian ways;

(4) Display/sales areas shall not exceed eight feet in height;

(5) Such uses shall take place on an improved surface such as paved area; and

(6) Display/sales areas shall not be located within landscaped areas.

These standards shall not apply to establishments engaged in the sale or rental of vehicles or equipment.

7. Parking/Storage of a Commercial Vehicle

Standards

Parking or storage of a commercial vehicle (as defined in this Code) overnight shall be prohibited within any residential base zoning district. This provision shall not be construed to prohibit temporary parking of a moving van, vehicle making a delivery, or vehicle used in making repairs provided all activity associated with the commercial vehicle (e.g., loading/unloading/repairs) is actually occurring.

8. Outdoor Seating/Outdoor Food Service

Standards

(a) CC, CO, CH, CT, IP, PS, and Mixed-Use Districts

A principal use may, with approval of the Community Development and Services Director, provide outdoor seating and outdoor food service on the site of the principal use at tables provided by the establishment for the use of their customers. When food service is provided, it shall be provided by employees of the establishment. In approving outdoor seating and outdoor food service, the Community Development and Services Director shall be authorized to impose conditions relating to the location, configuration, and operational aspects (such as visual screening, lighting, litter control, and hours of operation) of such outdoor seating and outdoor food service areas to ensure that such area is compatible with surrounding uses and maintained in an attractive manner.

(b) DP District

Outdoor seating areas and outdoor food service may be permitted as an accessory use to an eating and drinking establishment in accordance with the following standards:

(1) Such uses may be located adjacent to the main building or the curb provided a five-foot-wide unobstructed pedestrian pathway is maintained.

(2) Outdoor seating areas wider than one table shall be surrounded by railings that complement the architectural style of the building, subject to design review approval.

(3) Flower boxes and other decorative elements may be attached to railings or located on the sidewalk provided they do not interfere with the required pedestrian pathway.

(4) Umbrellas shall be secured so as not to create a hazard in windy conditions.

(5) Furnishings shall be compatible with the overall design of the building and should express the restaurant's theme or image.

9. Wind Energy System

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A	A	A	A	A	A	A	A	A	A	A	A
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
A	A	A	A	A	A	A	A	A	A	A	A	

(a) Definition

A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics mounted to a tower or building that has a rated capacity of not more than 10 kilowatts (kW) for residential use or 100 kilowatts (kW) for nonresidential uses and that is intended to primarily reduce on-site consumption of utility power.

(b) Standards

(1) RS-1 and RS-2 Districts

A Conditional Use Permit is required for all freestanding wind energy systems. Wind energy systems mounted to buildings require a Design Review and may be approved administratively.

(2) RS-4, RS-6, RS-8, RM-10, RM-16, RH-24, and RMH Districts

Freestanding wind energy systems are not permitted. All wind energy systems must be mounted to buildings. A Design Review is required and may be approved administratively.

(3) All Other Districts

All wind energy systems shall require a design review and may be approved administratively.

(4) Location

In single-family residential areas, wind energy systems shall not be located in the front yard between the principal structure and the public

right-of-way. In all other districts, wind energy systems shall be integrated into the design and architecture of accessory structures or used as decorative elements if placed between a principal structure and the public right-of-way.

(5) Setback

i. No part of the wind energy system structure, including guy wire anchors, shall be located within five feet of adjacent property lines or ten feet of other structures. Electrical equipment may encroach into these setbacks if it complies with Section 19.7.5.H, *Mechanical Equipment Screening*.

ii. When adjacent to residentially zoned property, all parts of a freestanding wind energy system shall be setback a minimum distance equal to its total extended height.

(6) Height

i. For residential properties subject to subsection (1) above, freestanding tower height shall be determined through the Conditional Use Permit.

ii. The maximum height of wind energy systems attached to buildings located within all residential zoning districts shall not exceed ten feet above the maximum height permitted within the zoning district, unless additional height is approved through a conditional use permit.

iii. For nonresidential, mixed use, and residential districts not listed in subsection (1) above, the maximum allowable height shall be 70 feet. Requests for additional height shall be subject to approval of a conditional use permit.

(7) Noise

Noise produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall comply with Section 19.7.8.G, *Noise*. The maximum noise level may be exceeded during short-term events out of the owner's control such as utility outages and/or severe wind storms.

(8) Appearance, Color, and Finish

i. When mounted to a building, wind energy systems shall be painted or finished to blend or complement the color of the building.

ii. When mounted to a tower outside of residentially zoned districts, wind energy systems shall either be designed to blend or complement the color of the site on which it is located or be used as a decorative feature.

iii. The appearance of all wind energy systems shall be subject to approval by the Community Development and Services Director.

(9) Clearance

The blade tip or vane of any wind energy system shall have a minimum ground clearance of 20 feet as measured at the lowest point of the arc of the blades. No blades shall extend over parking areas, driveways, or sidewalks.

(10) Signage

All signs on a wind generator, tower, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.

(11) Lighting

No illumination of the turbine or tower shall be allowed unless required by the FAA.

(12) Access

Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed and must be integrated into the design of the tower structure.

(13) Compliance with FAA Regulations

Wind energy systems shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.

(14) Utility Notification

No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(15) Abandonment

If a wind turbine is inoperable for six consecutive months the owner shall, within six months of receiving a notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. If the owner(s) fails to remove the wind turbine from the tower, the Community Development and Services Director may pursue legal action to have the wind energy system removed at the owner's expense.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

10. Solar Collection System

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
A	A	A	A	A	A	A	A	A	A	A	A	A
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
A	A	A	A	A	A	A	A	A	A	A	A	

(a) Definition

Any solar collector or other solar energy device, certified pursuant to state law, along with ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electrical generation, or water heating.

(b) Standards

(1) Setbacks, Location, and Height

i. In single-family residential areas, solar collection systems shall not be located in the front yard between the principal structure and the public right-of-way. In all other districts, solar collection systems shall be integrated into the design and architecture of accessory structures if placed between a principal structure and the public right-of-way.

ii. In all zoning districts, freestanding solar collection systems shall be located a minimum of six feet from all property lines and other structures. When adjacent to single-family residential areas, freestanding solar collection systems shall be set back from shared property lines by a distance equal to the height of the solar collection system when it is fully extended.

iii. In single-family residential areas, a solar collection system mounted on a structure shall not extend more than five feet above the highest point of the roof to which it is mounted and freestanding solar collection systems shall not exceed the height of the primary structure. In all other zoning districts, solar collection systems shall not extend more than five feet above the maximum height limit in the zoning district in which it is located.

iv. Restrictions regarding placement and location shall comply with all applicable state laws, including NRS 111.239.

(2) Appearance

i. A structure-mounted solar collection system that is visible from a single-family residential area or public right-of-way shall, to the maximum extent practicable, be integrated into the design and architectural character of the building to which it is attached.

ii. Excluding solar collection panels, their necessary support structure, and conduits, all equipment related to a solar collection system shall comply with Section 19.7.5.H, *Mechanical Equipment Screening*.

(3) Code Compliance

Solar collection systems shall comply with all applicable building and electrical codes contained in Title 15 of the Municipal Code, *Buildings and Construction*.

(4) Solar Easements

A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the County Recorder.

(c) Off-Street Parking Requirement

None.

(d) Off-Street Loading Group

None.

11. Swimming Pools and Hot Tubs

Standards

Swimming pools, spas, and hot tubs shall be secured by protective barriers and constructed in accordance with the International Building Code.

12. Vending Machines

Standards

Internally illuminated vending machines within a residential district or within 300 linear feet of a residential district shall be screened from view from all streets.

19.5.8. TEMPORARY USES AND STRUCTURES

A. PURPOSE

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

B. APPROVAL PROCEDURE

Any use listed in this Section 19.5.8 may be permitted as a temporary use provided:

1. If applicable, the proposed temporary use obtains a temporary use permit in accordance with the requirements in Section 19.6.6.D, *Temporary Use Permits*; and

2. The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this subsection.

3. Temporary uses permitted for a period exceeding 30 days or otherwise limited for the specific use shall require approval of a conditional use permit in accordance with Section 19.6.6.A, *Conditional Use Permits*.

4. The Community Development and Services Director may also require design review (Section 19.6.6.B) to ensure compliance with the requirements of this subsection.

C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses, structures, or events shall:

1. Obtain a temporary use permit (Section 19.6.6.D), as appropriate;

2. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

3. Be compatible with the principal uses taking place on the site;

4. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;

5. Not include permanent alterations to the site;

6. Not maintain temporary signs associated with the use or structure after the activity ends;

7. Not violate the applicable conditions of approval that apply to a site or use on the site;

8. Not interfere with the normal operations of any permanent use located on the property; and

9. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

D. STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

"T" in a table cell indicates that the temporary use and/or structure is allowed in the respective district subject to approval of a temporary use permit. "P" indicates that the temporary use and/or structure is allowed in the respective district by right.

1. Circuses and Carnivals

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T		T	T	T					T	T	T	

(a) Definition

Provision of games, eating and drinking facilities, live entertainment, animal exhibitions or similar activities in a tent or other temporary structure.

(b) Standards

Circuses and carnivals shall be limited to a maximum of seven days per occurrence.

2. Commercial Filming, Limited

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T	T	T	T	

(a) Definition

A temporary use involving commercial motion picture or video photography at the same location for 30 or fewer days per quarter of a calendar year.

3. Holiday Events and Sales/Rental

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T		T	T	T	T	T	T	T	T	T	T	

(a) Definition

Retail sales or rental of goods and products, or activities associated with nationally recognized holidays including but not limited to haunted houses, pumpkin sales, and holiday tree sales, which are not associated with a primary business on the subject site. Merchandise is typically displayed outside, and the use is seasonal or temporary in nature.

(b) Standards

(1) Such sales, when located outdoors, shall take place only on fully improved, paved lots with a lawfully established principal use, unless otherwise approved by the City.

(2) A temporary use permit is not required for a lawfully established principal use to sell holiday merchandise on-site during normal business hours, so long as the holiday merchandise is of a nature typically sold by the business year-round.

4. Mining and Processing, Temporary

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses are rock-crushing and power-screening facilities.

(b) Purpose

The intent of this subsection is to permit certain self-propelled material processing equipment to operate on construction sites for a short time, generally limited to no more than two days, to allow certain site cleanup and materials processing activities without meeting the distance and conditional use permit requirements imposed on standard rock-crushing operations.

(c) Standards

Temporary mining and processing equipment shall comply with the following standards:

(1) Temporary mining and processing shall not take place for a period exceeding 48 hours. Material processing equipment must not be operated in a stationary position for more than two calendar days.

(2) Processing equipment shall be self-propelled by means of its own on-board engine.

(3) Processing equipment must have a self-contained watering system of sufficient size and design to control dust, and shall be used continuously while the equipment is in operation.

(4) Materials for processing or having been processed shall not be stacked more than ten feet in height.

(5) Processed materials shall remain on the site where processed, and shall not be moved more than 1,000 feet from their source or origin.

(6) Materials for processing shall not be imported to the site from another site.

5. Storage/Shipping Containers

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T		T	T	

(a) Definition

Standardized, reusable shipping vessels used in the transportation of freight and capable of being mounted and moved on a rail car, or mounted on a chassis for movement by truck trailer or loaded on a ship (also referred to as cargo containers, freight containers, or sea vans). This definition includes portable storage units.

(b) Standards

Temporary storage/shipping containers may be permitted as a temporary use in accordance with the following standards:

(1) Nonresidential Districts

i. Temporary storage/shipping containers are permitted without a temporary use permit on construction sites with a valid building permit provided the containers are not stacked, and provided the containers are removed following completion or expiration of all construction permits.

ii. Storage/shipping containers may be located within City-approved outdoor storage yards provided the containers are not stacked. No conditional use permit shall be required.

iii. Temporary storage/shipping containers may be permitted as a temporary use for a maximum period of three months per site per year.

iv. Temporary storage/shipping containers shall not be stacked.

(2) Residential Districts

i. Temporary storage containers may be utilized by a residential use on its own lot for a period of up to two weeks without a temporary use permit (Section 19.6.6.D). Use of a temporary storage container for a period longer than two weeks shall require a temporary use permit.

ii. Use of a temporary storage container for a period exceeding 30 days shall require a conditional use permit (Section 19.6.6.A).

iii. A maximum of one temporary storage/shipping container may be permitted as a temporary use on a lot in a residential district

with a principal structure for a maximum of three occurrences per site per year.

iv. Temporary storage/shipping containers must be located on an improved surface such as a parking or paved area and at least five feet from any lot line.

v. Storage containers may not be stacked.

6. Street Fairs

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T		T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T				T	T	T	

(a) Definition

Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.

7. Temporary Construction Trailer

(a) Onsite

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(b) Offsite

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T	T	T	T	

(c) Definition

A temporary portable unit for construction office use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.

(d) Standards

The owner of a construction project may utilize a temporary office for use by construction and security personnel in accordance with the following standards:

(1) The temporary trailer is permitted by right if located on the site of the construction activity. A temporary trailer may be approved offsite with a temporary use permit for up to 30 days; periods of longer than 30 days require approval of a conditional use permit.

(2) The temporary trailer shall not be located within 25 feet of any residential use.

(3) The sanitary plumbing requirements can be waived by the building official provided adequate sanitary plumbing is available elsewhere on the site.

(4) The temporary trailer shall be removed ten days after final inspection of the permanent structure or expiration of the corresponding building permit, whichever event occurs first. In the case of residential development projects, the office must be removed with ten days of sale or lease of all dwelling units.

8. Temporary Development Lodging

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T		T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
				T					T	T	T	

(a) Definition

Lodging associated with and on the site of a development project that is used on a temporary basis only by prospective buyers of land or residential dwelling units within that development or another project owned by the applicant within the city.

(b) Standards

Temporary development lodging shall comply with the following requirements:

(1) Temporary development lodging shall not consist of more than three living units on any lot, and the maximum number units shall not exceed five percent of the total number of units approved for the development.

(2) Lodging is intended only for potential dwelling unit purchasers, and the lodging period shall not exceed 14 consecutive nights for any one guest.

(3) Lodging shall be limited to residential structures located on the same site as the proposed development.

9. Temporary Dwelling Unit

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S		S	
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
									S	S	S	

(a) Definition

A temporary portable unit for residential use that is occupied during the construction or reconstruction of a primary residence.

(b) Standards

Up to one temporary dwelling unit (consisting of a manufactured home, mobile home, or a travel trailer) may be located on a lot or site and may serve as a temporary dwelling unit during construction of a single-family residence in accordance with the following standards:

(1) Temporary dwelling units may only be sited and occupied in accordance with the standards in Section 15.60.040 of the HMC; and

(2) Except as authorized by HMC Section 15.60.040, the temporary dwelling unit may be in place for a maximum period of 18 months. The property owner may request a single six-month extension of time, subject to approval of the Building Official.

10. Temporary Live Entertainment Events

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
												T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T				T	T	T	

(a) Definition

Live Entertainment events lasting less than five days.

(b) Standards

Conditions may be added to ensure compatibility with surrounding properties.

11. Temporary Event

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T		T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T	T	T	T	

(a) Definition

Events held during a fixed period of time including flea markets/swap meets, auctions, farm stands, seasonal sales, arts and crafts shows, animal shows, racing meets, parades, and other similar outdoor or indoor events.

(b) Standards

Events shall not exceed a maximum of five days and a site may host a maximum of six events per year.

12. Temporary Religious Assembly

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		T	T			T	T	T	T	T	T	

(a) Definition

Religious services conducted on a site that is not permanently occupied by a religious assembly use.

(b) Standards

Temporary religious assembly uses shall be limited to a maximum of 30 days per site per year.

13. Temporary Real Estate Sales Office

(a) Onsite

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(b) Offsite

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
T	T	T	T	T	T	T	T	T	T	T	T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
T	T	T	T	T	T	T	T	T	T	T	T	

(c) Definition

A temporary portable unit for sales office use that is located on the site of the development for which sales are occuring, and that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels. This use type also includes the temporary use of a portion of a model home for sales-office purposes.

(d) Standards

Temporary sales offices serving residential subdivisions shall be operated in accordance with the following standards:

(1) Purpose

The primary use of a temporary sales office shall be to provide information concerning the initially approved subject subdivision. No other uses may be established at this facility, except that additional sites under construction by the same developer up to two miles away may be represented, subject to the maximum duration limitation applicable to the intially approved subdivision.

(2) Maximum Duration

i. The Community Development staff may approve an onsite temporary sales office for a maximum of 12 months, unless an extension of time application is approved.

ii. A temporary trailer may be approved offsite with a temporary use permit for up to 30 days; periods of longer than 30 days require approval of a conditional use permit.

iii. The Planning Commission may approve, as a conditional use, an offsite temporary sales office for a period of longer than 30 days, up to a maximum of six months.

(3) Authorization for Offsite Location

i. The proposed location must be within one mile of the nearest portion of the first phase of the subject subdivision, with public access to the interior of the first phase either unavailable or unsafe as the result of conditions beyond the control of the developer.

ii. To qualify for consideration, the temporary office must offer information and represent for sale a subdivision that has a recorded final map, has completed all onsite grading for at least the first phase, and has commenced construction of at least five dwelling units.

(4) Appearance

The temporary locations may be established using a "Gelco-style" modular unit with a finished exterior, no glaring surface, with walls made of T-111 plywood or comparable materials and a composition roof or comparable material. Travel trailers, field office-type units, and motor homes are not permitted as temporary sales offices.

(5) Configuration

i. The site must be of a sufficient size and dimension to provide adequate parking, landscaping, and maneuvering room to allow automobiles to exit the site through a forward movement.

ii. Parking shall be provided at a minimum ratio of one space for each 100 square feet of gross floor area, but in no case shall less than six spaces be provided.

iii. Off-street parking areas shall be paved or improved with an alternate material approved by the Public Works Parks and Recreation Department.

iv. Water-efficient landscaping shall be provided at the ratio of 50 square feet of landscaping for each 100 square feet of gross floor area or part thereof. No more than 50 percent of the required landscaping material may be in above-ground containers.

v. Indoor sanitary facilities shall be provided when and where sewer and water service are available.

vi. When water and sewer service are not available to the proposed site, portable restroom facilities shall be provided. Water and sewer must be connected to City infrastructure when available. Portable restrooms shall not be visible from public right-of-way and shall be secured on-site.

(6) Removal

Immediately following the end of the time period granted for operation, all sales office facilities must be removed from the site, and the site returned to a safe and clean condition and be graded in a manner consistent with requirements for drainage and dust controls established by the Public Works Parks and Recreation Department.

14. Temporary Security Trailer

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
S	S	S	S	S	S	S	S	S	S	S	S	S
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
S	S	S	S	S	S	S	S	S	S	S	S	

(a) Definition

A temporary portable unit for security office use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.

(b) Standards

(1) A residential or nonresidential use requiring security protection during hours of closure may include a travel trailer for that purpose for a maximum period of up to six months.

(2) The temporary trailer shall not be located within 25 feet of any residential use.

15. Trade Fair

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
											T	T
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
	T	T	T	T	T	T	T	T	T		T	

(a) Definition

Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days.

16. Temporary Vehicle/Equipment Sales and Auctions

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL						INDUSTRIAL			MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		T	T	T	T	T	T	T			T	

(a) Definition

The sale and auction of vehicles or equipment from a site not permanently licensed by the City for such sale or auctions.

(b) Standards

The number of events allowed at each site is limited to seven days per quarter per site.

CHAPTER 19.6: ADMINISTRATION

19.6.1. PURPOSE AND ORGANIZATION OF CHAPTER

A. This chapter describes the procedures for review and approval of all applications for development activity in Henderson. Section 19.6.2, Review and Decision-Making Bodies, includes a summary table listing the land use and development procedures in this Code and describes the responsibilities of the bodies that review and decide upon development applications.

B. Section 19.6.3, Common Review Procedures, describes standard procedures that are applicable to all or most types of procedures.

C. Sections 19.6.4 through 19.6.9 should be read and administered in conjunction with Section 19.6.3, and include additional provisions unique to each type of procedure, such as public hearing requirements and approval criteria.

19.6.2. REVIEW AND DECISION-MAKING BODIES

A. SUMMARY TABLE

Table 19.6.2-1 summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in this chapter. Other duties and responsibilities of these entities are set forth in subsequent subsections of this chapter. Bracketed numbers refer to notes at the bottom of the table.

TABLE 19.6.2-1: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES

R = Review D = Decision A = Appeal <> = Public Hearing

Procedure (Section)	Review and Decision-Making Bodies			
	Development Review Committee	Community Development and Services Director	Planning Commission	City Council
Comprehensive Plan and Zoning				
Comprehensive Plan (Text and Map) (19.6.4.A)	R {1}	R	<R>	<D>
Development Code Text Amendment (19.6.4.B)		R		D
Rezoning (19.6.4.C)	R {2}	R	<R>	D
Rezoning to MP or PUD Overlay District (19.6.4.D)	R {2}	R	<R>	D
Land Division				
Parcel Map (19.6.5.A) {3}		D	A	
Boundary Line Adjustment (19.6.5.B) {3}		D	A	
Tentative Map (19.6.5.D)	R {2}	R	D	A
Final Map (19.6.5.E) {3}		D	A	
Reversion to Acreage (19.6.5.F)		D	A	
Entitlements				
Conditional Use Permit (19.6.6.A)		R	<D>	<A>
Design Review (19.6.6.B)	R {2}	D {4}	A	A

TABLE 19.6.2-1: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES

R = REVIEW D = DECISION A = APPEAL <> = PUBLIC HEARING

PROCEDURE (SECTION)	REVIEW AND DECISION-MAKING BODIES			
	DEVELOPMENT REVIEW COMMITTEE	COMMUNITY DEVELOPMENT AND SERVICES DIRECTOR	PLANNING COMMISSION	CITY COUNCIL
Redevelopment Area Review (19.6.6.C) {5}		D		
Temporary Use Permit (19.6.6.D)		D	A	
SIGNS				
Master Sign Plan (19.6.7.B)	R	D	A	A
Master Sign Plan with exceptions or modifications (19.6.7.B)	R	R	<D>{10}	A
VACATION				
Type I (Streets/Non-Municipal Easements) (19.6.8.A)	R	R	<R>	D
Type II (Municipal Easements) (19.6.8.B)		R		D
MODIFICATIONS AND APPEALS				
Administrative Adjustment (19.6.9.B)		D {6}	A	
Variance (19.6.9.C)	R	R	<D>	<A>
Waiver (19.6.9.D) {7}{8}		R	<D>	<D>
Waiver of Standards Applications (19.6.9.G) {8}{9}		R	<D>	<D>
Appeal (19.6.9.E)			D	A
Interpretation (19.6.9.F)		D	A	
OTHER PROCEDURES				
Development Agreement (19.6.10.A)		R	<R>	<D>
Creation of Landscape Maintenance District (19.6.10.B)		R	<R>	<D>

NOTES:

{1} Amendments to the future land use map of the Comprehensive Plan require review of a concept plan by the Development Review Committee.

{2} Amendments to the Master Plan Overlay District, design review applications with structures of 50,000 square feet or more of floor area, and Projects of Significant Impact require concept plan review by the Development Review Committee.

{3} Recombinations of existing lots resulting in subdivisions of five or more lots are reviewed in accordance with the procedure for final maps (Section 19.6.5.D); all others are reviewed in accordance with the procedure for a parcel map (Section19.6.5.A).

{4} A design review application associated with another type of application, such as a Conditional Use Permit, shall be processed concurrently with the other application, and shall be reviewed and decided by the same decision-making body deciding the other application.

{5} Appeals are heard by the Redevelopment Agency.

{6} Administrative adjustments shall be approved prior to final decision on design review applications.

{7} Waivers may be requested in conjunction with either a PUD or MP overlay or separately with a Waiver of Standards application..

{8} Waivers requested in conjunction with a PUD or MP overlay are final action at City Council. Waivers requested with a Waiver of Standards application may be final action at Planning Commission.

{9} Waiver of Standards applications associated with another type of application, such as a rezoning/zone change, shall be processed concurrently with the other application and shall be reviewed and decided by the same decision-making body.

{10} Section 19.8.11.H states that exceptions and modifications of sign regulations are final action at Planning Commission unless appealed.

B. PLANNING COMMISSION

1. Establishment, Duties, and Authority

The Planning Commission is established pursuant to the authority of City of Henderson Ordinance No. 40, adopted on September 23, 1953. The Planning Commission shall have all powers granted and shall perform all duties imposed by the Charter and NRS 278.030 through 278.260. The Planning Commission shall have the review and decision-making authority listed in Table 19.6.2-1, *Summary Table of Development Review Procedures*, and in addition shall have the following duties and responsibilities:

(a) Develop and recommend to the City Council new policies, ordinances, administrative procedures, and other tools related to land development and re-development;

(b) Conduct studies and recommend to the City Council any other new plans, goals, and objectives relating to growth, development, and redevelopment of the city;

(c) Act in the capacity of the Zoning Board of Adjustment, unless the Board has been otherwise appointed; and

(d) Perform any other duties assigned by the City Council.

2. Membership

(a) The Planning Commission shall consist of seven members who shall be appointed and shall serve in accordance with the City Council's adopted Policy on Board and Commission Appointments.

(b) The Planning Commission shall also include three ex officio members: the Mayor; the City Engineer; and the City Attorney.

(c) Ex officio members shall serve as members in an advisory capacity only. Ex officio members shall not be counted toward quorum of the Planning Commission and shall not be entitled to vote on matters before the Planning Commission.

3. Compensation

All members of the Planning Commission shall receive compensation as provided by resolution by the City Council.

4. Removal of Members

Members of the Planning Commission may be removed, after a public hearing, by a majority vote of the City Council for inefficiency, neglect of duty, or malfeasance of office.

5. Vacancies

Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term in accordance with the City Council's adopted Policy on Board and Commission Appointments.

6. Bylaws and Rules

In addition to the powers, duties, and authority prescribed by NRS 278.030 through 278.260, inclusive, the Planning Commission shall have the power to adopt rules and bylaws governing the order and procedure of the Planning Commission consistent with Henderson Municipal Code Section 2.50.

C. CITY STAFF

1. Development Review Committee

The Development Review Committee shall have the review authority listed in Table 19.6.2-1, *Summary Table of Development Review Procedures*. In addition, the Development Review Committee shall be responsible for review and comment on all concept plans in accordance with Section 19.6.3.A.3, *Concept Plans,* and impact statements associated with Projects of Significant Impact in accordance with Section 19.6.3.A.4, *Projects of Significant Impact*.

2. Community Development and Services Director

The Community Development and Services Director shall have the review and decision-making authority listed in Table 19.6.2-1, *Summary Table of Development Review Procedures*.

19.6.3. COMMON REVIEW PROCEDURES

The common review procedures in this section provide a foundation for the specific review and approval procedures in Sections 19.6.4 through 19.6.9. See 19.6.4 through 19.6.9 to determine which of these common procedures apply to an individual application for development review.

A. PRELIMINARY APPLICATION PROCEDURES

The procedures in this section shall apply to all applications for development permits or approvals under this Code at the beginning of the review process, unless otherwise stated.

1. Authority to File Applications

Applications for review and approval under this Code may be initiated by any of the following:

(a) Petition of all the owners of the land that is the subject of the application;

(b) The owners' authorized agent(s);

(c) The official representatives of a homeowner's or property-owner's association in a master-planned development where the master developer has ceded control of the development to the association;

(d) A lot owner or developer of a portion of a master-planned development provided the application is limited to the land under their ownership or control;

(e) City of Henderson staff acting under the direction of the Planning Commission or City Council; or

(f) Public or private utility providers.

COMMENTARY

When a review or decision-making body initiates action under the Henderson Development Code, it does so without prejudice toward the outcome.

2. Form of Application and Application Filing Fees

Applications required under this chapter shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications shall be accompanied by the fee amount that has been established by the City Council. Fees are not required with applications submitted by the City Council, Planning Commission, Clark

County School District, or City agencies or staff. Application fees are nonrefundable, unless otherwise expressly stated.

3. Concept Plans

(a) Purpose

The purpose for the concept plan is to allow for a general review of a proposed development before a formal application is submitted.

(b) Applicability

(1) Unless waived by the Community Development and Services Director, concept plan review by the Development Review Committee shall be required prior to submission of an application for:

i. Comprehensive Plan future land use map amendments (Section 19.6.4.A);

ii. Rezonings to Planned Unit Developments (PUD) or to the Master Plan (MP) Overlay (Section 19.6.4.D);

iii. A use with 50,000 square feet or more of floor area (Section 19.6.6.B.3);

iv. Redevelopment on lots within the redevelopment overlay (Section 19.6.6.C, Redevelopment Area Review, and Section19.4.7, Redevelopment Overlay);

v. Projects of Significant Impact (subsection (4) below);

vi. Projects of Regional Significance (subsection (5) below);

vii. Hillside projects, or projects with slopes greater than 15 percent; or

viii. Any Wireless Communication Facility as defined by Section 19.5.4.T.

(2) Concept plan review by the Development Agreement Advisory Committee shall be required prior to submission of an application for any development that meets the development agreement criteria in Section 19.6.10.A.1.

(c) Pre-Application Meetings

Applicants are entitled and encouraged to schedule and attend pre-application meetings with the Community Development and Services Department staff prior to submitting a concept plan application for review under this Code.

(d) Application Filing

Applications for concept plan review shall be submitted in the form required by the City to the Community Development and Services Director.

(e) Community Development and Services Director's Responsibilities

Upon receipt of a concept plan review application, the Community Development and Services Director shall, within three days from the deadline date, set a time and place for a meeting of the Development Review Committee and provide notice of the meeting and one copy of all plans and materials to each member of the Development Review Committee. Notice of the meeting time shall also be provided to the applicant. The Development Review Committee meeting shall be held within ten business days of the date that a complete application is received, unless the applicant requests a later date.

(f) Development Review Committee Action

At the Development Review Committee meeting, the Community Development and Services Director shall describe the requirements of the review process. Committee members shall:

(1) Ask questions of the applicant to clarify their understanding of the applicant's intent;

(2) Ensure the applicant understands all required steps in the development review process; and

(3) State their concerns based on preliminary review of project plans and materials.

(g) Meeting Notes Provided

Within three days after the Development Review Committee meeting, the committee shall provide notes from the meeting to the applicant summarizing the Development Review Committee's comments.

4. Project of Significant Impact

(a) Applicability

A Project of Significant Impact as defined by this Code shall be required to submit impact statements for review and comment by the Development Review Committee prior to, or in conjunction with, an application for concept plan review and prior to submittal of a subsequent application.

COMMENTARY

Projects of Significant Impact include:

- **500 or more dwelling units,**
- **300 or more hotel rooms,**
- **Nonresidential development on 160 or more acres, or**
- **Commercial/industrial development generating more than 3,000 average daily vehicle trips.**

(b) Exemption

Projects having obtained land use, zoning, tentative map, design review, or final map approvals prior to July 1, 1999, shall be exempt from the provisions of this section.

(c) Required Impact Statements

Impact statements shall be required for a Project of Significant Impact and prepared on a form as established by the Community Development and Services Director.

(d) Subsequent Applications

Subsequent applications for land use, zoning, tentative map, design review, or final map shall not be accepted until the concept plan review has been completed and all impact statements required by this section have been submitted.

5. Projects of Regional Significance

(a) Determination

(1) General

A Project of Regional Significance, as defined in Chapter 19.12: *Measurement and Definitions*, shall be identified as such by the applicant prior to application submittal. An application that does not provide this information, or provides incorrect information, shall be deemed incomplete.

(2) Regional Infrastructure Projects

Regional Infrastructure Projects shall be identified as such by the agency proposing the project (proposing agency), in accordance with Southern Nevada Regional Planning Coalition (SNRPC) regulations.

COMMENTARY

Proposed developments within one-half mile of the city limits may be considered as Projects of Regional Significance depending upon the number of units, or the amount of traffic generated. Projects of Regional Significance are defined in Chapter 19.12: *Measurement and Definitions*.

(3) Exemption

Site-specific or Regional Infrastructure Projects that have obtained approval pursuant to this process, unless they contain material changes or substantial additional information is provided, such that the Community Development and Services Director or proposing agency determines that additional assessment, referral, and comment is merited, shall be exempt from the provisions of this section. This exemption includes Regional Infrastructure Projects that have been reviewed under the SNRPC conformity review process.

(b) Timing of Review

Review of Projects of Regional Significance by affected local governments shall take place following a determination of application completeness, but shall be completed prior to review of the application by a decision-making body established in this Code.

(c) Assessment and Referral

If the Community Development and Services Director determines that the threshold criteria for a site-specific Project of Regional Significance is met, the Community Development and Services Director shall immediately notify the affected jurisdiction(s) and provide the affected local government with copies of any application materials, as well as an impact assessment that includes at a minimum:

(1) The number of vehicle trips that the project will generate, estimated by applying to the proposed project the average trip rates for the peak days and hours established by the Institute of Transportation Engineers (ITE) or its successor.

(2) The estimated number of additional pupils for each elementary school, junior high or middle school, and high school that the project will cause to be enrolled in local schools.

(3) The distance from the site on which the project will be located to the nearest facilities from which fire-fighting, police and emergency services are provided, including, without limitation, facilities that are planned, but not yet constructed, and facilities that have been included in a plan for capital improvements prepared by the appropriate local government pursuant to NRS 278.0226.

(4) A brief statement setting forth the anticipated effect of the project on housing, mass transit, common open space, and recreation.

(5) The proposing agency of a regional infrastructure project shall provide an assessment of the regional and multi-jurisdictional impacts of the proposed project directly to the SNRPC prior to application submittal. The proposing agency shall cooperate with the SNRPC in providing information and communicating about the proposed project.

(d) Comment

Upon receipt of the referral, the affected local government shall have 15 calendar days within which to provide mitigation comments to the Community Development and Services Director. The mitigation comments may propose ways in which the affected local government believes any negative impacts of the project on the affected local government can be mitigated.

6. Upon receipt of notice of a regional infrastructure project and the assessment by a proposing agency, the SNRPC will review the proposed project and assessment and take necessary action, including comments on ways in which negative impacts of the proposed project can be mitigated.

(a) Mitigation

The Community Development and Services Director shall give consideration to the mitigation comments and require mitigation of potential negative impacts on the affected local government to the maximum practical extent. The Community Development and Services Director shall make written findings of the way in which the mitigation comments were addressed.

7. "Maximum practical extent" means that reasonable efforts have been undertaken to comply with the regulations, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

8. In addition, all local regulatory provisions that relate to separations of certain types of land uses from others shall be interpreted to apply to land uses in adjacent jurisdictions.

9. For regional infrastructure projects, the proposing agency shall, upon receipt of any mitigation comments from the SNRPC, give consideration to the comments prior to application submittal. The proposing agency shall make written findings of the way in which the mitigation comments have been addressed.

(a) Approval Criteria

Projects of Regional Significance shall meet all of the following approval criteria, in addition to any approval criteria required for the project's respective application type(s):

The affected local government was notified of the proposed project by the Community Development and Services Director, and was afforded 15 calendar days to comment.

10. The proposed project does not impose undue negative impacts on any neighboring jurisdiction(s).

11. The applicant has mitigated any negative impacts, as identified by the affected local government, to the maximum practical extent.

12. Public hearing notices were sent to the owners of all affected properties, regardless of jurisdiction, in accordance with this Development Code and NRS Section 278.315(4).

B. APPLICATION REVIEW PROCESS

The common procedures in this section deal with the processing of an application, which occurs following the completion of the preliminary application procedures in Section 19.6.3. This section applies to all applications for development permits or approvals under this Code, unless otherwise stated.

1. Application Completeness

(a) An application will be accepted if it:

(1) Is submitted in the required form;

(2) Contains all necessary exhibits and supporting information (including maps, site drawings, analyses, etc.);

(3) Is accompanied by the appropriate fee(s);

(4) Includes the minimum number of copies required;

(5) Is submitted within review schedule timeframe; and

(6) Follows all required pre-application steps.

(b) Following acceptance, a determination of application completeness shall be made by the Community Development and Services Director following the staff review meeting. If an application is determined to be incomplete, the Community Development and Services Director shall provide written notice to the applicant along with an explanation of the application's deficiencies within nine calendar days of the application submittal deadline. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 180 days, the application shall be considered withdrawn.

(c) If the application has been deemed complete and is heard at a public hearing where the Planning Commission or City Council have continued the application to allow for submittal of additional information, the application completeness date shall change to the date of the public meeting when the information is deemed acceptable.

2. Community Development and Services Director and Agency Review

In conducting required reviews, the Community Development and Services Director shall be authorized to distribute the application and other submittals to City departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. Comments received from reviewers shall be included in any required report.

3. Neighborhood Meetings

(a) General

The purpose of a neighborhood meeting is to provide an informal opportunity to inform the affected neighborhood(s) of the details of a proposed development and application, how the applicant intends to meet the standards contained in this Code, and to receive public suggestions, identify neighborhood concerns, and encourage dialogue at an early stage in the review process.

(b) Applicability

(1) Neighborhood Meeting Mandatory

Unless associated with a Redevelopment Area Review (Section 19.6.6.C, *Redevelopment Area Review*) or waived by the Community Development and Services Director, a neighborhood meeting is mandatory for any application subject to a mandatory concept plan review (Section 19.6.3.A.3, *Concept Plans*), as well as an amendment to the official zoning map and an amendment to the Comprehensive Plan. Neighborhood meetings are optional for any other applications under this Code.

(2) Neighborhood Meeting May Be Required

In addition to those instances when a meeting is mandatory under Subsection (1) above:

i. The Community Development and Services Director may require an applicant to conduct a neighborhood meeting prior to a public hearing on an application if the Community Development and Services Director determines the application is likely to cause a significant land use, appearance, traffic, or other public facility impact on neighboring lands; or

ii. The Mayor or the Chair of the Planning Commission may direct an applicant to conduct a neighborhood meeting either prior to or during a public hearing on an application being reviewed by the board they chair, if it is determined the application could potentially have significant land use, appearance, traffic, or other public facility impacts on neighboring lands.

(c) Timing

At least one neighborhood meeting must be held at least three weeks prior to a public hearing, or as specified by the City.

(d) Procedure

The neighborhood meeting shall comply with the following procedures:

(1) Time and Place

The neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application, and shall be scheduled after 5:00 p.m. on a weekday.

(2) Notification

An applicant holding a neighborhood meeting shall provide mailed notice of the meeting to the same notification area that would be required for public hearings on the application pursuant to Section 19.6.3.B.4, *Public Notice*. Notification of the neighborhood meeting shall be provided by the applicant via first-class mail postmarked a minimum of ten days in advance of the meeting. Notification shall also be provided to staff at least ten calendar days prior to the meeting date.

(3) Notification Contents

Public notification of a neighborhood meeting shall include:

i. A vicinity map depicting the subject site,

ii. The purpose of the neighborhood meeting,

iii. The type of application proposed by the applicant,

iv. The date, time, and location of the meeting, and

v. Contact information for the applicant.

(4) Conduct of Meeting

At the neighborhood meeting, the applicant shall explain the development proposal and application, answer any questions, respond to concerns neighbors have about the application, and propose ways to resolve conflicts.

(5) Staff Attendance

City staff may attend the neighborhood meeting for the purpose of advising the attendees regarding applicable provisions of this Code, but shall not serve as facilitators or become involved in negotiations at the neighborhood meeting.

(6) Written Summary of Neighborhood Meeting

The applicant shall provide the Community Development and Services Director a written summary of the neighborhood meeting within five business days of its conclusion, along with a list of the notified parties and a signed affidavit indicating the notification was completed in accordance with the standards in this Code. The written summary shall include a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate. The written summary of the neighborhood meeting also shall be included with the application materials, and be made available to the public for inspection.

(7) Response to Summary

Any person in attendance at the neighborhood meeting may submit an additional written summary stating their understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information they deem appropriate. This written summary may include a response to the applicant's written summary of the meeting. All written summaries of the neighborhood meeting shall be included with the application materials, and be made available for public inspection.

4. Public Notice

(a) Content

All notices required under this Code shall comply with Nevada Revised Statutes (NRS) and shall:

(1) Indicate the time and place of the public hearing or action;

(2) Describe the property involved in the application by street address or by legal description and nearest cross-street;

(3) Describe the nature, scope, and purpose of the application or proposal being advertised;

(4) Indicate that interested parties may appear at the hearing and speak on the matter; and

(5) Indicate where additional information on the matter can be obtained.

(b) Written (Mailed) Notice

(1) When the provisions of this Code require that written or mailed notice be provided, the City shall be responsible for preparing and mailing the notice at least ten days in advance of the first public hearing. Unless otherwise specified in Table 19.6.3-1, written notice shall be provided to the applicant; the nearest 30 real property owners; all advisory boards established in the affected area; and all registered property owner's associations, neighborhood associations, and appointed individuals serving as rural neighborhood representatives.

(2) In cases where a development requiring notice is proposed within or adjacent to an area subject to the RN overlay, the president of the applicable rural neighborhood organization shall be provided with mailed notice of the application.

(c) Posted Notice

When the provisions of this Code require that notice be posted, signs approved by the City shall be posted on the property that is the subject of the application in a manner that makes them clearly visible to neighboring residents and passers-by from each abutting street. Required signs shall be posted at least ten days before the first public hearing. Installers shall be required to sign an affidavit provided by the City stating that the signs were posted properly and provide a photograph showing each sign after installation. The photograph shall include a landmark that substantiates each sign's location. When the application pertains to

a matter that does not affect a specific site (e.g., Comprehensive Plan text amendments), the notice may be posted in the City Hall lobby.

(d) Published (Newspaper) Notice

When the provisions of this Code require that notice be published, the City shall be responsible for preparing the notice and ensuring that it is published in a newspaper that has been selected by the City. The notice shall appear at least ten days before the public hearing.

(e) Summary Table of Required Notice and Timing

Unless otherwise expressly provided in the Nevada Revised Statutes, or this Code, public notice shall be provided in accordance with Table 19.6.3-1, *Public Notice Requirements*. Failure to receive notice in accordance with this section shall not invalidate the proceedings for which notice was required, nor shall failure to receive notice constitute a basis for legal action against the City. Bracketed numbers refer to notes at the bottom of the table.

TABLE 19.6.3-1: PUBLIC NOTICE REQUIREMENTS

APPLICATION TYPE	NOTICE REQUIRED {1}	
	WRITTEN (MAILED) NOTICE RECIPIENTS	POSTED NOTICE REQUIRED
COMPREHENSIVE PLAN AND ZONING		
Comprehensive Plan Text Amendment	None required.	Yes {2}
Master Streets and Highways Plan Amendment	None required. Where street name changes, notices are sent to affected parties.	Yes {2}
Comprehensive Plan Map Amendment	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. {3}	Yes {2}
Development Code Text Amendment	None required.	Yes
Rezoning	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 750 feet of the subject site and the nearest 30 real property owners. {3}	
LAND DIVISION		
Parcel Map	None required.	No
Boundary Line Adjustment		
Tentative Map		
Final Map		

TABLE 19.6.3-1: PUBLIC NOTICE REQUIREMENTS		
APPLICATION TYPE	**NOTICE REQUIRED {1}**	
	WRITTEN (MAILED) NOTICE RECIPIENTS	**POSTED NOTICE REQUIRED**
ENTITLEMENTS		
Conditional Use Permit without alcohol sales or hazardous substances	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. Newspaper notification is not required. {3}	Yes
Conditional Use Permit with alcohol sales outside the CT district; Airports and Landing Strips	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 1,500 feet of the subject site, and the nearest 30 real property owners. Newspaper notification is not required.	Yes
Conditional Use Permit with hazardous substances, per NRS 459.3816	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 1,000 feet of the subject site, and the nearest 30 real property owners, as required in NRS 278.147. Public hearing notices are sent out 30 days prior to Planning Commission meeting.	Yes
Removal proceedings for nonconforming billboards	The applicant, real property owner, and owner of the nonconforming billboard.	No
Any application involving a nonrestricted gaming establishment or gaming enterprise overlay	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 5,000 feet of the subject site, and the nearest 30 real property owners.	Yes
Project of Regional Significance	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 750 feet of the subject site and the nearest 30 real property owners. {3}	Yes
Redevelopment Area Review	None required.	No
Waiver of Standards	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. Newspaper notification is not required.	Yes
VACATION		
Type I Vacation	Owners abutting the proposed area to be vacated shall be notified via confirmation of delivery.	No
Creation of Landscape Maintenance District	General recipients identified in 19.6.3.B.4.b above.	Yes
MODIFICATIONS AND APPEALS		
Variance	In addition to general recipients identified in 19.6.3.B.4.b above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. Newspaper notification is not required. {3}	Yes
Appeal	Same notice as was provided for the decision being appealed.	

NOTES: {1} All application types listed in this table, except those listed under the Land Division application type and as otherwise noted, require the City to provide published notice in a newspaper selected by the City at least ten days prior to the public hearing.
{2} Posted notice shall be provided by the City in the City Hall lobby.
{3} When a project is located in or within 500 feet of a Rural Neighborhood (RN) Overlay, the notice requirement shall be expanded to 1,000 feet. The 1,000 foot notification shall only apply within the boundaries of the Rural Neighborhood (RN) overlay.

(f) Constructive Notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with

applicable notice requirements. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing, and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this Development Code before proceeding with the hearing upon recommendation from staff.

COMMENTARY

When the procedures of this chapter establish required time frames for action, items may not be continued beyond the required time frame without the consent of the applicant.

5. Continuation of Public Hearings

(a) A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Code, provided that the continuance is set for a date and time certain and the date and time is announced at the public hearing.

(b) In the case of a public hearing before the Planning Commission, the Planning Commission will not grant more than two continuances for the same case, unless it is determined, upon good cause shown, the granting of additional continuances is warranted. "Good cause" includes, without limitation, the desire to revise plans or drawings, to engage in negotiations with any person or governmental entity, to retain counsel, or circumstances relating to the matter that are beyond the control of the applicant.

(c) If a public hearing is continued more than three times or for more than 90 days, whichever is less, the public hearing shall be "re-noticed" in accordance with the original notice requirements for the subject application. Unless otherwise approved by the review or decision-making body at the time of the continuance, the applicant shall pay all costs associated with the re-notification.

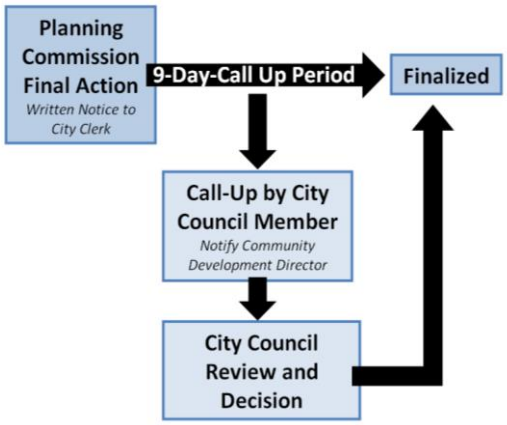
6. Burden of Proof or Persuasion

The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the City or other parties to show that the criteria have not been met.

7. City Council Call-Up of Development Applications

Whenever the procedures of this chapter give the Planning Commission decision-making or appeal authority on a development application or permit request, any member of the City Council shall be authorized to "call-up" the application for final action at the City Council. In order to call-up an application, a City Council member must notify the Community Development and Services Director within nine days of the date that the City Clerk received

Figure 19.6.3-A: Call-Up Process



written notice of the Planning Commission's final action. In the event of City Council call-up, public notice shall be provided in accordance with the same procedures that applied to the Planning Commission's original action. In the event of call-up, the City shall be responsible for all costs associated with the re-notification.

8. Simultaneous Processing

(a) Whenever two or more forms of review and approval are required under this Code (e.g., a rezoning and a conditional use permit), applications for those development approvals may, at the option of the City, be processed simultaneously.

(b) The decision-making authority identified in Table 19.6.2-1, Summary Table of Development Review Procedures, shall have the authority to review and decide any application for which it is the designated decision-making authority. In cases where an application is submitted in conjunction with another application requiring approval by a separate, higher-level decision-making authority (e.g., the City Council), the higher-level decision-making authority shall be responsible for reviewing and deciding both applications.

9. Processing Cycles

The Community Development and Services Director shall issue timetables for reviewing each type of development application under this chapter. Timetables, which may be revised from time-to-time, may include:

(a) Dates of regular meetings of review bodies and decision-makers;

(b) Deadlines for receipt of a complete application for consideration of such application at a particular meeting;

(c) Routing and scheduling of staff and agency reviews.

C. REVIEW AND DECISION

The provisions of this section shall apply to all applications for development permits or approvals under this Code, unless otherwise specified.

1. Conditions of Approval

Unless otherwise specified in this Code, the decision-maker may impose such conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the Comprehensive Plan and this Code. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Code.

2. Lapse of Approval; Extensions of Time

(a) Unless otherwise provided in this chapter, an approved application shall expire if no activity approved under the permit occurs for six months and an extension is not granted.

(b) The lapse of approval time frames established by the procedures in this chapter may be extended only when all of the following conditions exist:

(1) The provisions of this chapter must expressly allow the extension;

(2) An extension request must be filed prior to the applicable lapse-of-approval deadline;

(3) The extension request must be filed in a form and include all exhibits and fees established by the Community Development and Services Director; and

(4) Unless otherwise provided in this chapter, authority to grant extensions of time shall rest with the decision-making body that granted the original approval (the one being extended).

D. STRUCTURE OF INDIVIDUAL PROCEDURE SECTIONS

1. Contents

Each of the procedures listed in Sections 19.6.4 through 19.6.9 includes a standard set of information, including requirements for application filing, preliminary actions undertaken by the City during the review process (e.g., public notice), the sequence of review, the approval criteria or standards for the type of application, and how appeals, amendments, or expiration are addressed (as appropriate).

2. Procedural Flow Charts

In addition to the basic information, each of the procedures includes a summary flow chart that illustrates the steps in the review process. Each flow chart includes common procedural elements that are identified by shape or color. For example, each optional action shown in a flow chart is surrounded by a dashed line; public hearings use the diamond shape; and City Council actions use the darkest color. Figure 19.6.3-B includes a legend that explains the various shapes and colors used in the procedural flow charts.

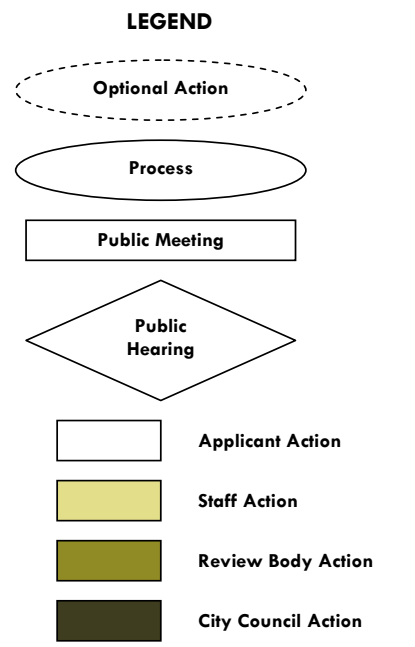


Figure 19.6.3-B: Procedural Flow Chart Legend

19.6.4. COMPREHENSIVE PLAN AND ZONING APPLICATIONS

A. COMPREHENSIVE PLAN AMENDMENTS

1. Concept Plan Review Required

Applications to amend the future land use map of the Comprehensive Plan shall submit a concept plan prior to application submittal, in accordance with Section 19.6.3.A.3, *Concept Plans*. Applications to amend the text of the Comprehensive Plan do not require concept plan review.

2. Neighborhood Meeting Required

Applicants to amend the future land use map of the Comprehensive Plan shall conduct a neighborhood meeting in accordance with Section 19.6.3.B.3, *Neighborhood Meetings*, following concept plan review. Applications to amend the

text of the Comprehensive Plan do not require a neighborhood meeting.

3. Application Filing

Applications for an amendment to the Comprehensive Plan shall be submitted to the Community Development and Services Director.

4. Traffic Impact Analysis Required

Unless waived by the Public Works Parks and Recreation Director, applications for an amendment to the Comprehensive Plan shall be accompanied by a Traffic Generation Impact Report. Each impact report shall compare the maximum potential traffic that may be generated by the existing land use with the traffic expected to be generated by the proposed land use in accordance with the site plan submittal. References and sources indicating where the traffic data was obtained shall be included with the Traffic Generation Impact Report, which shall be in a form that is specified by the Public Works Parks and Recreation Director.

5. Timing of Review

(a) Quarterly Review of Map Amendments

(1) Pursuant to NRS 278.210, the Planning Commission and City Council shall hear substantial future land use map amendment applications on a quarterly basis. The Community Development and Services Director shall make a determination as to whether a proposed amendment is substantial for purposes of this provision

(2) Applications may be filed with the Community Development Department at any time before the specified deadline date, but will be held until the next Planning Commission meeting that has been designated for Comprehensive Plan amendment applications.

(3) After having heard the application, the Planning Commission or City Council may continue a Comprehensive Plan amendment to any of their subsequent meetings.

(4) City-initiated applications are not subject to the quarterly consideration requirement and may be considered on the normal processing cycle.

(b) Text Amendments

Text amendments to the Comprehensive Plan are not subject to the quarterly consideration requirement and may be considered on the normal processing cycle.

6. Public Hearing Notice

(a) Comprehensive Plan Text Amendments

Notice of the public hearing on a Comprehensive Plan text amendment shall be published and posted in accordance with the requirements of Section 19.6.3.B.4, Public Notice.

(b) Comprehensive Plan Map Amendments

Notice of the public hearing on a Comprehensive Plan map amendment shall be mailed, published, and posted in accordance with the requirements of Section 19.6.3.B.4, Public Notice.

7. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed Comprehensive Plan amendment in light of the approval criteria of this Section19.6.4.A.10, C*omprehensive Plan Amendment Approval Criteria*, and, as deemed necessary, distribute the application to other reviewers. In addition, pursuant to NRS 277, to the extent possible the Community Development and Services Director will inform state agencies that may be affected by the proposed amendment and solicit and consider comments from those state agencies. Based on the results of the reviews and the consideration of comments from affected state agencies, the Community Development and Services Director shall provide a report and recommendation to the Planning Commission.

8. Planning Commission Review and Recommendation

(a) The Planning Commission may continue a Comprehensive Plan amendment application, and all of its accompanying applications, to any future Planning Commission meeting. However, if a continuance is requested by the applicant, all applications shall be held in abeyance until the next quarterly meeting designated for Comprehensive Plan amendment applications.

(b) The Planning Commission shall hold at least one public hearing on the proposed Comprehensive Plan amendment and at the close of the public hearing make a recommendation to the City Council, based on the approval criteria of Section 19.6.4.A.10, Comprehensive Plan Amendment Approval Criteria.

(c) An affirmative vote of two-thirds of the total membership of the Planning Commission shall be required to approve a resolution recommending adoption of the Comprehensive Plan amendment. A two-thirds vote is a vote of at least two-thirds of the votes cast by persons legally entitled to vote, excluding abstentions, at a meeting at which a quorum is present.

(d) If a Comprehensive Plan amendment application is accompanied by other applications for the same development, the Comprehensive Plan amendment shall be acted upon before all other applications for that project.

(e) If the Comprehensive Plan amendment fails to receive an affirmative vote of two-thirds of the total membership or is recommended for denial by the Planning Commission, all accompanying applications shall be acted on in accordance with Table 19.6.2-1, Summary Table of Development Review Procedures.

9. City Council Review and Decision

(a) After receiving the recommendation of the Planning Commission, the City Council shall hold at least one public hearing and, at the close of the public hearing, act to approve, approve with conditions, or deny the proposed amendment based on the approval criteria of Section 19.6.4.A.10, Comprehensive Plan Amendment Approval Criteria.

(b) No applicant-requested change in or addition to an amendment recommended for approval by the Planning Commission shall be made by the City Council until the proposed change or addition has been referred back to the Planning Commission for a new public hearing and recommendation. Failure of the Planning Commission to conduct a new public hearing and make a new recommendation within 40 days after the referral, or such longer period as may

be designated by the City Council, shall be deemed to be approval of the proposed change or addition.

(c) If a Comprehensive Plan amendment recommended for denial by the Planning Commission is approved by the City Council, any applications that accompanied the Comprehensive Plan amendment at the Planning Commission shall be re-noticed and scheduled to be heard and acted upon at the next available Planning Commission meeting.

(d) If a Comprehensive Plan amendment is denied by the City Council, all applications that accompanied the Comprehensive Plan amendment are terminated.

(e) The City Council may continue a Comprehensive Plan amendment application, and all of its accompanying applications, to any future City Council meeting. However, if a continuance is requested by the applicant, the applications shall be held in abeyance until the next quarterly meeting designated for Comprehensive Plan amendment applications.

10. Comprehensive Plan Amendment Approval Criteria

(a) Comprehensive plan amendments may be approved by the City Council only following a determination that the proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan and that any one of the following criteria has been met:

(1) There was an error in the original Comprehensive Plan adoption;

(2) The City Council failed to take into account then-existing facts, projections, or trends that were reasonably foreseeable to exist in the future;

(3) Events, trends, or facts after adoption of the Comprehensive Plan have changed the City Council's original findings made upon plan adoption; and/or

(4) Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary.

(b) In addition to the above-listed criteria, any proposed amendment is subject to the following additional review standards:

(1) That the amendment is not in conflict with any portion of the goals and policies of the plan.

(2) That the amendment constitutes a substantial benefit to the City and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

(3) The extent to which the proposed amendment and other amendments in the general area are compatible with the land use goals of the plan and that they avoid creation of isolated uses that will cause incompatible community form and a burden on public services and facilities.

(4) That the development pattern contained in the existing plan does not provide adequate and appropriate optional sites for the use or change being proposed in the amendment.

(5) That the impact of the amendment, when considered cumulatively with other applications and development in the general area, will not adversely impact the City or a portion of the City by:

i. Significantly altering acceptable existing land use patterns;

ii. Having significant adverse impacts on public services and facilities that are needed to support the current land use and which cannot be mitigated to the maximum extent feasible;

iii. Adversely impacting environmentally sensitive areas or resources; or

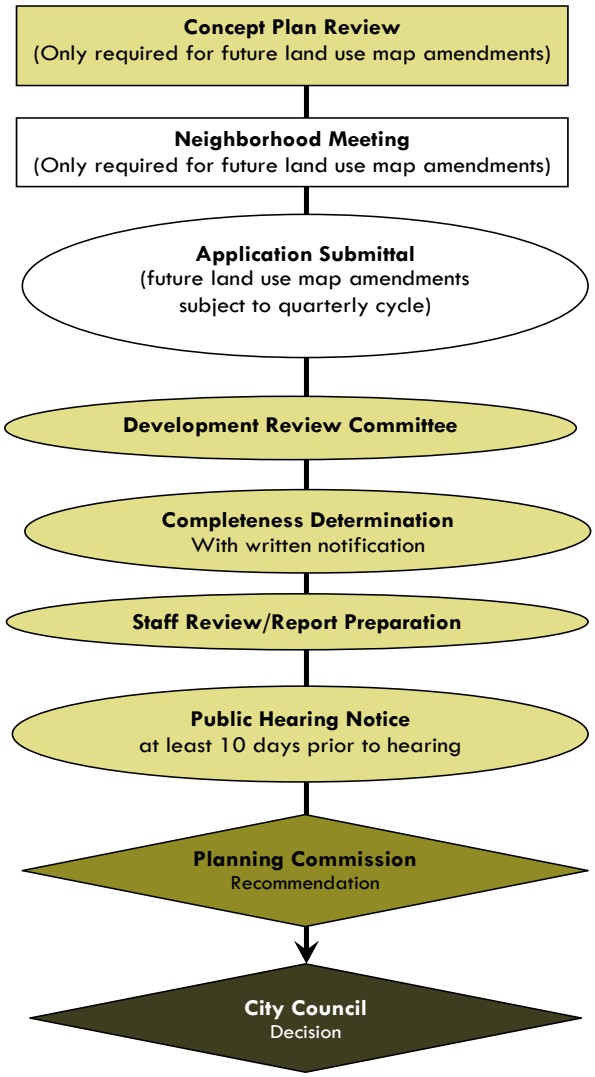
iv. Adversely impacting existing uses because of increased traffic on existing systems.

(6) That site conditions, including but not limited to topography, utility corridors/easements, drainage patterns, noise, odors, or environmental contamination, would make development under the current plan designation inappropriate.

11. Appeals

Appeals of the City Council's decision on Comprehensive Plan amendments shall be made to the District Court of Clark County, as provided by law.

FIGURE 19.6.4-A: SUMMARY OF THE COMPREHENSIVE PLAN AMENDMENT PROCESS



B. DEVELOPMENT CODE TEXT AMENDMENTS

1. Application Filing

Applications for an amendment to the text of this Development Code may be filed by the City Council, Planning Commission, City Manager, City Attorney, or Community Development and Services Director.

2. Community Development and Services Director Review and Report

The Community Development and Services Director and the City Attorney shall review each proposed Development Code text amendment. Based on the results of those reviews, the Community Development and Services Director or the City Attorney shall provide a report to the City Council.

3. Public Meeting Notice

The City Clerk shall provide notice of the public meeting at which the proposed Development Code text amendment will be read to the City Council by title.

4. Referral to Committee

Consistent with Sections 2.090 and 2.100 of the Henderson City Charter, the proposed Development Code text amendment shall be read to the City Council by title and referred to a committee for consideration, after which the proposed Development Code text amendment shall be filed with the City Clerk for public distribution and publication.

5. City Council Review and Decision

After receiving the report of the Committee, the City Council shall act to approve, approve with conditions, or deny the proposed Development Code amendment, based on the approval criteria of Section19.6.4.B.6, *Text Amendment Approval Criteria*.

6. Text Amendment Approval Criteria

Recommendations and decisions on Development Code text amendments shall be based on consideration of any or all of the following criteria:

(a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;

(b) Whether the proposed amendment is consistent with the purpose and intent of the Development Code as stated in Section 19.1.4, Purpose and Intent; or

(c) Whether the proposed amendment will protect the health, safety, morals, or general welfare of the public.

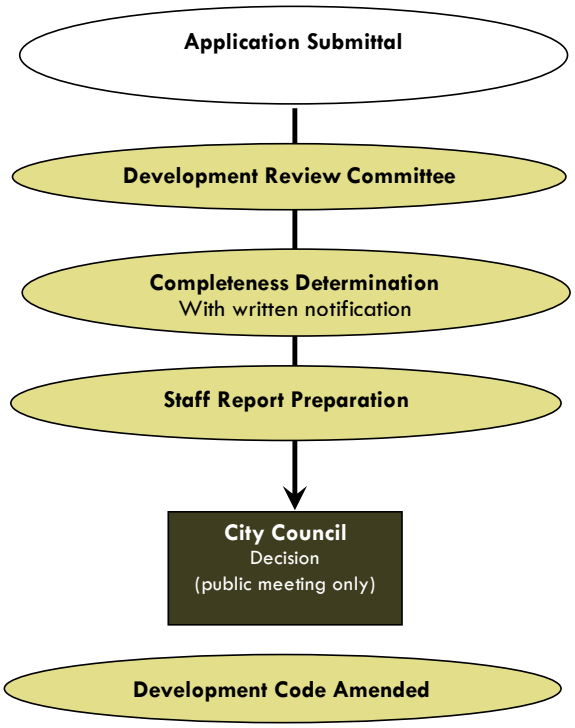


FIGURE 19.6.4-B: SUMMARY OF CODE TEXT

C. REZONINGS

This section includes the procedure for the review of applications for all amendments to the zoning map (rezonings), except for amendments to the Master Plan (MP) and Planned Unit Development (PUD) overlays, which are covered in subsection D below.

1. Neighborhood Meeting Required

Applications to amend the official zoning map may require a neighborhood meeting held in accordance with the procedures in Section 19.6.3.B.3, *Neighborhood Meetings*, after submittal of a formal application.

2. Application Filing

Applications for zoning map amendments shall be submitted to the Community Development and Services Director.

3. Public Hearing Notice

Notice of public hearings on zoning map amendments shall be published, mailed, and posted in accordance with Section 19.6.3.B.4, *Public Notice*.

4. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed zoning map amendment in light of the approval criteria of Section 19.6.4.C.7, *Map Amendment Approval Criteria*, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Planning Commission.

5. Planning Commission Review and Recommendation

The Planning Commission shall hold a public hearing on the proposed zoning map amendment and at the close of the public hearing make a recommendation to the City Council based on the approval criteria of Section 19.6.4.C.7, *Map Amendment Approval Criteria*. Approval may be recommended for a less intensive zoning classfication than requested by the applicant without re-notiifcation.

6. City Council Review and Decision

After receiving the recommendation of the Planning Commission, the City Council shall act to approve, approve with conditions, or deny the proposed zoning map amendment, based on the approval criteria of Section 19.6.4.C.7, *Map Amendment Approval Criteria*. Approval may be granted for a less intensive zoning classfication than requested by the applicant without re-notiifcation.

7. Map Amendment Approval Criteria

(a) Recommendations and decisions on zoning map amendments shall be based on consideration of all of the following criteria:

(1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact.

(2) Whether the proposed amendment is consistent with the Comprehensive Plan and the stated purposes of Section 19.1.4, Purpose and Intent.

(3) Whether the proposed amendment will protect the health, safety, morals, or general welfare of the public.

(4) Whether the City and other service providers will be able to provide sufficient public safety, transportation and utility facilities, and services to the subject property, while maintaining sufficient levels of service to existing development.

(5) Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.

(6) Whether the proposed amendment will have significant adverse impacts on other property in the vicinity of the subject property.

(7) The suitability of the subject property for the existing zoning classification and proposed zoning classification.

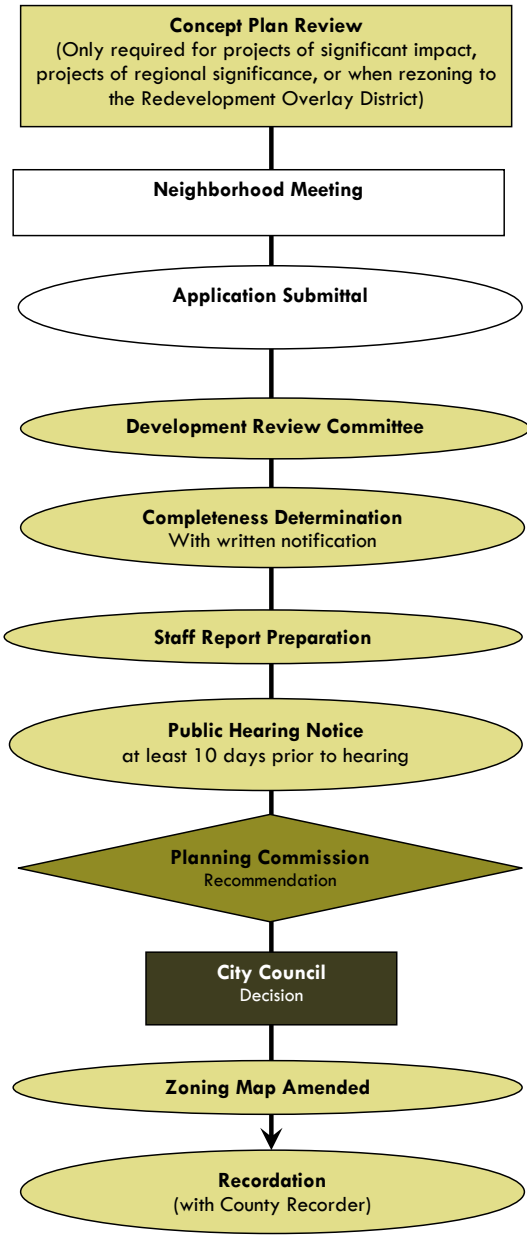
(8) The need for the proposed use at the proposed location.

(b) In addition to the above-listed criteria, any proposed amendment that would reduce the density or intensity of uses on property (i.e., result in a "down-zoning") is subject to additional approval criteria in accordance with NRS 278.260. These criteria apply if at least 20 percent of the property owners to whom notices were sent indicate opposition to the proposed amendment. These criteria require the governing body to:

(1) Consider separately the merits of each aspect of the proposed amendment to which any property owner(s) expressed opposition; and

(2) Make a written finding that the public interest and necessity will be promoted by the approval of the proposed amendment.

FIGURE 19.6.4-C: SUMMARY OF THE REZONING PROCESS



8. Appeals

Appeals of City Council decisions on zoning map amendments shall be made to the District Court for Clark County, as provided by law.

9. Successive Application

Following denial of a zoning map amendment request, no new application for the same or substantially the same amendment shall be accepted within one year of the date of denial, unless denial is made without prejudice.

D. REZONINGS TO MP OR PUD OVERLAY

This section includes the procedure for the review of applications for amendments to the zoning map to apply either the Master Plan (MP) or Planned Unit Development (PUD) overlay.

1. Concept Plan Review

An applicant for rezoning to the MP or PUD overlay shall submit a concept plan prior to application submittal, in accordance with Section 19.6.3.A.3, *Concept Plans*.

2. Neighborhood Meeting

Following review of a concept plan, an applicant for rezoning to the MP or PUD overlay shall conduct a neighborhood meeting in accordance with Section 19.6.3.B.3, *Neighborhood Meetings*.

3. Application

(a) Master Plan Required for Rezoning to MP Overlay

(1) An application for rezoning to the MP overlay shall include a master plan prepared to the specifications of the City. Approval of a master plan at the time of rezoning is required prior to development in the MP overlay. The master plan represents a generalized land use/site plan for the area proposed to be included within a planned development. It is required as a means of allowing early review before detailed planning and engineering work is undertaken and before substantial expenses are incurred.

(2) A master plan must cover all of the land area to be included in the planned development. The master plan shall be accompanied by a terms and conditions statement, which is a textual description of all adopted conditions of approval, a description of how the planned development will meet or exceed the minimum standards of the Code, and the compensating benefits to be provided (if any).

(b) Filing

Applications for MP or PUD rezoning approval shall be submitted to the Community Development and Services Director.

4. Public Hearing Notice

Notice of public hearings on the MP or PUD rezoning application shall be published, mailed, and posted in accordance with Section 19.6.3.B.4, *Public Notice*.

5. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed MP or PUD rezoning in light of the applicable approval criteria of Section 19.6.4.D.8, *Approval Criteria*, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Planning Commission.

6. Planning Commission Review and Recommendation

The Planning Commission shall hold a public hearing on the proposed master plan or PUD rezoning and, within 60 days of the date of the public hearing, make a recommendation to the City Council, based on Section 19.6.4.D.8, *Approval Criteria*.

7. City Council Review and Decision

After receiving the recommendation of the Planning Commission, the City Council shall act to approve, approve with conditions, or deny the proposed MP or PUD rezoning based on the approval criteria of Section 19.6.4.D.8, *Approval Criteria*.

8. Approval Criteria

A master plan or PUD rezoning may be approved only if the City Council finds that all of the following criteria have been met:

(a) The proposal is consistent with the Comprehensive Plan;

(b) The planned development addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in common open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments;

(c) The planned development complies with the applicable standards of Section 19.4.4, Master Plan Development Overlay, or Section 19.4.5, Planned Unit Development Overlay;

(d) The proposal mitigates any potential significant adverse impacts to the maximum practical extent;

(e) Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development; and

(f) The same development could not be accomplished through the use of other techniques, such as rezonings, variances, or administrative adjustments.

9. Conditions of Approval

The following shall be standard conditions of the approval of all applications:

(a) The development standards in the applicant's submitted master plan or PUD shall be deemed to be incorporated within the action of the City Council in its approval of the map amendment, except as modified in the specific terms of the approval. All future development within the boundaries of the MP or PUD overlay district shall comply with the terms of the approved MP or PUD.

(b) The requirements of the general zoning district(s) in which the property is located shall remain applicable within the overlay district except as modified within the

approved MP or PUD and as may be further modified by the City Council in its approval.

10. Appeals

Appeals of City Council decisions on master plans or PUD rezonings shall be made to the District Court of Clark County, as provided by law.

11. Recordation

The City shall record the adopting ordinance, the master plan or PUD, and the terms and conditions statement with the City. They shall be binding upon the landowners, their successors, and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the MP or PUD and in the terms and conditions statement. A copy of the recorded documents shall be provided to the City prior to issuance of a building permit.

12. Amendments to an Approved Master Plan or Planned Unit Development

(a) Any request for amendment to an approved MP or PUD that increases the number of dwelling units, increases the project's density, increases the number of building lots, decreases the amount of common open space, alters a road pattern, or requests new waivers of Code requirements shall be initiated and processed in the same manner as a new application.

(b) However, if the Community Development and Services Director determines that the requested changes are, in his or her discretion, minor and do not include substantial alterations to the MP or PUD conditions of approval, and are consistent with the intent of the original approval, the Community Development and Services Director may approve the changes.

(c) The following are provided as illustrative examples of the types of amendments that the Community Development and Services Director may reasonably consider to be minor:

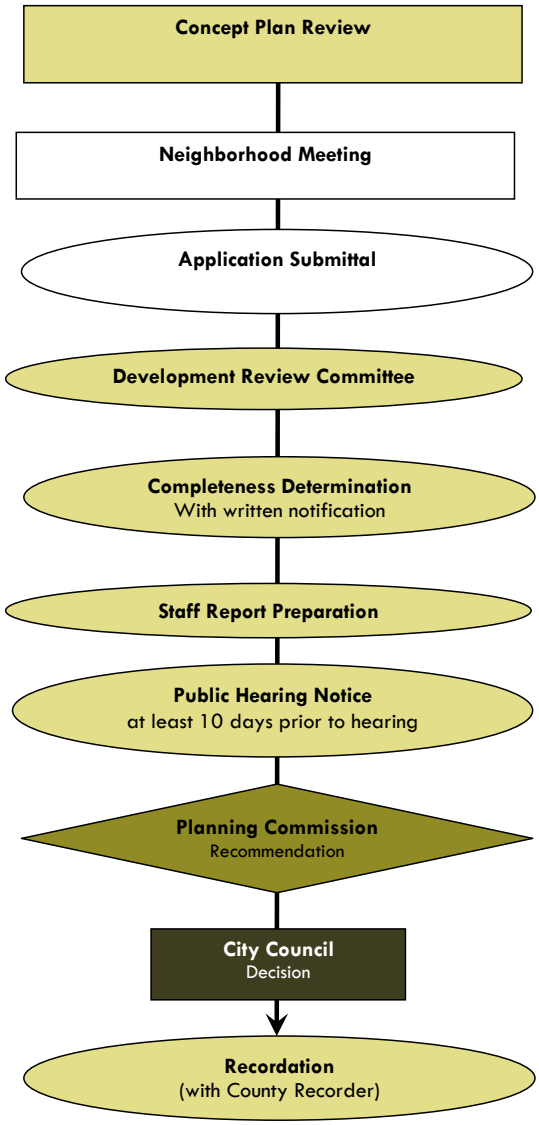
(1) Changes in the size of a particular use;

(2) Changes in the height of a proposed use;

(3) Changes in the housing mix or use-mix ratio; or

(4) Changes that do not result in a change in the character of the development, or the development's relationship with adjacent lands.

FIGURE 19.6.4-D: SUMMARY OF THE PROCESS FOR REZONINGS TO THE MP OR PUD OVERLAY



19.6.5. LAND DIVISION APPLICATIONS

A. PARCEL MAPS

1. Applicability

Parcel maps shall be required for all nonexempt subdivisions consisting of four or fewer lots.

2. Application Filing

Applications for parcel map approval shall be submitted to the Community Development and Services Director.

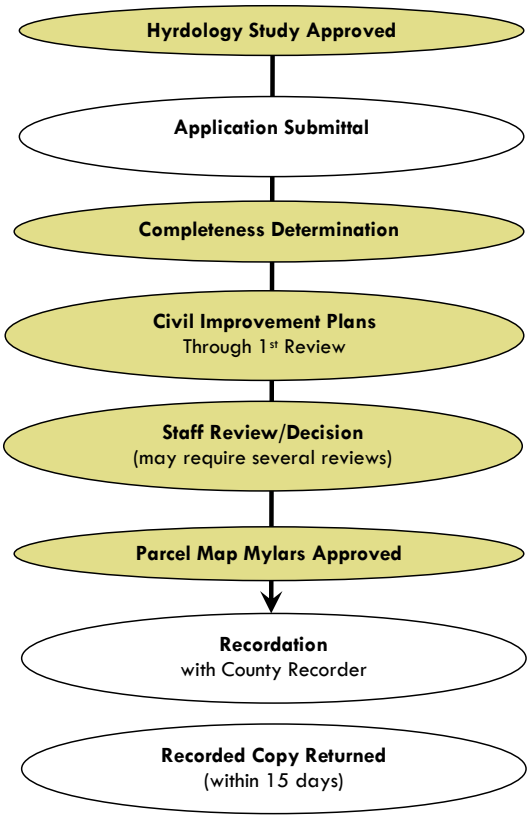
3. Community Development and Services Director Review and Decision

The Community Development and Services Director shall review each proposed parcel map and distribute the application to other City departments, including any agencies required for tentative maps by NRS 278.335. Based on the results of those reviews, the Community Development and Services Director shall, within 45 days of a complete application, act to approve, approve with conditions, or deny the application. Failure to take action within 45 days shall constitute approval of the application, unless the time frame is extended by mutual agreement.

4. Approval Criteria

No parcel map shall be approved unless the Community Development and Services Director and the City Surveyor determine that the map complies with all applicable standards of this Code and NRS Chapter 278.

FIGURE 19.6.5-A: SUMMARY OF THE PARCEL MAP PROCESS



5. Recording; Lapse of Approval

The applicant shall be responsible for recording approved parcel maps with the County Recorder. If the approved parcel map is not recorded within one year of the date of approval of the parcel map, the parcel map shall lapse and be of no further effect.

6. Appeals

Appeals of the Community Development and Services Director's decision on parcel map applications shall be taken to the Planning Commission in accordance with the appeal procedures in Section 19.6.9.E, *Appeals*.

B. BOUNDARY LINE ADJUSTMENTS

1. Applicability

The procedures of this section shall apply to all boundary line adjustments.

2. Application Filing

Applications for boundary line adjustments shall be submitted to the Community Development and Services Director.

3. Community Development and Services Director Review and Decision

The Community Development and Services Director shall review each proposed boundary line adjustment and, within 30 days of a complete application, act to approve, approve with conditions, or deny the application based on the approval criteria of this subsection and NRS Chapter 278. Failure to take action within 30 days shall constitute approval of the application, unless the time frame is extended by mutual agreement.

4. Approval Criteria

No boundary line adjustment shall be approved unless the Community Development and Services Director and City Surveyor determine that the proposed adjustment complies with all of the following criteria:

(a) No additional lots shall be created;

(b) No parcel shall be created that is smaller than allowed by the underlying zoning district;

(c) No parcel shall be created that does not have paved road access; and

(d) The application shall comply with all other applicable requirements of this Development Code and all other applicable regulations.

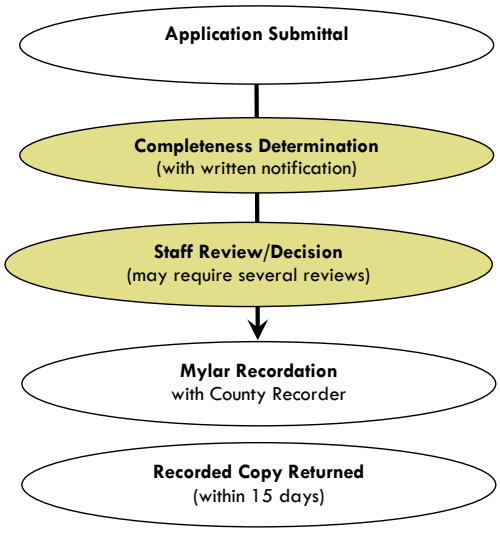
5. Recording; Lapse of Approval

The applicant shall be responsible for recording approved boundary line adjustments with the County Recorder. If the approved boundary line adjustment is not recorded within one year of the date of approval of the boundary line adjustment, the approval shall lapse and be of no further effect.

6. Appeals

Appeals of the Community Development and Services Director's decision on boundary line adjustments shall be taken to the Planning Commission in accordance with Section 19.6.9.E, *Appeals*.

FIGURE 19.6.5-B: SUMMARY OF THE BOUNDARY LINE ADJUSTMENT PROCESS



C. LARGE PARCEL DIVISIONS

Divisions of land that otherwise would require tentative and final map approval under subsections (D) and (E) of this section may be processed in accordance with the large parcel division procedures of NRS 278.471 to 278.4725 if each proposed lot is at least:

1. Forty acres in area, including roads and easements;

2. One sixteenth of a section, as described by a government land office.

D. TENTATIVE MAPS

1. Applicability

Tentative maps shall be required for all nonexempt subdivisions consisting of five or more lots. The property included within the boundaries of the proposed tentative map shall coincide with platted lands or deed boundaries, or must be platted prior to the recordation of the first final map.

2. Application Filing

Applications for tentative maps shall be submitted to the Community Development and Services Director.

3. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed tentative map in light of the approval criteria of this subsection and distribute the application to other review agencies, including those required by NRS. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Planning Commission.

4. Planning Commission Review and Decision

After reviewing the tentative map and the Community Development and Services Director's report, the Planning Commission shall act to approve, approve with conditions, or deny the application, based on the approval criteria of this subsection. The Planning Commission shall take action on the tentative map within 45 days of receipt of a complete application.

5. Tentative Map Approval Criteria

Recommendations and decisions on tentative maps shall be based on consideration of all of the following criteria:

(a) Compliance with environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal, and, where applicable, individual systems for sewage disposal;

(b) Availability of water that meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

(c) Availability and accessibility of utilities;

(d) Availability and accessibility of public services such as schools, police and fire protection, transportation, recreation facilities, and parks;

(e) Consistency with the zoning district regulations;

(f) Conformity with the Master Streets and Highways Plan;

(g) Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical land characteristics, such as floodplain, slope, soil, and elevation differentials with abutting properties;

(i) Recommendations and comments of review bodies;

(j) Conformity to the Master Sewer and Water Utility Plan; and

(k) Compliance with this Code and all other applicable regulations.

6. Appeals

Appeals of the Planning Commission's decision on tentative maps shall be taken to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

7. Lapse of Approval

(a) An approved tentative map shall lapse and be of no further force and effect four years after the date of tentative map approval by the Planning Commission unless one of the following occurs:

(1) A final map for the subdivision is recorded; or

(2) The first of a series of final maps covering a portion of the approved tentative map is recorded. Subsequently, the subdivider shall record a series of final maps, each covering a portion of the approved tentative

map, within successive two-year periods after the date of recordation of the latest final map in the series.

(b) If the subdivider fails to record a final map for any portion of the tentative map within four years after the date of approval of the tentative map or within two years after the date of recordation of the most recently recorded final map, all proceedings concerning the subdivision are terminated.

(c) The Planning Commission may grant an extension of time of up to two years for the recordation of any final map in cases where the subdivider is presenting a series of successive final maps. If the subdivider is submitting final maps for a phased subdivision in a timely manner, no new requirements or conditions other than those imposed on each of the final maps in the series may be placed on the final map when an extension of time is granted unless the requirement is directly attributable to a change in applicable laws that affect the public health, safety or welfare.

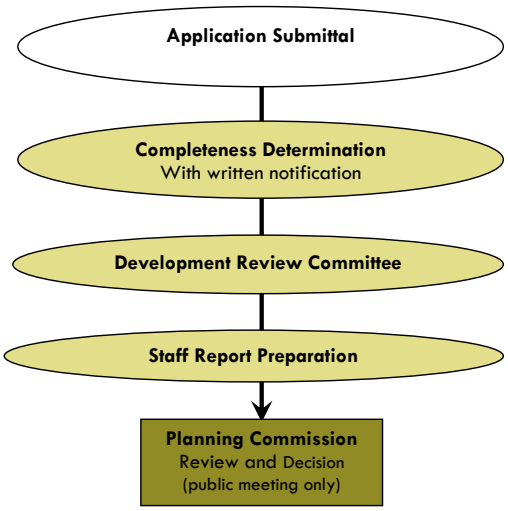


FIGURE 19.6.5-C: SUMMARY OF THE TENTATIVE MAP PROCESS

E. FINAL MAPS

1. Application Filing

Applications for final maps shall be submitted to the Community Development and Services Director.

2. Community Development and Services Director Review and Action

The Community Development and Services Director shall distribute the application to other City departments for their review and comment. After reviews are complete, the Community Development and Services Director shall act to approve, approve with conditions, or deny the application, based on whether the final map is consistent with the approved tentative map and whether it complies with this Code and all other applicable regulations.

3. Acceptance of Dedications

In approving a final map, the Community Development and Services Director and the City Surveyor shall be authorized to accept or reject offers of dedications and to require improvements of streets and easements.

4. Civil Drawings

After approval of the tentative map, but prior to submitting the final map or starting construction of any required improvements, civil drawings shall be submitted to the Public Works Parks and Recreation Director for review. Prior to submittal of the final map for City of Henderson signatures, bonds, fees, and civil drawings must be approved and the applicant shall pay all required fees.

5. Certificates and Acknowledgments

The certificates and acknowledgments required by the applicable provisions of NRS 278 and the City shall appear on a final map.

6. Recording; Lapse of Approval

The applicant shall be responsible for recording the approved final map with the County Recorder. If the approved final map is not recorded within one year of the date of approval of the final map, the approved final map shall lapse and be of no further effect.

7. Copy of Recorded Map to be Delivered to City

Within 15 days of recordation of the final map, the subdivider shall deliver an 11" by 17" conformed copy of the recorded final map, along with an application for street addressing, to the Community Development and Services Department for establishment of street addresses and storage in the City files.

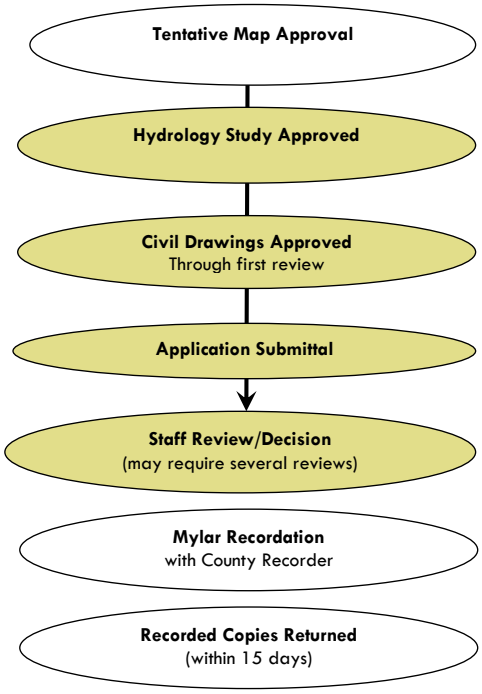
8. Effect of Approval

Following approval of the final map by the Community Development and Services Director, the subdivider may obtain a building permit for the subject property or transfer, sell, agree to sell, or negotiate to transfer or sell the subject lots.

9. Title to Dedicated Property

Title to property accepted for dedication passes when the final map is recorded. If offers of dedication are rejected at the time of final map approval, offers of dedication shall be deemed to remain open. The City Council may, by resolution at any later date and without further action by the subdivider, rescind its action of nonacceptance and accept and open the streets for public use, which acceptance shall be recorded in the office of the County Recorder and be so noted on the subdivision map by the Recorder.

FIGURE 19.6.5-D: SUMMARY OF THE FINAL MAP PROCESS



F. REVERSIONS TO ACREAGE

1. Applicability

The procedures of this subsection shall apply to all requests for reversions (to acreage) of any subdivision map, parcel map, map of large parcel division, or any part thereof.

2. Mandatory Conference

Prior to filing an application for a reversion to acreage, an applicant shall conduct a conference with the City Surveyor to ensure the City has full information on the proposal.

3. Application Filing

Applications for reversions to acreage shall be submitted to the Community Development and Services Director.

4. Community Development and Services Director Review and Decision

The Community Development and Services Director shall review each proposed reversion to acreage and distribute the application to other City departments. Based on the results of those reviews, the Community Development and Services Director shall, within 45 days of a complete application, act to approve or deny the application, based on whether it complies with the standards of this Development Code and NRS Chapter 278.490.

5. Merger and Resubdivision Maps

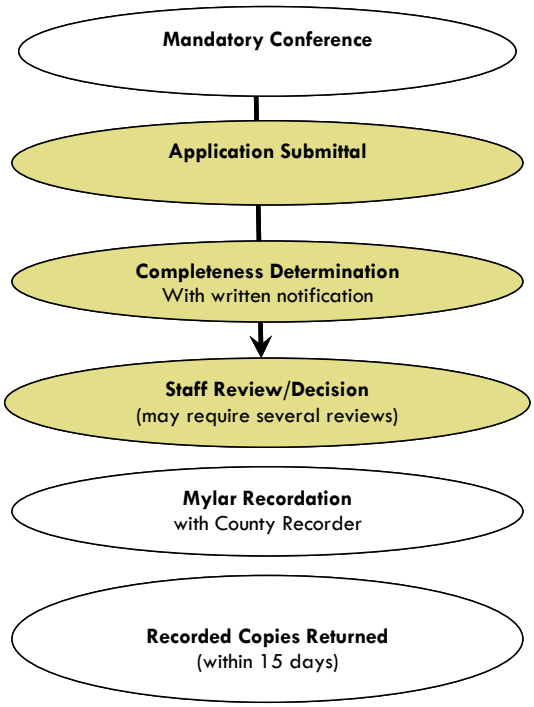
(a) In lieu of reverting pre-existing parcels to acreage in accordance with NRS 278.490, two or more contiguous parcels may be merged and resubdivided into new parcels or lots in accordance with the procedures of NRS 278.4925.

(b) Parcels or lots merged without reversion to acreage must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with NRS 278 and any applicable local ordinances.

6. Recordation

The applicant shall be responsible for recording the reversionary map with the County Recorder. If the approved reversionary map is not recorded within one year of the date of approval of the reversion to acreage, the approval shall lapse and be of no further effect.

FIGURE 19.6.5-E: SUMMARY OF THE REVERSION TO ACREAGE PROCESS



19.6.6. ENTITLEMENTS

A. CONDITIONAL USE PERMITS

1. Purpose/Description

The conditional use permit review and approval procedure provides a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure encourages public review and evaluation of a use's operating characteristics and site development features and is intended to ensure proposed conditional uses will not have a significant adverse impact on surrounding uses or on the community-at-large.

2. Application Filing

Applications for conditional use permits shall be submitted to the Community Development and Services Director.

3. Public Hearing Notice

Notice of public hearings on conditional use permits shall be posted and mailed in accordance with Section 19.6.3.B.4, *Public Notice*.

4. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed conditional use permit application in light of the approval criteria of Section 19.6.6.A.7, *Conditional Use Permit Approval Criteria*, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Planning Commission.

5. Planning Commission Review and Decision

(a) Within 50 days of receipt of a complete application, the Planning Commission shall hold a public hearing on the proposed conditional use permit. At the close of the public hearing, the Planning Commission shall act to approve, approve with conditions, or deny the application, based on the approval criteria of Section 19.6.6.A.7, *Conditional Use Permit Approval Criteria*. However, the Planning Commission's vote shall be a recommendation only when the application is being processed concurrently with an application that requires a final decision by the City Council.

(b) Design review applications that are being processed concurrently with conditional use permits shall be reviewed and approved concurrently by the Planning Commission.

6. City Council Review and Decision

Within 50 days of receipt of a complete application, the City Council shall hold a public. hearing on the proposed medical marijuana establishment conditional use permit. At the close of the public hearing, the City Council shall act to approve, approved with conditions, or deny the application based on the approval criteria for Section 19.6.6.A.7, Conditional Use Permit Approval Criteria.

7. Conditional Use Permit Approval Criteria

(a) General Criteria

Conditional use permits may be approved by the Planning Commission only if they find that all of the following criteria are met:

(1) The proposed use complies with all applicable provisions of this Development Code unless otherwise expressly stated;

(2) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

(3) Any significant adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent;

(4) The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;

(5) Public safety, transportation, and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;

(6) Adequate assurances of continuing maintenance have been provided; and

(7) Any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent.

(b) Liquor Licenses

Conditional use permits for liquor licenses may be approved by the Planning Commission only if they find that all of the "General" approval criteria of Section 19.6.6.A.7(a) and the following criteria have been met:

(1) The proposed use, its site design and conditions applied thereto, are intended to result in a facility where littering, loitering, and outdoor disturbance or excessive noise are not likely to occur.

(2) The proposed use will not adversely affect the welfare of the neighborhood residents because on-site consumption occurs in designated and properly designed areas indoors or outdoors and that, for package sales locations, adequate measures are proposed that on-site consumption is not likely to occur.

(3) The proposed project, based upon its physical positioning on the site and its architectural and design features, is compatible with the surrounding neighborhood. Considerations to ensure compatibility may include, but are not limited to, an evaluation of security, noise, light and glare, parking location and availability, and service area locations.

(c) Medical Marijuana Establishments

(1) Conditional use permit applications for Medical Marijuana establishments shall not require Planning Commission approval and will proceed directly for final action at City Council. Conditional use permits for Medical Marijuana establishment shall be heard in conjunction with a City of Henderson business license application on the same City Council meeting.

(2) All Medical Marijuana Establishments require approval of a conditional use permit. Conditional use permits for medical marijuana establishments are only valid at a given location for the operator who obtains the Nevada State certificate for the facility. The conditional use permit approval shall expire and become null and void if the medical marijuana establishment operator loses or otherwise forfeits his or her State certificate to operate that facility. Conditional use permits for medical marijuana establishments are non-transferable between operators and locations within the City of Henderson.

(3) Conditional use permits for medical marijuana establishments may only be submitted to Community Development in conjunction with an application to the City of Henderson Business License Department. A conditional use permit application is not deemed complete and will not be scheduled for

a public hearing until the City of Henderson Business License application has been reviewed and approved in accordance with Business License medical marijuana establishment suitability critieria. Once deemed approved, a conditional use permit will be scheduled for a public hearing meeting.

(4) Conditional use permits for medical marijuana establishments may be approved, only if they meet all of the "General" approval criteria of Section 19.6.6.A.7.(a) and the standards of 19.5.5.Y.

8. Findings of Fact

The decision of the Planning Commission and/or City Council shall be accompanied by written findings of fact specifying the reasons for the decision.

9. Notice of Decision

Within five days of the Planning Commission and/or City Council decision on a conditional use permit, the Community Development and Services Director shall mail notice of the decision to the applicant and all other parties who have made a written request for notification.

10. Appeals

Appeals of the Planning Commission's decision on conditional use permits shall be taken to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

Appeals of the City Council decision on conditional use permits shall be processed through the court system.

11. Effective Date

Decisions of the Planning Commission on a conditional use permit shall become effective ten days after the date that the City Clerk received written notice of the Planning Commission's approval of the conditional use permit, unless a valid appeal is filed in accordance with Section 19.6.9.E, *Appeals*.

Decisions of the City Council on a conditional use permit shall become effective upon posting of the decision with the City Clerk's office, unless a valid appeal is filed in accordance with Section 19.6.9.E, *Appeals*.

12. Lapse of Approval

(a) A conditional use permit shall lapse and have no further effect one year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:

(1) A building permit, other than a grading permit, has been issued and construction diligently pursued toward completion of the building.

(2) A certificate of occupancy has been issued.

(3) The use is established and maintained.

(4) The conditional use permit is renewed.

(b) A conditional use permit shall lapse upon termination of a project or expiration of a building permit.

(c) Except as otherwise provided herein, a conditional use permit shall lapse if the rights granted by it are discontinued for 180 consecutive days, or other period of time as specified by the City Council as part of a closure plan.

(d) A conditional use permit for a medical marijuana establishment shall not be effective until the licensee has received State of Nevada approval and approval of a business license from the City of Henderson.

(e) The process by which a conditional use may be extended is set forth below:

(1) The Community Development and Services Director may renew or extend the time of a conditional use permit when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Community Development and Services Director.

(2) Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

(f) The process by which a discontinued use may be extended is set forth below. Uses can only be extended at the location for which they were originally approved.

(1) Established Use

Any established use, defined as a use that was approved and opened for business, which is anticipated to be discontinued for more than 180 days, may be extended as part of an approved closure plan processed through the Community Development and Services Department, which requires City Council action. The closure plan must specify the period of time for the extension of the established use. The closure plan does not extend a business license; any business license extnsion shall be processed through Business Licensing Department procedures.

(2) Non-Established Use

Any non-established use, defined as a use that was approved but never opened for business, may be extended through the extension of time process described in 19.6.6.A.12(e). The extension of time must specify the period of time for the extension of the non-established use. The closure plan does not extend a business license; any business license extension shall be processed through Business Licensing Department procedures.

13. Transferability

The status of a conditional use permit is not affected by changes of tenancy, ownership, or management.

A conditional use permit for a medical marijuana establishment shall not be transferable to another location, tenant, ownership or management. (Refer to NRS)

14. Amendments

A request for changes in conditions of approval of a conditional use permit or a change to development plans that would affect a condition of approval shall be processed in the

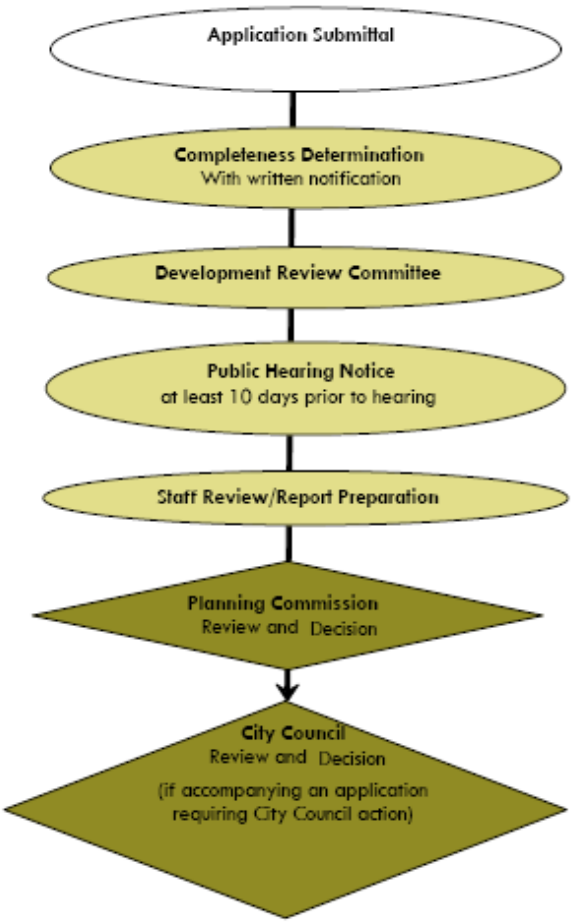
same manner as the original application. The Community Development and Services Director shall be authorized to approve minor modifications that have no potential for significant offsite impacts, provided that they do not involve any of the following:

(a) A five percent or greater increase in building height;

(b) A five percent or greater increase in floor area or building coverage when calculated on a total, aggregate project basis; or

(c) A five percent decrease in common open space.

FIGURE 19.6.6-A: SUMMARY OF THE CONDITIONAL USE PERMIT PROCESS



15. Successive Applications

Following denial of a conditional use permit request, no new application for the same or substantially the same use shall be accepted within one year of the date of denial, unless denial is made without prejudice.

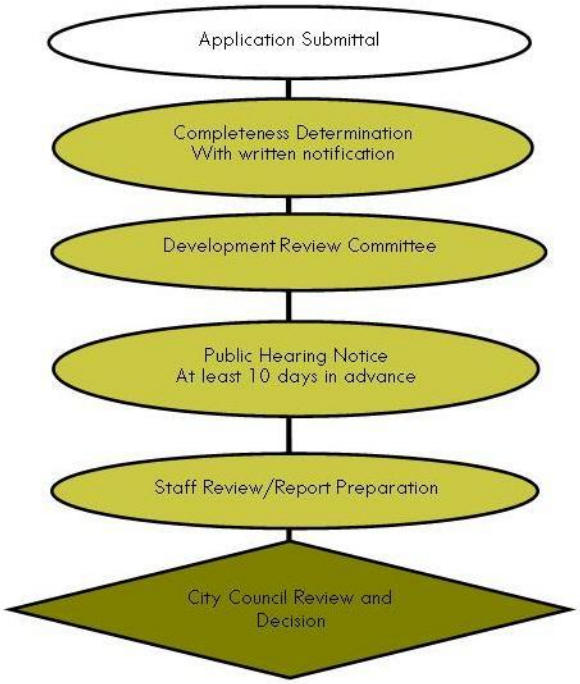
16. Complaints Regarding Approved Conditional Use Permits

Complaints regarding approved conditional use permits shall be processed in accordance with the provisions of Chapter 19.11: *Enforcement*.

17. Business Licenses

Approval of conditional use permits does not guarantee the issuance or approval of a business license. Licensure must be sought, reviewed, and approved separately in accordance with all applicable Title 4 regulations for said license.

Figure 19.6.6-B Summary of a Conditional Use Permit - Medical Marijuana



B. DESIGN REVIEW

This section sets out the required review and approval procedures for design review, which is a review procedure for determining compliance with the site planning, building design, and architectural standards of this Code.

1. Applicability

Unless waived by the Community Development and Services Director, or included in Section 19.6.6.B.2, *Exemptions*, all of the following shall be subject to review and approval under the design review procedures of this Code prior to the issuance of a building permit:

(a) Any building or non-building site improvement;

(b) Any alteration or addition with a building permit valuation of $5,000 or more that affects the external appearance, function, or external circulation of any permitted use in any nonresidential zoning district; and

(c) Any manufactured home or addition to a manufactured home.

COMMENTARY

When site plans are reviewed in conjunction with other forms of development approval, separate design review under the procedures of this section will not be required.

2. Exemptions

The following forms of development are exempt from the standards in this section:

(a) Any alteration or improvement not affecting the external appearance of a structure;

(b) Any alterations or additions to a legally-established, conforming, single-family, detached dwelling;

(c) Additions or alterations to any nonresidential or mixed-use building with a building permit valuation of less than $5,000; and

(d) Site plans associated with a master plan or PUD for which site plans and building design/architectural plans have been approved in accordance with the applicable review procedures of this Code.

The Community Development and Services Director or the Director of Building and Fire Safety may require the development to comply with the standards of this section in cases where the proposed alteration or improvement endangers the public health, safety, or general welfare.

3. Projects of Significant Impact and Developments Over 50,000 Square Feet

Projects of Significant Impact and new developments with 50,000 square feet or more shall undergo concept plan review in accordance with Section 19.6.3.A.3, *Concept Plans*, and a neighborhood meeting held in accordance with Section 19.6.3.B.3, *Neighborhood Meeting*.

4. Application Filing

Applications for design review shall be submitted to the Community Development and Services Director.

5. Review and Decision

(a) Design review applications that are not being processed concurrently with rezonings, planned unit developments, conditional use permits, or variances are eligible for administrative review and approval by the Community Development and Services Director.

(b) Design review applications that are being processed concurrently with rezonings, conditional use permits, or variances shall be reviewed and approved concurrently with the other required approvals, and shall be decided by the decision-making body deciding the rezoning, conditional use permit, or variance.

(c) Decision-making bodies shall review each application for design review and act to approve, approve with conditions, or deny the application based on whether the application complies with the standards of this Code or other approved design standards for the subject development, including the design and development standards in Chapter 19.7: Development and Design Standards.

(d) When the Community Development and Services Director is the decision-making body, action shall be taken within 30 days of receipt of a complete application.

6. Notice of Decision

Within five days of a decision on a design review application, the Community Development and Services Director shall mail notice of the decision to the applicant and all other parties who have made a written request for notification.

7. Appeals

Appeals of the Community Development and Services Director's decision shall be taken to the Planning Commission, and appeals of the Planning Commission's decision shall be taken to the City Council, in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

8. Lapse of Approval

An approved design review application shall lapse and have no further effect 18 months after its effective date or at such alternate time specified in the approval unless:

(a) A building permit has been issued and construction diligently pursued;

(b) A certificate of occupancy has been issued;

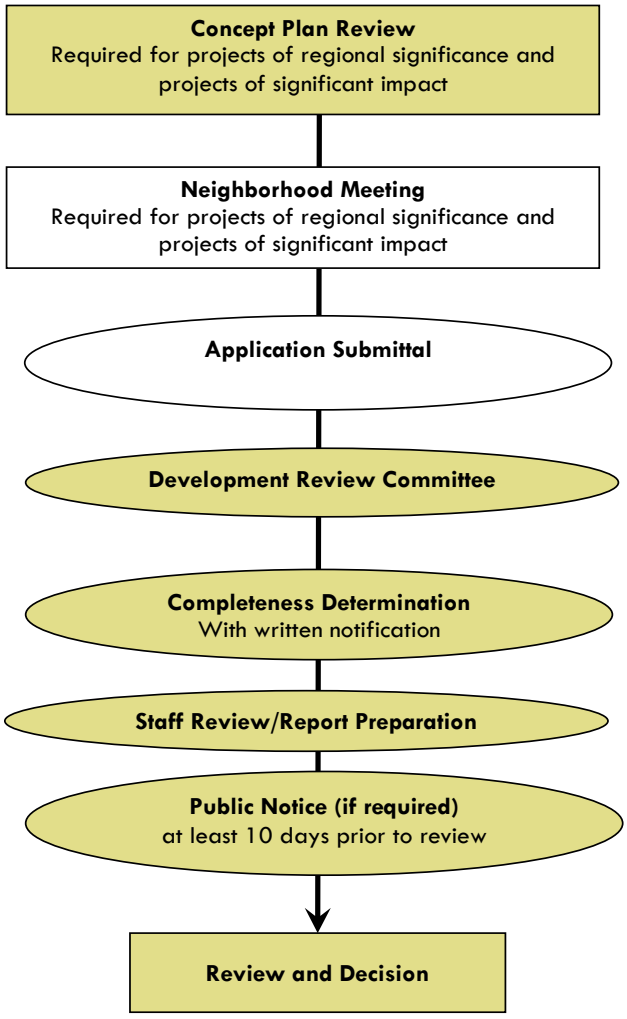
(c) The use is established; or

(d) The design review has been granted an extension of time.

9. Extensions of Time

The Community Development and Services Director may renew or extend the time of a design review when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed 18 months in length. For design reviews originally approved by the Planning Commission or City Council, no more than one extension may be granted by the Community Development and Services Director. Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

FIGURE 19.6.6-B: SUMMARY OF THE SITE AND DESIGN REVIEW PROCESS



C. REDEVELOPMENT AREA REVIEW

1. Applicability

(a) Unless waived by the Community Development and Services Director, all development located within the boundaries of the Redevelopment Overlay (Section 19.4.7, Redevelopment Overlay) with a building permit valuation of $5,000 or more shall be subject to redevelopment area review prior to review of the application in accordance with the other procedures of this section.

(b) Redevelopment area review shall be the first step of the development process; it shall occur before other applicable review and approval procedures.

2. Application Filing

Any application for development within any Redevelopment Overlay boundary that meets the applicability standards of this section must be reviewed to determine whether the project, as proposed, complies with the adopted Redevelopment Plan. Review of a concept plan, prepared in accordance with Section 19.6.3.A.3, *Concept Plans*, shall be the

method for determining compliance with the applicable Redevelopment Plan. Neighborhood meetings shall not be required for redevelopment area review applications.

3. Review and Decision

The Community Development and Services Director shall review each concept plan application for proposed development within any Redevelopment Overlay boundary and make a determination as to whether the project, as proposed, complies with the adopted Redevelopment Plan. In determining whether the project, as proposed, complies with the Redevelopment Plan, the Community Development and Services Director may seek the advice of the Redevelopment Agency. The Community Development and Services Director shall take action on the application within ten days of receipt of a complete application.

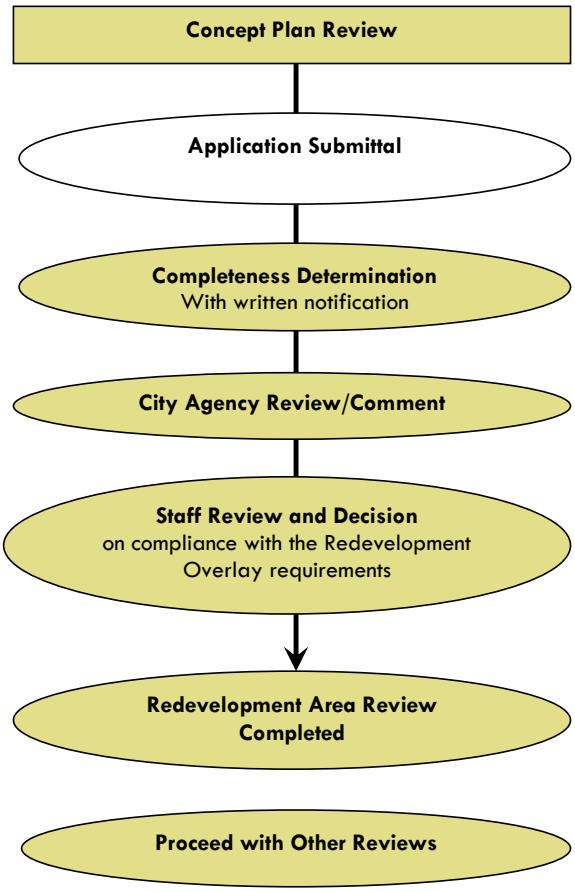
4. Appeals

Appeals of the Community Development and Services Director's decision shall be taken to the Redevelopment Agency.

5. Effect of Approval

Once an application for redevelopment area review is approved, the subject proposal shall be processed in accordance with all other applicable review procedures of this chapter.

FIGURE 19.6.6-C: SUMMARY OF REDEVELOPMENT AREA REVIEW PROCESS



D. TEMPORARY USE PERMITS

1. Application Filing

Applications for a temporary use permit shall be submitted to the Community Development and Services Director.

2. Review and Decision

(a) The Community Development and Services Director shall review each application for a temporary use permit and act to approve, approve with conditions, or deny the application based on the approval criteria of Section 19.6.6.D.4, Temporary Use Permit Approval Criteria. The Community Development and Services Director shall take final action on the application within ten days of receipt of a complete application.

(b) Temporary use permit applications seeking approval for a temporary use expected to remain in place for more than 30 calendar days or other time limit as specified for the specific temporary use as listed in 19.5.8 shall also be required to obtain a conditional use permit (Section 19.6.6.A).

3. Conditions of Approval

In approving a temporary use permit, the Community Development and Services Director (or, upon appeal, the Planning Commission) may impose conditions, stipulations, or limitations as are deemed necessary to ensure that the activity will be consistent with this section and the proposed temporary use. Such conditions may include, but are not limited to the following:

(a) Provision for temporary parking facilities, including vehicle ingress and egress;

(b) Measures to prevent or reduce nuisance factors such as glare, excessive illumination, noise, vibration, smoke, dust, dirt, odors, gases, and heat;

(c) Regulation of placement, height, size, and location of structures, facilities, landscaping and equipment, including provision for buffering and separation;

(d) Provision for sanitary facilities and for waste collection and disposal;

(e) Measures to promote safety and security;

(f) Regulation of signs and other attention-gaining devices;

(g) Regulation of operating hours and duration of the temporary commercial use;

(h) Regulation of the hours and duration of set-up and dismantling activities;

(i) Compliance with applicable provisions of the Henderson Municipal Code (HMC);

(j) Any other conditions that will ensure the operation of the proposed temporary use is conducted in an orderly, efficient manner and in accordance with the intent and purpose of this Code.

4. Temporary Use Permit Approval Criteria

Temporary use permits may be approved by the Community Development and Services Director only upon a finding that all of the following criteria have been met:

(a) The proposed temporary use will be located, operated, and maintained in a manner consistent with the policies of the Comprehensive Plan and the provisions of this Code;

(b) Approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare; and

(c) The proposed temporary use complies with all applicable standards of this Code unless otherwise expressly stated.

5. Effective Date

An approved temporary use permit shall be effective on the date of its approval.

6. Cleanup of Temporary Site

The holder of a temporary use permit shall be responsible for leaving the property free of debris, litter, or other evidence of the temporary use immediately upon completion or removal of the use. If the holder of the temporary use permit is not the record owner of the property, the holder and the property owner(s) are jointly and severally responsible for compliance with this Subsection 6.

7. Time Limits

Temporary use permits shall be valid for a specified period of time, not to exceed 30 days. Any temporary uses requested for periods of time exceeding 30 days or other time limit as specificed for the specific temporary use as listed in Section 19.5.8 shall obtain a conditional use permit in accordance with Section 19.6.6.A, *Conditional Use Permit*.

8. Appeals

Appeals of the Community Development and Services Director's decision to deny a temporary use permit shall be taken to the Planning Commission in accordance with the Section 19.6.9.E, *Appeals*.

9. Lapse of Approval

A temporary use permit shall lapse if not used within the dates approved.

10. Complaints Regarding Approved Temporary Use Permits

Complaints regarding approved temporary use permits shall be processed in accordance with the provisions in Chapter 19.11: *Enforcement*.

11. Revocation

A temporary use permit may be revoked or modified by the Community Development and Services Director, upon notice to the permit holder, if the Director finds that:

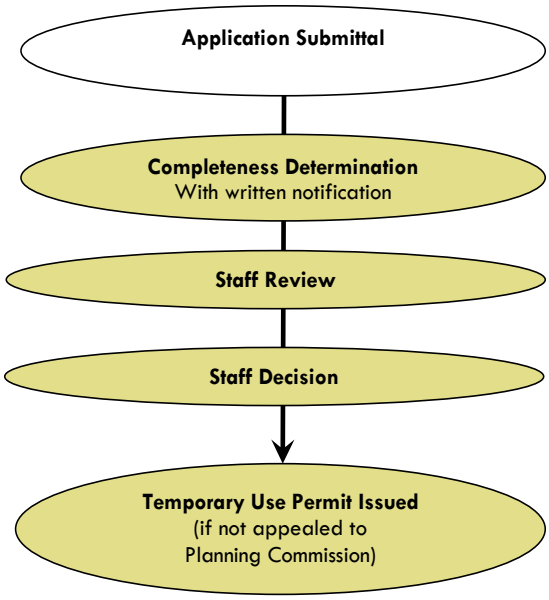
(a) The permit was obtained by misrepresentation or fraud;

(b) The activity is not in compliance with the permit or any condition of approval;

(c) The use to be allowed by means of the permit is conducted in violation of any applicable statute, ordinance, or regulation; or

(d) The permit is being employed to circumvent the limitations of this Code.

FIGURE 19.6.6-D: SUMMARY OF THE TEMPORARY USE PERMIT PROCESS



19.6.7. MASTER SIGN PLANS

A. APPLICABILITY

A master sign plan is required for each of the following:

1. Non-restricted or limited gaming establishments;

2. Any nonresidential or mixed-use development with a cumulative gross floor area of 50,000 square feet or more;

3. Any nonresidential or mixed-use development with a cumulative gross site area of ten acres or more;

4. Any development whose signage requires, by Planning Commission or City Council action, coordination with its surrounding area or coordination with an approved site and design review plan;

5. Any other development or circumstance expressly subject to a master sign plan; and

6. Proposals seeking modifications or reductions to applicable sign regulations require Planning Commission approval per Section 19.8.11.H.

7. Any residential development seeking signage that exceeds the requirements of 19.8.6.C.

B. APPLICATION FILING

Applications for master sign plans shall be submitted to the Community Development and Services Director.

C. CONTENTS OF MASTER SIGN PLANS

Master sign plans must indicate the number, location, materials, colors, dimensions, and the cone of visibility of all freestanding and wall signs in the development. The master sign plan must also identify the types of signs proposed and any other information necessary to determine whether the proposed signs comply with all applicable sign regulations of this chapter.

D. DESIGN

Master sign plans must describe and illustrate a consistent pattern of signage for the development, such as:

1. Common colors on the background or text;

2. Common lettering style;

3. Common size (e.g., a height or wall location common to each sign);

4. Common materials; or

5. Common architecture/theme for freestanding signs.

E. SIGN STRUCTURE

All sign cabinets, trim caps, returns, and all sign supports such as poles and braces must be of a common design and color.

F. COMMUNITY DEVELOPMENT AND SERVICES DIRECTOR REVIEW AND ACTION

The Community Development and Services Director shall review each application for a master sign plan and, within 50 days of receipt of a complete application, act to approve, approve with conditions, or deny the application based on the approval criteria of Section 19.6.7.H, *Master Sign Plan Approval Criteria*.

G. PLANNING COMMISSION REVIEW AND ACTION

Within 50 days of receipt of a complete application, the Planning Commission shall hold a public hearing on the proposed master sign plan request that is requesting exceptions or modifications. At the close of the public hearing, the Planning Commission shall act to approve, approve with conditions, or deny the application based on Section 19.6.7.H, *Master Sign Plan Approval Criteria*.

H. MASTER SIGN PLAN APPROVAL CRITERIA

The master sign plan shall be approved if implementation of the master sign plan will meet all of the following criteria:

1. Provide signage more compatible with the surrounding development than strict compliance with this Development Code;

2. Result in architecture and graphics of a scale appropriate for the development and surrounding neighborhood;

3. Provide signage consistent with the architecture and site plan characteristics of the proposed project;

4. Be materially beneficial in achieving the goals and objectives of the Comprehensive Plan that relate to community design and aesthetics;

5. Be materially beneficial in achieving the purpose statement located in 19.8.1; and

6. Result in a reduction in the number and area of perimeter freestanding signs associated with the project as compared to strict compliance with this Development Code.

I. APPEALS

Appeals of the Community Development and Services Director's decision on a master sign plan shall be taken to the Planning Commission in accordance with Section 19.6.9.E, *Appeals*.

J. AMENDMENTS AND CHANGES

Amendments to an approved master sign plan may be authorized by the Community Development and Services Director. Except for message changes, no sign included in a master sign plan shall be altered except as prescribed in its approved master sign plan. Changes other than message changes shall require amendment to the approved master sign plan.

FIGURE 19.6.7-A: SUMMARY OF MASTER SIGN REVIEW PROCESS

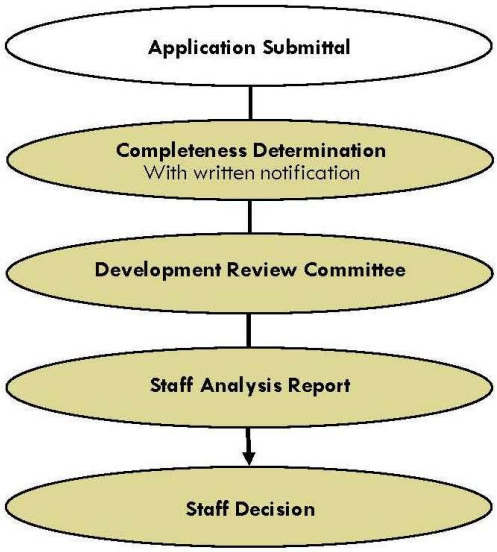
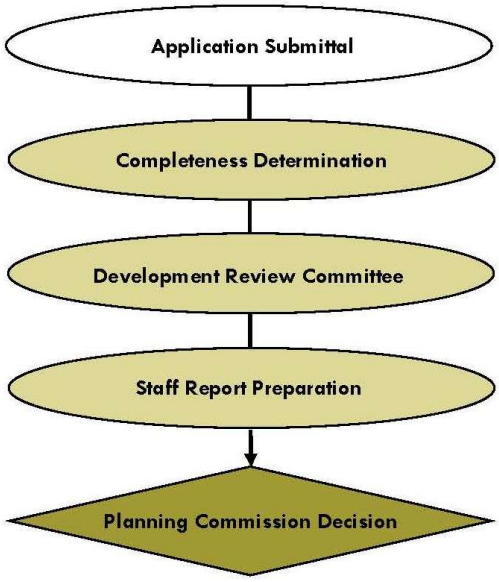


FIGURE 19.6.7-B: SUMMARY OF MASTER SIGN PLAN WITH EXCEPTION OR MODIFICATION REVIEW PROCESS



19.6.8. VACATIONS

A. TYPE I VACATIONS

The Type I vacation procedures of this subsection shall apply to all requests to vacate or abandon any public (City) street, any City of Henderson easement other than standalone Type II, or the City's interest in any easement owned by agencies other than the City. Requests to vacate only municipal utility easements shall be processed in accordance with Section 19.6.8.B, *Type II Vacations*.

1. Application Filing

Applications for Type I vacations shall be submitted to the City Surveyor.

2. Public Hearing Notice

Notice of public hearings on Type I vacations shall be published in accordance with the requirements of Section 19.6.3.B.4, *Public Notice*. Additionally, all owners of property abutting the proposed area to be vacated shall be notified by mail pursuant to a method that provides confirmation of delivery per NRS 278.480.4(a). Notice shall be provided not less than ten days before and not more than 40 days before the scheduled public hearing.

3. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed Type I vacation and distribute the application to other review agencies. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Planning Commission.

4. Planning Commission Review and Recommendation

After reviewing the Type I vacation application and the Community Development and Services Director's report, the Planning Commission shall hold a public hearing on the application and, at the conclusion of the hearing, act to recommend that the City Council approve, approve with conditions, or deny the application. If, upon public hearing, the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, it shall recommend the application be approved. The Planning Commission may make the recommendation conditional such that the vacation becomes effective only upon the fulfillment of the conditions prescribed. The Planning Commission's recommendation shall be based on whether the application complies with the standards of this Development Code and NRS Chapter 278.

5. City Council Review and Decision

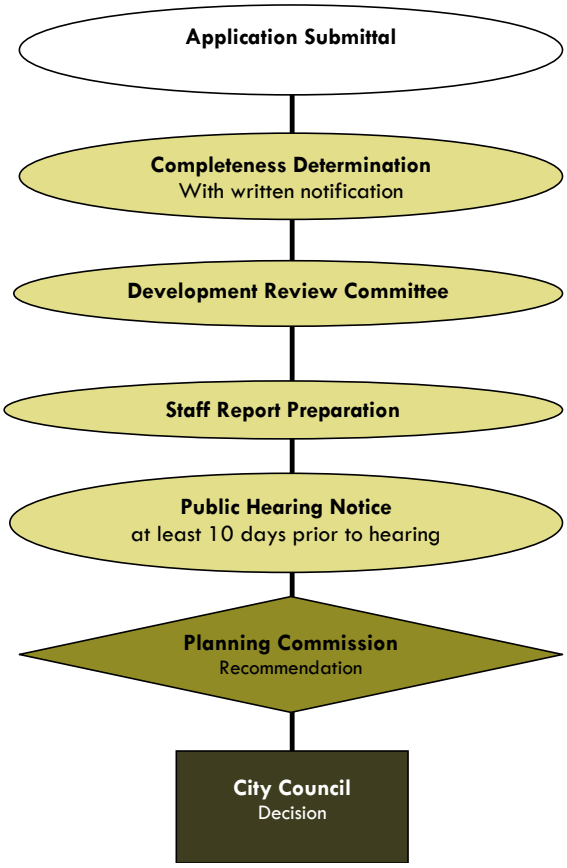
After reviewing the Type I vacation application, the City Council shall act to approve, approve with conditions, or deny the application based on whether it complies with the standards of this Development Code and NRS Chapter 278. If the City Council is satisfied that the public will not be materially injured by the proposed vacation, it shall approve the application. The City Council may make the order conditional such that the vacation becomes effective only upon the fulfillment of the conditions prescribed.

6. Recordation

The applicant shall be responsible for preparing all vacation documents except the vacation order. The City shall prepare the vacation order and record all documents with the County Recorder at such time as all conditions of the order, if any, have been fulfilled.

If the approved vacation order is not recorded within one year of the date of approval, the approval shall lapse and be of no further effect unless a one-time administrative extension of time has been granted by the Public Works Parks and Recreation Director on a form established by the Public Works Parks and Recreation Director.

FIGURE 19.6.8-A: SUMMARY OF TYPE I VACATION PROCESS



B. TYPE II (MUNICIPAL UTILITY EASEMENT) VACATIONS

The Type II vacation procedures of this subsection shall apply to all requests to vacate municipal (City) utility easements. The procedures of this subsection shall not apply to requests to vacate public streets, non-municipal utility easements, or the City's interest in any utility controlled by agencies other than the City such as the easements associated with a Type I vacation.

1. Application Filing

Applications for municipal utility easement vacations shall be submitted to the City Surveyor.

2. Public Works Parks and Recreation Director Review and Report

The Public Works Parks and Recreation Director shall review each proposed municipal utility easement vacation and distribute the application to other review agencies. Based on the results of those reviews, the Public Works Parks and Recreation Director shall provide a report to the City Council.

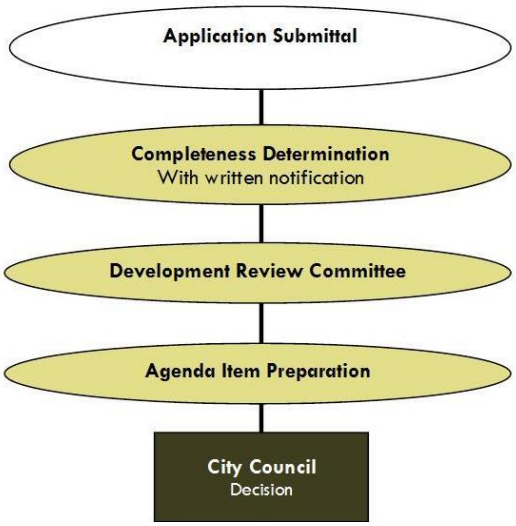
3. City Council Review and Decision

After reviewing the application for a municipal utility easement vacation and the Public Works Parks and Recreation Director's report, the City Council shall act to approve, approve with conditions, or deny the application based on whether it complies with the standards of this Development Code and NRS Chapter 278. If the City Council is satisfied the public will not be materially injured by the proposed vacation, it shall approve the application. The City Council may make the order conditional such that the vacation becomes effective only upon the fulfillment of the conditions prescribed.

4. Recordation

The applicant shall be responsible for preparing all municipal utility easement vacation documents except the municipal utility easement vacation order. The City shall prepare the municipal utility easement vacation order and record all documents with the County Recorder at such time as all conditions of the order, if any, have been fulfilled. If the approved municipal utility easement vacation order is not recorded within one year of the date of approval of the municipal utility easement vacation, the approval shall lapse and be of no further effect unless a one-time administrative extension of time has been granted by the Public Works Parks and Recreation Director on a form established by the Public Works Parks and Recreation Director.

FIGURE 19.6.8-B: SUMMARY OF TYPE II VACATION PROCESS



19.6.9. MODIFICATIONS AND APPEALS

The development review procedures in this section are intended to allow relief and flexibility in the development review process. Generally, it is the intent of the City to allow significant reductions or deviations from the minimum standards of this Code only in exchange for a higher level of quality development and compensating benefits.

A. SUMMARY TABLE

Table 19.6.9-1, *Summary of Flexibility Options*, summarizes the principal tools that are available to provide relief from the strict application of the standards in this Code. The table includes

procedures that allow reduction, waiver, adjustment, or exemption from certain Code standards, and any applicable limitations.

TABLE 19.6.9-1: SUMMARY OF FLEXIBILITY OPTIONS

PROCEDURE	DECISION-MAKING BODY	DESCRIPTION	LIMITATIONS	COMPEN-SATING BENEFITS REQUIRED?
Administrative Adjustment (19.6.9.B)	Community Dev. Director	Allows minor deviations from certain standards, as specified in Table 19.6.9-2.	Only specified adjustments allowed; See approval criteria in Section 19.6.9.B.5.	No
Variances (19.6.9.C)	Planning Commission	Allows deviation from any development standard (except allowable use).	Hardship must be demonstrated. See approval criteria in Section 19.6.9.C.6.	No
Waivers (19.6.9.D)	Planning Commission or City Council per Section 19.6.9.D.4	Allows new development to depart from required development or design standards through the Waiver of Standards or PUD or MP processes.	Does not exempt requirements; allows an alternative form of compliance equal to or better than standard.	Yes
Development Agreements (19.6.10.A)	City Council	Allows departure from Development Code and HMC.	Subject to approval by City Council.	N/A

B. ADMINISTRATIVE ADJUSTMENTS

1. Purpose

This section sets forth the required review and approval procedures for administrative adjustments, which are minor deviations from otherwise applicable standards that may be approved by the Community Development and Services Director when the small size of the modification requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a formal variance process.

2. Applicability

The Community Development and Services Director is authorized to approve administrative adjustments as provided in Table 19.6.9-2.

TABLE 19.6.9-2: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS		
STANDARD	ALLOWABLE MODIFICATION (%)	
	WITHIN DOWNTOWN DISTRICTS	ALL OTHER DISTRICTS
Any zoning district setback, lot size, lot width, or building coverage	20	10
Front setback for mansion apartment or single-family attached residential	100	50
Maximum building height	20	10
Minimum dwelling unit/garage size	10	5
Minimum building spacing	10	5
Maximum building size	20	10
Mandatory use-mixing requirements	N/A	10
The minimum or maximum number of off-street parking, loading, or stacking spaces	20	10
Percentage of required common open space devoted to active recreation	20	10
Plant units	20	20
Minimum connectivity index score	20	10
Minimum sustainability score	10	10

3. Procedure

Applications for administrative adjustments shall be submitted to the Community Development and Services Director. If the application is submitted along with an application for an entitlement, the administrative adjustment application will be reviewed and decided upon as part of the entitlement application.

4. Review and Decision

The Community Development and Services Director shall review each application for an administrative adjustment and act to approve, approve with conditions, or deny the application based on the approval criteria of Section 19.6.9.B.5, *Approval Criteria*.

5. Approval Criteria

Administrative adjustments may be approved by the Community Development and Services Director only upon a finding that all of the following criteria have been met:

(a) The requested adjustment is consistent with the stated purposes of this Development Code.

(b) The administrative adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.

(c) Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum practical extent.

(d) The administrative adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:

(1) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;

(2) Supporting an objective or goal from the purpose and intent statements of the zoning district where located; or

(3) Proposed to protect sensitive natural resources or better integrate development with the desert environment.

6. Findings of Fact

The decision of the Community Development and Services Director shall be accompanied by written findings of fact specifying the reasons for the decision. Staff shall specify any approved minor modifications and the justifications for such modifications on the pending development application for which the modifications were sought.

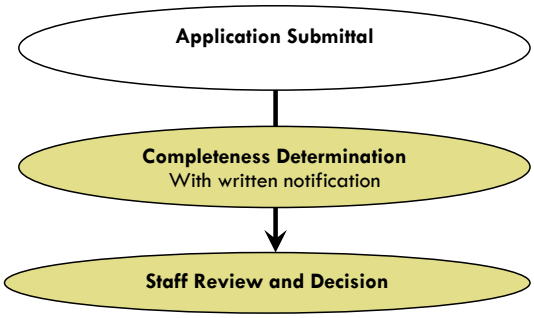
7. Notice of Decision

Within five days of the Community Development and Services Director's decision on an administrative adjustment, the Community Development and Services Director shall mail notice of the decision to the applicant and all other parties who have made a written request for notification.

8. Appeals

Appeals of the Community Development and Services Director's decision on an administrative adjustment shall be taken to the Planning Commission, in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

FIGURE 19.6.9-A: SUMMARY OF ADMINISTRATIVE ADJUSTMENT PROCESS



C. VARIANCES

1. Applicability

Variances are deviations from the strict requirements of this Development Code. They may be granted only when necessary to relieve peculiar and exceptional practical difficulties or exceptional and undue hardships resulting from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site. Only the following standards are eligible for a variance:

(a) Site or lot area, lot width, setback, height, building coverage, structure spacing, or dwelling size;

(b) Any of the off-street parking and loading standards in Section 19.7.4, Parking and Loading and Chapter 19.5, Use Regulations;

(c) Any of the landscaping and buffering standards in Section 19.7.5, Landscaping and Screening;

(d) Any of the performance standards of Section 19.7.8, Operational Performance; and

(e) Any of the sign standards of Chapter 19.8: Signs.

2. Application Filing

Applications for variances shall be submitted to the Community Development and Services Director.

3. Public Hearing Notice

Notice of public hearings on variances shall be posted and mailed in accordance with the requirements of Section 19.6.3.B.4, *Public Notice*.

4. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed variance in light of the approval criteria of Section 19.6.9.C.6, *Variance Approval Criteria*, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Planning Commission.

5. Planning Commission Review and Action

(a) Within 50 days of receipt of a complete application, the Planning Commission shall hold a public hearing on the proposed variance request. At the close of the public hearing, the Planning Commission shall act to approve, approve with conditions, or deny the application, based on Section 19.6.9.C.6, Variance Approval Criteria.

(b) Design review applications that are being processed concurrently with variances shall be reviewed and approved concurrently with the variance by the Planning Commission.

6. Variance Approval Criteria

(a) Sign Variances

Variances to the sign regulations of Chapter 19.8: *Signs* are intended to correct difficulties that cannot be resolved practically with alternate sign types or locations. A sign variance may be approved by the Planning Commission only if they find that all of the following criteria have been met:

(1) Physical Barriers

i. A physical barrier such as an existing building or sign on a property not under control of the applicant substantially blocks

view of the proposed sign if constructed in strict compliance with this Development Code.

ii. The placement of the proposed sign in strict compliance with this Development Code will become a physical barrier substantially blocking view of a sign on a neighboring site not under the control of the applicant.

(2) Changing the height or setback within the limitations of the Development Code will not substantially correct the obscurity.

(3) An alternate type of signage authorized by this Development Code will not provide identification adequate to allow safe movement of vehicles and pedestrians to the site.

(b) Other Variances

Variances to regulations other than signs may be approved by the Planning Commission only if they find that all of the following criteria have been met:

(1) Because of special circumstances or conditions applicable to the subject property, including narrowness, hollowness, shape, exceptional topography, or other extraordinary or exceptional situations or conditions, strict application of the requirements of this ordinance would result in peculiar and exceptional difficulties or undue hardships for the owner of the property.

(2) The variance may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources, and without detriment or injury to property or improvements in the vicinity of the development site or to the public health, safety, or general welfare.

(3) Granting the variance is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

(4) Granting the variance will not allow a use that is otherwise prohibited in the underlying zoning district.

7. Findings of Fact

The decision of the Planning Commission shall be accompanied by written findings of fact specifying the reasons for the decision.

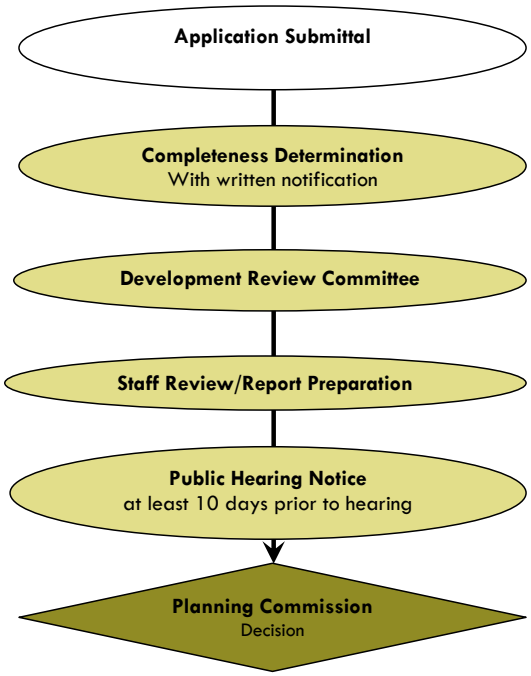
8. Notice of Decision

Within five days of the Planning Commission's decision on a variance, the Community Development and Services Director shall mail notice of the decision to the applicant and all other parties who have made a written request for notification.

9. Appeals

Appeals of the Planning Commission's decision on variances shall be taken to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

FIGURE 19.6.9-B: SUMMARY OF THE VARIANCE PROCESS



10. Effective Date

The Planning Commission's decision on a variance shall become effective ten days after the date that the City Clerk received written notice of the Planning Commission's approval of the variance, unless a valid appeal is filed in accordance with Section 19.6.9.E, *Appeals*. No permit shall be issued until expiration of the appeal period.

11. Lapse of Approval

(a) A variance shall lapse and have no further effect one year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:

(1) A building permit has been issued and construction diligently pursued.

(2) A certificate of occupancy has been issued.

(3) The structure is established.

(4) The variance is renewed.

(b) A variance shall lapse if the rights granted by it are discontinued for 180 consecutive days.

12. Extensions of Time

The Community Development and Services Director may renew or extend the time of a variance when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Community Development and Services Director. Additional extensions of time may be approved by the Planning Commission, whose

decision may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

13. Transferability

The status of a variance is not affected by changes of tenancy, ownership, or management.

14. Amendments

A request for changes in conditions of approval of a variance or a change to development plans that would affect a condition of approval shall be processed as a new application.

15. Successive Applications

Following denial of a variance request, no new application for the same or substantially the same matter shall be accepted within one year of the date of denial, unless denial is made without prejudice.

16. Complaints Regarding Approved Variances

Complaints regarding approved variances shall be processed in accordance with Chapter 19.11: *Enforcement*.

D. WAIVERS

1. Purpose and Scope

This section allows the approval of a waiver as part of a Waiver of Standards application or the PUD or Master Plan rezoning process, which allows development to occur in a manner that meets the intent of this Code, yet through an alternative design that does not strictly adhere to the Code's standards. This section authorizes a site-specific development alternative that is equal to or better than the strict application of the standards of this Code.

2. Applicability

The waiver procedure is available only for the following:

(a) Site or lot area, lot width, setback, height, building coverage, structure spacing, or dwelling size;

(b) Section 19.4.8.F.3 through F.8, F.12 through F.17, and F.19, Hillside Development Regulations

(c) Section 19.7.2, Common Open Space;

(d) Section 19.7.3, Circulation and Mobility;

(e) Section 19.7.4, Parking and Loading;

(f) Section 19.7.5, Landscaping and Screening;

(g) Section 19.7.6, Building Design Standards;

(h) Section 19.7.7, District-Specific Standards;

(i) Section 19.7.8, Operational Performance;

(j) Section 19.7.12, Sustainability; and

(k) Section 19.9, Subdivision Design and Improvements.

3. Pre-Application Meeting

An applicant proposing to apply for a waiver may request and attend a pre-application meeting prior to submitting application materials for the applicable entitlement(s), to obtain nonbinding input from the Community Development and Services Director regarding proposed benefits. Based on the response, the application should include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance.

4. Decision-Making Responsibility

Final approval of any proposed waiver shall be the responsibility of the Planning Commission for waivers requested through a Waiver of Standards application or City Council for waivers requested in conjunction with PUD or MP overlays.

5. Criteria

A waiver may be approved if the applicant demonstrates that the following criteria have been met by the proposed alternative:

(a) Achieves the intent of the subject standard to the same or better degree than the subject standard;

(b) Advances the goals and policies of the Comprehensive Plan and this Code to the same or better degree than the subject standard;

(c) Provides compensating benefits pursuant to this section; and

(d) Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

6. Compensating Benefits

(a) Waivers shall be granted only when compensating benefits or amenities are offered that are reasonably related to the proposed waiver and would not otherwise be required by this Code or state law.

(b) Compensating benefits may be provided to meet either, or a combination of, the following criteria:

(1) Benefits the general public:

i. Park(s), trails, or other similar public or cultural facilities;

ii. Public landscape buffers or beautification areas;

iii. Public art;

iv. Permanent conservation of natural areas or lands;

v. Increased building setbacks;

vi. Decreased building height;

vii. Other benefits as agreed upon by the Community Development and Services Director and/or approved by the Planning Commission or City Council.

(2) Benefits the users, customers, or residents of the proposed development:

i. Open space, trails, or other similar recreational amenities;

ii. Upgrades in architectural design;

iii. Increased landscaping;

iv. Increased buffering;

v. Permanent conservation of natural areas or lands;

vi. Secure bicycle facilities, where appropriate;

vii. Other benefits as agreed upon by the Community Development and Services Director and/or approved by the Planning Commission or City Council.

(c) If the benefits provided are required by this Code, they must be provided in an amount that exceeds the requirement.

7. Effect of Approval

A waiver shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

E. APPEALS

1. Applicability

The appeal procedures of this section shall apply only when the provisions of this Development Code state that an appeal applies.

2. Effect of Filing

Once a complete application for an appeal has been received by the Community Development and Services Director, no other development approvals or permits will be issued for the subject property pending a decision on the appeal, unless it is determined that such a "hold" on permits and approvals would cause immediate peril to life or property.

3. Aggrieved Party

Appeals allowed under the procedures of this Code may be filed only by an "aggrieved party" who shall be limited to the following:

(a) Any person who testified at the public hearing on the application;

(b) Any person who submitted written comments prior to or during the public hearing on the application;

COMMENTARY

Written notice of appealable decisions will typically be delivered to the City Clerk no later than five days following action by the decision-making body. Appeals must be filed within nine days following action by the decision-making body.

(c) Any person who testified or submitted written comments on the application prior to or during a public hearing through an authorized representative; or

(d) In the case of applications approved by an administrative official, any person who submitted written comments to such administrative official before the end of the appeal period following the date of the administrative official's action.

4. Consolidation

Appeals by two or more parties aggrieved by the same decision may be consolidated into a single appeal in accordance with NRS 278.3195(3).

5. Initiation

All appeals taken in accordance with this section shall be filed with the Community Development and Services Director no more than nine days after the date of the decision or action being appealed. A fee for the filing of the appeal may be charged. In the event of an appeal of a decision or interpretation of the Community Development and Services Director, appeals shall be filed with the Community Development and Services Director no more than nine days after the date the applicant or requesting party is/was notified of the final decision.

6. Contents of Appeal

The application for the appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, the date of the decision or interpretation, and all relevant supporting materials.

7. Record

Upon receipt of the materials initiating an appeal, the Community Development and Services Director shall assemble all papers, documents, and other materials related to the action being appealed. These materials shall constitute the record of the appeal.

8. Notice and Hearing Requirements

The requirements for hearings, notices, and approval criteria shall be the same as required of the original action that is the subject of the appeal.

9. Appeals of the Decision and Interpretations of the Community Development and Services Director

(a) The Planning Commission shall have the authority to hear and decide all appeals of decisions and interpretations of the Community Development and Services Director. The Planning Commission shall consider the appeal as a new matter and act to affirm, modify, or reverse the decision or interpretation within 45 days of the end of the appeal period.

(b) In acting on the appeal of an interpretation, the Planning Commission shall grant to the Community Development and Services Director's interpretation a presumption of correctness, placing the burden of persuasion of error on the appellant. The Planning Commission shall rely on the City Attorney's interpretation of matters regarding state or federal law.

(c) The Planning Commission's decision on an appeal of the Community Development and Services Director may be appealed to the City Council.

10. Appeals of Planning Commission Decisions

(a) The City Council shall have the authority to hear and decide all appeals of decisions of the Planning Commission and shall be guided by the statement of the purpose underlying the regulation of the improvement of land expressed in NRS 278.020. The City Council shall, within 45 days of the end of the appeal period, consider the appeal as a new matter and act to affirm, modify, or reverse the Planning Commission decision, or act to continue the item for not more than 35 days and to a date specific. The City Council may not grant to an aggrieved party more than two continuances on the same matter, unless the City Council determines, upon good cause shown, that additional continuances are warranted and the applicant agrees to such additional continuances.

(b) The City Council's decision is final for the purpose of judicial review.

11. Continued Meetings or Hearings

An appellant is limited to a maximum of two requests to continue a meeting or hearing on an appeal unless the decision-making body hearing the appeal grants a request for an additional continuance based on a demonstration of good cause and the applicant agrees to such additional continuances.

12. Notice of Decision

Within five days of a decision on an appeal of a written interpretation, the Community Development and Services Director shall mail notice of the decision to the appellant and all other parties who have made a written request for notification.

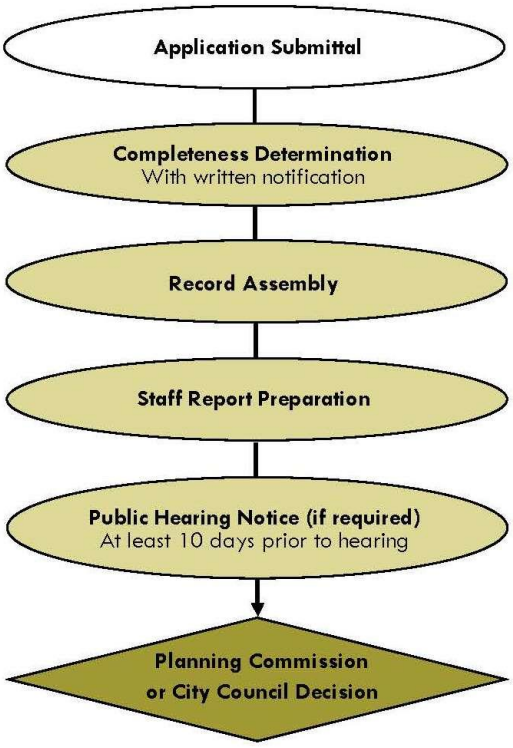
13. Effective Date

Decisions of the Planning Commission on appeals shall become effective ten days after the date of the Planning Commission's decision unless a new appeal to City Council is filed. Decisions of the City Council on appeals shall become effective upon the date of the decision.

14. Successive Applications

Following denial of an appeal, no new appeal for the same or substantially the same matter shall be accepted for one year from the date of denial, unless the denial is made without prejudice.

FIGURE 19.6.9-C: SUMMARY OF THE APPEAL PROCESS



F. INTERPRETATIONS

1. Request Filing

Requests for written interpretations of this Development Code shall be submitted to the Community Development and Services Director.

2. Community Development and Services Director's Review and Decision

Within 30 days of receipt of a complete request for a written interpretation, the Community Development and Services Director shall:

(a) Review and evaluate the request in light of this Development Code, the Comprehensive Plan, and any other relevant documents;

(b) Consult with the other staff, as necessary;

(c) Consult with the City Attorney on any interpretation that may require the application or interpretation of state or federal law; and

(d) Render a written interpretation with a copy of the written interpretation sent to the members of the Development Review Committee.

3. Form

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

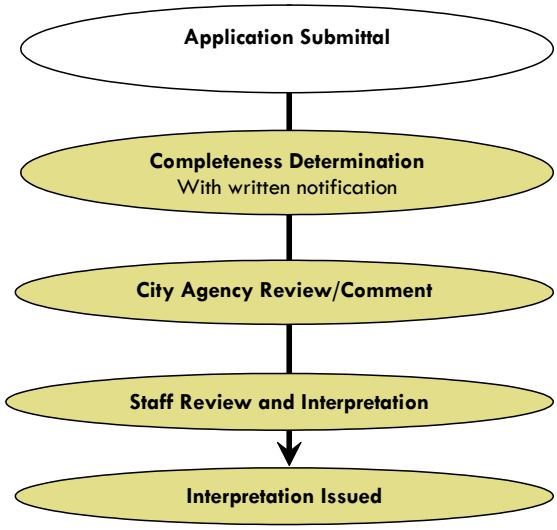
4. Official Record of Interpretations

An official record of interpretations shall be kept on file in the office of the Community Development and Services Director. The record of interpretations shall be available for public inspection in the Community Development and Services Department during normal business hours.

5. Appeals

Appeals of the Community Development and Services Director's written interpretation shall be taken to the Planning Commission in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of interpretations.

FIGURE 19.6.9-D: SUMMARY OF INTERPRETATION PROCESS



G. WAIVER OF STANDARDS APPLICATIONS

1. Purpose and Description

This section outlines procedures for the submittal, review, and approval of the Waiver of Standards application. A waiver of standards application may be used to gain approval of waivers from, or modifications to, Development Code standards as set forth in 19.6.9.D, *Waivers*. It provides a method of obtaining waivers of the Development Code separate from submitting zone changes, tentative maps, design reviews, or other specific development plans.

2. Applicability

(a) All requests must comply with Sec. 19.6.9.D, *Waivers*.

(b) Applications may be submitted as a stand-alone request or with other accompanying applications.

(c) The applicant bears the burden of proof to establish that approval of the waiver(s) requested is warranted and appropriate.

(d) The fact that a waiver for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

3. Public Hearing Notice

Notice of public hearings on waiver of standards shall be posted and mailed in accordance with Section 19.6.3.B.4, *Public Notice*.

4. Application Filing

Applications for waiver of standards shall be submitted to the Community Development and Services Director.

5. Community Development and Services Director Review and Report

The Community Development and Services Director shall review each proposed waiver of standards application in light of the approval criteria of 19.6.9.G.7, *Waiver of Standards Approval Criteria*, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Planning Commission.

6. Planning Commission Review and Decision

(a) Within 50 days of receipt of a complete application, the Planning Commission shall hold a public hearing on the proposed waiver of standards. At the close of the public hearing, the Planning Commission shall act to approve, approve with conditions, or deny the application, based on the approval criteria of Section 19.6.6.E.8, *Waiver of Standards Approval Criteria*. However, the Planning Commission's vote shall be a recommendation only when the application is being processed concurrently with an application that requires a final decision by the City Council.

(b) Design review applications that are being processed concurrently with waiver of standards applications shall be reviewed and approved concurrently by the Planning Commission.

7. Waiver of Standards Approval Criteria

A waiver of standards application may be approved only if the Planning Commission or City Council finds that all of the following criteria have been met:

(a) The proposal is consistent with the Comprehensive Plan;

(b) The proposed development addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to:

(1) Improvements in open space provision and access;

(2) Environmental protection;

(3) Tree/vegetation preservation;

(4) Efficient provision of streets, roads, and other utilities and services; or

(5) Increased choice of living and housing environments.

(c) The proposal mitigates any potential significant adverse impacts to the maximum practical extent;

(d) The same development could not be accomplished through the use of other techniques such as variances or administrative adjustments;

(e) The applicant has shown, by clear and convincing evidence, that the waiver(s) requested will not compromise the objective of the City in safeguarding the interests of the citizens of the City;

(f) The waiver(s) will not be materially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and land use and zoning districts in which the property is located; and

(g) Granting the waiver(s) does/will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use or zoning district in which the property is located.

8. Findings of Fact

The decision of the Planning Commission or City Council shall be accompanied by written findings of fact specifying the reasons for the decision.

9. Notice of Decision

Within five days of the Planning Commission's decision on a waiver of standards application, the Community Development and Services Director shall mail notice of the decision to the applicant and all other parties who have made a written request for notification.

10. Appeals

(a) Appeals of the Planning Commission's decision on waiver of standards applications shall be taken to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

(b) Appeals of the City Council decision on waiver of standards applications shall be processed through the court system.

11. Lapse of Approval

An approved waiver of standards application shall lapse and have no further effect 18 months after its effective date or at such alternate time specified in the approval unless:

(a) A building permit has been issued and construction diligently pursued;

(b) In cases where mapping/map-related waivers have been granted, a final map has been recorded;

(c) A certificate of occupancy has been issued;

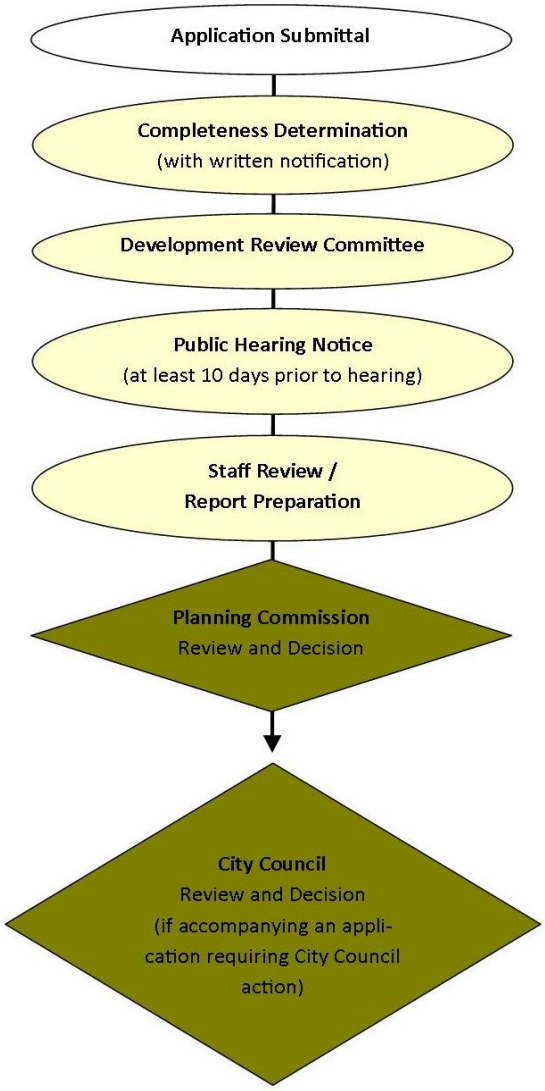
(d) The use is established; or

(e) The waiver of standards application has been granted an extension of time.

12. Extensions of Time

The Community Development and Services Director may renew or extend the approval period of a waiver of standards application when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed 18 months in length, and no more than one extension may be granted by the Community Development and Services Director. Additional extensions of time may be approved by the Planning Commission, whose decision may be appealed to the City Council in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

FIGURE 19.6.9-E SUMMARY OF THE WAIVER OF STANDARDS PROCESS



19.6.10. OTHER PROCEDURES

A. DEVELOPMENT AGREEMENTS

1. Applicability

A development agreement is appropriate for development of those parcels that should, at the discretion of the City Council, as recommended by the Development Agreement Advisory Committee, be developed in accordance with a development agreement. Development projects that include one or more of the following are subject to development pursuant to a development agreement unless otherwise determined by the Development Agreement Advisory Committee:

(a) A local improvement district or modification to a local improvement district pursuant to NRS Chapter 271;

(b) A refunding agreement entered into pursuant to HMC 14.16;

(c) A request to waive residential construction tax;

(d) An annexation of any size;

(e) Projects with a Sensitive Lands overlay or projects requiring a plan for environmental remediation;

(f) A project requiring the preservation or renovation of historic structures;

(g) A project for which a request for redevelopment funds or tax-increment financing is made;

(h) A project that includes one or more of the following:

(1) 250 or more single-family dwelling units;

(2) 500 or more multifamily dwelling units;

(3) 200 or more hotel rooms;

(4) 40 or more acres of nonresidential development; or

(5) A project that generates over 3000 average daily trips (commercial/industrial only).

(i) A project that includes one or more of the following:

(1) A facility that generates more than 50 megawatts of electricity;

(2) A natural gas storage or peak-shaving facility; or

(3) A gas regulator station or main that operates or is capable of operating at over 200 pounds per square inch.

(j) Property proposed for a master plan development overlay where existing infrastructure is not of sufficient capacity to support the proposed development;

(k) Property acquired through a Bureau of Land Management (BLM) land sale;

(l) Property acquired through a City of Henderson sale pursuant to NRS 268.048 *et seq.*;

(m) Property located within the West Henderson Land Use Plan boundary;

(n) Property located within a public facilities needs assessment area;

(o) Development of a property currently or previously subject to an inactive, non-compliant, or cancelled development agreement; or

(p) Proposed amendments or development changes to property currently subject to any one or more of the above.

2. Requests for Development Agreement

For any project described in 19.6.10.A.1, the applicant shall submit an application for a concept plan review pursuant to 19.6.3.A.3(b)(2) to the Community Development and Services Department, which shall collaborate with the Development Agreement Advisory Committee to either:

(a) Make a determination that a development agreement is the appropriate method for development of the project, in which case the applicant shall submit an application for a development agreement. The Development Agreement Advisory Committee will then prepare and negotiate the development agreement; or

(b) Make a determination that a development agreement is not appropriate for development of the project.

3. Development Agreement Terms

A development agreement shall conform to the applicable requirements of NRS 278.0201 *et seq*. and NRS 278.02591 *et seq.,* and:

(a) Must contain provisions:

(1) Describing the land that is the subject of the development agreement;

(2) Specifying the duration of the development agreement;

(3) Specifying events that constitute breach of the development agreement; and

(4) Providing periods during which any breach may be cured.

(b) May contain provisions specific to the type of development, including:

(1) The reservation or dedication of any portion of the land for public use or for the payment of fees in lieu thereof, including, but not limited to rights-of-way, easements, or public facilities, as may be required or permitted pursuant to laws, ordinances, resolutions, rules or plans adopted by the City and in effect at the time of entering into the development agreement;

(2) The protection of environmentally sensitive lands;

(3) The preservation and restoration of historic structures;

(4) The phasing or timing of construction or development on the land, including, without limitation, the dates on which all or any part of the construction or development must commence and be completed, and the terms on which any deadline may be extended. Each portion or phase of development or improvement contemplated should be able to stand alone, independent of proposed further phases or improvements. Subsequent phases of development may be added to completed phases to achieve independent status;

(5) The conditions, terms, restrictions, and requirements for infrastructure on the land and the financing of the public infrastructure by a person having a legal or equitable interest in the land;

(6) The conditions, terms, restrictions, and requirements for annexation of land by the city or county and the phasing or timing of annexation by the city or county;

(7) The conditions, terms, restrictions, and requirements relating to the intent of the governing body to include the land in an improvement district created pursuant to Chapter 271 of NRS;

(8) The conditions, terms, restrictions, and requirements relating to any applicable public needs assessment approved for the area in which the subject property is located;

(9) A schedule of fees and charges;

(10) A description of the laws, ordinances, codes, resolutions, rules, regulations, plans, design, and improvement standards by name and date of adoption applicable to the project. Unless specified in the development agreement or unless directly in conflict with what is specified in the development agreement, the laws, ordinances, codes, resolutions, rules, regulations, plans, and design and improvement standards adopted by the City Council and in effect at the time of issuance of any required construction or building permit shall apply;

(11) Any conditions imposed by other land use and permit approvals allowed by law as of the effective date of the development agreement;

(12) Security for the construction of the required common area and public improvements in an amount sufficient to complete all required improvements and to remove all rubbish, trash, debris, surplus material, and equipment from the area as determined by the Development Agreement Advisory Committee. Security shall be by such good and sufficient bond or other security as is deemed appropriate by the City Council to protect the public interest;

(13) An indemnity and insurance clause requiring the developer, applicant, and property owner to indemnify the City against certain claims arising out of the development;

(14) An allowance for the waiver of any other provision of the HMC consistent with the purpose of the development agreement;

(15) A review of compliance with the development agreement terms and conditions every 24 months or sooner as specified in the approved development agreement;

(16) Any other matters relating to the development of the land; and

(17) The permitted uses of the land and development regulations including:

i. A land use development plan;

ii. Subdivision design and improvement standards;

iii. General development standards;

iv. Standards for signs;

v. Provisions for nonconformities;

vi. The density or intensity of the use of the land; and

vii. The maximum height and size of any proposed buildings.

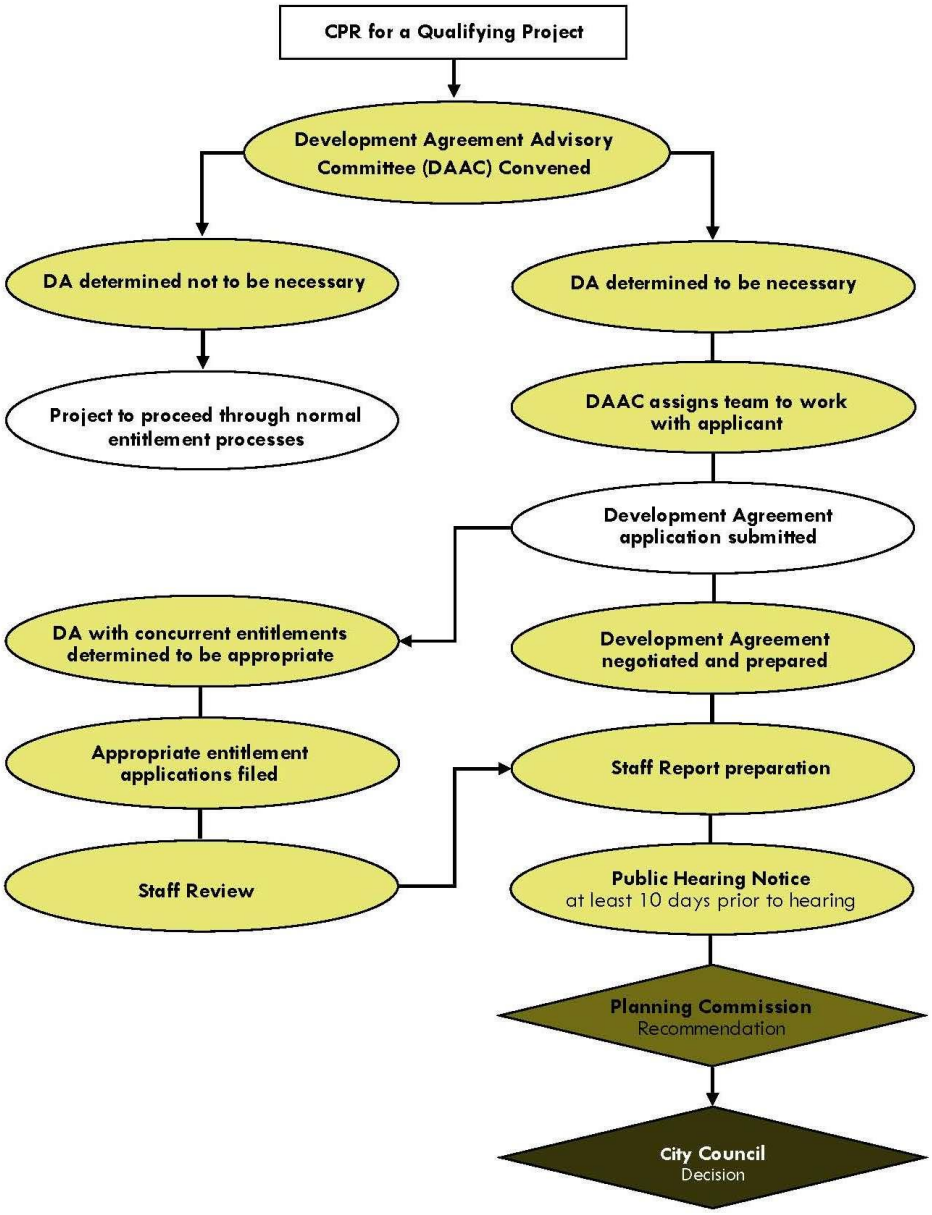
(c) Nothing in Sections 19.6.10.A.3(a) or (b) shall be construed to preclude the City from concurrently utilizing any other entitlement process or processes described in this Code in conjunction with the development agreement prepared pursuant to this Chapter.

4. Amendment and Cancellation

(a) A development agreement may be amended or cancelled in whole or in part, with or without the consent of the other parties to the development agreement or their successors in interest, for any reason set forth in NRS 278.0205 and in accordance with procedures set forth in NRS 278.0205.

(b) If a development agreement has been cancelled in whole or in part pursuant to NRS 278.0205, and unless a new development agreement is entered into to replace the cancelled development agreement or portion thereof, the property previously the subject of the development agreement shall maintain its zoning unless otherwise specified in the development agreement. The property is then subject to a City-initiated zone change application or an applicant-initiated zone change application in conformance with the requirements set forth in Section 19.6.10.A.

FIGURE 19.6.10-A DEVELOPMENT AGREEMENT PROCESS



B. CREATION OF LANDSCAPE MAINTENANCE DISTRICTS

1. Applicability

Qualified persons under NRS 278.4787, as amended, may ask the City of Henderson to create a landscape maintenance district for maintenance of landscaping, public lighting, and security walls.

2. Application Filing

Applications for landscape maintenance districts in a residential subdivision shall be submitted to the Community Development and Services Director. Applications to establish a landscape maintenance district in a new residential subdivision shall be filed at least 120 days before the approval of a final map (Section 19.6.5.E) for the land where improvements to be maintained are located.

3. Public Hearing Notice

Notice of public hearings on landscape maintenance districts shall be published, mailed, and posted in accordance with the requirements of Section 19.6.3.B.4, *Public Notice*.

4. Community Development Review and Report

The Community Development and Services Director shall review each proposed landscape maintenance district in light of the approval criteria of Section 19.6.10.B.7, *Landscape Maintenance District Approval Criteria*, and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a report to the Planning Commission.

5. Planning Commission Review and Recommendation

The Planning Commission shall hold a public hearing on the proposed landscape maintenance district and at the close of the public hearing recommend that the City Council approve, approve with conditions, or deny the application, based on the approval criteria of Section 19.6.10.B.7, *Landscape Maintenance District Approval Criteria*.

6. City Council Review and Decision

After reviewing the recommendation of the Planning Commission, the City Council shall act to approve, approve with conditions, or deny the proposed landscape maintenance district based on the approval criteria of Section 19.6.910.B.7, *Landscape Maintenance District Approval Criteria*. If the City Council makes a determination that it is desirable to assume the maintenance of the proposed improvements, the City Council shall form a landscape maintenance district by ordinance.

7. Landscape Maintenance District Approval Criteria

Landscape maintenance districts may be approved only if the City Council finds that all of the following criteria have been met:

(a) The petition for a landscape maintenance district shall meet the City of Henderson design and construction standards and cost analysis parameters for landscape materials and maintenance.

(b) The maintenance of the proposed improvements on the subject property alone, or cumulatively with other maintenance districts in Henderson, will not create an unreasonable administrative or financial burden upon the City.

(c) Assumption of the maintenance of the proposed improvements or submitted plan is consistent with the City's accepted standards.

(d) The proposed landscaping, public lighting, or security wall plans are compatible with the character of the area in which they are located.

(e) The landscaped areas to be maintained shall not be a part of a master plan overlay District as defined in Chapter 19.3: Nonresidential, Mixed-Use, and

Special-Purpose Zoning Districts, unless the landscaped areas to be maintained constitute the only common element in the subdivision or development. Developers of property within a Master Plan Overlay specifically approved for a Landscape Maintenance District through an annexation agreement or prior master plan approval may request formation of a landscape maintenance district.

(f) Maintenance of the proposed improvements will be in the best interest of the public and will not be injurious to the health, safety, and general welfare of the community.

8. Maintenance District Coordination Team

A maintenance district coordination team shall be created to establish policies and procedures for implementing, operating, and fulfilling the City's obligations for any maintenance districts created pursuant to this ordinance. The coordination team shall be composed of representatives from Parks and Recreation, Public Works Parks and Recreation, Finance, City Attorney, Neighborhood Services, Utilities, and Community Development.

9. Dissolution of a Landscape Maintenance District

The dissolution of a landscape maintenance district shall be initiated with the submission of a formal request to dissolve the district filed in a landscape maintenance district application to the Community Development and Services Director. Applications for the dissolution of a landscape maintenance district will be considered by the City Council. Notice of public hearings on the dissolution of a landscape maintenance district shall be published in accordance with the requirements of Section 19.6.3.B.4, *Public Notice*. A landscape maintenance district may be dissolved by the City Council if it determines that:

(a) Improvements within the district are no longer necessary; or

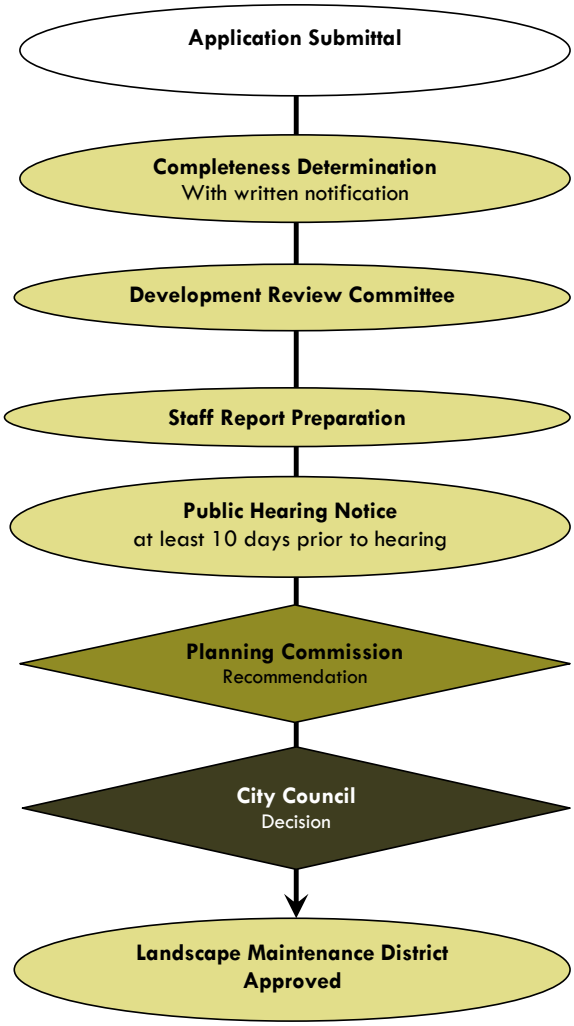
(b) It is no longer in the public interest for the City to assume the maintenance for the improvements; or

(c) An association for a common-interest community has been formed to maintain landscaping, public lighting, and security walls in lieu of a maintenance district under NRS 278.4787.

10. Appeals

Appeals of the City Council's decision on landscape maintenance districts shall be made to the courts, as provided by law.

FIGURE 19.6.10-B: SUMMARY OF PROCESS FOR CREATING LANDSCAPE MAINTENANCE DISTRICTS



C. DISTANCE SEPARATION ANALYSIS

1. Applicability

A distance separation analysis is utilized to measure the distance between a proposed use and a protected use as defined by this Code. This analysis is used to determine if the proposed use meets the required distance separation from one or more protected uses and if waivers, if applicable, are needed for the proposed use to proceed. The distance separation analysis shall be completed by city staff.

2. Application Filing

Applications for distance separation analysis shall be submitted to the Community Development and Services Director.

3. Community Development Review and Report

The Community Development and Services Director or designee shall review each proposed distance separation analysis application and, as deemed necessary, distribute

the application to other reviewers. Based on the results of those reviews, the Community Development and Services Director shall provide a final determination to the applicant.

4. Notice of Decision

Within seven working days of submittal of a complete application, the Community Development and Services Director or designee shall provide notice of the decision to the applicant and all other parties who have made a written request for notification.

5. Lapse of Approval

(a) A distance separation analysis determination for liquor, massage, reflexology, smoke/tobacco shop establishment, teenage dancehall, teenage nightclub, sexually-oriented business, halfway house for recovering alcohol and drug abusers, residential facility for groups, check cashing/deferred deposit/auto title loans, and general day care and group child care facility uses shall lapse 60 days from notice of decision.

(b) A distance separation analysis determination for medical marijuana establishment use shall lapse 120 days from notice of decision.

6. Appeals

Appeals of the Community Development and Services Director's or designee's distance separation analysis determination shall be made to the Planning Commission in accordance with the appeal procedures of Section 19.6.9.E, *Appeals*.

CHAPTER 19.7: DEVELOPMENT AND DESIGN STANDARDS

19.7.1. GENERAL PROVISIONS

A. GENERAL INTENT

This chapter includes standards for developing property or establishing new uses of property within the City of Henderson, to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the C*omprehensive Plan* vision for a more attractive, efficient, and livable community.

B. APPLICABILITY

1. General Applicability

Unless exempted under subsection 2 below, or unless otherwise provided in this chapter, this chapter shall apply to the following types of development:

(a) New construction;

(b) Any project that involves demolition of an existing primary building and the construction of a new primary building; and

(c) Any "substantial renovation" project, which is defined for purposes of this chapter to include any renovation, rehabilitation, restoration, or repair work that includes an addition of floor area equal to 35 percent or more of the existing floor area; or the addition of new floors. The calculation shall include attached garages, but not include detached garages. For the purpose of calculation, the increase in floor area shall be aggregated over a three-year period.

2. Exemptions

The following are exempt from this chapter:

(a) Projects for which a complete site plan application has been submitted or approved prior to the effective date of this Code, provided that a building permit is obtained within the time limit specified by the entitlement and that onsite construction commences in accordance with the site plan within one year of permit issuance;

(b) Single-family residential development on lots recorded prior to the effective date of this Code; and

(c) Development, as defined in Chapter 19.12 of this Code, under an approved master plan, planned unit development, or development agreement. If a new MP or PUD is established for a particular property following the effective date of this Code, this chapter shall serve as the "baseline" for the development of any development or design standards to be incorporated into the plan.

19.7.2. COMMON OPEN SPACE

A. PURPOSE

Common open spaces are set aside for the use and enjoyment of a development's residents, employees, or users. Common open space serves numerous purposes, including preservation of natural areas and resources, ensuring greater resident access to open areas and recreation, reducing the heat island effect, enhancing storm water quality, and providing public health benefits. Goals and requirements for common open space complement this Code's requirements for dedicated parks and open spaces, and serve similar purposes.

B. APPLICABILITY

This Section 19.7.2 shall apply to all development in the city that meets the following criteria:

1. Residential Development

All residential developments and subdivisions containing five or more dwelling units in the RS-8, RM-10, RM-16, RMH, RH-24, or RH-36 districts, except the RN overlay.

2. Nonresidential Development and Mixed-Use

Nonresidential and mixed-use developments having one or more of the following attributes:

(a) Two or more buildings;

(b) Two or more residential units;

(c) A gross building area exceeding 5,000 square feet; or

(d) A site or lot exceeding three acres in size.

C. STANDARDS

1. Amount of Common Area Required

Development subject to this section shall set aside at least the minimum amounts of common open space listed in Table 19.7.2-1, *Common Open Space Required*:

TABLE 19.7.2-1: COMMON OPEN SPACE REQUIRED

DISTRICT TYPE	MINIMUM COMMON OPEN SPACE REQUIRED
RS-8, RM-10, RMH Districts	700 sq ft per dwelling unit
RM-16, RH-24, RH-36 Districts	500 sq ft per dwelling unit
Nonresidential Development (excluding the DCC and DHC districts)	For buildings exceeding 5,000 sq ft, 250 sq ft per 1,000 sq ft
Mixed-use Districts	1,000 sq ft per 25,000 sq ft of lot area or 65 sq ft per dwelling unit, whichever is greater.

2. Areas Counted as Common Open Space

The features and areas identified in Figure 19.7.2-A, *Common Open Space Configuration*, shall be credited towards the common open space requirements of this section:

FIGURE 19.7.2-A: COMMON OPEN SPACE CONFIGURATION		
AREA COUNTED AS COMMON OPEN SPACE	**DESCRIPTION**	**DESIGN REQUIREMENTS**
NATURAL FEATURES	Includes any of the following: 1. Undisturbed desert habitat; 2. Flood hazard and conveyance areas (either maintained in, or restored to, natural state); 3. Water features, including wetlands, drainage channels, lakes, dry stream beds, washes, and arroyos; 4. Hillsides and exposed slopes of 15% or more; and 5. Wildlife habitat areas for threatened and endangered species.	Where natural features exist, the subdivider, developer, or owner shall give priority to their preservation as common open space. Placement of a conservation easement over the protected natural feature areas is encouraged. In reviewing the proposed location of common open spaces, the Community Development and Services Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.
ACTIVE RECREATIONAL AREAS	Land occupied by active recreational uses such as pools, ball fields, playgrounds, tennis courts, and jogging trails.	Active recreation areas may occupy up to 100 percent of the common open space area in the downtown and mixed-use districts. Land shall be compact and contiguous unless the land is used to link or continue an existing or planned open space resource. Landscaping shall be planned along all rights-of-way to provide a buffer to surrounding areas.
FORMAL PLANTINGS, PUBLIC ART, AND GARDENS	Formally planned and regularly maintained open areas that provide passive recreation opportunities including arranged plantings, gardens, gazebos or similar structures, sculpture, and other forms of public art.	Roof gardens are also acceptable.
SQUARES, FORECOURTS, PLAZAS, AND PARKS	Squares, forecourts, plazas, and parks provide active and passive recreational opportunities as to emphasize important places, intersections, or centers. These spaces are intended to serve an entire neighborhood or group of neighborhoods or commercial development.	Where provided, such features shall have a minimum size of 200 square feet and a maximum size of one acre. Surrounding buildings shall be oriented toward the square, forecourt, or park when possible and a connection shall be made to surrounding development.
REQUIRED LANDSCAPE AREAS	Required landscape areas serve as a buffer to surrounding areas. Except for landscaped areas within parking lots and areas occupied by street trees within sidewalks, and except within mixed-use zoning districts, all areas occupied by required landscaping may count as common open space, including landscaped areas located within a ROW allowed per Table 19.7.5-2.	See general landscape standards in Section 19.7.5.

FIGURE 19.7.2-A: COMMON OPEN SPACE CONFIGURATION		
AREA COUNTED AS COMMON OPEN SPACE	**DESCRIPTION**	**DESIGN REQUIREMENTS**
PUBLIC ACCESS EASEMENTS	Public access easements, which often combine utility easements with paths or trails, are available for recreational activities such as walking, running, and biking.	Must include at least one improved access from a public sidewalk, street, trail, or easement that includes signage designating the access point. A trail or other amenity/amenities must be provided in the full length of an easement to qualify under this category. A public access easement shall be recorded for pedestrian accesses.

3. Areas Not Credited

Lands within the following areas shall not be counted towards required common open space:

(a) Private yards not subject to a permanent open space or conservation easement acceptable to the City;

(b) Street improvements within public or private rights-of-way;

(c) Open parking areas and driveways for dwellings or commercial uses;

(d) Land covered by structures not intended solely for recreational uses;

(e) Designated outdoor storage areas; and

(f) Balconies.

4. Design Standards for Common Open Space

Land set aside for required common open space shall meet the following standards:

(a) Location

Where relevant and appropriate, open space shall be located so as to be readily accessible and useable by residents and users of the development. To the maximum practical extent, a portion of the open space should provide focal points for the development.

(b) Access

Common open space areas shall abut at least one direct road access, public or private, or shall have pedestrian access if road access is not feasible.

(c) Configuration

(1) Common Open Space may be configured ito be contiguous or dispersed throughout the site as long as each space is 20 x 20 feet and 1,000 sq ft

in total area, with the exception of the Required Landscape Areas and Public Access Easements categories.

(2) Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the common open space shall, to the maximum extent practical, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

(d) Provision in Multi-Phase Developments

(1) Development proposed in phases shall be considered as a single development for the purposes of applying the common open space standards.

(2) Development shall not be phased to avoid the minimum common open space required in this subsection.

(3) Common open space must be proportionate to phasing of development and approved through a common open space phasing plan.

(e) Landscaping

The City shall approve all common open space landscaping plans.

(f) Use of Common Open Space Areas

(1) The following minimum percentages of the total required common open space shall be useable. For purposes of this requirement, useable common open space includes areas classified as active recreational areas; formal plantings, public art, and gardens; squares, forecourts, plazas, and parks; or public access easements:

i. RS-8, RM-10, and RMH Districts: 40 percent

ii. RM-16, RH-24, and RH-36 Districts: 70 percent

(2) Useable common open space areas in all residential developments must include an active recreation component; the size and design must be approved by the Community Development and Services Director (or final decision-making body as outlined by this Code).

(3) In mixed-use districts, the following open space standards apply:

i. Complying open space areas must have a minimum width and depth of 20 feet and a minimum area of 1,000 square feet.

ii. The following open space features may be used to satisfy the requirement:

1. Patio or plaza with seating, landscaping, water features and other unique features;

2. Landscaped mini-parks;

3. Rooftop or community garden;

4. Similar features as approved by the Community Development and Services Director or designee.

(4) Common open space required by this section shall not be disturbed, developed, or improved with any structures or buildings, except for the limited purposes allowed below:

i. Facilities for active recreation (equipment for such uses shall be indicated on the site and/or subdivision landscape/amenity plan provided by the developer);

ii. Common open spaces may include passive recreational and educational purposes approved by the City, including but not limited to, walking, biking, picnicking, fishing, preservation of natural areas and scenic resources, parks, environmental education, and wildlife habitat protection; and

iii. For the Natural Features category, the clearing of underbrush and debris and the provision of walks, fences, restrooms and similar features are allowed.

(5) For all other categories, the provision of walks, fences, restrooms, shade structures, picnic shelters, benches, and similar features are allowed as approved through an amenities plan.

5. Ownership

(a) Method of Ownership

Common open space areas shall be maintained as permanent open space through at least one of the following options: common ownership by a property owner's association, held in deed-restricted private ownership, or dedication to the City or to another appropriate public agency. All methods utilizing private ownership shall be in a form approved by the City Attorney, who shall review the documents to ensure perpetual maintenance, preservation, and restricted usage where applicable.

(b) Declaration of Covenants and Restrictions

If common open space is to be deeded to a property owner's association, then the applicant shall record a declaration of covenants and restrictions that shall:

(1) Govern the use of the common open space;

(2) Run with the land in perpetuity; and

(3) Provide for a lien on the property to secure collections of assessments levied by the association.

(c) Private Ownership

If common open space is to be privately owned, then it shall have deed restrictions that:

(1) Provide that the common open space shall be maintained and preserved as open space and shall not be used for yards, lawns, or buildings;

(2) Run with the land in perpetuity; and

(3) Indicate that the City and owners of land in the development have a right to enforce the deed restrictions.

(d) Maintenance of Common Open Space

Common open space areas shall be maintained per approved plans. In the event that common open space areas are not maintained in reasonable order and condition in accordance with the approved site plan, then the City may serve written notice of the deficiencies upon the association or the owners or residents of the development. If the deficiencies cited by the City have not been corrected within 30 days after written notice, then the department shall have the authority to correct the deficiencies. The cost of the correction shall be assessed jointly and severally against the properties within the development that have a right of enjoyment of the common open space. The entire cost of correction shall be a lien upon each of the properties from the date that the lien is filed in the County Recorder's office.

(e) Management of Common Open Space in Planned Developments

In addition to the standards of this section, management of common open space in a planned development shall be subject to NRS 278A.130 to 278A.190, inclusive.

19.7.3. CIRCULATION AND MOBILITY

A. PURPOSE

The purpose of this section is to support the creation of a highly connected transportation system within the City in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of local service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; mitigate the traffic impacts of new development, and free up arterial capacity to better serve regional long-distance travel needs. These standards attempt to avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

B. APPLICABILITY

The standards in this section shall apply to all development in the City.

C. CIRCULATION PLAN

Except for new detached and attached single-family residential uses with less than five (parcel map) dwellings, or property of one-half acre or less zoned nonresidential or mixed-use, all new development and redevelopment in the City shall prepare a circulation plan.

1. The circulation plan shall address street connectivity, emergency and service vehicle access, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future "cut-through" traffic is likely, and similar issues.

2. The Community Development and Services Director may waive the requirement for a circulation plan on a case-by-case basis in the event that a new development is expected to have no impact upon circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

3. A circulation plan shall be submitted with a PUD, master plan, tentative map, or application for zoning or design review, as appropriate.

D. STREET CONNECTIVITY

1. Internal Street Connectivity

(a) Circulation plans for development on lots in the downtown districts shall provide for multiple connections to the existing City street network wherever possible.

(b) Except for lots within the downtown districts, all development applications required to prepare a circulation plan shall demonstrate internal street connectivity through the use of a connectivity index, in accordance with the following standards.

(1) All development shall achieve a connectivity index score in accordance with Table 19.7.3-1, Minimum Connectivity Index Score:

TABLE 19.7.3-1: MINIMUM CONNECTIVITY INDEX SCORE

BASE ZONING DISTRICT	MINIMUM INDEX SCORE
RS-1, RS-2, DH, RMH, PS	1.4
RS-4, RS-6, RS-8, RM-10, RM-16 (single-family attached only)	1.4
MC, MR, MN, PC	1.65

(2) The required connectivity index standard may be reduced by the Community Development and Services Director through the administrative adjustment process (Section 19.6.9.B) if the applicant demonstrates it is impossible or impracticable to achieve due to:

i. Topographic conditions;

ii. Natural features;

iii. Adjacent existing development patterns; or

iv. Other site limitations as agreed upon by the applicant and Community Development and Services.

(3) The connectivity index for a development shall be calculated by dividing its links by its nodes.

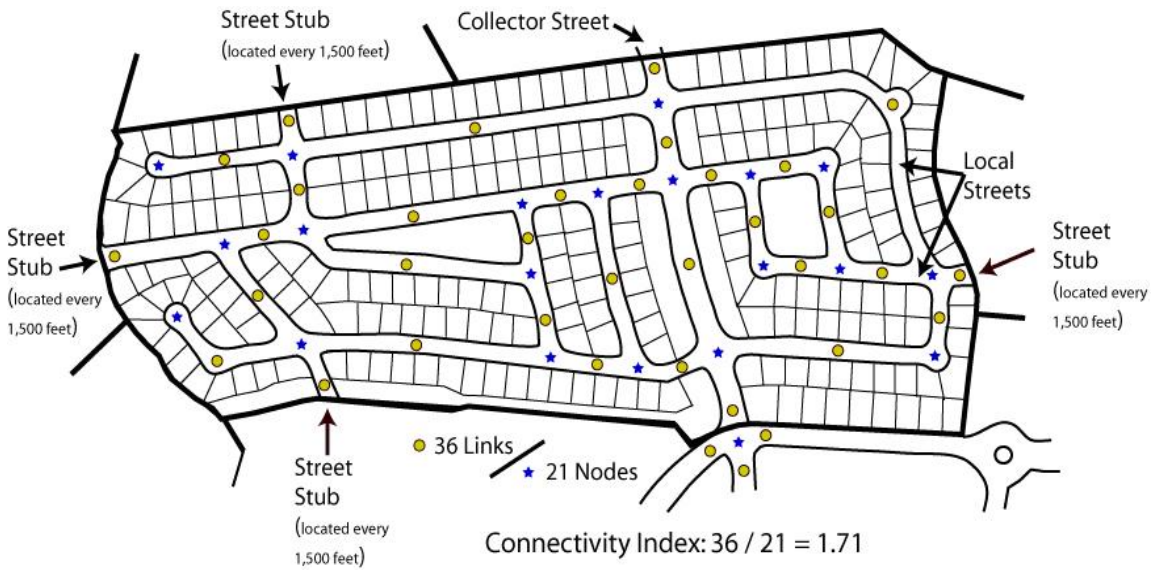
i. Nodes (shown as stars in Figure 19.7.3-A) exist at street intersections and cul-de-sac heads within the development.

ii. Links (shown as circles in Figure 19.7.3-A) are stretches of road that connect nodes.

(4) For purposes of calculating the index for a development:

i. One link beyond every node that exists in the development and provides access to the street network shall be included in the index calculation. Street stub-outs are considered as links.

Figure 19.7.3-A: Connectivity Index
This figure provides an example of how to calculate the connectivity index. In the diagram, there are 36 links (circles) and 21 nodes (stars); therefore, the connectivity index is 1.71 (36/21 = 1.71). In addition, each side of the development includes at least one street stub or connection to the greater street system every 1,500 feet.



ii. Temporary dead-end streets internal to a development, gated streets, private streets in gated sections, or alleys shall not be counted as links.

iii. Temporary dead-end streets terminating at the perimeter of a development shall be counted as a link.

iv. An additional ½ link shall be included in the index calculation for each:

1. Pedestrian connection through a cul-de-sac or as determined by the Community Development and Services Director, and

2. Additional un-gated vehicular connection (beyond the first) to an arterial or collector street.

v. An additional ¼ link shall be included in the index calculation for each roadway segment where homes face amenitized open space, parks or natural area.

(5) Whenever cul-de-sac streets (or "knuckles") are created, at least one eight-foot-wide lighted pedestrian access easement shall be provided, to the maximum extent practical, between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway. See Figure 19.7.3-B. Such pedestrian connections may be used in the connectivity index calculation per 19.7.3.D.1(b).(4)(iv).

(6) All stub streets and temporary dead-end streets greater than 150 feet in length shall terminate in a cul-de-sac.

2. External Street Connectivity

In addition to the internal street connectivity requirements, circulation plans for all new development, except for lots within the downtown districts, shall maintain external street connectivity in accordance with the following standards:

(a) The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections. Traffic-calming measures, such as but not limited to diverters, street gardens, and curvilinear alignments, shall be integrated into the development to mitigate the impact of potential future cut-through traffic.

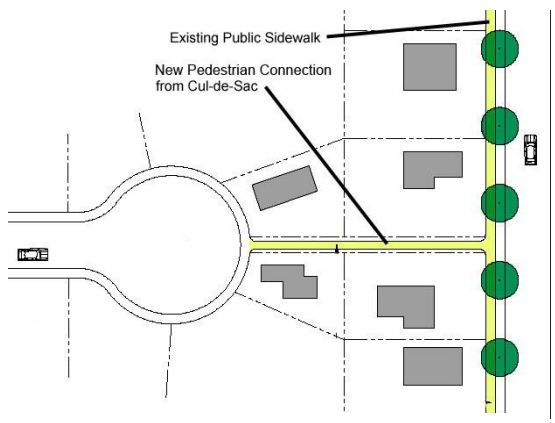


Figure 19.7.3-B: PEDESTRIAN ACCESSWAYS

(b) Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development at least every 1,500 feet for each direction (north, south, east, and west) in which development abuts vacant lands, as determined by the Community Development and Services Director. Such street stubs shall not be required to abut adjacent development lacking existing or planned street connections, floodplains, wetlands, the H overlay, or other unique site conditions preventing a street connection in the opinion of the Community Development and Services Director.

(c) Residential streets affected by external street connectivity requirements may be candidates for traffic calming treatments upon the recommendation of the Community Development and Services Director and Public Works Parks and Recreation Parks and Recreation Director.

(d) Street and sidewalk connections shall be made between neighborhood commercial centers and adjacent residential neighborhoods.

(e) Shared commercial/residential connections with arterials shall be primarily oriented towards commercial centers.

(f) At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "STREET MAY BE EXTENDED BY THE AUTHORITY OF THE CITY OF HENDERSON" to inform property owners.

(g) The Final Map and a disclosure for all residential dwellings shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped property.

E. CROSS-ACCESS BETWEEN ADJACENT USES

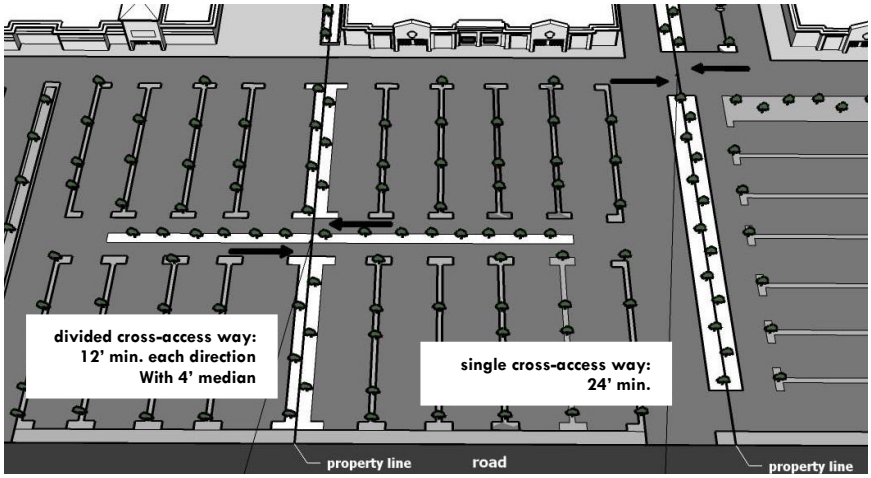
To encourage shared parking and shared access points on public streets, circulation plans prepared for all new nonresidential and mixed-use development shall comply with the following standards:

1. Internal vehicular circulation areas shall be designed to allow for cross-access with adjacent lots that have nonresidential or mixed uses.

2. A stub for future cross-access shall be provided from the vehicular use area to all adjacent vacant land designated for nonresidential or mixed-use development.

3. Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of 24 feet or through two one-way aisles each with a minimum width of 12 feet. The maximum median separation width shall be 15 feet with a left-turn pocket or four feet without a left-turn pocket. Shown on Figure 19.7.3-C.

Figure 19.7.3-C: CROSS-ACCESS



4. When cross-access for vehicles is deemed impractical by the Community Development and Services and Public Works Parks and Recreation Parks and Recreation Directors on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived if bicycle and pedestrian connections are provided between adjacent developments or land uses, either at the street frontage or internal within the site.

5. A cross-access easement must be recorded prior to issuance of a building permit for the development, unless otherwise approved by the Community Development and Services Director.

F. PEDESTRIAN CIRCULATION

Circulation plans shall address pedestrian circulation in accordance with the following standards:

1. Sidewalks Required

Minimum five-foot sidewalks shall be installed on both sides of all arterials, collector streets, and local streets (including loop streets, cul-de-sacs, and private streets), and within and along the frontage of all new development or redevelopment. This requirement shall not apply within the MC district, where a larger sidewalk requirement applies; or to local streets in districts within the RN overlay, where an established cross-section without sidewalks has been approved; or in steep-slope areas where sidewalks on one side of the street may be approved by the Community Development and Services Director to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.

2. Onsite Pedestrian Connections

(a) All commercial, industrial, multifamily, and mixed-use development shall provide a network of onsite pedestrian walkways with a minimum width of five feet to and between the following areas:

(1) Entrances to each building on the site, including pad site buildings;

(2) Public sidewalks or walkways on adjacent properties and along public rights-of-way that extend to the boundaries shared with the subject development;

(3) Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities; and

(4) Adjacent parks, trails, schools, and recreation centers.

Figure 19.7.3-D: EXAMPLES OF PEDESTRIAN CONNECTIONS

(5) Adjacent non-residential development, as determined by the Community Development and Services Director.

(b) Identify pedestrian walkways and crosswalks to motorists and pedestrians through the use of one or more of the following methods: (Figure 19.7.3-D.)

(1) Changing paving material, patterns, or paving color;

(2) Changing paving height;

(3) Decorative bollards;

(4) Painted crosswalks;

(5) Raised median walkways with landscaped buffers;

(6) Stamped asphalt; or

(7) Bicycle parking.

COMMENTARY:
Easements to provide rights of access between adjacent properties must be recorded prior to project occupancy.

All non-standard paving methods listed that are installed within the public right-of-way require a revocable permit.

(c) Emphasize pedestrian circulation routes with special design features that establish them as areas where pedestrians are physically separated from the flow of vehicular traffic and/or are protected from the desert elements. See Figure 19.7.3-E. Techniques shall include one or more of the following:

(1) Arcades, porticos, or other shade structures;

(2) Pedestrian light features,

(3) Bollards,

(4) Seat walls or benches;

(5) Drinking water fountains; or

(6) Landscape planters.

Figure 19.7.3-E: PEDESTRIAN CIRCULATION

(d) Sites larger than five acres shall be divided into smaller units through the use of pedestrian walkways, private drives, and other vehicular circulation routes. Breaking up such sites need not require any subdivision of the site or creation of a separate legal description(s).

(e) To the extent practical, drainage facilities should be similarly designed with pedestrian amenities on the same sites.

3. Pedestrian Access through Parking Areas

All surface parking lots that contain more than 50 parking stalls must include pedestrian walkways through the parking lot to the primary building entrance or a sidewalk providing access to the primary building entrance. At a minimum, walkways must be provided for every five driving aisles.

4. Pedestrian Access through Parking Garages

Pedestrian walkways must be provided through parking garages from the parking area to the abutting public right-of-way and/or to the primary entrance of the building served by the parking. Pedestrian walkways may not use vehicle entrance or exit driveways from the parking area to a public right-of-way.

5. Overhead Weather Protection and Shade

Commercial, mixed-use, and industrial development shall provide overhead weather protection and shade structures pursuant to Section 19.7.6.D.3(h), *Response to the Climate*.

6. Standards for Pedestrian Improvements

General Pedestrian Walkway Standards

(a) Required pedestrian walkways must:

(1) Be at least five feet in width;

(2) Be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation (striped asphalt does not count);

(3) Have adequate lighting for security and safety;

(4) Be centrally located on the subject property;

(5) Be ADA accessible; and

(6) Not include barriers that limit pedestrian access between the subject property and adjacent properties.

19.7.4. PARKING AND LOADING

A. PURPOSE

The regulations of this section are intended to help ensure provision of off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demands of different land uses. Additional parking standards for mixed-use districts can be found in Section 19.7.7.G.1(f).

B. APPLICABILITY

1. New Development

Every building or land use established, every existing building enlarged, and every existing use expanded must provide off-street parking and loading areas in accordance with the minimum parking requirements set forth in Sections 19.5.3 through 19.5.6. Existing parking and loading spaces may not be reduced below the minimums required by Sections 19.5.3 through 19.5.6.

2. Expansions and Enlargements

The off-street parking and loading standards of this section apply when an existing structure or use is expanded or enlarged. In the case of such expansions or enlargements, additional off-street parking and loading spaces are required to serve only the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) must equal at

least 75 percent of the minimum required ratio as defined in Sections 19.5.3 through 19.5.6.

3. Change of Use

Off-street parking and loading must be provided for any change of use that would result in a requirement for more parking or loading spaces than the existing use as defined in Sections 19.5.3 through 19.5.6.

4. Exemptions

For exemptions to downtown district parking and loading spaces, refer to Section 19.7.4.F.8.

C. OFF-STREET PARKING SCHEDULES

1. Minimum Off-Street Parking Requirements

The minimum off-street parking requirements for uses allowed by this Code are listed with the use-specific standards for the particular use in Chapter 19.5: *Use Regulations*.

2. Schedule "B"

Use subject to Off-Street Parking Schedule "B" (Sections 19.5.3 – 19.5.6) must provide the minimum number of off-street parking spaces indicated in Table 19.7.4-1, *Off-Street Parking Schedule B*.

TABLE 19.7.4.C-1: OFF-STREET PARKING SCHEDULE B

ACTIVITY	NUMBER OF SPACES REQUIRED
Office or Administrative Area	1 per 300 square feet
Indoor Sales Area	1 per 200 square feet
Outdoor Sales, Display, or Storage Area (3,000 square feet or less)	1 per 750 square feet
Outdoor Sales, Display, or Storage Area (over 3,000 square feet)	1 per 1,000 square feet
Indoor Storage/Warehousing/Vehicle Repair/Manufacturing Area	
1 - 3,000 square feet	1 per 250 square feet
3,001 - 5,000 square feet	1 per 500 square feet
5,001 – 10,000 square feet	1 per 750 square feet
10,001 and greater	1 per 1,250 square feet

3. Schedule "C"

Use subject to Off-Street Parking Schedule "C" (Sections 19.5.3 – 19.5.6) have widely varying parking and loading demand characteristics, making it very difficult to specify a single appropriate off-street parking or loading standard. Upon receiving a development application for a use subject to Schedule "C" standards, the Community Development and Services Director is authorized to apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. The study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Community Development and Services Director, and should include other reliable data collected from uses or combinations of uses that are the same as or

comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

D. OFF-STREET LOADING

1. Loading Spaces Required

Off-street loading spaces must be provided in accordance with Section 19.5.3–19.5.6 and Table 19.7.4-2, *Off-Street Loading Schedule*:

TABLE 19.7.4-2: OFF-STREET LOADING SCHEDULE

GROSS FLOOR AREA	MINIMUM NUMBER OF SPACES REQUIRED	
	TYPE A	TYPE B
LOADING GROUP 1		
0 – 5,000 square feet	N/A	N/A
5,001 – 15,000 square feet	N/A	1
15,001 – 50,000 square feet	N/A	2
50,001 +	N/A	3
LOADING GROUP 2		
0 – 10,000 square feet	1	N/A
10,001 – 20,000 square feet	N/A	1
20,001 +	1	1
LOADING GROUP 3		
0 – 30,000 square feet	N/A	1
30,001 – 100,000 square feet	N/A	2
100,001 +	N/A	3

NOTES:
Type A: 10-foot minimum width, 20-foot minimum length, and 10-foot minimum vertical clearance.
Type B: 12-foot minimum width, 35-foot minimum length, and 14-foot minimum vertical clearance.

2. Surfacing and Maintenance

Loading areas and access drives must be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights unless otherwise approved by the Public Works Parks and Recreation Parks and Recreation Director.

3. Design and Location Requirements

(a) At no time may goods be loaded or unloaded from the right-of-way of a collector or arterial street.

(b) No part of any vehicle may extend into the right-of-way of a collector or arterial street or block any public sidewalk while being loaded or unloaded.

(c) On a site adjoining an alley, a required loading space must be accessible from the alley unless alternate access is approved by the Public Works Parks and Recreation Parks and Recreation Director.

(d) A required loading space must be accessible without backing a vehicle across a street property line unless the Public Works Parks and Recreation Parks and Recreation Director determines that provision of turnaround space is infeasible and approves alternate access.

(e) A loading space must not intrude into any portion of a required drive aisle, ADA-accessible route, or fire lane.

(f) An occupied loading space must not prevent access to a required parking space.

(g) Loading spaces must be designed so that parking maneuvers, such as backing into the loading area, do not occur in the public right-of-way.

(h) Exterior loading areas must be screened on three sides by a building, solid decorative screen wall at least eight feet in height, and landscaping at least five feet in width, adjacent to the screen wall.

(i) Loading spaces must be located a minimum of 50 feet from any property with a residential land use.

(j) Required off-street loading spaces must be on the site of the use served or on an adjoining site and must not be located in a required setback.

E. CALCULATIONS

The following rules apply when calculating off-street parking and loading requirements:

1. Multiple Uses

Unless otherwise approved, lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

2. Fractions

When measurements of the number of required spaces result in a fractional number, the result must be rounded up to the next higher whole number.

3. Area Measurements

Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area.

4. Occupancy- or Capacity-Based Standards

For the purpose of calculating parking requirements based on employees, students, residents, or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

5. Unlisted Uses

Upon receiving a development application for a use not expressly listed in this section or within Chapter19.5: *Use Regulations*, the Community Development and Services Director is authorized to apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of the requirements that apply to Schedule "C" uses, in accordance with Section 19.7.4.C.3.

6. Reserved Parking

All required parking spaces must be free, unfettered, and permanently available to all users. They must also be maintained for public-parking purposes only. This applies to both covered and uncovered parking spaces (required spaces may be covered so long as they are not reserved). Only parking spaces provided in excess of the minimum number of spaces required by this Development Code may be reserved—covered or uncovered—for specific users.

7. Parking within Rights-of-Way

Parking within the right-of-way is deemed excess parking and does not count toward meeting minimum off-street parking requirements. Unless otherwise expressly stated, all required parking must be located on the project site of the use or development that the parking is required to serve.

F. OFF-STREET PARKING ALTERNATIVES

1. Scope

This section authorizes several alternatives to strict compliance with the parking regulations of this chapter.

2. Applicability

Applicants seeking approval of an alternative parking plan through the waiver or administrative adjustment processes must secure approval of such plan in accordance with the provisions of this section.

3. General

(a) Procedure

Alternative parking plans must be reviewed and approved in accordance with the administrative adjustment procedures of Section 19.6.9.B.

(b) Recordation of Approved Plans

An attested copy of an approved alternative parking plan and approval letter must be recorded with the Clark County Recorder. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant must provide proof of recordation prior to approval of a certificate of occupancy.

(c) Violations

Violations of an approved alternative parking plan constitute a violation of the Development Code and will be subject to the enforcement and penalty provisions of Chapter 19.11: Enforcement.

4. Offsite Parking

The Community Development and Services Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the offsite parking complies with all of the following standards.

(a) Ineligible Activities

Offsite parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off site.

(b) Location

No offsite parking space may be located more than 1,000 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote-parking shuttle-bus service is provided. Offsite parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or remote parking shuttle bus service is provided.

(c) Zoning Classification

Offsite parking areas require the same or a more intensive zoning classification than required for the use served.

(d) Agreement for Offsite Parking

In the event that an offsite parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement must guarantee the use of the offsite parking area for at least ten years. An attested copy of the agreement between the owners of record must be submitted to the Community Development and Services Director for review and approval. Recordation of the approved agreement by the applicant must take place before issuance of a building permit or certificate of occupancy for any use to be served by the offsite parking area. An offsite parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Sections 19.5.3 through19.5.6. No use may be continued if the parking is removed unless substitute parking facilities are provided, and the Community Development and Services Director must be notified at least 60 days prior to the termination of a lease for offsite parking.

5. Shared Parking

The Community Development and Services Director may approve shared-parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.

(a) Location

Shared-parking spaces must be located within 1,000 feet of the primary entrance of all uses served, unless remote-parking shuttle-bus service is provided.

(b) Zoning Classification

Shared-parking areas require the same or a more intensive zoning classification than required for the use served.

(c) Shared-parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared-parking analysis prepared by a qualified professional to the Community Development and Services Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Community Development and Services Director and be made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(d) Agreement for Shared Parking

A shared-parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Community Development and Services Director for review and approval. Recordation of the approved agreement by the applicant must take place before issuance of a building permit for any use to be served by the offsite parking area. A shared-parking agreement may be terminated only if all required off-street parking spaces will be provided, in accordance with the requirements in Sections 19.5.3 through 19.5.6.

6. Valet Parking

The Community Development and Services Director may approve valet parking as a means of satisfying otherwise applicable off-street parking requirements if:

(a) A valet-parking plan must be reviewed and approved in accordance with design review procedures if a plan was not submitted with the entitlement application that created the development.

(b) All parking areas, except allowed tandem and stacked-parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle. Stacked parking may be authorized by the Community Development and Services Director in valet-parking facilities and other parking lots with a parking attendant.

(c) No more than 50 percent of the minimum required parking spaces for the development may be designated for valet spaces.

(d) Valet parking must be designed so that direct access is not from a public street or alley. Direct access must be provided from an internal drive aisle that serves the development. The valet-parking design may not restrict pedestrian and vehicular circulation within the development.

(e) The development must provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building, but it may not be located within a fire lane, impede vehicular and/or pedestrian circulation, or cause queuing in the right-of-way or drive aisle.

(f) The valet parking area may not be located within 200 feet of the public entrance of a building within the development. If the parking configuration does not allow compliance with this separation requirement, such as in parking garages, valet parking must be located in the farthest spaces from any public entrance as approved by the Community Development and Services Director.

7. Parking-reduction Incentives

(a) Transit Accessibility

The Community Development and Services Director may authorize up to a 15 percent reduction in the number of off-street parking spaces required for uses located within 1,000 feet of a bus rapid transit-stop.

(b) Multifamily Residential in Mixed-Use Building

Multifamily residential incorporated as part of a vertically-oriented mixed-use building shall provide a minimum of 1.5 spaces per dwelling unit. No parking study shall be required unless it is combined with another credit request.

(c) Transportation Demand Management

The Community Development and Services Director and/or Public Works Parks and Recreation Parks and Recreation Director may approve a Transportation Demand Management plan (TDM plan) as a means of reducing the minimum number of off-street parking spaces required for large employers (defined for purposes of this section as those with at least 500 employees) within a nonresidential or mixed-use development with a minimum overall area of ten acres.

(1) Required TDM Plan

A TDM plan shall be reviewed and approved in accordance with the applicable entitlement application to allow up to a 15 percent reduction. The TDM plan must include facts and/or projections (i.e., type of development, proximity to transit and/or other multi-modal systems, anticipated number of employees and/or patrons, Development Code minimum-parking requirements) and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and reduce traffic congestion.

(2) Transportation Demand Management Activities

The TDM plan must provide a minimum of three of the following transportation demand management activities in order to qualify for a reduction in otherwise required minimum off-street parking ratios:

i. Establish a development-specific website that provides multi-modal transportation information such as real-time travel/traffic information, bus routes, bus schedules and maps, and alternative commute log (bicycle, pedestrian, carpool, vanpool, etc.).

ii. Disclose in writing to all employees transportation information and educational materials.

iii. Coordinate the formation of, but not limited to, carpooling, vanpooling, ridesharing, guaranteed ride home, teleworking, and/or shuttle service programs.

iv. Create a Preferential Parking Management Plan that specifically marks spaces for each registered carpool and/or vanpool vehicle, located near building entrances or in other preferential locations.

v. Institute off-peak work schedules, allowing employees to arrive and depart at times other than the peak morning commute period. The peak morning commute period is defined as 7:00–9:00 a.m. and the peak evening commute period is defined as 5:00–7:00 p.m.

vi. Establish an office location within the development, staffed by the transportation coordinator that makes transportation and ride-sharing information available to employees, residents, and nonresidents.

vii. Alternative transportation demand management activities may be approved by the Community Development and Services and Public Works Parks and Recreation Parks and Recreation Directors as a means of complying with the parking reduction incentive provisions of this subsection.

(3) Transportation Program Manager/Coordinator

i. The applicant must appoint a program coordinator to oversee transportation demand management activities.

ii. The program coordinator must be registered with the Regional Transportation Commission of Southern Nevada's TDM program, Club Ride Commuter Services, to promote the use of alternative commute modes and reduce single occupancy vehicle use.

iii. The transportation coordinator must be appointed prior to issuance of a building permit or certificate of occupancy for the buildings to be served by the transportation demand management program.

(4) TDM Annual Report

The program coordinator must provide a report annually to the Public Works Parks and Recreation Parks and Recreation Director that details the implementation strategies for the TDM plan as approved by the appropriate decision-making body for the subject entitlement application. The report may include the following:

i. A description of the transportation management activities efforts;

ii. A list of current tenants and number of employees for each tenant;

iii. A parking-reduction analysis based on employee and/or resident use of ridership programs or alternative transportation options;

iv. Changes to the TDM plan to increase ridership; and

v. Employee transportation survey.

(5) Recordation

A copy of the approved TDM plan shall be recorded with the Clark County Recorder's Office. Recordation of the TDM plan must take place prior to issuance of a building permit for the development to be served by the plan. The TDM plan shall be recorded against the property, and the applicant and/or successors of interest shall be responsible for the plan in perpetuity on the property.

(6) Enforcement

In the event that: (1) the program coordinator fails to submit a report to the Public Works Parks and Recreation Parks and Recreation Director in a timely fashion not to exceed 60 days after the annual report deadline or (2) the applicant no longer implements the program, the TDM plan shall be considered terminated and the required off-street parking spaces must be provided in accordance with requirements in Sections 19.5.3 through 19.5.6.

(7) Amendments

Minor amendments to approved TDM plans shall be approved administratively in accordance with Section 19.6.9.B, *Administrative Adjustments*. The Community Development and Services Director and/or Public Works Parks and Recreation Parks and Recreation Director may approve a major amendment to an approved TDM plan following the same process required for the initial approval.

(d) Special Facilities for Bicycle Commuters

The Community Development and Services Director may authorize up to a five percent reduction in the number of required off-street parking spaces for developments or uses that provide both of the following:

(1) Enclosed (indoor or locker), secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided; and

(2) Employee shower and dressing areas for employees.

(e) Other Eligible Alternatives

The Community Development and Services Director may approve any other parking-reduction incentive that reduces minimum off-street parking requirements in exchange for strategies that will effectively reduce parking demand on the site of the subject development provided the alternative does not result in a modification that is greater than a ten percent modification of the off-street parking standards found in this chapter. Such alternatives may only be approved if the applicant demonstrates to the satisfaction of the Community Development and Services Director that the proposed plan will do at least as good a job protecting surrounding neighborhoods, maintaining traffic-circulation patterns, and promoting quality urban design than would strict compliance with the otherwise applicable off-street parking standards.

(f) Maximum Reduction Allowed

Total cumulative reductions to the minimum off-street parking requirements through the application of any combination of the potential credits and reductions listed above shall not exceed 25 percent, as determined by the Community Development and Services Director.

8. Mixed-Use Districts Parking

In all mixed-use districts, off-street parking is prohibited between the principal street and the corresponding street-facing facade line.

9. Commuter Ride Lot

The Community Development and Services Director may approve commuter ride lot facilities on a site upon which a principal use is located, or site where the commuter ride lot is the primary use, if the facility complies with the following standards.

(a) Commuter Ride Lot (CRL) Plan

A Commuter Ride Lot (CRL) plan shall be reviewed and approved in accordance with the design review procedures if a plan was not submitted with the entitlement application that created the development, if on a shared facility. The CRL plan must include a justification letter demonstrating compatibility of uses on-site, proposed number and location of parking spaces, lighting, operating hours and peak business parking periods for the principal use and commuter ride lot, vending stands and/or machines not to exceed 120 square feet, operating characteristics of the commuter program (i.e. signage, parking stall striping, pick-up and drop-off schedules), landscaping, and screening.

(b) Location

Facility must be located on a street as identified by the Master Streets and Highways Plan. Commuter ride lots must be located on a surfaced and improved off-street parking area for a developed site, or site where the commuter ride lot is the primary use. No commuter ride lot shall be located closer than 15 feet from an existing residential dwelling unit on adjacent parcels. Commuter ride lots shall be located in the nonresidential parking areas of the development. Commuter ride lots in conjunction with a residential use (i.e. single-family detached, single-family attached, and multi-family, etc.) as defined by this Development Code are prohibited, unless part of a mixed-use development. Commuter ride lots shall not be located on a parcel with residential zoning designation.

(c) Ineligible Activities

Vehicles may not be stored on-site for a period of exceeding 24 hours or longer.

(d) Procedure

Parking that is above and beyond the minimum off-street requirement for a developed site that is provided for the use of a commuter ride lot, the facility shall be reviewed and approved in accordance with the design review application procedures of Section 19.6.6.B. A conditional use permit is required when the commuter ride lot reduces the parking below the minimum off-street requirement for the principal use.

(e) Agreement for Commuter Ride Lot

A CRL plan will be enforced through a written agreement among the owners of record and entity operating the commuter ride lot facility. The agreement must guarantee the implementation, maintenance, and lapse of approval of the CRL plan. An attested copy of the agreement between the owners of record shall be recorded with the Clark County Recorder's Office. Recordation of the CRL Plan shall take place prior to submittal of the applicable entitlement application to operate the commuter ride lot facility. A copy of the recorded agreement shall be provided to the Community Development and Services Department.

(f) Violations

Violations of an approved CRL plan constitute a violation of the Development Code and will be subject to the enforcement and penalty provisions of Chapter 19.11: Enforcement.

10. Fees In Lieu of Parking

Within parking districts established by the City Council, off-street parking requirements for nonresidential uses may be satisfied by payment of an in-lieu parking fee established by the City Council. Such payment must be made before issuance of a building permit or a certificate of occupancy. Fee revenue must be used to provide public parking in the vicinity of the use. The City is not obligated to provide more than 20 spaces and then only with the express approval of the City Council. In establishing parking districts, the City Council may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

G. USE OF OFF-STREET PARKING AREAS

1. Nonresidential Districts

Required off-street parking areas are to be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

2. Residential Districts

(a) Required off-street parking areas are to be used solely for the parking of licensed motor vehicles in operating condition.

(b) In addition to the standard driveway parking spaces provided in conjunction with any single-family residence, one additional off-street parking or storage space for one recreational vehicle or one passenger vehicle may be provided within any front yard or street side setback area provided any vehicle does not exceed eight feet in height or 25 feet in length. Such parking or storage space must be finished in concrete, asphalt, or a similar paved surface.

H. VEHICLE STACKING AREAS

The vehicle stacking standards of this subsection apply unless otherwise expressly approved by the Public Works Parks and Recreation Parks and Recreation Director.

1. Queuing Studies

The Public Works Parks and Recreation Parks and Recreation Director is authorized to require the submittal of a queuing study when deemed necessary to competently measure the vehicle stacking (queuing) demands of a proposed use.

2. Minimum Number of Spaces

Unless otherwise required by the Public Works Parks and Recreation Parks and Recreation Director or the Community Development and Services Director, off-street stacking spaces must be provided in accordance with Table 19.7.4-3, *Vehicle Stacking Requirements*:

TABLE 19.7.4-3: VEHICLE STACKING REQUIREMENTS

ACTIVITY TYPE	MINIMUM STACKING SPACES	MEASURED FROM
Bank Teller Lane	4	Teller or Window
Automated Teller Machine	3	Teller
Restaurant, Drive-Through	8	Pick-Up Window to Drive-Through Lane Entrance
Car Wash Stall, Automatic	4	Entrance
Car Wash Stall, Self-Service	3	Entrance
Gasoline Pump	1	In addition to the space required at each accessible side of a gasoline pump, one stacking space at one end of Pump Island for each accessible side of the pump island.
Dry Cleaner, Drive-Through	3	Drop-Off/Pick-Up Window
Other	Determined by Public Works Parks and Recreation Parks and Recreation Director based on traffic/queuing study	

3. Design and Layout

Required stacking spaces are subject to the following design and layout standards.

(a) Size

Stacking spaces must be a minimum of eight feet by 20 feet in size.

(b) Location

Stacking spaces may not impede required fire lanes, onsite or offsite traffic movements or movements into or out of off-street parking spaces.

(c) Design

Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Community Development and Services Director for traffic movement and safety. Vehicle stacking areas must also comply any applicable standards set forth in Chapter 19.5.

I. ACCESSIBLE PARKING FOR PERSONS WITH PHYSICAL DISABILITIES

1. General

A portion of the total number of required off-street parking spaces in each off-street parking area must be designated, located, and reserved for use by persons with physical disabilities, in accordance with the regulations of this section.

2. Number of Spaces

The minimum number of accessible spaces to be provided is established as a portion of the total number of off-street parking spaces provided, as determined from the following schedule. Parking spaces reserved for persons with disabilities are counted toward fulfilling off-street parking standards, and shall be provided in accordance with Table 19.7.4-4, *Accessible Parking Requirements*.

TABLE 19.7.4-4: ACCESSIBLE PARKING REQUIREMENTS

TOTAL PARKING SPACES PROVIDED	MINIMUM NUMBER OF ACCESSIBLE SPACES (INCLUDING VAN-ACCESSIBLE)	MINIMUM NUMBER OF VAN-ACCESSIBLE SPACES
1–25	1	1
26–50	2	1
51–75	3	1
76–100	4	1
101–150	5	1
151–200	6	1
201–300	7	1
301–400	8	1
401–500	9	2
501–1,000	2% of total spaces	1 out of every 6 accessible spaces
Over 1,000	20 + 1 per each 100 spaces, or fraction thereof, over 1,000	

3. Minimum Dimensions

All parking spaces reserved for persons with disabilities must have a minimum eight-foot width and must have an adjacent access aisle as follows:

(a) Car-Accessible Spaces

Car-accessible spaces must have at least a five-foot-wide access aisle located abutting the designated parking space.

(b) Van-Accessible Spaces

Van-accessible spaces must have at least an eight-foot-wide access aisle located abutting the designated parking space.

4. Location of Spaces

Required spaces for persons with disabilities must be located in close proximity to building entrances and must be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

5. Signs and Marking

Required spaces for persons with disabilities must be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs must be posted directly in front of the parking space at a height of no less than 60 inches and no more than 72 inches above pavement level.

J. PARKING LOCATION AND LAYOUT

1. Location

Except as otherwise expressly provided in this Development Code, required off-street parking and loading spaces must be located on the same lot as the principal use (Section 19.7.4.F, *Off-Street Parking Alternatives*).

2. Setbacks

In an RM, RH, C, or I district, required off-street parking spaces may occupy any part of the property, except within required landscape areas or sight-distance triangles.

3. Access

(a) All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion unless it is physically impossible to provide for such access. An alley may be used as maneuvering space for access to off-street parking and a 20-foot credit may be granted for back-up space.

(b) When an off-street parking area does not abut a public street, there must be provided an access drive not less than 24 feet in width for two-way traffic, connecting the off-street parking area with a public street. The access drive must be paved in the manner required for off-street parking lots and may not traverse property in a residential district unless the drive provides access to a parking area serving a use allowed in a residential district. Where an access or service drive is such that satisfactory turnaround is not possible, a turnaround must be provided as required by the Fire Chief.

(c) Entrances and exits are subject to the approval of the Public Works Parks and Recreation Parks and Recreation Director in accordance with encroachment regulations of the City and the Standard Drawings and Specifications. All driveways must be at least 26 feet from the point of curvature at intersections unless this requirement is waived by the Public Works Parks and Recreation Parks and Recreation Director.

4. Driveways

(a) Widths

Driveway entrances must conform to the Standard Drawings and Specifications and must have the minimum widths listed in Table 19.7.4-5, measured from back-of-curb to back-of-curb, plus a minimum of 18 inches additional clearance on each side of a vertical obstruction exceeding 0.5 foot in height.

TABLE 19.7.4-5: DRIVEWAY WIDTH		
USE SERVED	**NUMBER OF SPACES**	**MINIMUM WIDTH (FEET)**
RESIDENTIAL	6 or Less	10
	7+	12 if 1-way 20 if 2-way
NONRESIDENTIAL TO INCLUDE DP DISTRICTS	24 or Less	16 if 1-way 32 if 2-way
	25+	24 if 1-way 32 if 2-way
NOTE: The Community Development and Services Director, in consultation with the Public Works Parks and Recreation Parks and Recreation Director, may require driveways in excess of these widths where unusual traffic, grade or site conditions prevail. The Public Works Parks and Recreation Parks and Recreation Director may require driveways to be constructed with full-curb returns and handicapped ramps, as opposed to simple-curb depression. Private driveways and drive aisles shall comply with the Fire Code when the Fire Chief determines that they are necessary for fire apparatus access.		

(b) Spacing

Driveways serving the same parking facility shall comply with the Standard Drawings and Specifications as required by the Regional Transportation Commission of Southern Nevada.

(c) Visibility

Sight visibility must be provided at all driveways, side streets or alleys intersecting a public or private street in accordance with the most recent version of *AASHTO Policy of Geometric Design of Highways and Streets*. No structures, vegetation, or visual impediments above a height of 24 inches shall be located within the sight visibility zone. See Figure 19.7.4-A.

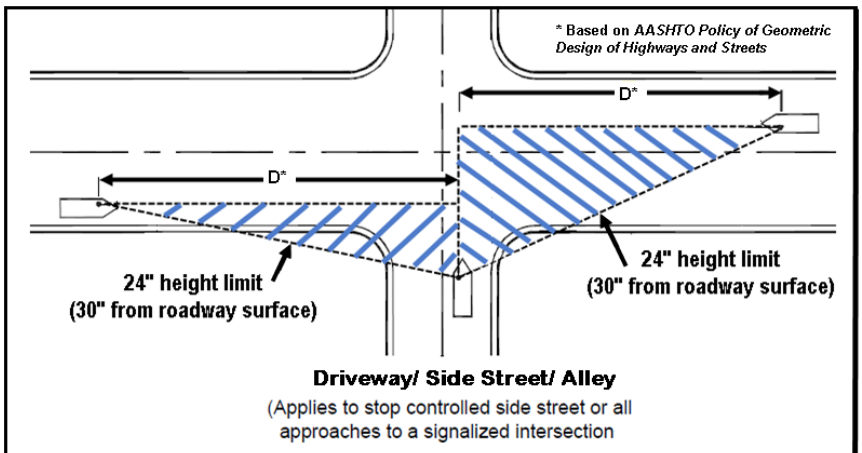


Figure 19.7.4-A: Driveway/ Side Street/ Alley Visibility

(d) Intersection Corner Clearance

Driveways near the intersections of streets shall comply with the Clark County Uniform Standard Drawings. Exceptions to this requirement must be approved by the Public Works Parks and Recreation Parks and Recreation Director.

(e) Alignment

Driveway centerline shall be perpendicular to the intersecting street centerline. Driveway throat curbing shall be parallel to the driveway centerline.

5. Common Driveways

Common driveways are required between developing parcels. Exceptions to this requirement must be approved by the Public Works Parks and Recreation Parks and Recreation Director and/or the Community Development and Services Director.

6. Number of Driveways

No more than two driveways are allowed along the property frontage of any street. If the driveway spacing cannot be met, then only one drive will be allowed. Additional driveways require approval from the Public Works Parks and Recreation Parks and Recreation Director. See also Section 19.7.3.E, *Cross-Access Between Adjacent Uses*.

7. Driveway Spacing

Driveways into commercial, business park, office complex, and warehouse developments that generate more than 500 vehicle trips per day must be spaced 200 feet centerline to centerline for driveways accessing 80-foot-wide right-of-way streets and 300 feet centerline to centerline for driveways accessing 100-foot-wide and greater right-of-way streets.

8. Right-Turn Lanes

For streets 100 feet wide or greater, right-turn lanes may be required for driveways that are projected to have 50 to 99 entering vehicles during the development's peak hour, and right-turn lanes will be required for all driveways that are projected to have 100 entering vehicles or more during the development's peak hour. For streets 80 feet in width, right-turn lanes will be required at driveways that are projected to have 100 entering vehicles or more during the peak hour. Right-turn lanes may also be required as determined by the Public Works Parks and Recreation Parks and Recreation Director.

9. Driveway Throat Depths

Driveway throat depths of at least 50 feet are required for all driveways on 80-foot-wide rights-of-way. Driveway throat depths of 100 feet are required for all driveways on 100-foot-wide or greater rights-of-way. Exceptions to this requirement must be approved by the Public Works Parks and Recreation Parks and Recreation Director. Additional throat depth may be required at each driveway generating 100 or more entering vehicles during the development's peak hour as determined by the Public Works Parks and Recreation Parks and Recreation Director.

10. Channelized Medians at Median Openings

Any median opening providing access to a driveway may be closed or channelized with a median in order to restrict the driveway to right-turn only or left-turn only movements as determined by the Public Works Parks and Recreation Parks and Recreation Director to reduce the risk of any potential traffic hazards.

K. DIMENSIONS AND DESIGN

1. General

Required off-street parking spaces shall comply with the minimum dimensional standards in Table 19.7.4-6, *Parking Space Dimensions*:

TABLE 19.7.4-6: PARKING SPACE DIMENSIONS

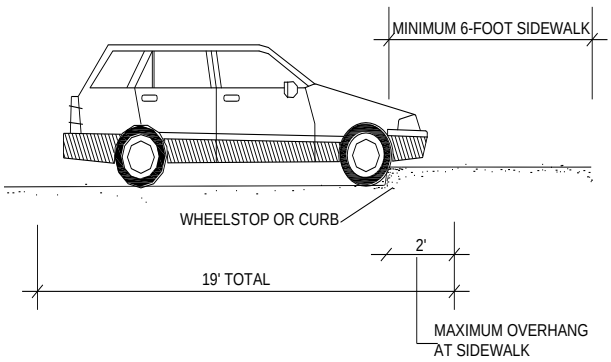
USE	TYPE OF SPACE	DIMENSIONS (FEET)
Residential	In Garage/Carport	See Section 19.7.4.K.9
Residential	Uncovered	9 x 19 {1}
Nonresidential	Angle	9 x 19 {1}
All	Parallel	8 x 23
{1} When stalls are rotated at an angle of less than 90 degrees, the Community Development and Services Director may require that stall depths perpendicular to the drive aisle increase by up to one foot.		

2. Compact Spaces

The Community Development and Services Director is authorized to approve the use of compact parking spaces for up to 50 percent of employee parking if the need for compact parking spaces is supported by a parking study that has been prepared by the applicant. Compact parking spaces must have minimum dimensions of 8.5 feet by 18 feet. Compact parking spaces must be designated by signs or other approved markings.

3. Vertical Clearance

All off-street parking spaces must have a minimum overhead vertical clearance of seven feet, except that an entrance may be 6.67 feet, and the front five feet of a parking space serving a residential use may have a minimum vertical clearance of 4.5 feet.



Reduction for Sidewalk Overhangs

Figure 19.7.4-B: PARKING SPACE OVERHANGS

4. Reduction for Planter and Sidewalk Overhangs

When a parking space abuts a landscape island or planter, the front two feet of the required parking space length may overhang the planter, provided that wheel stops or curbing are provided. When a parking space abuts a sidewalk with a minimum width of six feet, the front two feet of the required parking space length may overhang the sidewalk in accordance with Figure 19.7.4-B.

5. Spaces Near Obstructions

When the side of a parking space adjoins a wall, column or other obstruction that is taller than six inches, the width of the parking space must be increased by two feet on the obstructed side, provided that the increase may be reduced by three inches for each 18 inches up to a maximum of six feet of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space. This provision does not apply

to support columns located along the front third (6 feet 4 inches) of a parking space in a parking garage or under a carport, provided the column encroaches no more than 9 inches into the parking space. See Figure 19.7.4-C.

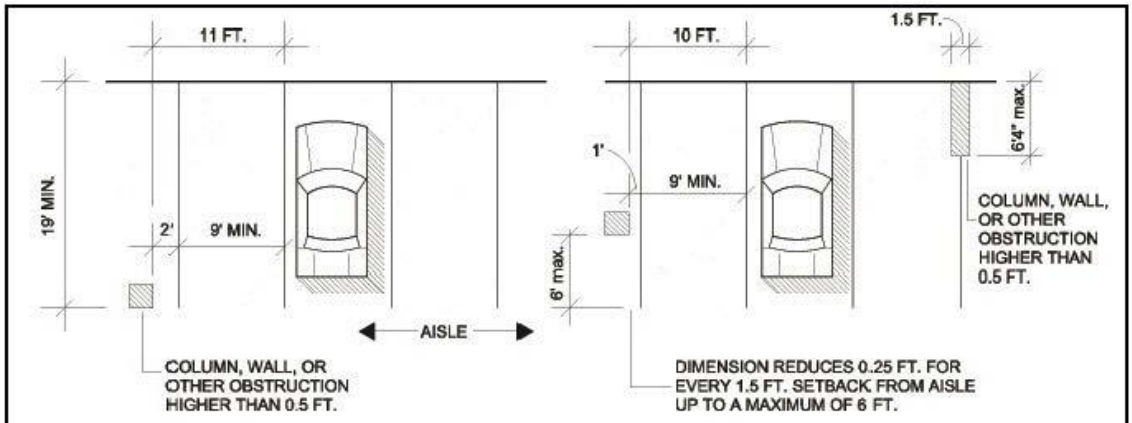


Figure 19.7.4-C: SPACES NEAR OBSTRUCTIONS

6. Aisle Widths

Aisle widths adjoining off-street parking spaces must comply with the dimensional standards in Table 19.7.4-7, *Minimum Aisle Width for Specified Parking Angle*:

TABLE 19.7.4-7: MINIMUM AISLE WIDTH FOR SPECIFIED PARKING ANGLE (FEET)

INCREASE IN PARKING SPACE WIDTH (FEET)	90°	75°	60°	45° OR LESS
0.00	24	22.5	18	13
0.50	23	20.5	-	-
1.00+	22	-	-	-

NOTES:

{1} Required fire lanes must have a minimum width of 24 feet with a vertical clearance of 13.5 feet. Except for 24-foot-wide fire lanes, aisles designed for two-way traffic must have the minimum width shown in the chart above or 20 feet, whichever is greater.

{2} At the end of a parking bay, an aisle providing access to a parking space perpendicular to the aisle must extend 2 feet beyond the required width of the parking space.

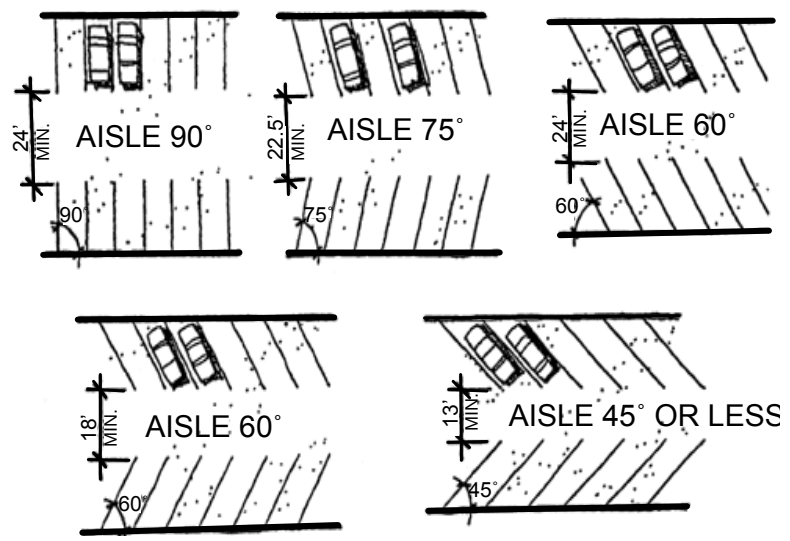


Figure 19.7.4-D: MINIMUM AISLE WIDTHS

7. Markings

(a) Each required off-street parking space and off-street parking facility must be identified by surface markings and must be maintained in a manner so as to be readily visible and accessible at all times. Such markings must be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Marking required to be maintained in a highly visible condition includes striping, directional arrows, lettering on signs and in handicapped-designated areas, and field color.

(b) One-way and two-way access into required parking facilities must be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street must be marked with a traffic separation stripe the length of the access. This requirement does not apply to aisles.

8. Surfacing and Maintenance

All off-street parking areas must be paved and kept in a dust-free condition at all times.

9. Garages and Carports in Residential Districts

The following standards apply to driveways, garages, and carports in all R, MC, MN, and MR zoning districts, whether they are accessory structures or part of a principal structure.

(a) Driveways

Driveways must be paved in conformance with the Standard Drawings and Specifications and must have widths and clearances prescribed by Section 19.7.4.J.4, Driveways.

(b) Garage Dimensions

Residential garages must have the minimum interior dimensions identified in Table 19.7.4-8, *Garage Dimensions*:

TABLE 19.7.4-8: GARAGE DIMENSIONS	
GARAGE TYPE	**MINIMUM INTERIOR DIMENSIONS (WIDTH X LENGTH) (FEET)**
WITHOUT APPLIANCES	
1-Car Garage	10 x 22
2-Car Garage	20 x 22
3-Car Garage	27.5 x 22
WITH APPLIANCES AT SIDE	
1–Car Garage	14 x 22
2–Car Garage	23 x 22
3-Car Garage	31.5 x 22
WITH APPLIANCES AT FRONT, REAR, OR CORNER	
1–Car Garage	10 x 24
2–Car Garage	20 x 24
3-Car Garage	27.5 x 24
NOTES: {1} No interior door shall open into garage space unless the door will fully open without encroaching into the above-specified areas. {2} Appliances include but are not limited to water heaters, water softeners, and washers/dryers. {3} Minimum dimensions for tandem garage stalls shall be as required for a one-car garage. {4} If appliance alcoves are provided outside the required parking area, garage dimensions can be reduced to "without appliances" standard.	

(c) Carport Dimensions

Carports must measure at least nine feet by 19 feet, measured from the inside face of support to the inside face of opposite support. The carport roof must cover the entire 19-foot length of the space and the carport shall not extend into or over a fire lane.

10. Passenger Drop-Off Areas

(a) All public and private schools, general day care and large-family day care uses, institutional uses, and recreational uses must provide an onsite area for drop-offs and pick-ups.

(b) A traffic circulation plan must be submitted to the Community Development and Services Director and the Public Works Parks and Recreation Parks and Recreation Director for review and approval prior to issuance of any permits for the use. The traffic circulation plan must describe proposed measures for ensuring safe and efficient traffic circulation on site and in the area surrounding the subject site. The plan must also include information about the number of enrollees or users, the hours of operation and peak loading and unloading times, the projected number of vehicles that will be using the loading and unloading area, plans for directing traffic within the area and other safety measures, and other information deemed necessary by the Community Development and Services Director and the Public Works Parks and Recreation Parks and Recreation Director.

(c) Required drop-off and pick-up areas for public or private schools must include at least: (1) five automobiles and five school bus spaces, or (2) one automobile and ½ school bus space for every 50 students, whichever results in the greater number of spaces. No more than 12 automobile or bus spaces are required for any size school facility. Required drop-off and pick-up area for day care uses must provide at least one drop-off/pick-up space and maneuvering area to allow vehicles to drop-off/pick-up children and exit the site without backing out onto a public street identified on the Master Streets and Highways Plan, in accordance with Figure 19.7.4-E, and Community Development and Services and Public Works Parks and Recreation Parks and Recreation Departments' approval.

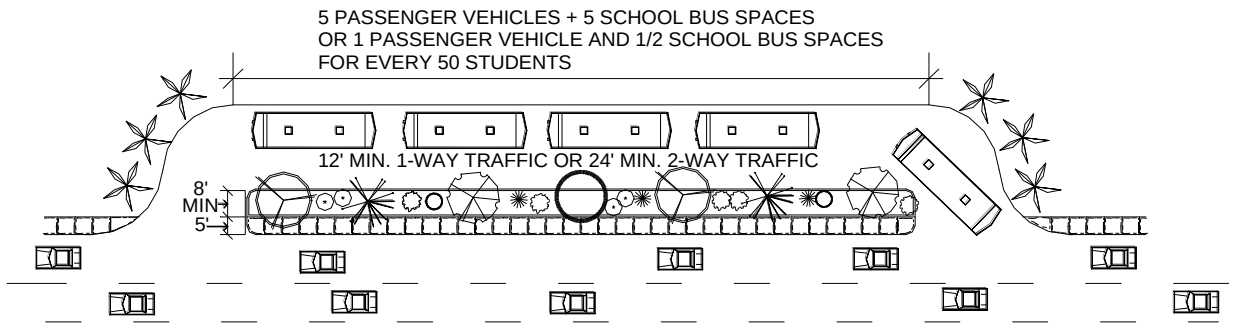


Figure 19.7.4-E: DROP-OFF LOADING AREAS

(d) Drop-off and pick-up areas may be adjacent to a primary driveway access or aisle, but they must be located far enough off the roadway so that they do not cause traffic to stop. Exceptions to these standards may be allowed only as expressly approved by the Community Development and Services Director and Public Works Parks and Recreation Parks and Recreation Director.

(e) Minimum widths for drop-off areas combined with access drives are 12 feet for one-way traffic and 24 feet for two-way traffic.

(f) Drop-off and pick-up areas for schools public or private adjacent to the public right-of-way are required to maintain an eight-foot minimum separation from the right-of-way to the drop-off and pick-up areas.

11. Off-Street Parking Area Screening

Off-street parking areas must be screened in accordance with the standards of Section 19.7.5.D, *Parking Lot Landscaping and Screening*.

12. Parking Garages

(a) Applicability

The parking garage design standards of this section apply to all parking garages in all zoning districts except as otherwise expressly stated.

(b) Exterior Design

(1) Appearance and Materials

i. Exterior walls of parking garages that are visible from public rights-of-way must be architecturally designed to integrate and be compatible with other buildings on the site. Blank walls are not allowed.

ii. Vertical and horizontal design elements, such as off-sets, reveals, or projecting ribs at least one foot wide must be incorporated into the exterior facade design in order to create a repeating pattern at or no greater than 30 feet.

iii. The exterior facade must maintain a horizontal line on every level or floor. The sloping nature of the interior structure, necessary in the design of parking garages, may not be repeated on the exterior facade.

iv. Stairwells shall be constructed internal to the building.

v. Interior lights shall be shielded so as to not be visible from the exterior.

(2) Enclosure Requirements

Each level of the parking garage, including the ground level, must maintain a solid and continuous wall of at least 42 inches in height, as measured from the driving surface of each level.

(c) Pedestrian Entrances

Pedestrian entrances to stairways, elevator lobbies, vestibules, or passageways that lead directly to parking aisles within the garage must be clearly distinguished from vehicle entrance and exit points, using signage, awnings, and lighting.

(d) CPTED Design Requirements

(1) All underground parking areas shall install and maintain emergency call boxes.

(2) All underground parking interior walls shall be painted white.

(3) All residential parking within a mixed-use development shall have controlled access.

(4) Areas beneath stairwells shall be fully enclosed or restricted-access.

(5) All stairwells shall be lit with two MMFC at all times.

(6) Public restrooms are not allowed in parking structures.

13. Bicycle Parking Required

(a) Purpose

Safe and accessible bicycle parking is essential to the City's vision of becoming a Bicycle Friendly Community and providing a truly multi-modal transportation system. By providing safe and adequate bicycle parking facilities for visitors and

employees, they will feel more comfortable utilizing a bicycle to commute and visit commercial centers. In addition, by encouraging more bicycling throughout the city, it will help to reduce motor vehicle usage and pollution within the community.

Bicycle parking will need to be designed not only to provide a safe and secure location for bicycle parking, but also to be visually attractive to help provide a sense of character and uniqueness.

(b) Bicycle Parking Ratios

(1) All non-residential, mixed-use, or multifamily residential developments shall provide at least one short-term bicycle rack that will accommodate at least two bicycles.

(2) All bicycle parking must be easily accessible to visitors and employees. Two types of bicycle parking must be provided for all new development:

i. A short-term bicycle parking area must be provided near the main entrance to a building allowing for high visibility and easy access.

ii. A long-term bicycle parking area must also be provided on-site. Long term bicycle parking areas may be located within a building to allow for a secure parking facility or may be located outside. If long-term bicycle parking is located outside the building, it is recommended that long term bicycle parking areas be enclosed within a secure location and covered to help protect bicycles.

(3) Bicycle parking shall be provided at the ratios specified in Table 19.7.4-9; *Bicycle Parking Ratios,* and shall be rounded up to the nearest whole number.

TABLE 19.7.4-9 BICYCLE PARKING RATIOS

USE TYPES	(MINIMUM SPACES PER 1,000 SQ. FT. OF FLOOR AREA)	
Non-Residential Use Type	**Long-Term**	**Short-Term**
General or professional offices Arts/crafts studios	0.30	0.06
Technical offices, research labs	0.22	0.06
Banks, financial offices (ground floor)	0.30	0.50
Retail stores, consumer service	0.10	0.60
Food and convenience stores Entertainment, recreation	0.10	1.00
Restaurants, bars	0.20	1.00
Theaters, gathering halls	0.08	1.00
Churches	0.08	0.50
Medical clinics/offices	0.30	0.50
Industrial uses	0.10	N/A
Hospitals	0.20	0.10
College or university academic or administrative facilities	0.20	0.05
Residential Use Type		
Multifamily residential	1 per 4 units	N/A

(c) Bicycle racks shall be distributed throughout the site and placed either within 50 feet of the primary entrance(s) of the building(s) they are intended to serve and/or adjacent to a trail corridor where applicable. If applicable, bicycle racks shall be located outside of the required Clear Area, as defined in Section 19.7.7.G.1. The Community Development and Services Director may approve alternate location(s) with sufficient justification. All racks shall be located with visibility and security as a primary factor.

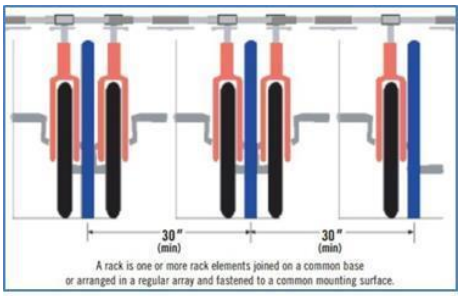


FIGURE 19.7.4-G BIKE RACK SPACING

(d) Bicycle racks may be unique in design but must have the following characteristics:

(1) Support the frame of the bicycle at two places and not just one wheel;

(2) Allow the frame and one wheel to be locked to the rack when both wheels are left on the bike;

(3) Allow the frame and both wheels to be locked to the rack if the front wheel is removed;

(4) Racks must be placed so as not to block entrances or interfere with pedestrian traffic flow in or out of a building. If placed on a sidewalk or within a pedestrian walkway, a minimum 5 feet clear space must be maintained.

An inverted U, post and loop, or "A" type bicycle rack is preferred as shown in Figure 19.7.4-F, but proposed alternatives may be considered if they are able to meet the characteristics listed above.

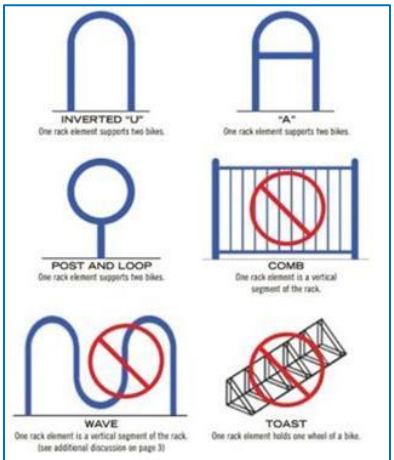


FIGURE 19.7.4-F BIKE RACK DESIGNS

(e) Bicycle parking spaces must have adequate spacing to allow for accessibility without having to move another bicycle. Allow a minimum of 30 inches between bicycle racks when mounted in a row as shown in Figure 19.7.4-G. If multiple rows of bicycle racks are installed, allow for a minimum aisle width of 48 inches measured from tip to tip of bike tires across the space between the rows of bike racks as shown in Figure 19.7.4-H.

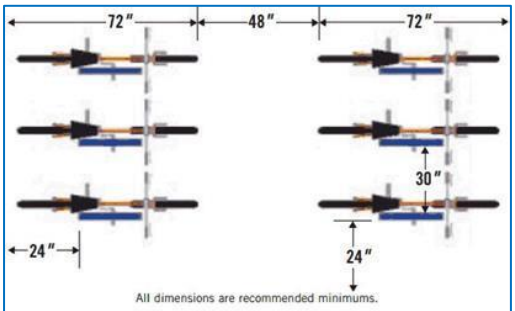


FIGURE 19.7.4-H BIKE RACK ROW PARKING

19.7.5. LANDSCAPING AND SCREENING

A. PURPOSE

This section sets out the minimum landscaping and screening requirements for development within the City of Henderson. See HMC Title 14.14 (*Conservation*) for further landscape and irrigation regulations and restrictions, as defined in that Title.

B. SITE LANDSCAPING

1. Landscape Planting Area

Site landscape planting areas shall be provided in accordance with the Table 19.7.5-1, *Minimum* Site *Landscaping Requirement by Zoning District*:

TABLE 19.7.5-1: MINIMUM SITE LANDSCAPING REQUIREMENT BY ZONING DISTRICT (PERCENT OF LOT)

CN, CO, CC, CH,CA, IL, IG, IP, PS	CT	NONRESIDENTIAL USES IN R DISTRICTS
15	20	15

2. Industrial Zones

Yard, storage, and dock areas, separated by masonry fencing a minimum of eight feet in height, may be excluded when calculating site landscaping requirements.

C. PERIMETER LANDSCAPE BUFFERS

1. Applicability

Perimeter landscape buffers shall be provided abutting street rights-of-way and parcels abutting other sites in accordance with the standards of this subsection. If landscaping material is required in the right-of-way, onsite perimeter landscape buffers may be reduced adjacent to that right-of-way through a waiver with acceptable provision of compensating benefit.

2. Relationship to Other Landscaping Standards

Landscaping provided to meet a project's perimeter landscape buffer requirements of this section may be counted towards meeting the project's site landscaping requirements. Parking lot landscaping may also be counted towards meeting the project's site landscaping requirements.

3. Buffer Width

Except in the mixed-use districts, the minimum width of required landscape buffers shall be in accordance with Table 19.7.5-2, *Minimum Buffer Width*, and Figure 19.7.5-A, *Landscape Buffers*. Buffers in the mixed-use districts shall be provided pursuant to subsection C.4 below.

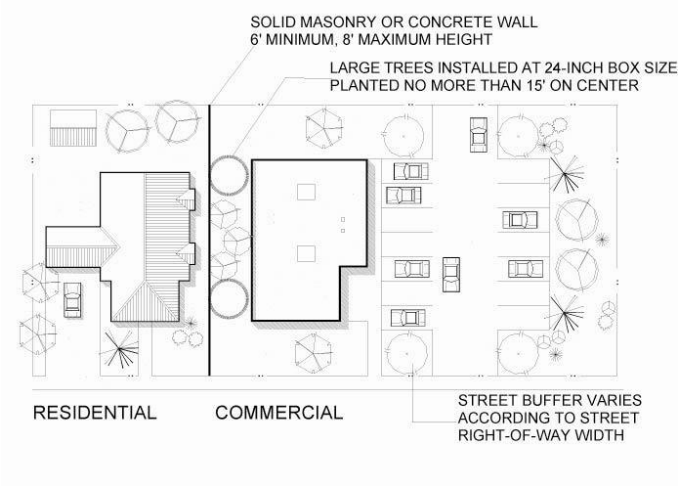


Figure 19.7.5-A: LANDSCAPE BUFFERS

TABLE 19.7.5-2: MINIMUM BUFFER WIDTH

DEVELOPING ZONING DISTRICT	STREET RIGHT-OF-WAY WIDTH (FEET) {1}			ABUTTING PARCEL (LAND USE DESIGNATION)	
	100+	61-80	60	RES	NONRESIDENTIAL OR MIXED-USE
Residential	20 {2}	15 {2}	10 {2}	10 {3}	N/A
Nonresidential	20	15	10 {2}	15 {3}	5
Downtown	16 {4}	N/A	N/A	N/A	N/A
Mixed-Use	See Section 19.7.5.C.4				

NOTES:

General: Buffer width may be reduced by the Community Development and Services Director when necessary to accommodate unique site conditions or physical constraints, provided that reduction is offset by greater buffer widths in unconstrained areas such that the "average" buffer width complies with the minimum width requirement. No reduction in width shall be administratively allowed below 50 percent of the required minimum (e.g., if 25 feet required, reduction cannot exceed 12.5 feet). The required on-site buffer width along a public ROW may be reduced by the Community Development and Services Director up to 50% where landscaping, trail, or open space improvements are required by the City to be provided within the ROW, so long as the total required buffer width is still provided. The buffer along Boulder Highway adjacent to the Boulder Highway linear park may be reduced to 0 feet.

{1} Buffer width measured from back of sidewalk. Required sidewalk is five feet unless a different sidewalk standard applies (i.e., in the mixed-use districts).

{2} Does not apply within Rural Neighborhood Overlay.

{3} Buffer requires large trees installed at 24-inch-box size planted an average of 15 feet on-center when adjacent land use is lower intensity.

{4} Lake Mead Parkway includes a 10-foot-wide detached sidewalk located six feet from the back-of-curb. Plants, materials, and design shall be per the Lake Mead Parkway Improvement Program Manual.

4. Perimeter Landscape Buffers in Mixed-Use Districts

(a) Buffer Width

Required perimeter landscape buffer widths vary by location within the mixed-use districts. The minimum width of required landscape buffers shall be as follows:

(1) MN District:

i. A 15-foot landscape buffer shall be provided adjacent to the street right-of-way.

ii. When single-family detached or single-family attached is proposed adjacent to residential, only a wall is required. However, when multifamily is proposed adjacent to residential, the site is required to provide a wall with a 15-foot minimum landscape buffer.

(2) MR District:

i. No perimeter landscape buffer is required adjacent to the street right-of-way.

ii. Portion of property that abuts a residential land use: 25 feet.

iii. Portion of property that abuts a non-residential land use: 5 feet.

(3) MC District:

i. Portion of property that abuts the Boulder Highway Linear Park: none required, with exception of required parking lot screening.

ii. Portion of property that abuts the corridor but not the Boulder Highway Linear Park: 25 feet, except where buildings are placed within the Build-to-zone and no landscape buffer shall be required between the property line and the building façade.

iii. Portion of property that abuts a residential land use: 25 feet.

iv. Portion of property that abuts a non-residential land use: 5 feet.

v. All other street frontages within the mixed-use districts: 10 feet.

(b) Features Allowed in Perimeter Landscape Buffer

In the mixed-use districts, the front/corner perimeter landscape buffer may include the following in addition to the required landscaping, subject to the approval by the Community Development and Services Director:

(1) Street furniture (e.g., benches);

(2) Hardscape (e.g., brick pavers, scored concrete); and

(3) Trees protected by structures (e.g., tree grates and curbs).

D. PARKING LOT LANDSCAPING AND SCREENING

1. Applicability

The interior parking lot landscaping standards of this section shall apply to all off-street parking lots containing five or more off-street parking spaces. They shall not apply to vehicle/equipment storage lots.

2. Relationship to Other Landscaping Standards

Landscaping provided to meet the parking lot landscaping requirements of this section may be counted towards meeting a project's required site landscaping, but shall not count towards meeting the applicable common open space requirement.

3. Terminal Islands

Landscaped terminal islands shall be provided at the end of each parking row. Terminal islands shall have minimum interior dimensions of at least eight feet in width and 30 feet in length.

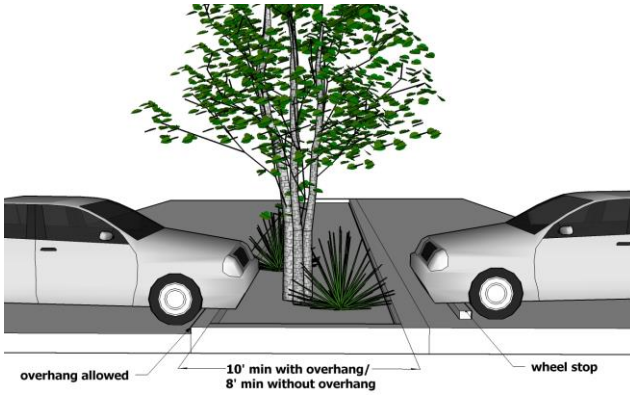


Figure 19.7.5-B: DIVIDER MEDIANS

4. Divider Medians

Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces. The minimum width of divider medians shall have a minimum interior dimension of eight feet if wheel stops or raised curbs prevent vehicle overhang of the median. If vehicle overhang is allowed, the minimum interior dimension shall be ten feet. See Figure 19.7.5-B.

5. Landscape Diamonds and Fingers

(a) Landscape diamonds with a minimum interior dimension of six feet shall be provided every four parking spaces within the interior parking lot, except where divider medians are provided in accordance with Figure 19.7.5-C. Upon approval of the Community Development and Services Director, trees may be omitted from the diamonds only if covered parking structures are provided and would interfere with the trees. Shrubs/ground cover must still be provided per Code. In the event the structures are later removed, trees must be installed at that time per the requirements of this Code.

(b) Landscape fingers shall be provided every ten spaces around the perimeter of the parking lot. Landscape fingers shall have a minimum interior dimension of eight feet in width and 15 feet in length.

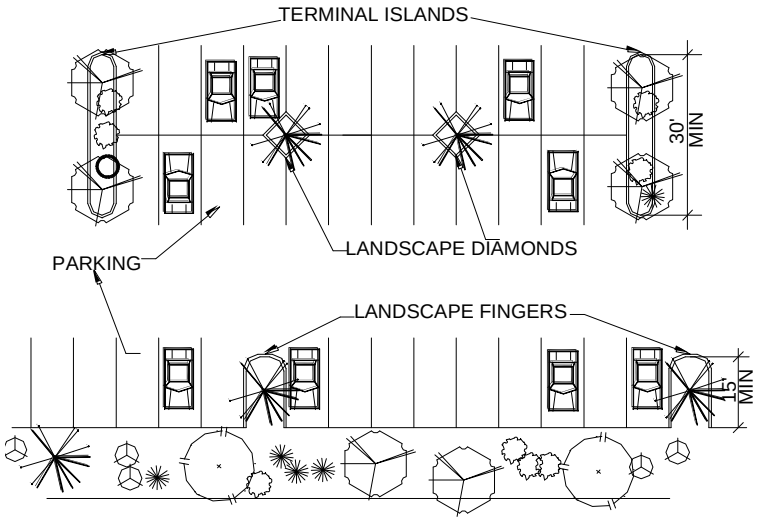


Figure 19.7.5-C: PARKING LOT LANDSCAPING

6. Parking Lot Screening

All surface parking lots visible from the public realm shall be screened using one of the following methods, unless otherwise noted below:

(a) Methods

(1) A low masonry wall at least three feet and no more than four feet in height (with any fencing over three feet being transparent – e.g., wrought iron), in combination with landscaping (see Figure 19.7.5-D);

(2) An ornamental metal fence in combination with landscaping;

(3) A hedge at least three feet and no more than four feet in height at maturity consisting of a double row of shrubs planted three feet on center in a triangular pattern; or

(4) Berming of the grade to at least 2 ½ feet in height above the finish grade of the parking lot, and with slopes no greater than 2:1. Slopes shall be covered with shrubs spaced a maximum of three feet on center.

Figure 19.7.5-D: PARKING LOT SCREENING

(b) Criteria

To satisfy the above standards:

(1) Landscaping shall be planted between the wall/fence and the public right-of-way, sidewalk, or boundary.

(2) Walls, fences, and landscaping shall not exceed four feet in height to adequately screen most car headlights while maintaining clear visibility into and out of the parking lot.

(3) All parking lot screening devices shall comply with sight-visibility-zone requirements at street intersections, per Standard Drawing *No. 201.2*. Sight visibility zones for driveways shall be provided per Section 19.7.4.J.4(c) of the Code.

E. PLANT UNITS

1. Perimeter Landscape Buffers and Non-Buffer Areas

Unless otherwise expressly stated, a minimum of one shrub shall be provided per 80 square feet of landscape buffer, and a minimum of one tree shall be provided per 20 linear feet of landscape buffer. Trees are not required to be planted every 20 feet on

center. The Community Development and Services Director may allow plant and tree clustering subject to approval.

2. Parking Lot Landscaping

No turf shall be allowed within interior parking lot landscape areas.

(a) Terminal Islands – A minimum of two large shade trees installed at 24-inch-box size and four five-gallon shrubs.

(b) Divider Medians – A minimum one large shade tree installed at 24-inch-box size every 20 linear feet and one shrub every 80 square feet.

(c) Landscape Diamonds – A minimum one large shade tree installed at 24-inch-box size and either two five-gallon shrubs or three one-gallon groundcovers.

(d) Landscape Fingers – A minimum one large shade tree installed at 24-inch-box size and three five-gallon shrubs.

3. Residential

(a) A minimum of two trees (small, medium, or large) installed at 24-inch-box size, seven five-gallon shrubs and seven one-gallon groundcovers shall be provided for each residential front yard. Custom homes in designated rural neighborhoods and custom home lots with no design standards shall be exempt from this standard.

(b) Alternatives to the two-tree requirement may be approved by the Community Development and Services Director. Decisions will be based on the available open soil area in a front yard.

4. Other Areas

All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with groundcover or other appropriate landscape treatment including, but not limited to, decorative rock or decomposed granite. Up to ten percent of the required landscape area that is not dedicated to trees or shrubs may be occupied by hardscape materials, provided such areas are shaded by trees, canopies, or other shade devices. The underlying slope of all areas covered with rock mulch shall not exceed 3:1. If the slope exceeds 3:1, rip-rap must be used, which is rock with a diameter of six to nine inches. Alternatives to this may be approved by the Community Development and Services Director.

5. Administrative Adjustments

The Community Development and Services Director may approve administrative adjustments of up to 20 percent of the plant unit standards in this section pursuant to Section 19.6.9.B, *Administrative Adjustment,* based upon provision of usable open spaces, shaded walkways, courtyards, and other similar features.

6. Landscape Restrictions within Municipal Utility Easements

Landscape planting areas in designated municipal utility easements may not be required to provide the minimum number of trees to satisfy the applicable standards of Section 19.7.5.E of the Code. Large shrubs as identified within the SNRPC Regional Plant List shall be required to be substituted at a ratio of one-to-one to offset the reduction in trees within the landscape planting area, in addition to the shrubs planted to satisfy the

standard of the applicable section. Alternatives to this may be approved by the Directors of the Community Development and Services and Utility Services departments.

F. LANDSCAPE MATERIAL STANDARDS

The following standards shall be considered the minimum required standards for all trees, shrubs, and landscape material installed to satisfy the requirements of this section.

1. Landscape Material Restrictions

All development shall comply with the landscape material restrictions in HMC Section 14.14.050.

2. Restrictions on Water-Efficient Landscaping Prohibited

Any person(s) or association(s), regardless of date of establishment, is prohibited from imposing private covenants, restrictions, deed clauses, or other agreements, between the parties that prevent person(s) from utilizing water-efficient landscaping, including but not limited to xeriscape, provided such landscaping receives appropriate design-review approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping, such as referenced in this Title, as amended.

3. General Design

Plant materials shall be selected and/or placed for: energy efficiency and water efficiency; adaptability and relationship to the desert environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets to achieve a desirable microclimate and minimize energy demand.

(a) Plant Varieties

Minimum three tree varieties and five shrub varieties shall be provided for each project.

(b) Hardscape

Landscape design may integrate hardscape (plazas, courtyards, trails, etc.) and landscaping, which may be counted towards the overall project's site landscaping requirements at the discretion of the Community Development and Services Director.

4. Preparation of Landscape Plans

All landscape plans detailing proposed installation and irrigation systems shall be prepared by a landscape architect registered in the State of Nevada, or by one of the exceptions to the landscape architect provided in NRS 623A.070, which include the following:

(a) Owners of property who make plans, specifications, or drawings for their own property;

(b) Any person engaged in the practice of architecture who is registered pursuant to the provisions of Chapter 623 of NRS;

(c) A contractor licensed pursuant to the provisions of Chapter 624 of NRS who provides his own drawings for his own construction activities;

(d) Any person who is licensed as a civil engineer pursuant to the provisions of Chapter 625 of NRS; or

(e) Any person who designs, manufactures, or sells irrigation equipment and provides instructions pertaining to the mechanical erection and installation of the equipment but does not install the equipment.

This requirement shall not apply to conceptual landscape plans or site plans.

5. Plant Quality

Plants installed to satisfy the requirements of this section shall meet or exceed the plant quality and species standards of the Association of Arizona Nurserymen. Plants shall be nursery-grown and adapted to the local area. No artificial plants or vegetation shall be used to meet any standards of this section, except in the discretion of the Community Development and Services Director, limited amounts of high-quality artificial turf may be allowed to meet the requirements of this section.

6. Plant Sizes and Specifications

(a) Trees

(1) Outside the downtown districts, trees planted to satisfy the standards of this section shall have a minimum box size of 24 inches. Within the downtown districs, trees planted to satisfy the standards of this section shall have a minimum box size of of 36 inches.

(2) At maturity, shade tree canopies in commercial, industrial, semipublic, multifamily, and mixed-use developments shall be pruned to provide a minimum clearance of seven feet from the ground.

(3) Installed trees shall meet the minimum size and surface area size requirements in Table 19.7.5-3.

TABLE 19.7.5-3: TREE CANOPY SIZE AND MINIMUM REQUIRED SURFACE AREA

RECOMMENDED TREE SPECIES SIZE CATEGORIES	AVERAGE CANOPY SIZE (AT MATURITY)	MINIMUM REQUIRED SURFACE AREA (PER TREE)
Small Canopy	16 feet by 16 feet	81 square feet (9 feet by 9 feet)
Medium Canopy	22 feet by 22 feet	121 square feet (11 feet by 11 feet)
Large Canopy	28 feet by 28 feet	196 square feet 14 feet by 14 feet)

(b) Shrubs

(1) Shrubs planted to satisfy the standards of this section shall have a minimum container size of five gallons.

(2) When planted adjacent to sidewalks, shrubs shall not exceed three feet at maturity in commercial, industrial, semipublic, multifamily, and mixed-use developments.

(c) Groundcover

Groundcovers planted to satisfy the standards of this section shall have a minimum container size of one gallon.

(d) Barrier Plants

(1) Size

Barrier plants planted to satisfy the standards of this section shall have a minimum container size of five gallons.

(2) Location

In commercial and industrial developments, barrier plants should be used below and to the sides of windows and adjacent perimeter walls, fences, and other building walls.

(e) Turf

The turf limitations contained in this section are intended to increase the use of water-efficient vegetation. Landscaping shall be designed and landscaping material shall be chosen and installed so as to ensure that within three years of normal growth, at least 50 percent of the area covered by non-turf landscaping will consist of water-efficient vegetation.

(1) Downtown, Nonresidential, Multifamily, and Mixed-Use Zoning Districts

i. The installation of new turf in nonresidential, multifamily, and mixed-use developments, including common areas of residential neighborhoods, is prohibited. This provision shall not apply to golf courses, public or private schools or parks, or required common open space in any new development, provided the total turf area does not exceed 30 percent of the landscaped area of the development and no turf area dimension is less than ten feet.

ii. Turf areas shall not be located within three feet of a sidewalk, curb, or building wall.

iii. The maximum slope of a turf area shall not exceed 33 percent. Regardless of slope, turf areas are to be graded to prevent run-off onto sidewalks and driveways.

(2) Single-Family Residential

i. The use of drought-tolerant landscaping materials is encouraged in residential front yards.

ii. The installation of turf in residential front yards is prohibited. See HMC Section 14.14.050.

(3) Golf Courses

Golf courses shall be limited to a maximum of 90 acres of turf for 18 holes and ten acres of turf for a driving range. This turf limitation of golf courses may be exceeded if the applicant demonstrates to the satisfaction of the Department of Utility Services that irrigation of turf, in excess of the amount specified, will have no significant impact on water

resources or peak demand delivery capacity, because water for the additional turf will be provided by one or more of the following methods:

i. Water provided from applicants' own well, appurtenant, or transferred water rights that can be legally used to irrigate the property on which the golf course is developed.

ii. Water provided by the City of Henderson. However, the applicant must contribute to an exterior water efficiency retrofit program approved by the Department of Utility Services to offset the impacts on water resources and system delivery capacity in an amount equivalent to two times the amount of water used by the turf grass. Golf courses shall be subject to water budgeting per HMC Section 14.14.040.

iii. Groundwater provided from the shallow groundwater aquifer. Applicant may develop and provide the groundwater at his sole cost or may compensate the City of Henderson Department of Utility Services to develop groundwater pursuant to an agreement with the City of Henderson Department of Utility Services. Both parties must have executed the agreement at the time of application.

iv. Nonpotable water is provided at the discretion of the City of Henderson. The applicant must demonstrate water-efficient planning and practices to qualify for nonpotable water from the City.

The restrictions for turf area shall not apply to any property that is the subject of a development agreement between the City of Henderson and the owner or former owner of the property provided the development agreement is in effect as of the effective date of this ordinance and the development agreement has not been canceled at the time of commencement of construction of the golf course.

(f) Other Ground Treatments

Rock mulch shall be installed and maintained at a minimum depth of 2 inches and a maximum depth of 4 inches on all planted areas except where groundcover plants are fully established.

(g) Species

Tree and plant species provided to meet the landscaping and screening standards of this section shall comply with the SNRPC Regional Plant List.

G. INSTALLATION, MAINTENANCE, AND IRRIGATION

1. Installation

(a) General

All landscaping shall be installed according to International Society of Arboriculture (ISA) in a manner designed to encourage vigorous growth. All landscape material and irrigation improvements shall be in place prior to issuance of the final certificate of occupancy unless the Community Development and Services Director approves an extension or the applicant provides a landscape

bond satisfactory to the Community Development and Services Director prior to the extension being granted.

(b) Root Guards

Root guards shall protect hardscape from trees planted within ten feet of public improvements within the public right-of-way in accordance with Figure 19.7.5-E, *Required Root Guards*.

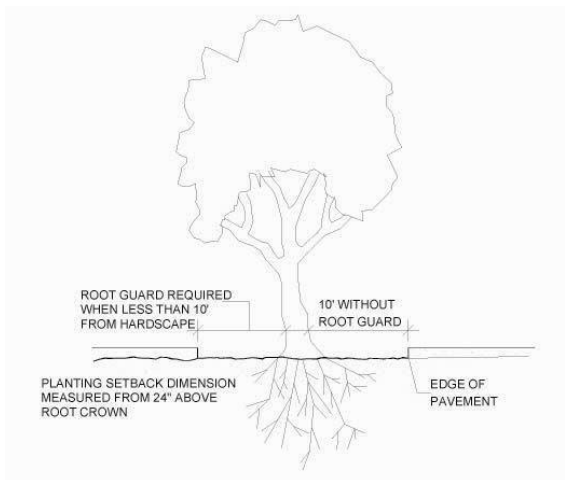


Figure 19.7.5-E: REQUIRED ROOT GUARDS

2. Maintenance

Trees, shrubs, fences, walls, irrigation improvements, and other landscape features depicted on plans approved by the City shall be considered elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner, successors in interest or agent, if any, shall be jointly and severally responsible for the following:

(a) Regular maintenance of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed and in accordance with acceptable horticultural practices.

(b) The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition.

(c) The regular maintenance, repair or replacement, where necessary, of any landscaping required by this section.

3. Irrigation

Landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans shall be submitted with development plans and shall contain all construction details for an automatic system. A back-flow prevention device shall be provided in accordance with the currently adopted Uniform Design and Construction Standards. Gray-water systems are prohibited per Title 14.

H. MECHANICAL EQUIPMENT SCREENING

1. Applicability

The standards of this section shall apply to all of the following:

(a) Electrical and gas-powered mechanical equipment.

(b) Ductwork and major plumbing lines used to heat, cool, or ventilate.

(c) Power systems for the building or site upon which the equipment is located.

(d) Roof and/or wall-mounted antennas and vent openings shall not be considered mechanical equipment for purposes of these mechanical equipment screening standards. The standards of this section are not intended to impede systems that use solar or wind energy to reduce the costs of energy, if such systems are otherwise in compliance with applicable building codes and zoning requirements.

2. Screening Standards

For all developments other than single-family residential, the following mechanical equipment screening standards shall apply to the maximum practical extent.

(a) Roof-Mounted Mechanical Equipment

Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened. Roof-mounted mechanical equipment is prohibited on single-family residential dwellings.

(b) Wall-Mounted Mechanical Equipment

Wall-mounted mechanical equipment that protrudes more than six inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the subject building. Wall-mounted mechanical equipment that protrudes six inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.

(c) Ground-Mounted Mechanical Equipment

Ground-mounted mechanical equipment shall be screened from view by landscaping or by a decorative wall that is compatible with the architecture and landscaping of the development site. The wall shall be of a height equal to or greater than the height of the mechanical equipment being screened.

3. Alternate Screening

Mechanical equipment that is not screened in full compliance with the screening standards of this section shall be reviewed in accordance with the design review procedures of Section 19.6.6.B, *Design Review*. Alternate screening methods may include, but shall not be limited to, increased setbacks, increased landscaping, grouping the equipment on specific portions of a site, and painting or otherwise camouflaging the equipment.

I. DUMPSTER SCREENING

Trash dumpsters and other waste/recycling containers serving multifamily or nonresidential uses shall be screened in accordance with the following standards.

1. Design and Other Specifications

Dumpsters or other trash receptacles shall be screened from public view on three sides by a solid wall at least six feet in height and on the fourth side by a solid gate at least five feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall and gate shall be architecturally compatible with other buildings and structures on the site. Applicants shall be responsible for coordinating with the solid waste disposal provider on matters relating to appearance, quantity, interior dimensions, locations, and access.

2. Setbacks

Except in downtown zoning districts, all enclosures shall be located a minimum of 50 feet from residential zoning districts and from the property lines of sites containing existing or proposed residential, school, licensed day care, and park and recreation facilities.

3. CPTED Design Requirements

(a) No dumpsters or other trash enclosures shall be located within a parking structure.

(b) The bottom of trash enclosure gates shall be a minimum of six inches from the ground and a maximum of eight inches above the ground.

J. LOADING AND ACCESS AREAS-DESIGN AND SCREENING

In nonresidential and mixed-use zoning districts, commercial and industrial buildings with rear or side vehicular access shall maintain adequate room for loading docks, loading spaces, customer pick-up areas, trash enclosures (and their setbacks), vaults, transformer pads, other utility service boxes, and all ground-mounted mechanical equipment. Beyond the physical boundaries of the docks and other such adjacent circulation impediments, property owners shall provide and maintain a minimum setback of 34 feet from all property lines. Within this minimum 34-foot setback, the 24 feet closest to the building and its adjacent circulation impediments shall remain clear at all times, and the ten feet nearest the property line shall be available for vaults, transformer pads, and other above- and below-ground utility service boxes. Areas within ten feet of property lines that are not used for utility boxes shall be landscaped with minimum 24-inch box pine trees, planted 15 feet on center. Alternate plant materials may be approved by the Community Development and Services Director provided the alternate materials result in equivalent immediate and long-term screening.

K. FENCES AND WALLS

Unless otherwise expressly provided for in this Code or unless expressly provided for in conjunction with the approval of a conditional use permit, fences and walls shall comply with the following general standards:

1. All Zoning Districts

(a) Sight Visibility Zones

In addition to the standards listed below for various zoning districts, sight visibility zones for street intersections shall be provided per Standard Drawing No. 201.2. Sight visibility zones for driveways shall be provided per Section 19.7.4.J.4.

(b) Access Gates

(1) Access gates shall be in accordance with CPTED guidelines and approved by the Building & Fire Safety Department.

(2) All access gates shall be built from materials that are not conducive to vandalism.

(c) Materials and Design

(1) Fences and walls shall complement the design of the associated building(s) in terms of their color, materials, and scale.

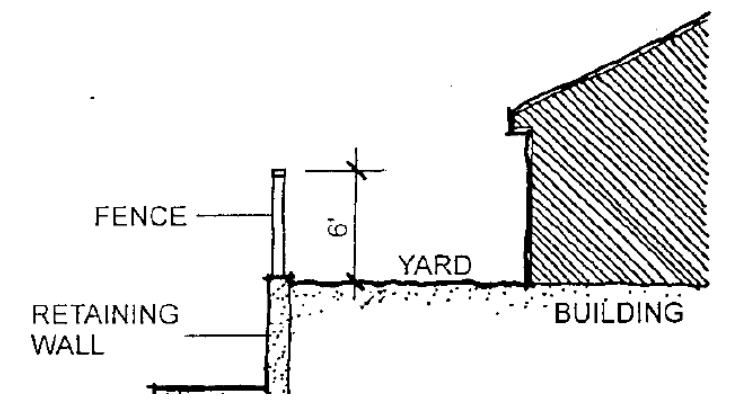
(2) Chain-link fencing and smooth-face concrete masonry units (CMU) are prohibited, except as authorized for vacant property below and in Section 19.7.5.K.2.

(3) All perimeter retaining walls that are visible from public rights-of-way or open spaces/parks shall require caps; exposed tops of walls are not permitted. Solid CMU blocks may be used to satisfy this requirement. "Slurry caps" do not satisfy this requirement.

(d) Fence or Wall Height

Fence or wall heights shall be measured from finished grade on the highest side of the fence or wall to the top of the fence or wall.

Figure 19.7.5-F: MEASUREMENT OF HEIGHT



(e) Vacant Property

Vacant property may be fenced with chain-link fencing not to exceed six feet in height when the purpose of such fencing is to prevent unauthorized dumping or vehicular soil disturbance that results in fugitive dust or nuisance conditions. Such fencing of vacant property shall not be construed to allow use of the property for outdoor storage. A building permit for a chain-link fence shall be obtained from the Building & Fire Safety Department and shall be reviewed as necessary by the Public Works Parks and Recreation Parks and Recreation department prior to issuance to ensure that the fence does not create or intensify any drainage problems.

2. Residential Zoning Districts

(a) Maximum Fence Heights

Except as otherwise permitted in this Code, the maximum height of a fence or wall within required side and rear setbacks in a residential zoning district shall be six feet (eight feet adjacent to commercial development), except in required front setbacks, where the maximum height of a solid fence or wall shall be 32 inches and the maximum height of a chain-link or wrought-iron fence shall be four feet. The maximum height for fences/walls for entry gates at the residential subdivision entrance shall be eight feet. All other entry features or designs must be approved through a design review or planned unit development. Smooth-face concrete masonry units (CMU) are permitted only in the RS-1 and RS-2 zoning districts and

may be visible from rights-of-way. Smooth-face concrete masonry units (CMU) in all other residential zoning districts may be constructed as interior walls and may not face rights-of-way. Walls to be constructed in existing communities shall match as closely as possible to other existing walls.

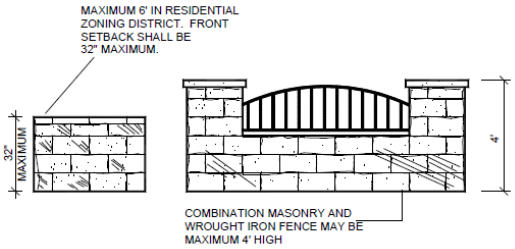


Figure 19.7.5-G: FENCES

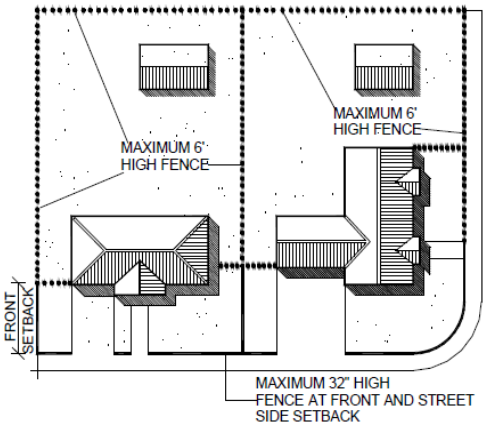


Figure 19.7.5-H: RESIDENTIAL FENCES

(b) Sport/Tennis Court Screen/Fence

(1) RS-1/RS-2 Districts

i. Screening or fencing for sports/tennis courts is permitted in the rear or side yard area.

ii. Structures and/or fencing may exceed the height of six feet, but shall not be higher than 12 feet. The portion of the structure and/or fencing above the height of six feet shall be open so as not to restrict light or ventilation.

iii. Structures and/or fencing shall be set back a minimum of five feet from the side and rear property lines.

For sport/tennis court lighting, see Sec. 19.7.8.E, *Glare and Lighting*.

(2) RS-4/RS-6 Districts

Screening or fencing for sport/tennis courts shall meet all of the following criteria:

i. Approval of a conditional use permit;

ii. Minimum lot size of 10,000 square feet, and located in the rear or side yard area;

iii. Structures and/or fencing may exceed the height of six feet, but shall not be higher than 12 feet. The portion of the structure and/or fencing above the height of six feet shall be open so as not to restrict light or ventilation; and

iv. Structures and/or fencing shall be set back a minimum of five feet from the side and rear property lines.

For sport/tennis court lighting, see Sec. 19.7.8.E, *Glare and Lighting*.

(c) Removal or Replacement

Perimeter walls may only be removed or replaced in accordance with the Property Maintenance Code Section 15.12.030(E).

3. Commercial, Mixed-Use, and Industrial Zoning Districts

(a) The maximum height of a fence or wall in a commercial, mixed-use, or industrial zoning district shall be eight feet, or up to 12 feet under certain circumstances where additional height is required to secure storage areas.

(b) Fencing and/or walls located within the front or corner side setback, or abutting open space, parks, and trails shall be limited to a maximum of three feet in height, except where an increased height is necessary to meet screening requirements of this Code.

L. SLOPES AND GRADING

1. Unless otherwise approved by the Community Development and Services Director or specified in the Henderson Municipal Code (HMC), on RS zoned lots less than 12,000 square feet in area, the slope of the first 15 feet of the rear yard area or rear yard required by the underlying zoning district shall not exceed one foot of vertical change per 12 feet of horizontal run, measured from the house outward. Retaining walls may be used to create terracing; however, terraced portions may not exceed the specified 1:12 slope. If the total rear yard area is greater in horizontal dimension than the minimum required zoning setback, the remainder of the yard area beyond the minimum required setback may exceed the 1:12 slope. See Figure 19.7.5-I.

2. Unless otherwise approved by the Community Development and Services Director or specified in the HMC, on RS zoned lots smaller than 12,000 square feet, the slope of the first five feet of side yard area or any side yard required by the underlying zoning district, whichever is smaller, shall not exceed one foot of vertical change per eight feet of horizontal run, measured from the dwelling outward. A swale may lie within this area; however, in no instance shall either side of the swale exceed a slope of one foot vertical per five feet of horizontal change.

3. Unless otherwise approved by the Community Development and Services Director or unless otherwise specified in the HMC, no driveway or parking space intended to satisfy the off-street parking requirements of this Code shall exceed 14 percent.

4. Applications for any residential planned unit development or tentative map within the city may be subject to additional exhibits being required as part of the application process. Such exhibits shall clearly demonstrate the resulting grade elevation differentials that would result between neighboring properties and the subject property of such application(s). The City will consider the impact of the proposed grade elevation differentials on adjacent property and, if significant negative impacts are found, will recommend that the proposed grades be modified or that the negative impacts be mitigated.

5. In residential districts where lots are created by parcel map(s) or by any process other than the tentative map/final map process, the import of fill shall not result in the maximum finished floor elevation for individual lots being greater than two feet above the minimum elevation otherwise required by the applicable standards found in the Regional Flood

Control District's "Hydrologic Criteria and Drainage Design Manual." Exceptions to this standard shall be approved by the design review procedures set forth in Section 19.6.6.B.

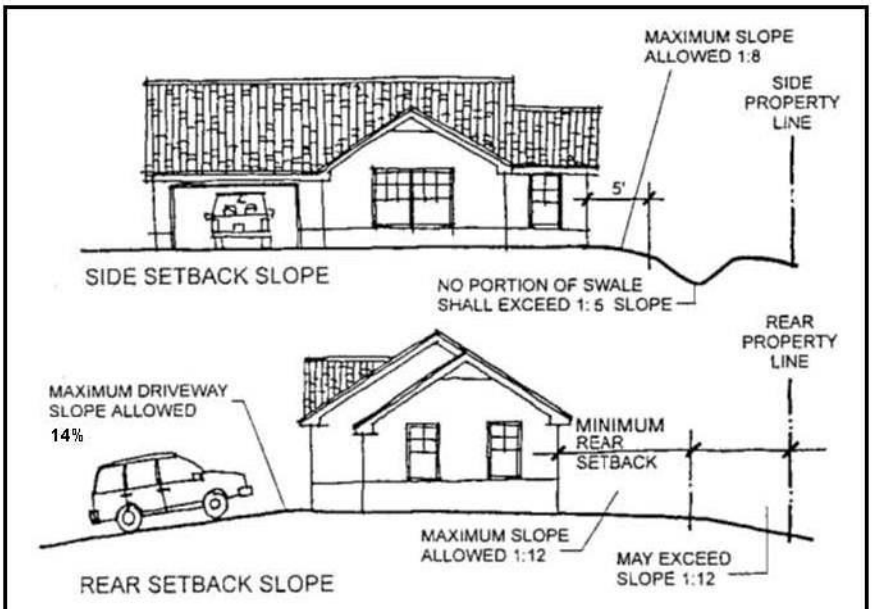


Figure 19.7.5-I: SLOPES AND GRADING

19.7.6. BUILDING DESIGN STANDARDS

A. GENERAL PROVISIONS

1. Purpose and Intent

These design standards are intended to protect and preserve the quality and character of the built environment in Henderson. More specifically, this section is intended to:

(a) Encourage high-quality development as a strategy for investing in the City's future;

(b) Emphasize Henderson's unique community character;

(c) Maintain and enhance the quality of life for the City's citizens;

(d) Shape the City's appearance, aesthetic quality, and spatial form;

(e) Reinforce the civic pride of citizens through appropriate development;

(f) Protect and enhance property values;

(g) Minimize negative impacts on the natural environment and support sustainable development patterns;

(h) Provide property owners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land;

(i) Encourage a pedestrian– and bicyclist–friendly environment; and

(j) Ensure greater public safety, convenience, and accessibility through the physical design and location of land-use activities.

2. Section Organization

(a) Subsection 19.7.1, General Provisions, sets out the purpose, intent, applicability, and timing of review for compliance with these standards for all forms of development in the City.

(b) Subsection 19.7.6.B, Single-Family Residential Design Standards, establishes the design standards for any single-family detached residential dwelling, any mansion apartment dwelling, and any building that contains up to six single-family attached dwellings.

(c) Subsection 19.7.6.C, Multifamily Residential Design Standards, establishes the design standards for multifamily residential dwellings, and any building that contains seven or more single-family attached dwellings.

(d) Subsection 19.7.6.D, Commercial, Mixed-Use, and Industrial Design Standards, establishes the design standards for all commercial and mixed-use structures in all districts, and industrial structures in the IL and IP districts.

(e) Subsection 19.7.6.E, Infill Design Standards, establishes design standards for any new development proposed on a lot that abuts existing, conforming development on at least three sides, and is located within any of the following districts: any RS district, any RM district, or the CN district.

3. Conflict

These design standards are additive; more than one set of standards may apply to a particular development project. The more restrictive provision, as determined by the Community Development and Services Director, shall control in cases where standards conflict.

4. Time of Review

Review of proposed development for compliance with the standards in this section shall occur at the time of zoning, PUD, or MP overlay application (Section 19.6.4.C and D), or design review (Section 19.6.6.B), as appropriate.

B. SINGLE-FAMILY RESIDENTIAL DESIGN STANDARDS

1. Applicability

The standards in this subsection apply to the development of any single-family detached residential dwelling, any mansion apartment dwelling, and any building that contains up to six single-family attached dwellings.

2. Site Design and Building Orientation

(a) Primary Entrance Orientation

(1) Mansion apartments and attached residential development on corner lots may include primary entrances that face primary and secondary streets as well as common open space.

(2) In order to encourage the development of dwelling units that open directly onto the street, applicants for mansion apartments and single-

family attached residential development may request that the front building setback requirements for such buildings be reduced or eliminated through the administrative adjustment process, if the primary entrances for the dwelling units will open directly onto a major or minor arterial as shown on the Master Streets and Highway Plan.

(b) Driveways and Curb Cuts

Driveway access from the street shall not be permitted when a lot has access to a rear alley. Driveways are allowed on lots with rear alleys for multi-unit buildings that provide common access to off-street parking areas.

3. Building Design

(a) Architectural Variability

(1) For all development involving five or more contiguous lots, there shall be multiple "distinctly different" front facade designs. The number of required different front facade designs shall be in accordance with Table 19.7.6-1, Architectural Variability:

TABLE 19.7.6-1: ARCHITECTURAL VARIABILITY

TOTAL NUMBER OF DWELLING UNITS	MINIMUM NUMBER OF FACADE DESIGNS
5-10	2
11-20	4
21-40	5
41-70	6
71-100	7
101+	8 + 1 per every additional 50 units beyond 101

(2) Compliance with these standards may be determined during zoning application, PUD application, master plan review, or design review stage, as appropriate.

(3) "Distinctly different" shall be defined to mean that a single-family dwelling's elevation must differ from other house elevations in at least four of the measures listed below in subsection (b), Facade Articulation. Mirror images of the same configuration do not meet the definition of "distinctly different."

(4) No more than two houses shall be of the same front facade design as any other house directly adjacent along the same block face.

(b) Facade Articulation

All building elevations that face a street or a cluster driveway shall employ varied articulation of wall surfaces (see Figure 19.7.6-A). Facade wall surfaces shall be articulated through the use of at least four of the following techniques:

Figure 19.7.6-A: FACADE ARTICULATION

(1) A change in texture or material, provided all exterior wall textures and materials are

consistent with the overall architectural style of the dwelling;

(2) Use of offsets or insets, bays, or other similar architectural features to add a variety of depths to the wall planes;

(3) Use of balconies, overhangs, or covered patios;

(4) Variations in roof lines, such as a gable or dormer;

(5) Door and/or window placement, provided windows are similar in size and orientation as those found on most of the dwellings on the same block;

(6) Change from adjacent properties in the width of the front facade by two feet or more;

(7) Variation in the location and proportion of front porches;

(8) Variation in the location and/or proportion of garages and garage doors; or

(9) Other techniques determined as appropriate by the Community Development and Services Director.

(c) Side and Rear Articulation

The intent of the standards below is to prevent large expanses of blank walls. All side and rear elevations shall incorporate at least two of the techniques below on all floors:

(1) A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the dwelling;

(2) Use of offsets or insets, bays, or other similar architectural features to add a variety of depths to the wall planes;

(3) Window trim as required by 19.7.6.B.3(f);

(4) Shutter accents on upper story windows;

(5) Wainscoting along first 6 feet of side of homes;

(6) Potting ledges;

(7) Recessed windows a minimum of 12 inches;

(8) Bay windows;

(9) Window grids (between the glass) as appropriate to architecture with a minimum of two grids per pane in each direction; or

(10) Other techniques as determined appropriate by the Community Development and Services Director.

Facades less than ten feet from the parallel façade of adjacent houses are exempt from this subsection except for second and third story facades adjacent to single-story facades.

(d) Materials

(1) Front facade materials shall not change at outside corners and shall continue along side elevations for at least two feet beyond the outside corner.

(2) Front facade materials, colors, and architectural embellishments shall continue along any side elevation abutting a street right-of-way, open space, or a cluster driveway to a natural termination point as determined by the Community Development and Services Director or a minimum of 10 feet; such natural termination point may be a minimum 6-foot high decorative wall or fence.

(3) Material changes shall occur around windows, doors, cornices, corners, or as a repetitive pattern on a facade.

(4) Corrugated metal finish is prohibited.

(e) Roof Penetrations and Equipment

All roof vents, pipes, other roof penetrations and attachments, and equipment (except chimneys) shall be configured to have a minimal visual impact as seen from the street. Roof penetrations (except chimneys) shall be painted or architecturally integrated with the roof design and color, to the maximum practical extent.

(f) Window Treatments

All windows on all elevations shall be designed with either:

(1) Pop-out trim surrounding window;

(2) Header and sill trim;

(3) Shutter accents;

(4) Awnings appropriate to architecture;

(5) Recession of a minimum of 12 inches; or

(6) Other techniques as determined appropriate by the Community Development and Services Director.

4. Garages

(a) Garages on greater than 40-foot wide lots:

(1) Street-facing garages shall be recessed a minimum of six feet behind the first-floor front facade plane of the dwelling they serve. See Figure 19.7.6-B.

(2) Street-facing garages shall be located at least 20 linear feet from the front property line.

Figure 19.7.6-B: GARAGE LOCATION

(3) Porches with a minimum area of 36 square feet and a minimum depth of 6 feet may be counted as the front façade plane.

(4) A front, walled courtyard may be utilized in lieu of the 6-foot garage recess if it meets the following standards:

i. The courtyard must project a minimum of 10 feet in front of the face of the garage.

ii. The minimum courtyard width is 10 feet.

iii. If within a required front or corner side yard setback, the courtyard wall must be 32 inches in height with pilasters of a maximum height of 4 feet. If it is outside of a required front or corner side yard setback the maximum height is 6 feet.

iv. Courtyard walls must be constructed of decorative, solid masonry (stone, brick, painted stucco, etc.) that utilizes similar design, materials, and colors as the house. Exposed concrete block, including splitface or slumpstone, is not acceptable. The wall must be architecturally integrated with the house.

(5) Houses with garages facing streets or private drives shall include a minimum of at least three architectural features on the elevation that includes the garage door(s). Examples of such features include, but are not limited to, the following:

i. Garage detached from principal dwelling and recessed at least ten feet behind the rear elevation (counts as two architectural features) (see Figure 19.7.6-C);

Figure 19.7.6-C: STREET-FACING GARAGE

ii. Garage doors painted an accent or contrasting color;

iii. Ornamental architecturally enhanced garage door face (e.g., more than wood grain appearance);

iv. Ornamental light fixtures flanking the doors;

v. Arbor or trellis flanking garage doors;

vi. Columns flanking doors;

vii. Portico treatment;

viii. Windows in the garage door (equal to quantity of vehicle spaces within garage);

ix. Dormers;

x. Overhangs over at least the entire length of the garage door with a minimum depth of 12 inches;

xi. Eaves with exposed rafters and/or with a minimum six-inch projection from the facade plane;

xii. Roof line changes;

xiii. Decorative gable vent covers; or

xiv. Dentil or other molding.

(6) When multiple garage doors on the same facade are used, a minimum separation of at least one foot shall be provided between each garage door.

i. Where three-car garages are allowed, the third car stall shall be provided as:

1. A Tandem;

2. The garages can be separated with two stalls having front access and a third stall being side-loaded; or

3. The third stall shall project or be recessed three (3) feet from the front plane of the remainder of the garage.

(7) Side-loaded garages shall contain a minimum of one window, with a minimum size of 12 square feet, in the garage wall facing the street.

(b) Garages on less than or equal to 40-foot wide lots:

(1) Varying lot shapes, including pie shaped, lots on curves, and corner lots, which increases the lot width above the threshold for the garage standards designation do not necessitate the use of the standards for greater than 40-foot wide lots. Community Development and Services Director or designee has final determination.

(2) Street-facing garages shall be located at least 20 linear feet from the front property line.

(3) Garage Door Color

Double width garage doors that do not incorporate an Enhanced Garage Design as described below must be a contrasting color to the main color of the structure or be of a very similar color value to the structure secondary/accent colors.

(4) Elements from the following categories shall be included in the design of each dwelling/lot. A miniumum total of three (3) elements from sub-sections i and/or ii, and a minimum of one (1) element from sub-section iii.

i. Decorative Driveway Materials and Treatments

1. Stained/colored concrete – medium and darker colors preferred

2. Stamped concrete – must also be stained/colored

3. Decorative pavers – contrasting patterns preferred

4. Landscaped center strip between tire track pads (xeriscape, ground cover, artificial turf)

a. Maximum tire track pad width; eighteen (18) inches.

ii. Enhanced Garage Design

1. "Carriage" style doors as appropriate to the selected architectural style of the home.

2. Windows in patterned/paneled doors as appropriate to the selected architectural style of the home:

a. One row of windows with one window per column of panel; and

b. Window to occupy at least 75% of the individual panel area.

3. Shallow arched or other non-rectangular door opening as appropriate to selected architectural style.

4. Split door – separate door for each garage parking space with minimum of one (1) foot between door openings.

5. Deep recessed door from surrounding face of structure for substantial shadow line – minimum recess of eighteen (18") inches.

6. Exterior trim or surrounds around door frame(s) as appropriate to the selected architectural style.

7. Full-width architectural elements in front of garage door. Elements shall be of a depth and design that are appropriate to the selected architectural style of the house. Examples include:

a. Attached or free-standing trellis structure

b. Extension of ground level porch roofline

iii. Massing

1. Include at least three different planes on front façade, including projecting or "pop-out" portions-minimum offset of eighteen (18) inches between planes.

2. One-story garage (or partial garage) element with deep overhang roof element for deep shadow line. Such element shall project a minimum of eight (8) feet from a taller recessed element.

3. Minimum garage offset of four (4) feet behind the face of living space or covered front porch. Minimum useable porch width must be six (6) feet.

4. Roofed or partially roofed balcony over garage. Balcony shall have a minimum depth of five (5) and a minimum width of eight (8) feet.

(c) Garage Dimensions

Garages shall meet the requirements of Section 19.7.4.K.9, *Garages and Carports in Residential Districts*.

Figure 19.7.6-D:
MAXIMUM DRIVEWAY AND GARAGE DOOR WIDTH

5. Standards for Manufactured Homes

A manufactured home on an individual lot, outside of a mobile home subdivision or mobile home park, is permitted as a single-family detached dwelling provided it complies with the following standards:

(a) Configuration

Manufactured homes shall:

(1) Be permanently affixed to the lot by means of a permanent foundation;

(2) Be manufactured within the five years immediately preceding the date on which it is affixed to the residential lot;

(3) Consist of more than one section;

(4) Include at least 1,200 square feet of living area;

(5) Consist of at least five sides or corners, with the smallest side or corner measuring a minimum of five feet; and

(6) Have a minimum width and depth of 20 feet.

(b) Exterior Finish

(1) The exterior finish shall be architecturally integrated with the homes in the immediate vicinity. This includes roofing and building design.

(2) The exterior finish shall be or give the appearance of stucco, masonry, horizontal wood siding, or metal siding.

(3) All siding shall be horizontal lap and shall have decorative features such as window and door trim or vents.

(4) An elevated foundation must be masked with the same exterior finish used on the home or decorative masonry wainscoting. All masking must be extended to within six inches of grade.

(c) Roofing

(1) Material shall be or give the appearance of asphalt shingles, tile, or wood, but actual wood shall not be used as a material.

(2) Roofing material must be different in color and material than that of the exterior finish of the house so as to create contrast.

(3) Roofs shall maintain a minimum pitch of 3:12. Roofing may be allowed at 2:12 as long as a minimum of 75 percent of the roofing area is 3:12.

(4) Flat roofs may be allowed provided they represent a specific architectural style and include a parapet that screens the roof.

6. Conversion to Nonresidential Use

Conversion of any existing single-family attached or mansion apartment use from residential to nonresidential use shall require issuance of a conditional use permit.

C. MULTIFAMILY RESIDENTIAL DESIGN STANDARDS

1. Applicability

The standards in this subsection apply to the development of any multifamily residential dwelling, and any building that contains seven or more single-family attached dwellings when located in a residential zoning district.

2. Site Design and Building Organization

(a) Access

Multifamily developments are to be served exclusively by arterial streets, and shall comply with the following standards:

(1) A minimum of one secondary point of ingress/egress into a multifamily development shall be required in accordance with Building & Fire Safety Department specifications.

(2) No vehicular access from a multifamily development shall be provided on a local street serving existing single-family detached development; however, emergency vehicle access may be provided, as appropriate.

(b) Site Layout

Multifamily development is expected to follow a consistent visual theme in terms of architecture, plantings, and site layout in accordance with the following standards:

(1) Household-related services or amenities, such as storage, laundry, trash, and parking, shall be within a 300-linear-foot distance of each dwelling unit.

(2) Structures containing multiple units can be grouped more closely around amenity areas. Less dense buildings shall be located toward the site's perimeter to take advantage of spaciousness provided by landscaping and parking buffers.

(3) Clusters of buildings containing 100 or more units shall be arranged around an open space or recreational amenity and separated from other building groupings by distances of 75 linear feet or more.

(4) On-site recycling containers in designated areas are required.

(c) Primary Entrance Orientation

Building entries shall comply with at least two of the following requirements:

(1) At least one main building entry shall face an adjacent street;

(2) Building entrances shall face a courtyard or common open space that has a direct and visible connection to an adjacent street;

(3) Building entries are connected to a public sidewalk by a system of interior walkways; or

(4) The pedestrian entries to the site from the public right-of-way are emphasized with enhanced landscaping, special paving, gateways, arbors, or similar features.

(d) Off-Street Surface Parking Location

(1) In addition to the standards in Section 19.7.4.J, *Parking Location, Layout, and Design*, buildings shall comply with the following: No more than 25 percent of the total off-street surface parking may be located between the structures and adjacent streets.

(2) Off-street surface parking located on the side of a building shall not occupy more than 50 percent of the lot's street frontage along the primary street. In making that calculation, associated driving areas and driveways shall be included as part of such off-street surface parking. See Figure 19.7.6-E.

(3) Parking areas shall include guest parking spaces within 300 feet of the unit(s) to be served.

(4) Surface parking areas shall be configured into subgroupings of 80 or fewer spaces to the maximum extent practical as a means of dispersing parking across the site.

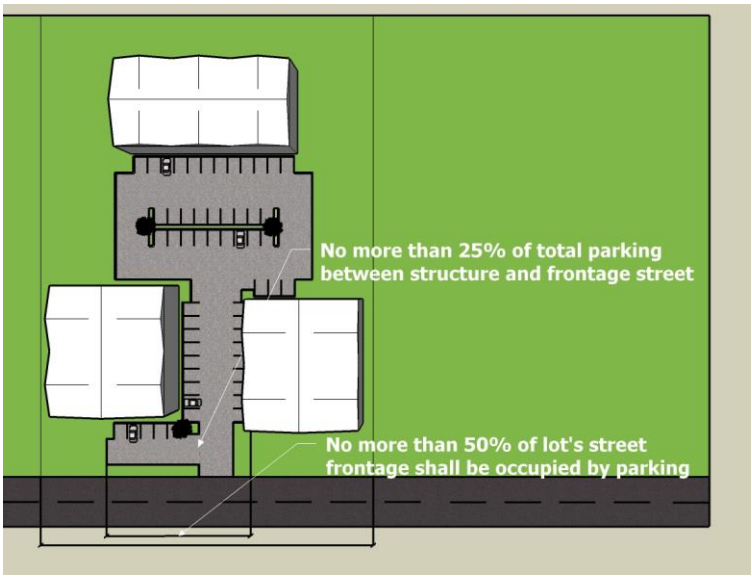


Figure 19.7.6-E:
OFF-STREET PARKING ARRANGEMENT

3. Building Design

(a) Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a consistent architectural style.

(b) The maximum length of any facade, regardless of the number of dwelling units the building contains, shall be 200 feet.

(c) No more than six side-by-side dwelling units shall be attached in any single row.

(d) All sides of a multifamily building visible from property occupied by or designated for single-family detached residential uses, an existing public street right-of-way, or other public lands shall display a similar level of quality and architectural detailing as on the front facade.

(e) Developments with multiple residential buildings shall incorporate a variety of distinct building designs in accordance with Table 19.7.6-3, Distinct Building Designs.

TABLE 19.7.6-3: DISTINCT BUILDING DESIGNS

NUMBER OF BUILDINGS IN DEVELOPMENT	MINIMUM NUMBER OF DISTINCT BUILDING DESIGNS
3-10	2
11-20	3
21 or more	1 per every 6 buildings

(f) "Distinctly different" shall be defined to mean that a building's elevation differs from other building elevations in at least four of the measures listed below in subsection (4)(b). Mirror images of the same configuration do not meet the definition of "distinctly different."

4. Facade Standards

(a) Each facade greater than 50 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least five feet, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 50 horizontal feet.

(b) Each facade shall be articulated through the incorporation of at least five or more of the following:

(1) Balconies;

(2) Bay or box windows with a minimum 12-inch projection from the facade plane;

(3) Porches or covered entries;

(4) Dormers;

(5) Variations in materials;

(6) Variations in colors;

(7) Variations in roof forms;

(8) Variation in window sizes and shapes;

(9) Vertical elements that demarcate building components; or

(10) Eaves with exposed rafters or a minimum six-inch projection from the facade plane.

5. Height

Multifamily residential buildings located within 100 feet of property occupied by or zoned for single-family detached residential use shall not exceed 35 feet in height. The height of a multi story structure shall "step-down" adjacent to lower-intensity districts to a height comparable to the height of the adjacent building, if the adjacent building is shorter. See Figure 19.7.6-F.

6. Roof Forms

(a) Parapet walls fronting a street shall include three-dimensional cornice treatments or a belt course with a minimum width of six inches to provide visual relief.

(b) Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.

Figure 19.7.6-F: BUILDING "STEP-DOWN"

(c) All roof vents, pipes, other roof penetrations and attachments, and equipment (except chimneys) shall be configured to have a minimal visual impact as seen from the street. Roof penetrations (except chimneys) shall not extend above the ridgeline and shall be painted or architecturally integrated with the roof design and color, to the maximum practical extent.

(d) Asphalt shingle and wood roofs are prohibited.

7. Access to Units

Shared front entries or stairways shall be permitted only for groupings of two to four units. Long, exterior balconies served by one or two stairways in a single, continuous path are prohibited.

8. Garage and Carport Standards

(a) Location

To the maximum extent feasible, detached garages, carports, and garage entries shall not be located between a multiple-family building and an adjacent perimeter street, but shall instead be internalized in building groups so that they are not visible from adjacent perimeter streets.

(b) Size

Detached garages and carports shall be limited to eight spaces per structure to avoid a continuous row of carports or garages. No more than eight garage doors may appear on any multifamily building elevation containing front doors, and the plane of each garage door shall be offset at least 18 inches from the plane of the adjacent doors. A minimum of two uncovered parking spaces or a landscape finger (See 19.7.5.D.5(b)) shall be located between covered parking structures or garages.

(c) Design

Detached garages shall be integrated in design with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, color, and details. Carports shall be painted a color from the color palette of the development. Lights shall be shielded from spilling onto adjacent property.

(d) Parking Structures

Underground parking, structured parking, and parking within, above, or beneath the building it serves are all strongly encouraged for multi-family developments.

9. Perimeter Landscaping

(a) Perimeter landscaping shall be provided around multifamily developments in accordance with the standards in Section 19.7.5, Landscaping and Screening, and the following:

(1) Landscape strips at least 20 feet deep (measured from back-of-sidewalk) shall be maintained along arterial streets. Sidewalks may be located within the landscape strips. In addition, a ten-foot-wide buffer yard planted with 24-inch-box trees, at a minimum spacing of 15 feet, shall be maintained adjacent to any residential land with a less intensive zoning district classification. See Table 19.7.5-2, *Minimum Buffer Width*.

(2) Perimeter landscaping areas may be counted as part of the overall common open space requirement in Section 19.7.2, *Common Open Space*.

10. Wall Standards

If perimeter walls are constructed within or around a multifamily development, they shall comply with the following:

(a) Perimeter walls shall meet the following requirements:

(1) Be a maximum of six feet tall (except as required for traffic visibility);

(2) Include detail variations such as pilasters, decorative caps, or decorative iron cut-outs;

(3) Have a maximum height of eight feet for areas adjacent to areas occupied by or zoned for single-family residential or commercial development; and

(4) Be a minimum six-foot-tall when adjacent to property occupied by or zoned for single-family residential dwellings.

(b) Perimeter walls, end walls, return walls, and common area walls shall incorporate decorative materials such as split-face block, slump stone, stucco finish, or iron pickets.

11. CPTED Design Requirements

To meet the City's adopted Crime Prevention Through Environmental Design Standards (CPTED), all multifamily development shall comply with the following standards:

(a) Mailboxes shall be located in high-visibility and/or well-lit areas.

(b) Community laundry rooms shall be visible from common, walking, and driving areas. All laundry rooms shall have vision panels to view into the room before entering.

(c) The community laundry room shall have a minimum of five minimum maintainable foot candles (MMFC) at all times and not have an interior light switch.

(d) Any wall or fence serving as a barrier for an existing or future swimming pool or spa must comply with the Building Code and CPTED requirements at time of construction, regardless of when the swimming pool or spa may have been constructed. Pool areas shall provide a minimum of ten MMFC from dusk to dawn.

12. Conversion to Nonresidential Use

Conversion of any existing multi-family use from residential to nonresidential use shall require issuance of a conditional use permit.

13. Density Bonus

An increase in the maximum density allowed in a multifamily zoning district may be requested if the proposed development is considered affordable housing (as defined in Section 19.12, *Definitions*) and/or an age-restricted senior multifamily development, pursuant to the following:

(a) Up to 20% density bonus: Amount of affordable housing provided must be equal to or greater than the density bonus requested.

(b) Above 20% up to 35% density bonus: Amount of affordable housing provided must be equal to or greater than the density bonus requested. Additionally, a minimum of 5 locational criteria from this Section must be met, and a minimum of 3 on-site amenities from this Section must be provided.

(c) Above 35% up to 50% density bonus: Amount of affordable housing provided must be equal to or greater than the density bonus requested. Additionally, a minimum of 7 locational criteria from this Section must be met, a minimum of 5 on-site amenities from this Section must be provided, and approval of a Conditional Use Permit is required.

(d) Up to 20% density bonus for senior housing may be granted with no income or affordability restrictions. Additional density may be approved through a Conditional Use Permit up to a maximum bonus of 50%.

Density Bonus	Number of Affordable Units	Locational Criteria	On-Site Criteria	Developer Incentives	CUP
Up to 20%	Equal to or greater than density bonus	None	None	None	No
20-35%	Equal to or greater than density bonus	5	3	None	No
35-50%	Equal to or greater than density bonus	7	5	None	Yes
Up to 20% (senior, not affordable)	N/A	None	None	None	*

* A conditional use permit is required only when the bonus requested is above 20%.

(1) Locational Criteria

Projects requresting an increase in density shall be located within a ¼-mile walk for affordable developments, or a 1/8-mile walk for senior housing developments, of the following:

i. Transit corridor/mass transit stop

ii. Grocery store

iii. Other daily-need retail uses

iv. Restaurants

v. Libraries

vi. Movie theaters

vii. Laundry services

viii. Banks

ix. Medical offices

x. Professional offices

xi. Hospitals

xii. Accommodations (hotel/motel)

xiii. Recreational uses (bowling alleys, etc.)

xiv. Fitness centers/athletic clubs

xv. Public parks

xvi. Other locational criteria as approved

(2) On-Site Amenities

Projects requresting an increase in density shall provide a minimum number of the following on-site amenities:

i. Fitness center/athletic club

ii. Fitness instruction

iii. Instructional classes

iv. Garden/pool

v. Bocce ball court

vi. Shuffleboard

vii. Media room/theater

viii. Card room

ix. Provide transport to medical appointments, grocery stores, casinos, etc.

x. LEED certification (suggest trade for increase in height, parking, open space, etc.)

xi. Courtyards with amenities such as game tables, group seating, individual meditation spaces, yoga yards, pool, barbeque, community gardens, walking paths, and dog runs

xii. Other on-site amenities as approved

(3) Developer Incentives

The following items may be used as a compensating benefit for waiver requests. These items are developer incentives provided to the City and shall be lcoated within ¼ mile of project.

i. Improvements to nearby parks

ii. Investment in libraries or other public facilities/services

iii. Donations to local charities that provide services to low-income/seniors

iv. Improvements to public facilities

v. Rehabilitate other building(s) nearby

vi. Develop in low-income areas in exchange for density bonus

vii. Develop open space and trails

viii. Other developer incentives as proposed/approved

D. COMMERCIAL, MIXED-USE, AND INDUSTRIAL DESIGN STANDARDS

1. Applicability

The standards in this subsection apply to all commercial and mixed-use structures in all districts, and to industrial structures in the IL and IP districts, unless otherwise provided by this Code.

2. Site Design and Building Organization

(a) Building Organization

Developments comprised of multiple buildings and/or totaling 100,000 square feet or more shall be organized to create pedestrian-friendly spaces and streetscapes. This shall be accomplished by placing the building wall at the back of the sidewalk edge (or "building to" the sidewalk or required landscape buffer), and by using building walls to frame and enclose:

(1) The corners of street intersections or entry points into the development;

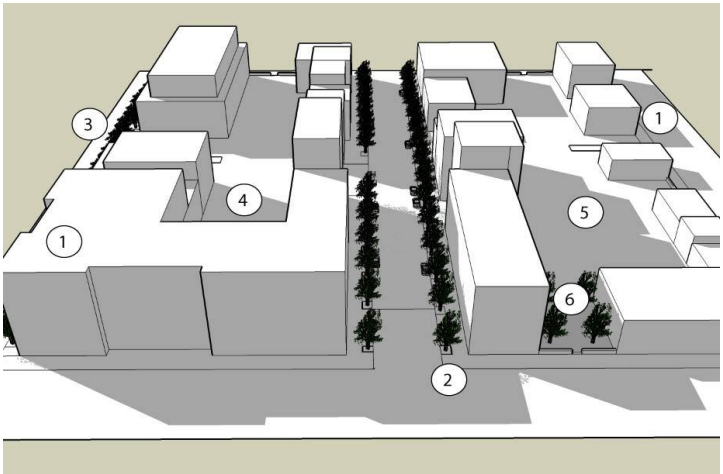
(2) A "main street" pedestrian or vehicle access corridor within the development site;

(3) A parkway street or frontage road that parallels the corridor;

(4) A linear park or trail corridor that parallels the corridor;

(5) Parking areas, public spaces, or other site amenities on at least three sides; or

Figure 19.7.6-G: Building Organization (Numbers are keyed to building organization standards. This figure is intended to illustrate building organization options only; actual development shall comply with applicable district setbacks and landscaping requirements.)



(6) A plaza, pocket park, square, or other outdoor gathering space for pedestrians between buildings or within the build-to zone. See Figure 19.7.6-G.

(b) Access

(1) Development shall be configured to consolidate and minimize the number of new access points on arterial streets.

(2) Access drives or onsite streets shall not be configured to align with accessways serving adjacent residential developments unless physical or environmental constraints require this alignment.

(3) All commercial driveway entries shall be a minimum of 32 feet in width.

(c) Orientation

(1) All buildings shall be oriented so that the front facade faces an adjacent street.

(2) In cases where the long axis of a building is perpendicular to the primary street, the portion of the structure facing the primary street shall be configured with at least one operable entrance and one or more transparent windows.

(3) Developments are encouraged to situate buildings at the street frontage, locating parking to the side and rear of buildings to avoid views of large, paved parking areas from public rights-of-way.

(d) Block Pattern

The layout of any development site five acres in size or larger shall be designed to reinforce a pattern of individual blocks.

(1) Blocks shall be designed as an extension of the surrounding neighborhood, aligning with and connecting to adjacent streets and mirroring the scale and orientation of adjacent blocks (for residential areas of the activity center).

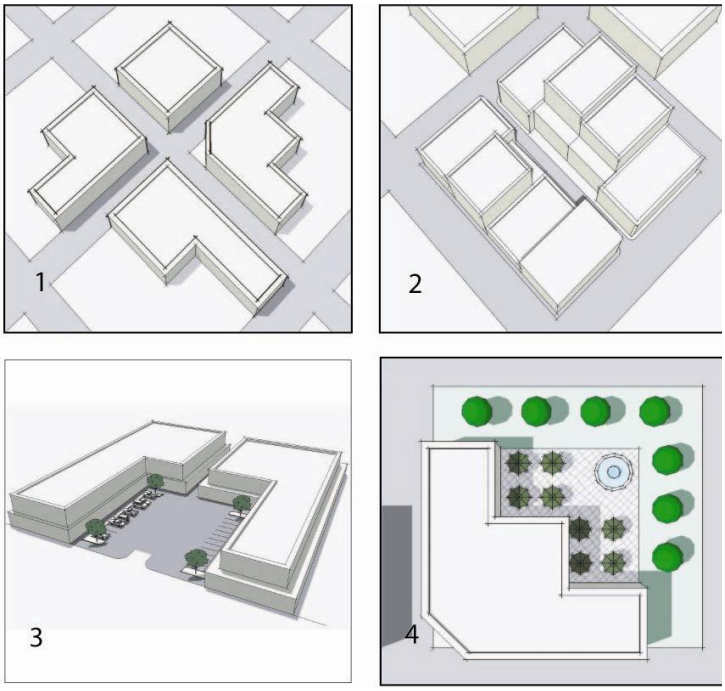
(2) On large sites or where block consolidation is proposed (by right-of-way abandonment), special consideration shall be given to pedestrian and vehicular circulation patterns and access to surrounding neighborhoods.

(3) New development shall establish a regular pattern of blocks to the extent feasible to avoid creating especially large blocks that limit pedestrian and vehicular circulation. Maximum block lengths shall be limited to 660 feet by 660 feet. Blocks shall be measured from street edge to street edge, regardless of whether the street is public or private.

(e) Outparcel Development

(1) To the maximum extent practical, outparcels and their buildings shall be clustered in order to define street edges, entry points, and intimate spaces for gathering or seating between buildings.

(2) Spaces between buildings on outparcels shall provide small-scale pedestrian amenities such as plazas, seating areas, pedestrian connections, gathering spaces, or well-landscaped parking areas. See Figure 19.7.6-H.



(1) Framing street intersections or entryways; (2) Framing an interior "Main Street"; (3) Framing a parking area on at least two sides; and (4) Framing an outdoor dining area or gathering space.

Figure 19.7.6-H: OUTPARCEL DEVELOPMENT

(f) Building Entrances

Structures shall have clearly defined, highly visible architectural fronts that include at least two of the following design features:

(1) Canopies, porticos, archways, arcades or similar overhang above the entrance to provide visual interest and protect pedestrians;

(2) Entry recesses/projections;

(3) Raised corniced parapets above the entrance;

(4) Gables or peaked roof forms above the entrance;

(5) Architectural details, such as tile work and moldings, integrated into the building structure and above or directly adjacent to the entrance; or

(6) Outdoor pedestrian features such as seat walls and landscaping, or permanent landscape planters with integrated benches.

(g) Loading and Service Areas

Loading and service areas shall be placed to the sides or rear of a structure, or shall be integrated within the building's architecture as a means of minimizing their appearance.

(h) Residential Uses

Residential uses shall be incorporated within a mixed-use development to be visually and/or physically integrated with nonresidential uses. This shall be achieved by ensuring that residential uses meet at least one of the following:

(1) Residential uses are vertically located above street-level commercial uses;

(2) Residential uses are horizontally integrated into site development to provide a transition between the highest intensity uses within the center or development and the adjacent neighborhood;

(3) Limit the use of block walls internally that separate residential and nonresidential uses from each other; and

(4) Provide a pedestrian circulation system (i.e., sidewalks, crosswalks, trails, etc.) that reduces conflict between pedestrian and vehicular movements and increases pedestrian activity between residential and nonresidential uses.

3. Building Design

(a) Four-Sided Architecture

All sides of a building that are visible from a public street, public right-of-way, or other area to which the public has legal access shall feature a similar level of architectural detail reflecting the front facade.

(b) Facade Standards

The following facade standards are intended to prevent large, undifferentiated wall surfaces that are easily visible from neighboring properties or the public right-of-way:

(1) The building facade shall be visually divided into individual bays that are a maximum of 30 feet in width. No blank wall area or facade shall exceed more than 30 feet in horizontal or vertical direction. Building facades shall include two or more of the following treatments, as illustrated in the following table:

TABLE 19.7.6-4: DISTINCT BUILDING DESIGNS

Building Length (ft)	Number of Facade Treatments Required: IL and IP Districts	Number of Façade Treatments Required: All Other Districts
0-30	2	2
31-60	3	4
61-90	4	6
90+	5	8

(2) The required treatments shall be utilized to reduce the perceived scale of the building and shall be drawn from the following list:

i. Reveals;

ii. Projections;

iii. Offsets (measuring at least four feet in depth);

iv. A vertical architectural treatment (a minimum of 12 inches in width);

v. Color, texture or material change (including, but not limited to, brick or stone);

vi. Architectural banding;

vii. Awnings;

viii. Treillage with vines;

ix. Decorative parapet (arched, gabled, stepped, etc.) or cornice treatments;

x. Covered walkways;

xi. Variations in roof forms and/or roof heights;

xii. Deep-set windows with mullions or decorative glazing;

xiii. Ground-level arcades or upper balconies/galleries;

xiv. Columns or pillars;

xv. Marble or tile accents;

xvi. Art work or bas relief; or

xvii. Other facade treatments as agreed to by the Community Development and Services Director.

(3) Innovative and attractive designs that deviate from the standards above may be approved at the discretion of the Community Development and Services Director through the design review or planned unit development/master plan process.

(4) Sample facade treatments are illustrated on the following page in Figure 19.7.6-I.

covered walkway, projection

awnings, bas relief

offsets (at least 4' in depth)

treillage with vines

vertical articulation treatment (min. 12" in width), color texture or material change

reveals, decorative parapet or cornice treatments, variations in roof forms and/or roof heights

ground-level arcades or upper balconies/ galleries, columns or pillars, marble or tile accents

deep-set windows with mullions or decorative glazing, architectural banding

Figure 19.7.6-I: Example Facade Treatments

(c) Base, Middle, and Cap

Buildings with three or more stories shall incorporate a base, middle, and cap described as follows:

(1) The base shall include an entryway with transparent windows, and a molding or reveal placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least two inches and a height of at least four inches;

(2) The middle shall include a minimum of 50 percent of the vertical height of the building and may include windows and/or balconies; and

(3) The cap shall include the area from the top floor to the roof of the building, and shall include a cornice or roof overhang. See Figure 19.7.6-J.

(d) Roof Forms

The roof form standards in this subsection shall apply to the full length of any roof.

(1) Roof lines shall be varied and designed to further minimize the bulk of a building, screen roof-mounted equipment, and enhance the building's architectural design. Variations in roof design may be achieved by use of the following methods:

i. Decorative parapets (a minimum of three feet in height, maximum of one-third the supporting wall height);

ii. Overhang eaves (extending a minimum of three feet beyond the supporting wall);

iii. Three-dimensional cornice treatments (a minimum of 12 inches high);

iv. Three or more roof planes per facade.

(2) All roof vents, pipes, antennas, satellite dishes, other roof penetrations and equipment (except chimneys) shall comply with Section 19.7.5.H.2(a), Roof-Mounted Mechanical Equipment.

(3) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are permitted as an alternative to the roof forms described in this subsection.

Figure 19.7.6-J: BASE, MIDDLE, AND CAP

(e) Color

Color shades shall be used to facilitate blending into the neighborhood and unifying the development. The color shades of building materials shall draw from the range of color shades found in projects in the immediate area that have been approved pursuant to the City's design review procedures or that are found in the natural terrestrial environment.

(f) Unified Design

(1) If a building or center has a primary theme, that theme should be used around the entire building. This can include, but is not limited to, the use of tile accents, stucco designs, awnings, cornice treatments, stepped parapets, treillage with vines, textured materials such as stone or brick, planters, or colored panels.

(2) The architectural design within a multi-building development of structures (including freestanding outparcel structures) shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures shall adjust their standard architectural model to be consistent with a development's architectural character.

(g) Materials

(1) Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture shall be utilized to ensure that enough similarity exists for the building to be compatible despite the differences in materials.

(2) Metal and aluminum siding, plywood siding, plastic tile, color integral or painted precision architectural concrete block, painted split-face block, painted slumpstone building walls, and pre-engineered metal buildings are prohibited unless approved by the Community Development and Services Director.

(h) Response to the Climate

(1) All development shall provide shaded walkways, as defined in this Code, along at least 50 percent of all building facades adjacent to or facing primary walkways leading to building entrances, pedestrian connectivity routes, and usable common open space.

(2) On sites of 15 acres or more, shaded walkways shall constitute a minimum of 30 percent of the sidewalks within sites containing multiple buildings. Options include awnings, arcades, other similar structures, or shade trees planted at 30-foot intervals, unless a smaller interval is required to comply with other sections of this Code.

(3) Buildings shall be oriented to minimize direct solar exposure on the primary building facade and areas of high pedestrian activity.

(4) If subject to design review, the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the design review decision.

4. Building Elements

(a) Downspouts and Overflows

All downspouts and overflow drains shall be incorporated into exterior building walls or architectural projections and shall not be visible on the exterior of the building.

(b) Vision Panels

Vision panels are designed to allow outside surveillance prior to the exit of any person from the service exit of a building. Except for docks or cargo entrances

designed for large cargo distribution, vision panels shall be constructed to allow a person to view the exterior area prior to leaving the protection of the interior space. Vision panels shall not allow a person to view the interior of the building from the exterior. Vision panels shall comply with the following standards:

(1) Location

i. The vision panel (glass portion of the door) shall be center-mounted and placed no more than 63 inches from the bottom of the door.

ii. Variations on this size may be permitted as long as a person cannot insert an arm in the event the glass is removed.

(2) Size

i. Solid metal, wood, or composite material doorways in commercial, industrial, or semipublic buildings shall be installed with burglar-resistant glass not to exceed four inches by four inches in size.

ii. Wide-angle viewers may be substituted for vision panels if a person can stand several feet from the door and view the exterior of the building; however, outside lighting must not hinder the view due to glare.

5. Conversion of Residential Uses to Nonresidential Uses

The conversion of any residential structure to a nonresidential use shall require design review in accordance with Section 19.6.6.B or other application as determined by the Community Development and Services Director, to ensure compatibility with the intent of this Code.

6. Residential Compatibility Standards

(a) Applicability

The residential compatibility standards in this subsection apply when nonresidential or mixed-use development is proposed adjacent to lots used by or zoned for detached or attached single-family structures in the RS-4, RS-6, RS-8, RM-10 and RM-16 districts.

(b) Use Limitations

Where these compatibility standards apply, the following uses or features shall be prohibited as principal or accessory uses:

(1) Public address systems;

(2) Outdoor storage; and

(3) Uses providing delivery services via large tractor trailers (not including package delivery services such as Federal Express or UPS).

(c) Off-Street Parking

(1) Off-street parking shall be established in one or more of the locations listed below. The locations are listed in priority order from highest to lowest; the applicant shall select the highest feasible location from this list, and shall demonstrate why that application was selected over other alternative locations.

i. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;

ii. Adjacent to lot lines abutting nonresidential development;

iii. Adjacent to lot lines abutting mixed-use development;

iv. On a lot's corner side;

v. Behind the building;

vi. In front of the building; or

vii. Adjacent to lot lines abutting residential uses.

(2) In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two parking areas via a cross-accessway with a minimum width of 12 feet and a maximum width of 24 feet is strongly encouraged. A cross-access easement shall be recorded.

(d) Landscaping/Screening

(1) A solid masonry or concrete wall with a minimum height of six feet and a maximum height of eight feet shall be provided to screen nonresidential uses from adjoining property with a residential land use designation as specified by the Comprehensive Plan or as designated by another local entity when adjacent to the corporate limits. Solid walls adjoining the front yards or street side yards of an adjoining residential lot shall not exceed 32 inches in height. In lieu of a wall, the Community Development and Services Director may approve landscaping alternatives to meet this requirement, including berms, hedges, or a combination of wall and landscaping. See Figure 19.7.6-K.

(2) Screening shall not interfere with public sidewalks, vehicular cross-accessways, or improved pedestrian connections.

(e) Exterior Lighting

Exterior lighting shall:

(1) Have a maximum pole height of 20 feet within 50 feet of any residential zoning district, 25 feet in height within 50 to 150 feet of any residential zoning district, and 30 feet in all other locations;

(2) Be fully-shielded;

Figure 19.7.6-K: OPAQUE SCREENING CONFIGURATION

(3) Be configured so that the source of illumination is not visible;

(4) Be directed away from adjacent lots in residential districts; and

(5) Illumination shall not exceed 0.50 foot-candles at the property line if the subject property abuts a residential zoning district or a lot containing residential use.

Figure 19.7.6-L: MULTI-BUILDING DEVELOPMENT CONFIGURATION

(f) Multi-Building Developments

(1) Multi-building developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land uses. See Figure 19.7.6-L.

(2) Horizontally integrated mixed-use developments shall locate nonresidential uses away from lots in adjacent residential land uses.

(g) Building Design

(1) Nonresidential structures taller or larger than adjacent residential uses shall be broken up into modules or wings with the smaller or shorter portions of the structure located adjacent to residential uses. See Figure 19.7.6-M.

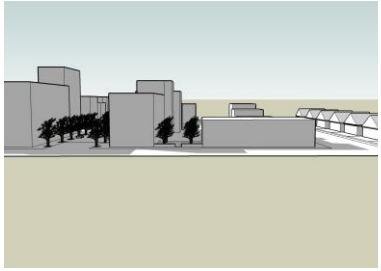


Figure 19.7.6-M: HEIGHT AND MASS TRANSITIONS

(2) Multi-story structures with balconies, patios, or other public gathering spaces more than 24 feet above grade shall orient these features to avoid direct views into lots in low- and medium-density residential districts.

(3) Except in downtown zoning districts, any nonresidential structure that is located within 100 feet of a residential use shall maintain a setback from the residential use equal to the height of the nonresidential structure.

(h) Facade Configuration

(1) Primary facades of nonresidential and mixed-use structures that face residential districts shall be configured as a series of two or more storefronts. See Figure 19.7.6-N.

(2) Service functions like refuse collection, incidental storage, and similar functions shall be integrated into the architecture of the building

Figure 19.7.6-N: PRIMARY FACADE CONFIGURATION

unless an alternate location places these functions farther from adjacent residential uses.

(3) Windows shall be arranged to avoid direct lines-of-site into abutting residential uses.

(i) Operation

(1) Nonresidential uses with outdoor components (e.g., outdoor dining, performance venues) located adjacent to lots in a residential district shall curtail outdoor activities by 10:00 p.m.

(2) Loading or unloading activities shall take place only between the hours of 7:00 a.m. and 11:00 p.m.

(3) Alternate hours of activities may be approved through the conditional use permit process.

(j) Additional Operational Compatibility Standards

As a condition of approval of any discretionary approval of any nonresidential use located within 500 feet of any residential district, the decision-making body shall be authorized to impose conditions that are necessary to reduce or minimize any potentially adverse impacts on residential property. Such conditions may include, but shall not be limited to, the following:

(1) Location on a site of activities that generate potential adverse impacts on adjacent uses such as noises and glare.

(2) Placement of trash receptacles.

(3) Location of loading and delivery areas.

(4) Placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities.

(5) Additional landscaping and buffering.

(6) Preservation of natural lighting and solar access.

(7) Ventilation and control of odors and fumes.

7. Rural Neighborhood Protection Standards

The decision-making body shall be authorized to impose standards that are necessary to reduce or minimize adverse impacts on adjacent rural neighborhoods for parcels within 500 feet of a rural neighborhood as defined by Sec. 19.4.10. In addition to the Operational Compatibility Standards as outlined in Sec. 19.7.6.D.6(j), minimum standards shall include, but shall not be limited to, the following:

(a) Require all applicants to seek neighborhood input through neighborhood meetings prior to presentation of any plan to the Planning Commission.

(b) Require the integration of existing and proposed equestrian and multiple-use trail systems, open space, and parks.

(c) Require new residential development to front local residential rights-of-way, not arterial streets.

(d) Require planned unit developments for all projects in excess of five (5) acres.

(e) Require the first row of houses across the street from or backing up to a rural neighborhood to have a maximum density of four units per acre, be single story, have a lot width that is comparable to adjacent rural neighborhood lots, and have setbacks that meet or exceed RS-6 setbacks.

(f) Require maximum 8-foot-tall lampposts that are architecturally integrated with the design of the subdivision in the front yard of each home within 500 feet of a rural neighborhood per Public Works Parks and Recreation' specifications.

(g) Require developments abutting a rural neighborhood to maintain the same perimeter street sections, rural street lighting, and rural roadside trail provisions as those properties located in adjacent rural neighborhoods.

(h) Require applicants to install landscaping within adjacent arterial street medians.

(i) Homes should either face or back up to a rural neighborhood area to ensure a minimum separation of 25 feet.

(j) If a natural or manmade barrier exists, such as a drainage channel, overhead transmission line, a minimum 8-foot-high block wall with landscaping in accordance with Sec. 19.7.5.C, or any topographical feature that prohibits vehicular and pedestrian access to an adjacent rural neighborhood, then the requirements of paragraph (e) above shall not apply.

E. INFILL DESIGN STANDARDS

1. Applicability

The infill standards in this subsection apply when any new development is proposed on a lot that abuts existing development on at least three sides, and is located within any of the following districts: any RS district, any RM district, or the CN district.

2. Bulk and Dimensional Characteristics

(a) New development subject to these infill standards shall:

(1) Maintain a front setback that is within 125 percent of the average front setback of the existing buildings along the same block face;

(2) Be within 125 percent of the average height of the closest three principal structures, but shall not exceed the maximum height for the district where located;

(3) Maintain a consistent orientation relative to the front lot line as structures along the same block face; and

(4) Maintain side setbacks that are within 200 percent of lots along the same block face.

(b) A lot's block face shall be the one adjacent to the street from which the lot derives its street address unless the Community Development and Services Director determines that an alternative block face is more appropriate.

3. Building and Site Features

Development subject to these infill standards shall respect and reinforce the character found on surrounding buildings, including:

(a) The placement and orientation of garages and other accessory structures in relation to the habitable portion of the structure;

(b) Size, shape, and alignment of windows and doors;

(c) Roof shape, pitch, and overhangs or eaves;

(d) Provision of front porches or porticos;

(e) Exterior building materials and details; and

(f) Location of off-street parking.

4. Transitions between Development

Infill development projects with multiple buildings shall be configured to locate the most intense and highest buildings to the core of the site and establish a continuum where building height, mass, and intensity diminishes from the core towards the edge of the site.

5. Compliance with Other Design Standards

Development subject to these infill standards shall also be subject to all other applicable design standards in this section.

F. CONDOMINIUM CONVERSIONS

1. Purpose

The purpose of this subsection is to safeguard the public health, safety, convenience, and general welfare, and to bring about orderly, coordinated development by establishing minimum standards of design and improvement of any condominium conversion in the City.

2. Application

(a) Applications for condominium conversion shall be submitted to the Community Development and Services Director. Concept plan review pursuant to Section 19.6.3.A.3 is required prior to application submittal.

(b) The filing of a tentative subdivision map for the conversion of apartments to condominium ownership shall follow the procedures in Section 19.6.5.D, Tentative Maps.

(c) Condominium conversions of more than six units shall also require the filing of an application for a PUD overlay district pursuant to Section 19.6.4.D. The following information shall be incorporated into the application for review:

(1) Number of stories and height of each building.

(2) Density in dwelling units per acre.

(3) Total number of parking spaces and stall and aisle sizes.

(4) Area of site to be covered by structures and area to be landscaped.

(5) Floor area per unit.

(6) Type of construction.

(7) Location of trash enclosures.

(8) Rental history and project profile.

(9) Building and Grounds Condition Report.

3. Condominium Conversion Standards

(a) Parking Requirements

The project shall conform to all applicable parking requirements of Section 19.7.4, Parking and Loading.

(b) Utilities, Location, and Metering

The purpose of this subsection is to ensure that the utility services are provided in accordance with all local utility requirements and the following:

(1) Location

Each dwelling unit shall be served by gas and/or electric services. No common gas or electrical connection or service shall be allowed. Easements for gas and/or electric lines shall be provided in the common ownership area where lateral service connections shall take place.

(2) Undergrounding

All new onsite and offsite minor utilities except switch boxes, transformer boxes, and cap banks across property frontage shall be underground.

(3) Metering

Each dwelling unit that provides gas and/or electric service shall be separately metered for gas and/or electricity. A plan for the equitable sharing of communal water metering and other shared utilities shall be included in the covenants, conditions, and restrictions.

(c) Refurbishing, Restoration, and Fire Protection

(1) All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, and driveways shall be refurbished and restored to meet the minimum standards of the City Building Code at the time the building was constructed. Landscaping shall comply with current Code requirements as practical.

(2) Smoke alarms shall be installed within dwelling units and designed to operate in accordance with the applicable Code. Smoke alarms shall be interconnected, shall receive their primary power from the building wiring, and shall be equipped with a battery backup. Within sleeping rooms in accessible units or within designated accessible units, smoke alarms shall include a visual notification device to notify hearing-impaired occupants.

(d) Contingency Fees

(1) As required by NRS 116.310395, the developer shall create a contingency or reserve fund for condominium conversions to provide a surety or performance guarantee for unexpected or emergency repairs to common areas in the interest of the economic, aesthetic, and environmental maintenance of the community, as well as to protect the general welfare, public health, and safety of the community.

(2) Upon the close of escrow for each unit, the applicant shall convey to the property owners' association's contingency fund a minimum fee of $200 per dwelling unit. When 50 percent or more of the total units in the project have been sold, the applicant, within 30 days, shall convey such fee for each of the unsold units. Such funds shall be used solely and exclusively as a contingency fund for emergencies that may arise relating to common open space, exterior portions of dwelling units, and such other restoration or repairs as may be assumed by the property owners' association.

(e) Property Owners' Association

Prior to recordation of a final map, the applicant shall submit a copy of the owner's association's (i.e., Property Owners' Association or Landscape Maintenance Association) articles of incorporation to include association name, officers, addresses, and (if applicable), resident agent to the Community Development and Services Department.

4. Conversions

In addition to the requirements and procedures set forth in other sections of this Code, applicants for conversions shall provide the following information and comply with the following regulations:

(a) Rental History and Project Profile

A statement of specific information concerning characteristics of the project, consisting of the following:

(1) Monthly vacancy rate for the development during the preceding three years.

(2) Proposed sale price of each unit.

(3) Proposed property owners' association fee.

(4) Summary of units that meet the extended lease arrangements criteria set forth in this subsection.

(b) Building and Grounds Condition Report

The applicant shall provide, at his or her own expense and in a format acceptable to the City, a Building and Grounds Condition Report prepared by a licensed civil engineer or licensed architect. The Building and Grounds Condition Report shall be provided to the building official and the Community Development and Services Director and shall contain the following information:

(1) An evaluation of the condition of each building in the project, to include estimate of life expectancy of building components and systems (roof, exterior finishes, mechanical equipment, and appliances). Building components and systems with less than a five-year life expectancy shall be replaced prior to occupancy by the purchasing tenant.

(2) An evaluation of the condition of all site features such as parking areas, accessory buildings, landscaped areas, driveways, sidewalks, carports, any amenities, fences, and utility systems.

(3) Certification that all electrical, mechanical, plumbing, and fire/life safety systems are maintained in safe working order under the Building Codes that were applicable when the buildings were constructed. The report shall also include any notices of manufacturer recall(s).

(4) A copy of this report shall be provided to each prospective buyer of a converted unit prior to opening an escrow account. Any deficiencies shall be corrected prior to recordation of a final map.

(c) Recommendation

(1) The Community Development and Services Director, in conjunction with the Public Works Parks and Recreation Parks and Recreation Director, and building official, then shall evaluate the structures and grounds and make a recommendation as to what alterations to the buildings and grounds are necessary to ensure that any converted complex does not place an undue financial burden on the property owners' association.

(2) Alterations that are required immediately shall be performed prior to final subdivision map approval. In the event an alteration does not require immediate completion, but will be necessary within three years of the date of final subdivision map approval, the Community Development and Services Director, in consultation with the Public Works Parks and Recreation Parks and Recreation Department, shall deposit in an account the estimated cost of the alteration in an amount sufficient to cover the cost for the use of the property owners' association.

(3) This information and evaluation will be incorporated into the planned unit development permit review process for City Council evaluation.

(d) Noticing Requirements

(1) A notice of intent to convert shall be delivered to each tenant by certified mail within 15 days after the planned unit development application is filed with the Community Development and Services Director.

(2) The form of the notice shall be approved by the Community Development and Services Director and shall contain the following information:

i. Name and address of current owner.

ii. Name and address of proposed applicant.

iii. Approximate date on which the final subdivision map is to be filed.

iv. Notice of tenant's right of first refusal.

v. Notice of tenant's approximate vacation date.

vi. Notice of tenant's right to receive a relocation cost payment.

vii. Notice of special cases for extended lease arrangements.

viii. Notice of tenant's right to vacate the unit 120 days from the recordation of the final map.

(3) The applicant shall submit a notarized certificate of mailing, including a list of all tenants that were noticed, to the Community Development and Services Director within 15 days after the planned unit development application is filed.

(4) Any and all subsequent tenants shall be notified prior to lease signing of all items listed in section (2) above.

(e) Tenant's Right of First Refusal

Any present tenant(s) of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied, at the price offered the public. The right of first refusal shall extend for a period of at least 90 days after final map approval or initial offering for sale, whichever is later in time.

(f) Vacation of Units

Each non-purchasing tenant not in default under the obligation of the rental agreement or lease under which the unit is occupied shall have not less than 120 days from the recordation of the final map to vacate the premises.

(g) Extended Lease Arrangements

(1) Any non-purchasing tenant age 62 or older, or handicapped, shall be offered in writing an extended lease of six months for each year he or she has resided in the project, not to exceed five years. This lease will stipulate that the monthly rent on the unit so leased will increase only as much as the Consumer Price Index for the Western States, U.S. city average, all goods, all urban consumers, as calculated by the Bureau of Labor Statistics of the U.S. Department of Labor, or its successor index, herein referred to as CPI. Any non-purchasing tenant with two or more children under the age of 18 residing in the unit shall be offered in writing the same lease arrangements. The offer in writing shall be sent to the applicable non-purchasing tenants with the NRS-required, 120-day notice to vacate.

(2) A tenant's rent shall not be increased within two months prior to a project application, nor shall rent be increased by more than the CPI for two years from the time of the filing of the project application or until relocation takes place.

(h) Relocation Cost Payment

(1) The applicant shall provide a one-time relocation cost payment of two times the monthly rent or $2,000, whichever is greater, per unit, for all existing tenants whose tenancies have been terminated for the purpose of converting or selling their units, after receipt of the NRS-required, 120-day notice to vacate from the applicant.

(2) Nothing in this section shall serve to excuse a landlord from any obligation to reimburse a tenant security deposit. Relocation fees shall be paid to tenants no later than 90 days following the NRS-required, 120-day notice to vacate.

(i) Tenant Incentives

The following incentives shall be offered by the applicant to tenants of the affected conversion:

(1) The developer shall not penalize those tenants who wish to break their lease following receipt of the NRS-required, 120-day notice to vacate.

(2) The developer shall refund the security deposits of all tenants who relocate from the property following receipt of the NRS-required, 120-day notice to vacate. However, the refund is subject to all lease provisions excluding any penalties for tenant-initiated termination. Developers shall comply with all requirements regarding refunding as provided by NRS. If the tenant enters into a lease at one of the developer's other rental properties, the security deposit will be applied towards the new apartment home subject to any deductions allowed by the lease.

(3) No later than 90 days following the NRS-required, 120-day notice to vacate, the developer shall provide to the tenants a current list of City of Henderson apartment rental properties that have vacancies within the same general price range as the proposed conversion.

(4) The developer shall contribute two percent of the sales price towards closing costs for any existing tenants who purchase a unit within the development.

(5) For those tenants who are disabled, the developer shall establish a program where the units occupied by disabled tenants shall be offered to investor purchasers. Rents shall not increase until the end of the lease and then could only be increased at a rate no greater than the rate of increase of the CPI. This will allow the tenants to continue to occupy their units while paying rent to the new owner.

(6) Working with Neighborhood Services, the developer shall host a "Home-Buyer Fair" at the property no later than 30 days after the NRS-required, 120-day notice to vacate has been issued. This event shall give tenants the opportunity to meet with various lenders and City of Henderson representatives to learn about the programs available.

(7) The developer shall reserve a minimum of ten percent of the total number of units being converted to condominiums within the project boundaries as affordable/workforce attainable units (units affordable to households earning less than 120 percent of the Clark County Area Median Income). No less than 50 percent of these units shall be affordable as defined by HUD. Affordable units shall be distributed throughout the buildings within the project. The developer shall record a deed restriction on these affordable units to ensure their continued affordability.

(8) The developer shall provide $200 for each unit being converted to a condominium to the Condominium Incentive Fund (CIF) with the Neighborhood Services Department for its costs incurred in monitoring compliance with the obligations set forth within this section and in providing technical assistance to non-purchasing tenants in their relocation. This fee is to be paid to the City of Henderson at the sale of each unit.

(j) Required Findings of Fact

The City Council shall not approve an application, nor shall applications be accepted for, the conversion of apartments to condominiums unless the City Council finds that the current rental housing vacancy rate is above five percent in the Clark County area, as determined by the Center for Business and Economic Research (CBER) Quarterly Report.

(k) Considerations for Approval

City Council approval of an application for the conversion of apartments to condominiums shall be based upon consideration of all the following criteria:

(1) Compliance with all provisions of this section.

(2) Consistency with the policies of the Comprehensive Plan.

(3) Determination that the proposed conversion will not create a shortage of rental housing such that an imbalance between rental and ownership housing exists.

(4) Determination that the overall design and physical condition of the condominium conversion does not adversely impact the health, safety, and welfare of the community.

19.7.7. DISTRICT-SPECIFIC STANDARDS

A. APPLICABILITY

The standards in this section apply to all allowable uses within the listed base zoning districts. Allowable uses shall also comply with the appropriate design standards in Section 19.7.6, *Building Design Standards*, and all other applicable requirements in this Code.

B. CA: AUTO-MALL COMMERCIAL

The following district-specific standards apply to all uses in the CA district.

1. Nevada-Licensed Architect Required

It is the intent that all dealerships and other non-automotive entities in the CA zoning district contribute to building a visibly prestigious mall. Professional planning and the creation of a pleasant shopping environment are essential. Every dealership shall retain one or more architects registered in Nevada. The customers' environment must be an upgrade beyond that frequently found in automobile dealerships. The intent of these standards is not to stifle design or to unnecessarily add cost to the dealerships and other non-automotive entities, but rather to guide them and their architects in establishing an integrity of design for the auto-mall and consistency of quality for the entire development.

2. Dealerships

(a) Prior to any other use being permitted in a CA district, there shall be a minimum of five new car dealerships included in each CA zoning district.

(b) Each of the required new car dealerships shall be on a minimum 200,000 square-foot site.

3. Auto Display

(b) There shall be no racks, raised platforms, etc., that raise cars more than two feet above adjacent display areas or grade. There shall also be no racks that tilt cars in any way to show the underside, unless they are used inside a showroom or 60 feet back from the property line.

(a) Display areas within the CA district shall use an enhanced paving material such as exposed aggregate, brick, stamped concrete, or a similar surface material approved by the Community Development and Services Director. Asphalt will not be accepted in these locations.

(b) Automobile displays shall not be allowed on top of any building.

4. Setbacks

(a) The following are excluded from setback provisions:

(1) Steps and walks.

(2) Driveways and associated curbs.

(3) Customer parking areas not less than ten feet from any lot lines and occupying not more than 50 percent of the required landscaping area.

(4) Signs approved in a master sign plan.

(5) Exterior lighting.

(b) In addition to the standard setbacks, the following uses shall maintain these additional setbacks:

(1) Sales or display buildings shall be set back a minimum of 35 feet from any property line.

(2) Hotel or related facility shall be 90 feet from any property line.

5. Walls and Fences

(a) All mechanical equipment, service, storage, and trash areas shall be screened from view from any street by a wall. Landscape screening alone shall not be deemed sufficient.

(b) Perimeter walls shall be no less than eight feet and no greater than ten feet in height.

6. Vehicle Storage

No materials, supplies or equipment, including firm-owned or firm-operated trucks, shall be stored in any area on a site except inside a closed building or behind a visual barrier

or service area that screens the equipment from view of all public streets. The single exception shall be any vehicles that are part of the dealer's customer display.

7. Noise Attenuation

All body-shop repair and compressor work shall only be performed in an enclosed area. Enclosed buildings are those buildings with activities totally contained within walls of the building and that have only adequate doors for ingress and egress incorporated. Air compressor exhaust stacks shall contain a muffling device. Noise attenuation shall meet all standards and ordinances of the City of Henderson. See Section 19.7.8.G.2(a), *Outdoor Paging Systems*.

8. Flagpoles

A flagpole that is 1½ times the height of the nearest building shall be permitted. A flagpole flying a flag must be at a main vehicular or pedestrian access to a building or site.

C. MIXED-USE DISTRICTS

1. General Standards for All Mixed-Use Districts

(a) Mix of Uses Encouraged

A diverse mix of commercial, office, residential, and civic uses is desired within the mixed-use districts. The appropriate mix of uses for each district will vary by its location, size, and the surrounding development contexts. Generally, larger sites located in areas where higher levels of activity are desirable should have a greater mix of uses than smaller sites.

(b) Streetscape Design and Character

(1) Sidewalks Required

In order to create an environment that is supportive of transit and pedestrian mobility, public sidewalks shall be provided along both sides of all streets in the MR district and MC district. Such sidewalks shall be at least 16 feet in width and no more than 18 feet in width, unless otherwise approved as part of the design review process. The 16-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 16-foot minimum requirement with a sidewalk easement provided. Sidewalks shall be organized into two distinct areas: a street tree/furniture area located adjacent to the curb where applicable, and a clear area.

i. Street Tree/Furniture Area

The street tree/furniture area shall have a minimum width of six feet (from face-of-curb) and shall be continuous and located adjacent to the curb. The area shall be planted with street trees at an average spacing of 20 to 30 feet on center, based on the mature canopy width of the tree species selected. The area also is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct

pedestrian access or motorist visibility, and subject to applicable requirements of this Code and HMC.

ii. Clear Area

The clear area shall be a minimum width of six feet, shall be constructed of concrete or an alternative hardscape material as approved by the Community Development and Services Director, and shall be located adjacent to the street tree/furniture area. The clear area shall be unobstructed by any permanent or nonpermanent element for a minimum width of six feet and a minimum height of eight feet. Additional sidewalk width located between the clear area and the building may be used for outdoor dining, seating, or display areas. See Figure 19.7.7-F.

Figure 19.7.7-F:
SIDEWALKS SHALL BE ORGANIZED INTO TWO DISTINCT AREAS

iii. Transitions between MC or MR and Other Districts

MC or MR district adjoining existing or proposed Non-Residential districts, approved with a 5-foot sidewalk, shall provide a sidewalk transition. Beginning 25-linear feet interior to the site from the shared property line, a development shall taper from the required minimum 16-foot wide sidewalk to 5-feet to the property line. The Community Development and Services and Public Works Parks and Recreation Parks and Recreation

Directors may approve alternatives (i.e. plazas, gathering areas, passive recreational opportunities) in lieu of transitioning the sidewalk the minimum 25-foot linear distance.

(2) Alternative Configurations

Alternative streetscape configurations and widths may be approved by the Community Development and Services Director where the above configurations are not feasible. For example, in residentially-oriented portions of the corridor a narrower sidewalk may be appropriate.

(3) Building Placement

At least 50 percent of the building facade facing a street or drive aisle must be brought up to the clear zone.

(4) Relationship to Linear Park

Developments with frontage abutting Boulder Highway shall refer to Section 4.2 of the Boulder Highway Corridor Landscape Design Manual to view typical cross-sections and determine the relationship between sidewalks and the Boulder Highway Corridor linear park. Specific standards shall be determined by the Community Development and Services Director as part of the development review process. Improvements within the right-of-way adjacent to the proposed development shall be shown on the site plan.

(5) Outdoor Merchandise Displays

i. Shall be limited to one display per business;

ii. Shall occupy a space no larger than three feet wide and six feet in length;

iii. Must be placed against the building the business operates from;

iv. Shall be in compliance with clear area provisions, as specified above;

v. Shall not be displayed during non-business hours;

vi. Shall not be located where they obstruct the line of sight for passing motorists; and

vii. Shall be identified on the site plan.

(6) Outdoor Dining Areas

i. Must be placed against the building from which the business operates;

ii. Shall be in compliance with clear area provisions, as specified above;

iii. Shall not be located where they obstruct the line of sight for passing motorists; and

iv. Shall be identified on the site plan.

(7) Public Right-of-Way

In the mixed-use districts, subject to an administratively issued revocable permit from the Public Works Parks and Recreation Parks and Recreation Director or designee, the following features may be located within a public right-of-way, subject to the limitations set forth:

i. Trees, shrubs, flowers, fences, retaining walls, hedges, and other landscape features;

ii. Balconies, stairs, attached balconies, overhangs, and awnings, provided such features maintain a minimum vertical clearance of 80 inches from finished grade and they do not extend beyond the curb face of an adjacent street or alley;

iii. Cornices, eaves, reveals, columns, ribs, pilasters, or other similar architectural features provided no architectural foam is located within ten vertical feet of finished or street grade;

iv. Signs, in accordance with all other applicable regulations of this Code; and

v. Sidewalk cafes and associated street furniture.

(c) Minimum Transparency

(1) In all mixed-use districts, a minimum percentage of the total area of each nonresidential, street-level building facade that abuts a public street, transit corridor or station, plaza, park, or other public space, shall be comprised of transparent window openings to allow views of interior spaces and merchandise, to enhance the safety of public spaces by providing direct visibility to the street, and to create a more inviting environment for pedestrians. Minimum percentages shall vary by location as follows:

i. Development in corridor areas of the MC District: 35 percent

ii. All other development in mixed-use districts: 50 percent

(2) For the purposes of the above standard, all percentages shall be measured using elevation views of the building plan and "street level" shall be measured from floor-plate to floor-plate. Glazing on all ground floor windows shall have a minimum Visible Light Transmittance of 0.65 and a maximum Visible Light Reflectance of 0.2, and black or mirrored glass is prohibited.

(3) Glazing required by this Code should be concentrated in areas of high pedestrian activity and, to maximize energy efficiency, should be used in conjunction with shade features required and encouraged by this Code, including awnings, shaded walkways, deeply recessed windows, and covered porches or arcades.

(4) Transparent glazing required by this Code must be maintained without interior or exterior obstructions that substantially limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (except window blinds) during hours of business operation. This section shall not apply to signage, shelving, displays, or the like, set back at least three feet from the glazing surface.

(d) Pedestrian and Bicycle Circulation and Connections

All buildings in mixed use districts shall:

(1) Provide a direct pedestrian connection from the primary entrance to the adjacent public sidewalk using a walkway, breezeway, easement between buildings, or similar feature that is accessible to the public. Pedestrian connections shall not be along the periphery of the site (essentially forcing the pedestrian to walk around the building to access the main entrance); or

(2) Orient a primary entrance entrance towards a trail corridor or transit station where applicable. See Figure 19.7.7-G.

(e) Ground-Floor Uses

(1) Intent

The incorporation of commercial uses such as retail shops and restaurants at the street level is strongly desired within the MN, MC, and MR districts to promote a more active environment for pedestrians and support residential and office uses located within the same building (on upper floors) or nearby.

(2) Standards

i. Location

When uses from the Commercial Use Category in Section 19.5.5, *Commercial Uses*, are provided, such uses shall be concentrated adjacent to transit stops, major public spaces, along a trail corridor, and in other areas where a high level of pedestrian activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to commercial space, such space shall be located along those facades adjacent to or most visible from transit corridors, primary street frontages, or major pedestrian walkways.

Figure 19.7.7-G:
SHADED WALKWAYS

ii. Parking Structures

Within the MN, MC, and MR districts parking structures shall be wrapped by retail, office, or residential uses along at least 60 percent of the ground-floor street frontage on all public and private streets.

2. Additional Standards for MC: Corridor/Community Mixed-Use District

(a) MC District Boundaries

(1) Mixed-Use Activity Centers

Within the MC district, properties designated as Mixed-Use Activity Centers are identified on the zoning map and generally encompass parcels or development located within 1,500 linear feet (approximately ¼ mile) of the intersecting centerlines of the primary streets that serve the center. Activity Centers are located where Boulder Highway intersects the following streets: Gibson, Galleria, Sunset, Warm Springs, Water Street, Lake Mead, Basic, Greenway, and Horizon.

(2) Corridor

Any lot or site that is within the district but not within a designated Mixed-Use Activity Center is considered within the corridor for purposes of this code.

(b) Mix of Uses

In the MC district, a greater mix of uses should be located within the Mixed-Use Activity Centers (i.e., adjacent to bus rapid-transit stations) than outside of Mixed-Use Activity Centers and along the corridor. Single-use buildings are not allowed in areas zoned MC that are not along Boulder Highway.

(c) Relationship to Linear Park

Developments with frontage abutting Boulder Highway shall refer to Section 4.1 of the Boulder Highway Corridor Landscape Design Manual to view typical cross-sections and determine the required relationship between sidewalks and the Boulder Highway Corridor linear park.

(d) Connections to Transit Stations and Shared Use Paths

All buildings located adjacent to a transit route shall:

(1) Orient a primary entrance towards a trail corridor or transit station where applicable; or

(2) Provide a direct pedestrian connection from the primary entrance to the transit station and a trail corridor using a walkway, breezeway, or similar passageway between buildings that is accessible to the public, where applicable. Pedestrian connections shall not be along the periphery of the site (essentially forcing the pedestrian to walk around the building to access the main entrance from a trail corridor or transit station).

3. Additional District-Specific Standards for the MN: Neighborhood Mixed-Use District

The following district-specific standards apply to all uses in the MN district.

(a) Building Footprint

Establishment of single-tenant nonresidential buildings exceeding 5,000 square feet and multiple nonresidential tenant buildings exceeding 15,000 square feet shall require a conditional use permit in accordance with Section 19.6.6.A, Conditional Use Permits.

(b) No Park/Drive Zone

Parking, drive aisles, and/or drive-throughs shall not be permitted between the building and right-of-way.

19.7.8. OPERATIONAL PERFORMANCE

A. AIR QUALITY

The emission of dust, dirt, or smoke shall comply with the Clark County Department of Air Quality Regulations.

B. COMBUSTIBLES AND EXPLOSIVES

The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of HMC 15.32 and all applicable state and federal laws.

C. GASES

The escape or emission of any gas that is noxious, injurious, or destructive is unlawful and shall be immediately eliminated and, in addition, shall comply with the Clark County Department of Air Quality Regulations and all applicable state and federal regulations, including the federal Emergency Planning and Community Right to Know Act of 1986.

D. HAZARDOUS MATERIALS

1. General

(a) The land use impacts for facilities that use hazardous materials in excess of the exempt amounts or maximum allowable quantities per control area as specified in the Fire Code are declared to be potentially harmful to the public health, safety, and welfare, or potentially damaging to the property values of adjacent properties.

(b) A conditional use permit is required for the storage, handling, or use of hazardous materials when the quantity is in excess of the exempt amount or maximum allowable per control area, as specified in the Fire Code. Requirements and allowed amounts for fuel storage are specified below. Legal nonconforming uses located within the City of Henderson shall not be expanded unless a conditional use permit has been issued.

(c) Notwithstanding the above regulations regarding hazardous materials storage, any substance designated as highly hazardous as listed in NRS 459.3816 and stored in the quantity specified shall require City Council use permit approval in accordance with the public notice requirements and processing procedures set forth in NRS 278.147.

(d) Any medical marijuana extraction processing, as part of an approved medical marijuana establishment – infusion/manufacturing use, shall require a conditional use permit. For medical marijuana extraction processing using flammable gases

not listed in Henderson Municipal Code, Title 4.116, *Medical Marijuana – Regulations and Licenses*, additional reports must be submitted pursuant to 19.7.8.D.3, *Hazardous Materials, Additional Reports*.

2. Fuel Storage

(a) Above-ground fuel storage shall comply with the following:

(1) Above-ground fuel storage of up to 500 gallons is permitted, subject to an approved fire installation permit.

(2) Above-ground fuel storage with capacity greater than 500 gallons up to 2,500 gallons requires a design review for staff level decision.

(3) Above-ground fuel storage greater than 2,500 gallons requires a conditional use permit.

(4) Above-ground fuel storage with capacity greater than 500 gallons containing diesel, gasoline, or similar liquid or gas fuels shall meet or exceed UL2085 standards unless approved by the building official or the Fire Chief.

(5) Above-ground fuel storage that contains ultra-low sulphur diesel shall comply with the same Fire Code Standards for Class I liquids.

(b) All above-ground storage tanks are subject to the issuance of the appropriate installation permit as required by the Fire Code, provided that:

(1) Unless otherwise approved through design review, no above-ground storage shall be permitted in a front or unenclosed corner side yard;

(2) Storage containers, pumps, and other associated equipment shall be considered mechanical equipment for the purposes of screening pursuant to Section 19.7.5.H; and

(3) Propane tank screening shall be unenclosed for 50 percent of its perimeter.

(c) The capacity limits referenced herein applies to the size of the tank or container where a single tank is proposed; and where multiple tanks are proposed, the capacity limit applies to the total aggregate above-ground storage capacity on the site.

3. Additional Reports

(a) For any hazardous materials storage and fuel storage that requires a conditional use permit, the applicant may be required to submit additional reports to the Fire Chief and/or building official for approval or recommendation prior to being scheduled for a Planning Commission hearing. Reports may include, but are not limited to, those listed in Chapter 459 of the Nevada Administrative Code.

(b) Medical marijuana extraction processes using flammable gas not specifically prescribed in the Henderson Municipal Code, or hazardous material as defined in the Henderson Fire Code, may be approved subject to submittal and approval of hazard analysis, risk assessment, and risk mitigation reports. These reports shall be prepared by an independent, qualified, industrial hygienist, or a Nevada licensed fire protection engineer as required by the Fire Chief. Subject to

approval of the Fire Chief, other licensed professionals or experts that can demonstrate qualifications in the specific area through education, training, and experience may prepare the reports or assist in the preparation of the reports. Reports shall be submitted to the Fire Chief for approval prior to the conditional use permit being scheduled for a City Council hearing.

(c) Hazard analysis, risk assessment, and risk mitigation reports shall be prepared and reviewed at the applicant's expense. The costs of any consultant services required by the City to review reports that exceed the City's technical expertise shall be paid by the applicant in an amount estimated by the Fire Chief, in advance of the technical review.

E. GLARE AND LIGHTING

The glare and lighting standards of this section shall apply to all development, including public-owned facilities such as parks.

1. Use of Reflective Glass

Mirrors or highly reflective glass shall not cover more than 20 percent of a building surface visible from a street unless an applicant submits information demonstrating to the satisfaction of the Planning Commission and City Council that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles.

2. Outdoor Lighting

(a) Standards of Design (Commercial, Industrial, Semipublic, and Multifamily Projects)

The mounting of light fixtures shall be governed by the following:

(1) Building-mounted light fixtures shall be attached to walls, and the top of the fixture shall not be lower than ten feet or higher than 18 feet above finished grade, except entry/exit lighting that may be positioned above the entry/exit.

(2) Freestanding light fixtures shall not exceed 20 feet in height within 50 feet of any residential zoning district, 25 feet in height within 50 to 150 feet of any residential zoning district, and 35 feet in all other locations. For the purpose of this requirement, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture. Outdoor lighting for court or field games exceeding 50 feet in height and within 300 feet of a residential district shall require approval of a conditional use permit.

(3) The property owner is responsible for meeting minimum CPTED standards in providing illumination for all parking areas and walkways. Transitional lighting shall be provided for recreation/office buildings, swimming pools, laundry and mailrooms, ramadas, covered breezeways, and similar areas.

(4) All exterior light shall be directed downward and away from adjoining property and shall be fully shielded to prevent unnecessary glare in order to conform with these standards. Light standards shall be shielded such that the lamp itself or the lamp image is not visible from outside the

property perimeter. Light standards and shields shall be shown at the time of building permit review.

(5) Trees and shrubs shall not interfere with the distribution of lighting.

(6) All exterior fixtures shall be illuminated from dusk until dawn, unless otherwise designated.

(7) Details of exterior lighting for commercial, industrial, semipublic, and multifamily developments shall be provided on the required landscape site plan. Photometric calculations shall be detailed on an exterior lighting plan unless waived. Photometric calculations shall be based on the "mean" light output per the manufacturer's values of the specified lamp and luminaire photometry data formatted on an Illumination Engineering Society (I.E.S.) file completed by an approved testing laboratory. The details provided for exterior lighting shall include point-to-point photometric calculations at intervals of not more than ten feet at ground level and may also be required at six feet above ground level, depending on the applicable risk factors.

(8) Any exterior lighting device (luminaire) designed for security lighting shall be protected by weather- and vandal-resistant covering, a managed light source, directed down, to minimize glare and intrusiveness.

(9) White, full-spectrum "white light" shall be used, except when adjacent to a residential land use designation. This type of lighting includes metal halide, mercury vapor or other similar types of white light. The use of low-sodium vapor or high-pressure sodium vapor lighting is discouraged.

(10) Illumination shall not exceed 0.50 foot-candles at the property line if the subject property abuts a residential zoning district or a lot containing a residential use.

(b) Minimum Illumination Standards (Commercial, Industrial, Semipublic, and Multifamily projects)

(1) All minimum illumination guidelines listed in this section shall be maintained from ground level to a height of six feet. The minimum-to-maximum uniformity ratio may range up to 6:1 in acceptable layouts.

(2) The lighting levels specified are the minimum levels that are typically acceptable to meet the requirements of this section. In some circumstances, customer convenience, closed-circuit surveillance, and customer attraction may require a higher level of lighting. In addition, other factors particular to a certain geographic area may require a higher level of lighting than listed below.

(3) Proposed exterior plans shall meet the minimum levels of lighting listed below. The list below is not inclusive. For uses not listed in the table below, City of Henderson CPTED certified personnel shall be consulted for lighting standards. Note: Lighting in multi-level parking structures shall be evaluated on a case-by-case basis to minimize unnecessary glare to adjacent or nearby residential areas.

(c) Single-family Residential Illumination Standards

(1) Illumination shall not exceed 0.50 foot-candles at the property line if the subject property abuts a residential zoning district or a lot containing a residential use.

(2) Any lighting of sport/tennis courts shall not exceed 20 feet in height and be shielded to prevent light spillage off subject property. For Sport/Tennis Court screen/fence height, see Sec. 19.7.5.K, Fences and Walls.

TABLE 19.7.8-1 MINIMUM LIGHTING LEVELS
High-Risk Activity (4-5 FC)
ATM
Pay phones
Gated community entries
Pedestrian tunnels and covered pedestrian walkways (breezeways)
All exterior entrances
Convenience stores/service stations
Covered parking (except parking structures)
Gaming facilities/casinos/taverns
Multifamily community laundry facilities
Multifamily pool facilities (10 FC all hours of darkness)
Medium-High-Risk Activity (3-4 FC)
Fast-food
Pharmacies
Loading docks/areas
Grocery stores/retail stores (24-hour, immediate parking area)
Liquor stores
Parking structures (10 FC daytime) (parking garages, multi-level)
Medium-Risk Activity (2-3 FC)
Commercial recreation and entertainment
Retail stores
Medical and business professional offices
Financial institutions
Eating and drinking establishments
Visitor accommodations
Hospitals
Enclosed stairwells
Medium-Low-Risk Activity (1-2 FC)
Multifamily housing
Industrial (night use)
Schools, public or private
Religious assembly
Warehousing and/or storage yards (night use)
Low-Risk Activity (0.50-1 FC)
Trails and pathways {1}
Vehicle/equipment sales, auctions, and rentals (after hours)
Industrial (day use)

TABLE 19.7.8-1 MINIMUM LIGHTING LEVELS
Mini-storage
Multifamily walkways and cluster mailboxes
NOTE: All foot candles (FC) listed above shall be based upon minimum maintainable foot candles (MMFC). {1} Trails and pathways may use Average Maintainable Foot Candles (AMFC).

3. Accent Lighting

(a) Landscaping elements: Accent lighting onto landscaping and foliage may be permitted. All luminaries shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.

(b) Building Mounted Accent Lighting: Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.

(c) Ground Mounted Accent Lighting: Ground mounted accent lighting for buildings, when so approved, shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined form projecting into the sky by eaves, roofs, or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.

(d) Pole Mounted Accent Lighting: Pole mounted accent lighting for a building is not permitted.

(e) Neon and Light Emitting Diode (LED) lighting may be used as accent lighting pursuant to this ordinance and is permitted to accent architectural elements of nonresidential structures subject to the following standards:

(1) Neon or LED accent lighting shall only be used to accent architectural elements of nonresidential structures.

(2) Neon or LED lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.

(3) Neon or LED accent lighting shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.

(4) Neon or LED used in signs shall be regulated pursuant to the sign ordinance.

(5) Neon or LED accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed a maximum of 75 percent of the entire building liner façade length.

4. Industrial Operations

Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be contained within a completely enclosed and vented building.

5. Sport/Tennis Court Lighting in R and DRL districts

Any lighting of sport/tennis courts shall not exceed 20 feet in height and be shielded to prevent light spillage off subject property. For Sport/Tennis Court screen/fence height, see Sec. 19.7.5.K, Fences and Walls.

F. HEAT AND HUMIDITY

Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated that cause material distress, discomfort, or injury to a reasonable person.

G. NOISE

1. General

All uses and activities (except publicly owned airports and railroads) shall comply with Chapter 8.84 of the City Code, and the maximum sound pressure level radiated by any use or facility shall not exceed the values shown in Table 19.7.8-2:

TABLE 19.7.8-2: MAXIMUM SOUND PRESSURE LEVELS

Receiving Property Land Use	Time of Day	Background Level (dBA) Outdoors	Maximum Permitted Sound Level (dBA) Outdoors
Residential property, or residential portion of a multi-use property	7:00 am to 9:00 pm	(Leq14) 62-64	65-Daytime
	9:00 pm to 7:00 am	(Leq10) 53-59	60-Nighttime
	24 hours	(L90) 60	(L10) 70 (Not to exceed greater than 15 min. in a 24-hour period
Industrial	5:00 am to 8:00 pm	(Leq15) 68-71	73-Daytime
	8:00 pm to 5:00 am	(Leq9) 68-73	73-Nighttime
	24 hours	(L90) 68	(L10) 73 (Not to exceed greater than 15 min. in a 24-hour period
Commercial	5:00 am to 8:00 pm	(Leq15) 72-75	75-Daytime
	8:00 pm to 5:00 am	(Leq9) 70-73	73-Nighttime
	24 hours	(L90) 68	(L10) 77 (Not to exceed greater than 15 min. in a 24-hour period
Note – Golf course maintenance equipment is exempted from the requirements of Table 19.7.8-2. See Additional Standards for Specific Operations and Activities below for requirements.			

(a) Measurement Point

The sound level shall be measured at the lot line of the property on which the sound is generated.

(b) Sound Level Measurement

Noise levels shall be measured with a sound level meter or noise dosimeter that meets the current requirements outlined in the American National Standards Institute (ANSI) Specification for Sound Level Meter, S1.4 (1983) Type S2A, and set to use the A-weighted network with slow meter response.

2. Additional Standards for Specific Operations and Activities

(a) Outdoor Paging Systems

Such systems shall not be permitted within 1,000 feet of any noncommercial or nonindustrial zoning district, or within 1,000 feet of any existing or proposed residential, school, licensed day care, and public or semipublic use property line. This standard shall not apply to drive-up windows or remote speaker systems at financial institutions, pharmacies, drive-through restaurants, and similar uses where cashiers and customers have direct face-to-face contact, where automated volume control technology is used, where drive aisles are adjacent to the primary structure, or where the remote appliance is located under a porte-cochere attached to the primary building.

(b) Refuse Collection/Loading

No person shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in any manner so as to create any noise exceeding the standards set forth above when measured at a distance of 50 feet from the equipment when inside of or within 500 feet of a residential use.

(c) Truck/Rail Loading

No truck or rail loading area established after October 6, 1998, shall be allowed to be in operation within 250 feet of a residential lot between the hours of 10:00 p.m. and 6:00 a.m., unless within a fully enclosed building.

3. Lawn Maintenance Equipment and Power Tools / Golf Course Maintenance

(a) No person shall operate or use or cause to be operated or used any lawn care device or power tool before 6:00 a.m. and after 7:00 p.m. or sunset, whichever occurs later, or at any time in such a way as to create a "noise disturbance." The provisions contained in this paragraph shall not apply to an employee of the Public Works Parks and Recreation, Parks and Recreation Department.

(b) Golf course lawn maintenance equipment may be operated daily from sunrise or 6:00 a.m. (whichever is earlier), until sunset. Daily sunrise/sunset times are determined by the United States Naval Observatory.

4. Exemptions

The following operations and activities are exempted from the limitations of this section:

(a) Emergency Power Generators

Emergency power generators that are installed as backup power supplies at hospitals, nursing and retirement homes, office buildings, or similar large-occupancy structures. Operation is permitted only when they operate in emergency situations when normal electric service is interrupted and during

scheduled routine testing periods limited to such duration as to confirm proper functionality. Because of their infrequent use, and the great expense normally incurred to attenuate these noise sources, they are exempt from this ordinance during emergency operation. Routine testing must take place between the hours of 8:00 a.m. and 8:00 p.m. and shall not continue longer than 30 minutes per testing period. This exemption applies only to those generators that are used to provide emergency power in emergency situations or as required by the City of Henderson Fire Department. Generators not used for these purposes are required to meet the sound level limits established in Section 19.7.8.G.1, General.

(b) Emergency Work

Sound produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from eminent danger, following a fire, accident, or natural disaster.

(c) Aircraft and Trains

Sound produced by aircraft in flight or operation at an airport, or railroad equipment in operation on railroad rights-of-way.

(d) Permitted Activities

Any activities that generate noise for which a permit was issued under the specifications outlined in this chapter or Title 8.84.

H. ODORS

No person or business shall cause or allow the emission of odorous air contaminants from any source such as to result in detectable odors that are measured in excess of the following limits:

1. For areas used predominantly for residential purposes, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.

2. No violation shall occur provided that the person or business causing or allowing the emission of odorous air contaminants is employing the best available treatment, maintenance, and control currently available to maintain the lowest possible emission of odorous gases.

I. RADIOACTIVE MATERIALS

The use, handling, storage, and transportation of radioactive materials shall comply with all applicable local, state, and federal regulations, including the Fire Code. Compliance with HMC Title 15 shall be required.

J. VIBRATION

No use, activity, or process shall produce vibrations that are perceptible without instruments at the property line for more than three minutes in any one hour of the day between the hours of 7:00 a.m. and 10:00 p.m. or for more than 30 seconds in any one hour between the hours of 10:00 p.m. and 7:00 a.m.

K. EVIDENCE OF COMPLIANCE

The Community Development and Services Director shall require such evidence of ability to comply with appropriate performance standards and mitigation measures as deemed necessary by the

Community Development and Services Director prior to issuance of a building permit and certificate of occupancy.

19.7.9. MULTIPLE SPECIES HABITAT CONSERVATION PLAN

A. PURPOSE

The purpose of this section is to allow for applicants, by certificate of inclusion, to comply with the federal Endangered Species Act through the Incidental Take Permit issued to the county and implemented through the Multiple Species Habitat Conservation Plan (MSHCP) and Implementing Agreement. MSHCP Mitigation Fees collected are used to implement the terms of the Incidental Take Permit.

B. IMPOSITION OF MITIGATION FEE

Except as provided in Section 19.7.9.C, *Exemptions and Exceptions*, applicants for development permits shall pay the MSHCP Mitigation Fee of $550 per gross disturbed acre or any portion thereof located within the parcel, as well as the area disturbed by related off-site improvements. No development permit shall be issued or approved without the payment of the mitigation fees required by this section.

C. EXEMPTIONS AND EXCEPTIONS

1. A mitigation fee shall not be required for the following types of development:

(a) Reconstruction of any structure damaged or destroyed by fire or other natural causes;

(b) Rehabilitation or remodeling of existing structures or existing off-site improvements;

(c) Disturbance of any lands, including lands conveyed from federal to private ownership, within the City of Henderson, which are covered by and are subject to the terms and conditions of a separate habitat conservation plan and incidental take permit approved and issued by the United States Fish & Wildlife Service. Such lands are not covered by or subject to the Incidental Take Permit.

2. Applicants for development permits who have paid per acre fees pursuant to Section 7 of the federal Endangered Species Act may be required to pay a portion of the MSHCP Mitigation Fee as follows:

(a) If an applicant paid less than $550 per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related offsite improvements in Section 7 fees, the applicant shall pay the difference between $550 per acre and the amount per acre paid in Section 7 fees. These acres shall be covered by and subject to the Incidental Take Permit

(b) If an applicant paid $550 or more per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related offsite improvements in Section 7 fees, the applicant shall not pay the MSHCP Mitigation Fee for those acres. Those acres are not covered by or subject to the Incidental Take Permit.

D. LAND DISTURBANCE/MITIGATION FEE FORM

All applicants for development permits shall, before issuance thereof, complete a Land Disturbance/Mitigation Fee Form furnished by each Henderson department that issues development permits. The Land Disturbance/Mitigation Fee Form must be complete, signed by the applicant for the development permit, and contain, at a minimum, the following information:

1. The assessor's parcel number.

2. The number of disturbed acres within the Parcel.

3. The area disturbed by related off-site improvements.

4. The amount of mitigation fees actually paid.

E. COMPLIANCE REPORT FEES

All applicants for development permits who are required to submit a Land Disturbance/Mitigation Fee Form shall pay processing fees per development permit to the Henderson Building and Safety Department, based on a fee schedule adopted by the City Council.

F. FEE ADMINISTRATION

All mitigation fees collected pursuant to the provisions of this ordinance shall be deposited into a special reserve fund. The fund, including interest and other income that accrues thereto, shall be expended solely for the implementation of the terms of the Incidental Take Permit and any amendments thereto.

G. INCIDENTAL TAKE PERMIT

1. All persons, firms, or entities located within Henderson that engage in any activity covered pursuant to the Clark County Multiple Species Habitat Conservation Plan, including residential and commercial development, agriculture, mining, grazing, and Off-Highway Vehicle activities shall comply with the applicable provisions of the Incidental Take Permit to be included, by certificate of inclusion, for coverage under the Incidental Take Permit.

2. All persons, firms, or entities, their agents and employees that comply with the provisions of this ordinance are hereby permitted to incidentally take any species for which the United States Fish and Wildlife Service has issued the Incidental Take Permit so long as such person, firm, or entity has complied and continues to comply with the applicable provisions of the Incidental Take Permit as it now exists or may hereinafter be amended.

3. All persons, firms or entities that are not required to pay a mitigation fee pursuant to the terms of this chapter, but that are otherwise in compliance with the applicable provisions of the Incidental Take Permit, as it now exists or hereinafter is amended, are hereby permitted to incidentally take any species covered by the Incidental Take Permit.

4. The certificate of inclusion that allows a person, firm, or entity to comply with the federal Endangered Species Act through the Incidental Take Permit, including the incidental take of species listed in the Incidental Take Permit, shall be immediately revoked, without further action or notice, in the event such person, firm or entity ceases to be in compliance with subsection 1, 2, or 3 hereof.

19.7.10. RESIDENTIAL CONSTRUCTION TAX

A. IMPOSITION OF RATE OF RESIDENTIAL CONSTRUCTION TAX

There is hereby imposed and shall accrue and be collected a residential construction tax, as provided for in this section, upon the privilege of constructing residential dwelling units, including, without limitation, conventionally constructed houses, apartments, mobile homes, nonresidential structures remodeled for use as dwelling space, room additions, mobile home parks, and mobile home estates within the City of Henderson. The residential construction tax shall be calculated at the current legal rate for each residential dwelling unit, per NRS. The residential construction tax shall not exceed the limits provided for in NRS.

B. COLLECTION OF RESIDENTIAL CONSTRUCTION TAX

Prior to the issuance of any building permit for the construction of any apartment house, residential dwelling unit, installation of a mobile home on any mobile home estates lot, development of any mobile home park, or prior to the issuance of any building permit for any residential addition or for the remodeling of any nonresidential structure for the purpose of residential dwelling use, the applicant for such building permit shall pay to the City of Henderson the residential construction tax in the amount specified per NRS.

C. RESIDENTIAL CONSTRUCTION TAX FUND

1. All of the residential construction tax that is collected pursuant to this section, and all of the interest that accrues thereon, shall forthwith be forwarded to the City Finance Director who shall credit the same to the special revenue fund that is created to receive and account for the same.

2. The money in such special revenue fund shall be accounted for separately according to the respective park districts from which it was derived and may be used in accordance with NRS.

D. PARK DISTRICT BOUNDARIES

The City shall be divided into park districts depicted on the map that is entitled "Park District Boundaries," copies of which are maintained for public inspection in the Office of the City Clerk. Such park districts may, from time-to-time, be amended by the City Council by resolution that is duly passed, adopted, and approved.

E. REFUND OF FEE

Refund shall be as provided in Nevada Revised Statute or through a park agreement or a development agreement.

F. PARTIAL CREDIT

1. A developer shall be entitled to a partial credit toward the required residential construction tax, or waiver of the residential construction tax, if the City accepts public dedication for a "turnkey" park or determines that a developer has provided alternative recreational facilities of sufficient value to satisfy all or a portion of that developer's land requirement, as set forth in this section.

2. The value of the credit available under this Section shall be determined by staff, subject to final approval by City Council, and shall be the approximate difference between the value of the recreational facilities proposed and the amount of expected value of the residential construction tax to be generated by the development.

G. POSTING BOND FOR PARK OR RECREATION FACILITY IMPROVEMENTS

A developer constructing a park or other recreation facilities as required by a park agreement or a development agreement shall post a bond as required by the City.

H. TAXES IN ADDITION TO OTHER REAL ESTATE TAXES

The residential construction tax that is provided for in this Section shall be in addition to any and all other real estate taxes that are imposed upon any real property that is the subject of the residential construction.

19.7.11. SUSTAINABILITY

A. PURPOSE

This section is intended to promote sustainable development within the City of Henderson by creating incentives for compact, mixed-use development patterns; encouraging solar and other alternative energy sources; promoting alternative means of transportation like bicycling and walking that can improve community health while helping reduce air pollution; protecting trees that absorb greenhouse gases and reduce storm water runoff and pollutants; and, encouraging water-efficient landscaping and protecting water resources.

B. APPLICABILITY

This section sets forth a range of site and building design options for sustainability to enhance other mandatory sustainability-related requirements integrated throughout this Code. For each development subject to this Chapter 19.7 (Section 19.7.1.B, *Applicability*), applicants shall select a sufficient number of sustainable site and building design options from Table 19.7.11-1 below to achieve the minimum number of points outlined for that type of development. Compliance with this section shall be determined as part of the entitlement review process.

1. Nonresidential or Mixed-Use Development

(a) Nonresidential or mixed-use development consisting of new buildings or substantial renovations to existing buildings shall achieve a minimum score of 42 points.

(b) New buildings on partially-developed sites (such as pad sites) located in developments built before the adoption of this Code shall achieve a minimum score of 28 points. Eligibility shall be determined at the discretion of the Community Development and Services Director.

2. Multifamily Residential Development

Multifamily residential development consisting of new buildings or substantial renovations to existing buildings shall achieve a minimum score of 38 points.

3. All Other Residential Development

All other residential development consisting of new buildings or substantial renovations to existing buildings shall achieve a minimum score of 31points.

4. Substantial Renovation

Any "substantial renovation" project, which is defined for purposes of this chapter to include any renovation, rehabilitation, restoration, or repair work that includes an addition of floor area equal to 35 percent or more of the existing floor area; or the addition of

new floors. The calculation shall include attached garages, but not include detached garages. For the purpose of calculation, the increase in floor area shall be aggregated over a three-year period.

5. Exemptions

All buildings under 1,500 square feet are exempt from the requirements of this section unless otherwise determined by the Director of Community Development. In addition, the following uses are exempt: major utilities, minor utilities, wireless communication facilities, cogeneration facilities, concrete production, construction storage yards, junkyards, mining and processing, recycling facilities, storage yards, and temporary uses.

C. MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

SITE OR BUILDING DESIGN FEATURE	POINTS	DISTRICTS IN WHICH OPTION IS AVAILABLE		
		NONRES/ MIXED USE	MULTI-FAMILY RESIDTL	OTHER RESIDTL
1. ENERGY Intent: Encourage on-site renewable energy production; promote the design and construction of energy efficient buildings; reduce air, water, and land pollution from energy consumption; and, reduce the heat island effect				
1.1 Renewable Energy Sources Design and incorporate on-site renewable energy generation technologies such as solar, wind, geothermal, or biomass. Two points granted for each 1% of the project's annual electrical energy demand generated up to a maximum of 30 points.	2-30	*	*	*
1.2 District Heating and Cooling Design and incorporate into the project a district heating and/or cooling system for space conditioning and/or water heating of new buildings in the project (at least two buildings total must be connected).	4	*	*	
1.3 Solar Orientation Design and orient the project such that 50% or more of the blocks have one axis within plus or minus 15 degrees of geographical east/west, and the east/west length of those blocks are at least as long, or longer, as the north/south length of the block. OR Design and orient the project such that 50% or more of the project total building square footage (excluding existing buildings) such that the longer axis is within 15 degrees of geographical east/west axis.	3	*	*	*
1.4 Shade Structures Where appropriate, provide shade structures over windows/doors to minimize glare and unwanted solar heat gain. Such structures shall provide shading to at least 50% of the south- and west-facing glazing on June 21 at noon with one additional point granted for each additional 25% of the glazing shaded. Structures may include awnings, screens, louvers, architectural features, or similar devices.	2-4	*	*	*

TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

SITE OR BUILDING DESIGN FEATURE	POINTS	DISTRICTS IN WHICH OPTION IS AVAILABLE		
		NONRES/ MIXED USE	MULTI-FAMILY RESIDTL	OTHER RESIDTL
1.5 Heat Island Reduction Use any combination of the following strategies for 50% of the non-roof impervious site landscape (including roads, sidewalks, courtyards, parking lots, and driveways). • Provide shade from open structures such as those supporting solar panels, canopied walkways, pergolas, all with a Solar Reflectance Index (SRI) of at least 29. (SRI is a measure of the roof's ability to reject solar heat; a higher SRI yields a cooler roofing choice.) (2 points) • Use paving materials with a Solar Reflectance Index (SRI) of at least 29. (1 point) • Use an open grid pavement system (at least 50% pervious). (2 points)	1-5	*	*	*
1.6 Cool Roofs Use roofing materials that have a SRI equal to or greater than 78 for low-sloped roofs (<2:12) or 29 for steep-sloped roofs (>2:12) for a minimum of 75% of the roof surface of all new buildings within the project. OR Install a vegetated roof on a minimum of 50% of the total project roof area (exclusive of existing buildings). Any combination of SRI compliant and vegetated roof may be used, provided they collectively cover 75% of the total project roof area.	2	*	*	*
1.7 Covered Parking Locate at least 20 percent of all off-street parking spaces under cover with one additional point granted for each additional 20% of covered parking up to a maximum of 100%. Note: Cover may be provided by a combination of tree canopy, a building, a deck, or a shade structure, or parking may be underground. Tree canopy coverage to be determined by mature shade trees selected from the SNRPC Regional Plant List. Any cover, roof, or shade used for this requirement must have a minimum Solar Reflectance Index of 78 for low-sloped roofs (<2:12) or 29 for steep-sloped roofs (>2:12).	1-5	*	*	*
1.8 Shaded Walkways Provide shaded walkways along a minimum of 60% of all building facades adjacent to or facing streets, drive aisles, outdoor gathering spaces, or parking areas. One additional point granted for each additional 10% provided up to a total of 100%. Note: See base code requirements (50% shaded walkways) for commercial, mixed-use, and industrial buildings in Section 19.7.6.D.3.(h), *Response to the Climate*. Note: See definition of "shaded walkway" in Chapter 19.12, *Measurement and Definitions*.	1-5	*		
1.9 Solar-Ready Design • For stand-alone buildings, design and build the project so that it will readily accommodate the installation of solar photovoltaic panels or solar thermal hot water heating devices, including all necessary conduit, chases, roof penetrations, roof pitch, and orientation. (2 points) • For projects with multiple buildings, design and build at least 20% of the buildings to be solar-ready as described above. Two additional points granted for each additional 20% provided up to a total of 100% solar-ready buildings. (2-10 points) • For residential development, offer solar photovoltaic panels or solar thermal hot water heating as a design option. (2 points)	2-10	*	*	*

TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

SITE OR BUILDING DESIGN FEATURE	POINTS	DISTRICTS IN WHICH OPTION IS AVAILABLE		
		NONRES/ MIXED USE	MULTI-FAMILY RESIDTL	OTHER RESIDTL
1.10 Energy Efficiency • Provide energy-efficient lighting such as compact fluorescent or LED lighting throughout a minimum of 75% of the project. (1 point) • Reduce solar heat gain through the use of glazing/fenestration with a U-factor less than .50 and a solar heat gain coefficient (SHGC) less than .30. (2 points) • Provide increased insulation to achieve a minimum R-19 in walls and R-38 in ceilings. (2 points) • Locate HVAC ductwork within conditioned space. (1 point) • Select high-efficiency HVAC equipment for the project. (2 points)	1-8	*	*	*
1.11 Green Power Provide at least 10% of the project's total energy consumption through renewable energy sources by engaging in a contract to purchase green power for at least two years. One additional point granted for each additional 10% of the project's total energy provided through green power up to a maximum of 50%. The renewable energy sources must be certified per the Center for Resource Solution's Green-e requirements.	1-5	*	*	*
2. RECYCLING AND WASTE REDUCTION Intent: Encourage recycling of household and commercial projects; reduce the amount of waste hauled to and disposed of in landfills; and, promote the reuse of materials.				
2.1 Waste Reduction - Construction Make provisions to recycle/salvage at least 50% of non-hazardous construction and demolition debris.	3	*	*	*
2.2 Waste Reduction – Composting Provide on-site composting station or location for all occupants.	2	*	*	*
2.3 Recycling Stations/Dumpsters As part of the project, include at least one station per building dedicated to the collection, separation, and storage of materials for recycling including, at a minimum, paper, corrugated cardboard, glass, plastics, and metals. Establish a City-approved schedule and plan with the local trash hauler for retrieving the recyclable materials on a weekly basis.	3	*	*	*
2.4 Recycle Containers In mixed-use and nonresidential developments, include recycle containers adjacent with other waste-collection receptacles in areas accessible to pedestrians including streets, walkways, and common areas.	2	*		
2.5 Recycled Content in Infrastructure For new roadways, parking lots, sidewalks, and curbs (above-ground structured parking and underground parking are exempt from this option), any aggregate base and aggregate sub-base shall be at least 50% by volume recycled aggregate materials such as crushed Portland cement concrete and asphalt concrete.	2	*	*	*
3. URBAN DESIGN Intent: Encourage balanced land uses, new development near existing communities or public transportation infrastructure; support alternative transportation choices; and, improve the mental and physical health of the community by reducing work commute time and increasing time devoted to leisure, community activities, and family.				

TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

SITE OR BUILDING DESIGN FEATURE	POINTS	DISTRICTS IN WHICH OPTION IS AVAILABLE		
		NONRES/ MIXED USE	MULTI-FAMILY RESIDTL	OTHER RESIDTL
3.1 Proximity to Existing Infrastructure Site new development so that at least 25% of the perimeter is contiguous with existing development that is already served by public infrastructure, including water, wastewater, roads, and electric. Replacement of or other on-location improvements to existing infrastructure may be considered existing for the purpose of this option.	3	*	*	*
3.2 Floodplain Protection For sites with portions located within a 100-year floodplain as defined and mapped by FEMA or the CCRFCD, develop only on portions of the site that are not in a 100-year flood zone or on portions that have been previously developed. Previously developed portions must be developed according to National Flood Insurance Program (NFIP) requirements.	1	*	*	*
3.3 Use Mix Include a minimum of three of the following use types: residential, office, commercial (besides office), or public/institutional. • No use type shall amount to less than 10% or more than 80% of the total development gross floor area. • Individual phases of multiphase projects may have a lesser mix of uses if the applicant provides assurances acceptable to the City that later phases will produce the required mix of uses overall.	3	*		
3.4 Compact Development/Walkability Locate at least 20% of dwelling units within ½ mile of a mixed-use development, commercial development, religious assembly use, park or school. One additional point granted for each additional 20% of dwelling units within a ½ half-mile distance up to a total of 100%.	1-5		*	*
3.5 Reduced Parking Footprint Devote less than 25 percent of the impervious surface area, up to a maximum of five acres, to surface parking.	2	*	*	
3.6 Workforce Housing For developments with a residential component, include a proportionate amount of dwelling units priced for households earning between 80% and 120% of area medium income (AMI.) 1 point for 5% of units, 2 points for 10% of units, 3 points for 15% of units.	1-3	*	*	*
4. URBAN NATURE Intent: Provide a variety of appealing and comfortable open spaces close to work and home; encourage physical activity and time spent outdoors; support natural resource and habitat conservation; and, promote social networking, civic engagement, personal recreation, and other activities.				
4.1 Minimum Open Space Provide common open space that exceeds the base requirements of Section 19.7.2 by 10%. One additional point granted for each additional 10% up to a total of 40% above code.	1-4	*	*	*
4.2 Access to Parks and Open Space Locate or design the project so that a park, publicly-accessible open space, multi-use path, trail or plaza lies within ½ mile of 20% of planned and existing dwelling units and business entrances. One additional point granted for each additional 20% of dwelling units within a ½ half-mile distance up to a total of 100%.	1-5	*	*	*
4.3 Access to Active Recreation Locate or design the project so that active public facilities (e.g., playfields, soccer, baseball, basketball, or other sports fields) totaling at least one acre, or a public indoor recreational facility, lies within ½ mile of 20% of dwelling units and/or business entrances. One additional point granted for each additional 20% of dwelling units within a ½ half-mile distance up to a total of 100%.	1-5	*	*	*

TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

SITE OR BUILDING DESIGN FEATURE	POINTS	DISTRICTS IN WHICH OPTION IS AVAILABLE		
		NONRES/ MIXED USE	MULTI-FAMILY RESIDTL	OTHER RESIDTL
4.4 Habitat Conservation - Avoidance Locate the project on a site that does not have significant habitat. For the purposes of this and the following item, "significant habitat" includes: • Habitat for species that are listed or are candidates for listing under state or federal endangered species acts; • Locally or regionally significant habitat, or patches of natural vegetation at least 150 acres in size; and • Habitat flagged for conservation under the Multiple Species Habitat Conservation Plan.	3	*	*	*
4.5 Habitat Conservation - Setback For projects on a site that has significant habitat, design the site such that all development is a minimum of 100 feet away from such habitat. For the purposes of this item, "significant habitat" is defined in item 4.4 above.	2	*	*	*
4.6 Habitat Restoration Using only native plants, restore pre-development native habitat on the project site in an area equal to or greater than 10% of the development footprint. Work with a qualified ecologist to ensure that restored areas will have habitat, including native species assemblages and hydrology that likely occurred in pre-development conditions.	3	*	*	*
4.7 Community Gardens For residential or mixed-use projects, dedicate permanent and viable growing space and related facilities (such as greenhouses) within the project at a minimum of ten sq. ft. per dwelling unit for 20% of the project. Provide fencing, watering systems, soil, and/or garden bed enhancements (such as raised beds), secure storage space for garden tools, solar access, and pedestrian access for these spaces. One additional point granted for community garden space provided for each additional 20% of the project up to 100%.	1-5	*	*	*
4.8 Tree Canopy Provide trees in an amount that exceeds the base requirements of Section 19.7.5, *Landscaping and Screening*, by 10%. One additional point granted for each additional 10% up to 50% above Code.	1-5	*	*	*
5. TRANSPORTATION Intent: Promote public health by encouraging daily physical activity associated with alternative modes of transportation such as walking and bicycling; encourage the use of public transit; promote safe and efficient transportation; and, design parking facilities to minimize adverse environmental impacts to pedestrians.				
5.1 Proximity to Transit Locate the project near existing or planned transit service so that at least 20% of dwelling units and business entrances within the project area are within ½ mile of transit stops. One additional point granted for each additional 20% of dwelling units and business entrances within a ½ half-mile distance up to a total of 100%	1-5	*	*	*
5.2 Carpool, Shared-Use and Low-emitting Vehicle Parking For new nonresidential and mixed-use buildings, provide preferred parking spaces for carpool, shared-use, or low-emitting vehicles. Signage indicating carpool, shared-use, or low-emitting vehicle parking spaces must be provided, and the parking spaces must be located closest to the building entrance (exclusive of accessible parking spaces.) • Provide parking spaces for carpool and/or shared-use vehicles equal to 5% of the total parking capacity for each nonresidential and mixed-use building on the site. One additional point granted for 10% of the total parking capacity. (1-2	1-4	*		

TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

SITE OR BUILDING DESIGN FEATURE	POINTS	DISTRICTS IN WHICH OPTION IS AVAILABLE		
		NONRES/ MIXED USE	MULTI-FAMILY RESIDTL	OTHER RESIDTL
points) • Provide parking spaces for low-emitting vehicles (zero-emission vehicles, partial-zero emission vehicles, ultra-low emission vehicles, etc.) equal to 5% of the total parking capacity for each nonresidential and mixed-use building on the site. One additional point granted for 10% of the total parking capacity. (1-2 points)				
5.3 Pedestrian System Design and build a project such that no block length exceeds 600 feet. • If longer blocks are necessary, mid-block crossings shall be provided every 600 feet. • Exceptions are permitted to avoid incursion into or damage to sensitive natural areas or to accommodate major institutional buildings or uses, such as hospitals, parks, or schools, or for infill developments where the street pattern is already established.	5	*	*	*
5.4 Interconnected Street Network The development achieves a connectivity index score of 0.1 above the applicable base requirements of this Code. Two points granted for a score of 0.15 above the base requirements, and three points granted for a score of 0.2 above the base requirements.	1-3	*	*	*
5.5 Bicycle Circulation Systems Build a network of on-site bicycle pathways that provide safe, continuous bicycle access to all uses within the development site and to land uses on adjacent properties.	2	*	*	*
5.6 Pedestrian/Bicycle Networks (master planned communities only) Provide safe pedestrian and bicycle routes between major residential centers in a development and schools, churches, and other major community facilities and gathering places. • Safety features shall include raised/marked pedestrian crossings, narrow streets, or streets with pedestrian medians, and similar features (1 point). • Avoid erecting obstructions such as signage and utility poles in sidewalks (1 point). • Provide separated grade crossings (1 point).	1-3	*	*	*
5.7 Facilities for Bicycle Commuters In addition to the bicycle parking requirements in Section 19.7.4.K.13,provide the following: • Indoor or self-contained bicycle storage lockers equal to a minimum of 5% of the vehicle parking spaces provided. (2 points) • Shower and dressing areas for employees	2-4	*	*	*
5.8 Developer-sponsored Transit For a minimum of three years, provide year-round, developer-sponsored transit service (vans, shuttles, or buses) from at least one central point in the project to major transit facilities and/or other major destinations such as a retail or employment center.	5	*	*	*

TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

SITE OR BUILDING DESIGN FEATURE	POINTS	DISTRICTS IN WHICH OPTION IS AVAILABLE		
		NONRES/ MIXED USE	MULTI-FAMILY RESIDTL	OTHER RESIDTL
5.9 Parking Locate all new off-street surface parking lots at the side or rear of buildings, leaving building frontages and streetscapes free of surface parking lots. Building entrances must be easily accessible from the public way. (2 points) OR Provide structured parking to meet 20% of the total parking requirement for nonresidential and multifamily residential projects. Two additional points will be granted for each additional 20% up to a total of 100%. In addition, as applicable, locate all new off-street surface parking lots at the side or rear of buildings, leaving building frontages and streetscapes free of surface parking lots. (2-10 points)	2-10	*	*	
6. ENVIRONMENTAL HEALTH Intent: Encourage the use of green building practices in the design, construction, or retrofit of buildings; promote the reuse of land by developing sites where development is complicated by environmental contamination; prevent pollution and erosion from stormwater runoff; and, improve nighttime visibility and reduce glare.				
6.1 Green Building • Use green building materials (recycled materials, locally-produced materials, sustainably-harvested wood, etc.) in the construction of the project. (2 points) • Use furniture made from recycled materials, locally-produced materials, sustainably-harvested wood, etc. in the project. (1 point) • Use flooring made from recycled or rapidly renewable materials such as PET carpeting, bamboo, cork flooring, etc. in the project. (1 point)	1-4	*	*	*
6.2 Daylighting Incorporate daylighting strategies into the design of the project to minimize the use of artificial lighting.	2			
6.3 Light Pollution Reduction Reduce light pollution by using full cutoff exterior lighting and using downlighting only.	2			
7. WATER Intent: Minimize water use in buildings to reduce impacts to natural water resources; and, minimize outdoor water use for landscape irrigation.				
7.1 Water-Efficient Landscape Limit turf grass beyond base code requirements. • Single-family residential: Turf limited to 25% of landscaped area • Base code turf requirements are in Section 19.7.5.F.6(e).	2			*
7.2 Water-Efficient Plants All landscaping plants, including those on green roofs, shall be selected from a list of water-efficient vegetation maintained by the City of Henderson. The use of native plants is strongly encouraged.	2	*	*	*
7.3 Landscape Irrigation System Drip or subsurface irrigation systems shall be utilized for all landscape irrigation systems when irrigation is necessary. Drip irrigation systems must be equipped with pressure regulators, filters, and emitters. Each drip emitter must be rated at less than 20 gallons per hour (gph). (1 pt for drip, 2 pts for subsurface)	1-2	*	*	*

TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

SITE OR BUILDING DESIGN FEATURE	POINTS	DISTRICTS IN WHICH OPTION IS AVAILABLE		
		NONRES/ MIXED USE	MULTI-FAMILY RESIDTL	OTHER RESIDTL
7.4 Surface Treatments Non-turf landscaped areas must be completely covered by a two-inch-minimum layer of air- and water-permeable mulch to reduce evaporation. Living groundcovers qualify as mulch provided the individual plants are installed at sufficient density to assure 100 percent ground coverage at maturity. If a weed barrier is used beneath the mulch, it must be manufactured to be air- and water-permeable to reduce evaporation and run-off.	1	*	*	*
7.5 Water-Efficient Buildings Minimize indoor water use in new buildings and buildings undergoing major renovations as part of the project through any combination of the following: • Use low-flow plumbing fixtures such as toilets, urinals, faucets, and showerheads. (2 points) • Use of hot water recirculation system. (Cannot be used in conjunction with tankless water heater.) (2 points) • Use of a tankless water heater. (2 points) • Use of a solar water heater. (2 points)	2-8	*	*	*
8. ADDITIONAL STRATEGIES FOR SUSTAINABILITY Intent: Implement strategies of existing above-code programs or explore and implement new, unique or innovative ways to increase the sustainability of the project and community.				
8.1 Above-Code Programs Design and build the project to meet the standards of an above-code program such as LEED, Green Globes, Energy Star, Green Building Partnership, etc.	10			
8.2 Innovative Products or Strategies Provide documentation of an innovative product or strategy that increases the sustainability of the project or community but is not provided in this Section.. Up to five Innovative Products or Strategies may be submitted for review. Points awarded at the discretion of the Director of Community Development based on the capacity of the proposed product or strategy to increase the sustainability of the project in any of the above categories. (1-5 points for each Innovative Strategy)	1-25			

19.7.12. AIRSPACE COMPATIBILITY REQUIREMENTS

A. HEIGHT LIMITS

Except as otherwise provided, no structure shall be permitted to be erected, altered or maintained within the City of Henderson that (a) would constitute a hazard to air navigation, or (b) would result in an increase to minimum flight altitudes during any phase of flight, or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations. However, nothing in this section shall be construed as prohibiting the construction, alteration or maintenance of any structure to a height up to 35 feet above the surface of the land or in any zone created by this Code which has received all necessary airspace approvals as required by the City of Henderson.

B. NOTICES OF CONSTRUCTION OR ALTERATION

Notice must be filed with the Federal Aviation Administration (FAA) if specifically requested by the FAA, or if any of the following types of construction or alterations are proposed:

1. Any construction or alteration that is more than 200 ft. above ground level at its site;

2. Any construction or alteration that meets other notification requirements as outlined by Title 14, Code of Federal Regulations, Part 77.

19.7.13. LOCAL IMPROVEMENT DISTRICTS

A. PAYMENT OF ASSESSMENTS PRIOR TO ISSUANCE OF PERMITS

1. A property within a City of Henderson local improvement district shall not receive zoning or land use entitlements, conditional use permits, building permits, or any permit for development, nor shall any land division be approved for such property, if any part of such property has been marked delinquent on the local improvement district's assessment roll pursuant to NRS 271.545.

2. Before a land division is approved, a property owner may be required to pay one future assessment installment prior to recordation.

CHAPTER 19.8: SIGNS

19.8.1. PURPOSE

A. GENERAL

1. The sign regulations of this chapter are intended to balance the public interest in promoting a safe, well-maintained, and attractive city with the interests of businesses, organizations, and individuals in ensuring the ability to identify and advertise products, services, and ideas.

2. The regulations allow for a variety of sign types and sizes, based on zoning, land use, lot/building sizes and other considerations. They are not intended to guarantee that every property owner and business owner will be able to achieve their desired level of visibility.

B. SPECIFIC

The sign regulations of this chapter have the following specific purposes:

1. To ensure that signs are designed, constructed, installed, and maintained in a way that protects life, health, safety, property, and the public's general welfare;

2. To allow signs as a means of communication, while at the same time avoiding adverse impacts on nearby properties, motorists, and others;

3. To promote the desired character of the City and maintain and enhance the City's high-quality appearance and attractive visual environment;

4. To allow for adequate and effective signs, while preventing signs from dominating the appearance of the area;

5. To protect residential neighborhoods from potential adverse impacts associated with signs; and

6. To ensure that the constitutionally guaranteed right of free speech is protected.

19.8.2. APPLICABILITY

The sign regulations of this chapter apply to all signs erected, placed, constructed, painted, installed, or maintained in the City.

19.8.3. GENERAL SIGN REGULATIONS

The general sign regulations of this section are applicable to all allowed signs unless otherwise expressly stated.

A. PROPERTY OWNER'S RESPONSIBILITY

Each property owner is responsible for proper permitting, installation, and maintenance of all signs on their property.

B. NONCOMMERCIAL MESSAGES

Any sign allowed under this chapter may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity, so

long as the sign complies with the size, height, area, and other requirements of this chapter. Authorized decision-making bodies may not consider the content of speech or the viewpoint of the speaker when taking action to approve or deny sign permits or other application for signs.

C. MAINTENANCE REQUIRED

1. All signs and sign supports, including decorative covers, must be maintained in a clean, safe like-new condition. Any damage, including weathering, resulting from wind or any other natural or artificial cause, must be repaired immediately.

2. Signs must be maintained in a graffiti-free condition.

3. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, or damaged.

4. The display area of all painted signs must be kept neatly printed or posted at all times. Any painting, fading, chipping, peeling, flaking paint or plastic, and mechanical or structural defect must be repaired immediately or the sign must be removed.

5. Paint or debris associated with signs may not litter public property or public rights-of-way.

D. THE AMERICAN FLAG

1. Display Protocol

The flag of the United States of America and flags of other nations, states, and governments, where allowed, must be displayed in accordance with the protocol set forth in United States Code, Title 36, Chapter 10, Patriotic Customs, the pertinent portions of which are contained in the book *Our Flag*, published by the Joint Committee on Printing, United States Congress, and available for review in the office of the Henderson City Clerk.

2. Private Restrictions

Any of the following that prohibits or restricts the display of the American flag is void and unenforceable, except as expressly provided in this chapter.

(a) A covenant, condition, or restriction contained in a legal instrument affecting an interest in real property; or

(b) Any rule or regulation of an owners' association that otherwise has the authority to regulate the use of real property.

(c) This does not apply to any covenant, condition, restriction, rule, or regulation that, with respect to the display of the American flag, establishes:

(1) Reasonable placement and safety standards applicable to the display of the flag;

(2) A maximum number of flags that may be displayed on a parcel;

(3) A requirement that flags to be displayed be portable and removable; or

(4) In the case of residential property, a requirement that the height of any flag, when displayed, does not exceed the height of the residence.

COMMENTARY

See also Section 19.6.7, *Master Sign Plans*.

E. SIGHT VISIBILITY ZONE

All signs must be located outside of the sight visibility zone per Section 19.7.4.J.4(c) and shall be shown on site plan at time of sign permit review.

19.8.4. PROHIBITED SIGNS, SIGN LOCATIONS, AND SIGN CHARACTERISTICS

The following signs, sign locations, and sign characteristics are prohibited unless otherwise expressly stated:

A. Abandoned signs.

B. Banners, pennants, inflatable signs, tethered balloons, searchlights, and similar attention-getting devices, unless otherwise approved in Section 19.8.9.B.2.

C. Signs that obstruct, impair, obscure, interfere with the view of or imitate, resemble or may be confused with any official emergency vehicle, traffic control sign, signal, or device.

D. Signs attached to trees, telephone poles, public benches or streetlights, or placed on any public property or public right-of-way without governmental approval.

E. Vehicle signs and portable signs.

1. For the purposes of this section, a car, truck, trailer, or other similar vehicle will be considered stationary upon remaining parked in the same location for two hours or more. A vehicle that is moved at intervals of less than two hours, yet remains on the same property or in virtually the same location or proximity, will be considered stationary and in violation of this chapter.

2. The following vehicles are not required to comply with the two-hour limitation specified above:

(a) Vehicles owned or operated by agencies of cities, counties, states or national governments;

(b) Vehicles of companies delivering services to the general public that are regulated by the public service commission;

(c) Vehicles displaying signs not exceeding six square feet of area affixed to not more than one door on each side of the vehicle;

(d) Vehicles of building trade contractors while on a construction site for which a valid building or grading permit has been issued that requires that contractor's presence;

(e) Delivery vehicles parked on the premises of a licensed business when that business is closed;

(f) Delivery vehicles staged at industrially zoned manufacturing, warehousing, and distribution sites while awaiting loading and dispatching;

(g) Vehicles displaying signs that cannot be readily viewed from a public right-of-way; and

(h) Trucks, trailers, and vans available for rent.

F. Except within the DX and DP districts not fronting Lake Mead Parkway, roof-mounted signs and signs projecting above a parapet.

G. Weekend directional signs.

H. Back-lit awning signs.

Figure 19.8.4-A: BACK-LIT AWNING SIGNS

I. Signs, other than allowed temporary signs, made of plywood, pressed board, or other non-exterior grade wood products.

J. Painted-on wall signs, except;

1. Temporary promotional signs painted on the surfaces of windows.

2. Signs painted on exterior walls of buildings that are included in a master sign plan approved by Planning Commission or City Council.

K. Other signs not expressly allowed under this chapter.

19.8.5. EXEMPT SIGNS

These provisions do not relieve sign owners of the responsibility for proper sign placement and on-going sign maintenance or exempt the sign owner from compliance with the Building Code and other applicable provisions of this Code. All illuminated signs that are allowed by this Code require a sign permit. The following signs may be established without a permit in accordance with this section:

A. Official notices of any court, public body, or officer.

B. Notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice.

C. Warning or security signs that are no more than four square feet in area.

D. In-park advertising panels on playing field walls, backboards, and scoreboards erected by a public agency or other organization authorized to do so by the City Council.

E. Brass, marble, or similar plaques containing names of buildings, dates of erection, monumental citations, commemorative information, and similar features when such plaques or monuments are cut into a masonry surface or inlaid so as to be part of a building or provided they are constructed of bronze or similar non-combustible material and not more than four square feet in area.

F. Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial, public, or semipublic use, including vending machines, automated teller machines, and gasoline pumps.

G. Holiday lights and displays containing no commercial message, erected no sooner than 45 days before the holiday and removed within 14 days following the holiday.

H. Non-illuminated wall signs one square foot in area or smaller, displaying the name and profession of the occupant of the premises.

I. Onsite real estate signs offering a parcel "for sale" or "for lease," not exceeding 32 square feet each, and provided that the maximum number of signs per site may not exceed one sign per 250 linear feet of frontage along a public right-of-way.

J. Site entrance signs that direct and inform patrons and visitors to the subject site, not exceeding one sign per entrance and not exceeding eight square feet in area or 32 inches in height.

K. Window displays covering less than 25 percent of each window in a nonresidential zoning district.

L. Any sign inside a building that is not visible or legible from a distance of more than three feet beyond the subject site's boundaries.

M. Non-commercial messages unless otherwise expressly regulated by this chapter.

N. Any public safety sign, notice, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

O. Emblems or insignia of any nation or political subdivision.

P. Religious symbols.

Q. Works of art or decorative architectural graphics that do not include a commercial message and are not symbolic of any commercial business or commercial activity taking place on the subject premises.

R. A single flag of the United States of America or the State of Nevada, or both, each not exceeding 100 square feet in area or 40 feet in height and in accordance with Section 19.8.3.D. (Note: a permit must be obtained and appropriate inspections performed as required by the building official for the flagpole). Flag poles that exceed zoning district height limits are subject to Section 19.12.3.C.

S. Other signs that are expressly exempted from sign permit requirements in accordance with the regulations of this chapter.

19.8.6. SIGNS IN RESIDENTIAL, PUBLIC, AND SEMIPUBLIC ZONING DISTRICTS

A. APPLICABILITY

The regulations of this section apply in all Residential (R), DH and PS zoning districts. They also apply to DP-zoned property that does not have frontage on Lake Mead Parkway. A master sign plan is not required for uses in R, DH, or PS zoning districts.

B. GENERAL

Many of the types of signs found in residential, public, and semi-public zoning districts are regulated in accordance with Section 19.8.5, *Exempt Signs*, and Section 19.8.9, *Temporary Signs*.

C. RESIDENTIAL DEVELOPMENT IDENTIFICATION SIGNS

Residential development identification signs are allowed as entrance features to single- or multifamily neighborhoods or subdivisions. Residential development identification signs:

1. May be illuminated or non-illuminated;

2. Must be monument signs or be attached to a masonry wall;

3. If a monument sign, must include landscaping around the base with minimum horizontal dimension of at least four feet (landscape within buffer areas may be counted when signs are within buffer area);

4. May not exceed six feet in height for monument signs;

Figure 19.8.6-A: RESIDENTIAL DEVELOPMENT IDENTIFICATION SIGN

5. May not exceed 50 square feet in area per project entrance, which may be in a single sign or may be divided between a maximum of two signs located on opposite sides of the same entrance;

6. Monument signs and masonry walls shall not encroach on any required sight visibility zone; and

7. Monument signs must be set back at least 15 feet from the back of curb or 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way.

D. MASTER DEVELOPMENT SIGNS

Master Development signs are permitted within the planned community or large aggregate body of developments through a master sign plan or through the master plan development standards. Master development signs are anticipated to include long-term development directional, neighborhood and community identification signs that do not fall into defined sign categories. The master sign plan shall include the number of signs, setback, location, design and height. Sign locations shall comply with 19.8.3.E.

E. NONRESIDENTIAL USES

The following regulations apply to allowed nonresidential uses.

1. Wall Signs

Nonresidential uses may have a maximum of one wall sign per building entrance that is open to the public. Wall signs may not exceed 0.80 square feet in area per lineal foot of tenant frontage or 50 square feet, whichever is less.

2. Freestanding Signs

Nonresidential uses may have one freestanding sign per street frontage. Allowed freestanding signs may not exceed 50 square feet in area or six feet in height.

3. Illumination

(a) Freestanding signs in residential zoning districts may be illuminated externally from the ground or with halo lighting only. See Section 19.8.8, *Sign Illumination and Design*.

(b) Signs in residential districts are prohibited from using manual or electronic message centers, which include but are not limited to LCDs, LEDs, and manually or mechanically changeable lettering and graphics. Schools and religious assembly outside of the RN overlay are exempt from this regulation.

4. Setbacks

(a) Freestanding signs must be set back at least 15 feet from the back of curb or 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way. They must also be set back at least five feet from side and rear property lines.

(b) Freestanding signs may not encroach on any required sight visibility zone.

5. Address

Each freestanding sign allowed pursuant to this subsection must display the address of the subject property. The address must be affixed on the sign face or on the supporting structure. For freestanding signs within 50 feet of the street curb addresses must employ minimum six-inch tall, 1.25-inch wide letters or characters. If a sign is located on street frontage other than the parcel's assigned address, the sign must include the assigned street name and address.

19.8.7. SIGNS IN COMMERCIAL, MIXED-USE, AND INDUSTRIAL DISTRICTS

A. APPLICABILITY

The regulations of this section apply in Commercial (C), Mixed-Use (M), and Industrial (I) zoning districts.

B. WALL SIGNS

Commentary

See Section 19.8.12.B for building frontage calculation rules.

1. Maximum Area

(a) Sign Area Ratios

The maximum allowed wall sign area is determined by multiplying the subject tenant frontage (in feet) by the applicable maximum sign area ratio, as set forth in Table 19.8.7-1, below. Maximum wall sign area may be further restricted by the alternative maximum and minimum sign area standards of Section 19.8.7.B.2. Businesses or other entities that occupy pad sites that are part of a shopping center development but stand separate from the principal building on the site are allowed wall signs only.

(b) Additional Sign Area for Businesses without Freestanding Signs

The wall sign area regulations allow additional wall sign area for businesses located on sites that do not have any on-site freestanding signs. The sign area ratio for businesses on sites without freestanding signs may be used only when an approved master sign plan for the subject property demonstrates that the site does not and will not have any on-site freestanding signs.

(c) Combination Signs

If a sign consists of a combination of sign elements (e.g., raceway-mounted channel letter used in conjunction with a cabinet) the entire sign must be regulated in accordance with the standards that apply to the most strictly regulated element of the sign. This rule does not apply to a cabinet sign used solely to display a logo if the area of the logo/cabinet sign comprises no more than 20% of the overall, cumulative sign area of the combination sign or 20 square feet, whichever is less.

TABLE 19.8.7-1, MAXIMUM WALL SIGN AREA RATIOS

SIGN TYPE	NEIGHBORHOOD COMMERCIAL, OFFICE AND INDUSTRIAL (CN, CO, MN, IP, IL, IG)		COMMUNITY AND REGIONAL COMMERCIAL (MR, MC, CC, CH, CT, CA)	
	WITH FREESTANDING SIGN	W/O FREESTANDING SIGN {1}	WITH FREESTANDING SIGN	W/O FREESTANDING SIGN {1}
Channel letter sign, raceway-mounted	0.80	1.00	1.00	1.33
Channel letter sign, pin-mounted	1.20	1.50	1.50	2.00
Distinctive materials/design sign {1}	1.40	1.75	1.75	2.50
Cabinet or other sign types	0.60	0.75	0.75	0.90
{1} Master sign plan (Sec. 19.6.7) approval is required in order to use distinctive materials/design wall sign ratio or to use wall sign area ratio for sites without freestanding signs.				

2. Alternative Maximum and Minimum Wall Sign Area

(a) Regardless of the maximum allowed wall sign area calculated pursuant to Section 19.8.7.B.1(a). Only wall signs used solely to convey the name of the subject building or multi-tenant development or primary tenant may be placed above the second floor of the building.

(b) Wall signs on separate tenant frontages must be separated by a minimum of 24 inches from the edge of tenant space.

(c) Wall signs may not project above the parapet on a building with a flat roof or above the fascia board on a building with a pitched roof.

(d) The exposed face of a wall sign must be parallel to and may project no more than 12 inches from the face of the building wall to which it is attached.

3. Multi-tenant Buildings

In multi-tenant buildings individual tenants are entitled to their own wall sign if all of the following conditions exist:

(a) The tenant is located on the first or second floor of the building and occupies floor area that directly abuts exterior tenant frontage; and

(b) The tenant has their own (separate) public building entrance.

4. Transfer of Wall Sign Area

Allowable wall sign area may not be transferred from one tenant or building wall area to another.

Commentary
These freestanding sign "number" regulations, which allow one freestanding sign per 500 feet…"or fraction thereof," are intended to allow one additional freestanding sign for any lot with more than 500 feet of street frontage, whether it's 501 feet or 998 feet.

C. FREESTANDING SIGNS

1. Where Allowed

Freestanding signs are allowed in all nonresidential zoning districts to which this section applies.

2. Number

(a) A maximum of one freestanding sign is permitted per 500 feet of street frontage or fraction thereof.

(b) Where the freestanding signs on the site are less than or equal to eight feet in height, a maximum of two freestanding signs are permitted per 500 feet of street frontage or fraction thereof.

(c) Mixed-use parcels are permitted one freestanding sign that is greater than eight feet in height per 1,000 feet of street frontage or two freestanding per 1,000 feet of freestanding signs where both signs are less than or equal to eight feet in height.

3. Separation

Freestanding signs must be separated from other freestanding signs by the following minimum distances (Figure 19.8.7-A, *Separation Distance*):

(a) From others on the same site: 100 feet;

(b) From other freestanding signs on adjacent sites: 40 feet.

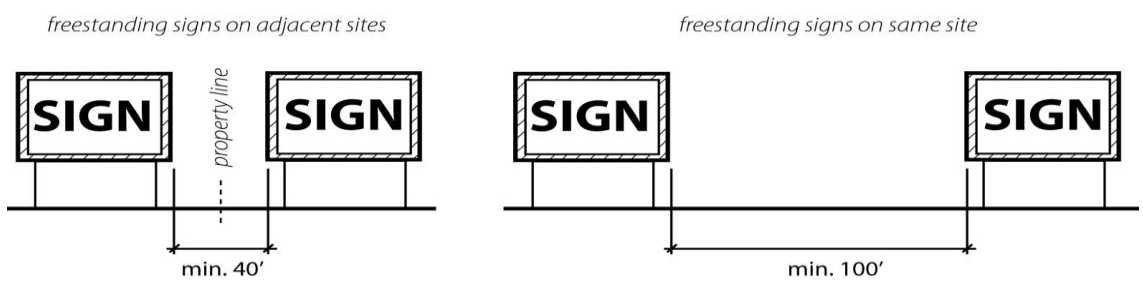


Figure 19.8.7-A: SEPARATION DISTANCE

4. Area

(a) Neighborhood, Office and Industrial Districts

The following regulations apply in CN, CO, MN, IP, IL, and IG zoning districts:

(1) Freestanding signs may not exceed 64 square feet in area per sign except as expressly stated in this section.

(2) Freestanding signs for multi-tenant developments with four or fewer tenants may be up to 96 square feet in area per sign if such sign includes at least two tenant panels. For multi-tenant developments with four or fewer tenants that are eligible for multiple freestanding signs, allowable sign area may be increased to 160 square feet if only one freestanding sign is used.

(3) Freestanding signs for multi-tenant developments with five or more tenants may be up to 128 square feet in area per sign if such sign includes at least three tenant panels. For multi-tenant developments with five or more tenants that are eligible for multiple freestanding signs, allowable sign area may be increased to 220 square feet if only one freestanding sign is used.

(b) Community and Regional Districts

The following regulations apply in MR, MC, CC, CH, CT, and CA zoning districts:

(1) Freestanding signs may not exceed 80 square feet in area per sign except as expressly stated in this section.

(2) Freestanding signs for multi-tenant developments with four or fewer tenants may be up to 120 square feet in area per sign if such sign includes at least two tenant panels. For multi-tenant developments with four or fewer tenants that are eligible for multiple freestanding signs, allowable sign area may be increased to 200 square feet if only one freestanding sign is used.

Commentary
These separation requirements apply only to freestanding signs allowed by Section 19.8.7.C. They do not apply to freestanding menu board signs, directory signs, exempt signs, or signs allowed without a permit.

(3) Freestanding signs for multi-tenant developments with five or more tenants may be up to 160 square feet in area per sign if such sign includes at least three tenant panels. For multi-tenant developments with five or more tenants that are eligible for multiple freestanding signs, allowable sign area may be increased to 300 square feet if only one freestanding sign is used.

5. Height

(a) Neighborhood, Office and Industrial Districts

The following regulations apply in CN, CO, MN, IP, IL, and IG zoning districts.

(1) Freestanding signs may not exceed eight feet in height except as expressly stated in this section.

(2) Freestanding signs for multi-tenant developments with four or fewer tenants may be up to 12 feet in height. For multi-tenant developments with four or fewer tenants that are eligible for multiple freestanding signs, allowable sign height may be increased to 20 feet if only one freestanding sign is used and if such sign does not exceed the height of the tallest building on the site.

(3) Freestanding signs for multi-tenant developments with five or more tenants may be up to 16 feet in height. For multi-tenant developments with five or more tenants that are eligible for multiple freestanding signs, allowable sign height may be increased to 20 feet if only one freestanding sign is used and if such sign does not exceed the height of the tallest building on the site.

(b) Community and Regional Districts

The following regulations apply in MR, MC, CC, CH, CT, and CA zoning districts.

(1) Freestanding signs may not exceed eight feet in height except as expressly stated in this section.

(2) Freestanding signs for multi-tenant developments with four or fewer tenants may be up to 12 feet in height. For multi-tenant developments with four or fewer tenants that are eligible for multiple freestanding signs, allowable sign height may be increased to 20 feet if only one freestanding sign is used and if such sign does not exceed the height of the tallest building on the site.

(3) Freestanding signs for multi-tenant developments with five or more tenants may be up to 16 feet in height. For multi-tenant developments with five or more tenants that are eligible for multiple freestanding signs, allowable sign height may be increased to 30 feet if only one freestanding sign is used and if such sign does not exceed the height of the tallest building on the site.

6. Setbacks

(a) Freestanding signs must be set back at least 15 feet from the back of curb or 15 feet from the outer edge of the pavement or travel way where no curb exists and outside the public right-of-way. They must also be set back at least five feet from side and rear property lines.

(b) Freestanding signs may not encroach on any required sight visibility zone.

(c) Freestanding signs on parcels that abut residential uses must be set back the required minimum of 40 feet plus a distance equal to one-half of the sign's height. Changing-image signs, digital video displays, and electronic message center signs must be a minimum of 250 feet from any residential use or a single-family dwelling unit unless there is an intervening building that completely blocks the visibility of the proposed sign from the residential use or dwelling unit.

(d) With the exception of freestanding signs that abut a residential use, freestanding signs may increase in area by two square feet for each additional one foot the sign is setback from the required minimum setback of 15 feet, up to a maximum sign area of 30 square feet.

7. Design

(a) Poles or pylons used to support freestanding signs must have decorative covers or be clad in materials that are compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, color, and materials.

(b) Freestanding signs supported by poles or pylons must be supported by at least two poles or pylons. A single supporting element may be used when it is at least 40 percent as wide as the widest portion of the sign face. The ground area surrounding the base of freestanding signs must be landscaped. The landscape area must be at least five feet in width measured from face-of-curb to base of sign when adjacent to drive aisles or parking areas.

(c) Each freestanding sign allowed pursuant to this subsection must display the address of the subject property. The address must be affixed on the sign face or on the supporting structure. For freestanding signs within 50 feet of the street curb addresses must employ minimum six-inch tall, 1.25-inch wide letters or characters. If a sign is located on street frontage other than the parcel's assigned address, the sign must include the assigned street name and address.

8. Multi-Tenant Developments

Multi-tenant developments are subject to the freestanding sign regulations of this subsection, except as expressly modified or supplemented by the following regulations:

(a) Directory Signs

In addition to other allowed signs, multi-tenant developments may have up to one directory sign for each building within the development or two per driveway whichever is less. Directory signs may not exceed 24 square feet in area and, if freestanding, may not exceed six feet in height. Directory signs are intended to convey information to pedestrians and motorists who have entered the development site and therefore may not be oriented to be legible from off site. Directory signs are allowed only on multi-tenant development sites.

(b) Freestanding Signs on Pad Sites

Freestanding signs are permitted on pad sites in multi-tenant developments only if the parcel has frontage on a public right-of-way and all buildings on the site are located more than 300 feet from the public right-of-way. This provision does not prohibit freestanding menu boards, directional/informational signs or signs accessory to service stations on pad sites. Service stations on pad sites may have no more than one freestanding sign with a maximum height of six feet and a maximum area of 32 square feet.

D. PROJECTING SIGNS

1. Number

A maximum of one projecting sign is permitted per ground-level, publicly accessible building entrance. A maximum of one projecting sign is permitted per publicly accessible building entrance on the second floor of a building if the second floor building entrance is accessed via a common exterior (outdoor) walkway.

2. Maximum Area

Projecting signs may be up to eight square feet in area. Decorative hardware used to attach the sign or trim materials that complement the building architecture does not count as part of the sign's area. This sign area does not count toward the overall wall signage total for the site.

3. Location

(a) No part of a projecting sign may project more than four feet from the building wall or be located within three feet of the curb face.

(b) Projecting signs may not extend vertically above the roof line or parapet wall.

(c) Sign supports for projecting signs must appear to be an integral part of the sign.

4. Clearance

Projecting signs must maintain a minimum eight-foot clearance between the bottom of the sign and the highest point of the ground or walkway immediately beneath the sign and 14 feet above alleys or driveways.

5. Lighting

Projecting signs may be illuminated only through external means, using indirect or shielded fixtures and bulbs.

E. AWNING AND CANOPY SIGNS

Non-illuminated awnings or canopies with no more than six square feet of sign (copy) area on the border (valance) of the awning may be used in addition to wall signs and does not count as wall sign area. Other awning signs or canopy signs do count as wall sign area.

F. MENU BOARD SIGNS

Menu board signs accessory to drive-through uses are permitted in addition to other allowed signs, as follows:

1. Number and Dimensions

(a) Primary Menu Board

One primary menu board not to exceed 36 square feet in area and eight feet in height is allowed per order station (i.e., the point at which the vehicle occupant relays their order or request) up to a maximum of two primary menu boards.

(b) Secondary Menu Board

One secondary menu board not to exceed 15 square feet in area and six feet in height is allowed.

2. Residential Separation

Menu board signs without a speakerbox must be set back at least 75 feet from residential use. Those with a speakerbox must comply with Section 19.7.8.G, *Noise*.

3. Visibility

Menu board signs are intended to convey information to motorists within the boundaries of the development and, therefore, may not be located or oriented to be legible from off site.

G. A-FRAME AND EASEL SIGNS

Properties zoned MC, MN, or MR may use an A-frame sign or an easel sign, as follows:

1. A maximum of one A-frame sign not to exceed a total of nine square feet per business is permitted in addition to other allowed signs. Such signs must be professionally designed, using shapes and forms indicative of the type of business, products, and services being advertised. A-frame signs may not exceed a maximum vertical or horizontal dimension of three feet; or

2. A maximum of one easel sign not to exceed a total of nine square feet per business is permitted in addition to other allowed signs. The sign must be professionally designed, using shapes and forms indicative of the type of business, products, and services being advertised. The maximum vertical dimension of the easel support may not exceed six feet, and the maximum sign area may not exceed a vertical or horizontal dimension of three feet.

H. CHANGING-IMAGE SIGNS

For the purposes of this Code, there are three categories of signs that will be considered changing image signs: Electronic message centers, electronic graphic display signs, and digital video display signs. Such signs are permitted by right (P) or subject to Master Sign Plan (M) approval in accordance with Table 19.8.7-2:

TABLE 19.8.7-2: CHANGING IMAGE SIGNS

CHANGING IMAGE SIGN TYPE	ZONING DISTRICT	
	CN, CO, MN {1}	CC, CH, CT, CA, IL, IG, IP, MC, MR, PS
Electronic Message Center (Includes time & temp signs)	P	P
Electronic Graphic Display Sign		P
Digital Video Display		M

NOTES:
{1} Regulations of this column also apply to public and civic uses in residential and public districts (R, DR, DH, or PS)
P=Permitted by right
M=Master sign plan approval required
Blank = Not allowed

I. ELECTRONIC MESSAGE CENTERS

Electronic message center signs are subject to the following regulations:

1. Number

No more than one electronic message center sign is allowed per lot or development site.

2. Area and Height

(a) The electronic message center component of a sign may comprise no more than 50 percent of a sign's total sign area.

(b) Freestanding electronic message center signs must be mounted on a base with a width that is at least 75 percent of the width of the sign's face, based on the greatest horizontal dimension of the sign face.

(c) The maximum height of the electronic message center component of a freestanding sign is 12 feet.

3. Brightness

Lamp size may not exceed 54 watts of incandescent lighting for daytime use. An automatic dimmer must be installed to reduce nighttime wattage to a maximum of 30 watts. LEDs (light emitting diodes) and magnetic discs may be used, provided that light intensity is no greater than allowed for incandescent lighting. Special effects such as flashing, strobing, or simulated moving graphics are not allowed. Signs shall be factory-certified not to exceed a maximum illumination of 54 watts during daylight hours and a maximum illumination of 30 watts between dusk to dawn.

4. Spacing

(a) Electronic message centers are prohibited within 250 feet of a building containing a residential use or single-family dwelling unit unless there is an intervening building that completely blocks the visibility of the proposed sign from the residential use or dwelling unit. Except for those properties with the G overlay designation, this requirement may not be waived or modified/reduced.

(b) Electronic message centers are prohibited within 35 feet of any electronic graphic display sign or digital video display sign and within 250 feet of another electronic message center.

J. ELECTRONIC GRAPHIC DISPLAY SIGNS

Electronic graphic display signs are subject to the following regulations:

1. Number

No more than one such sign is allowed per development site.

2. Area

The graphic display component of any one sign may not exceed 35 percent of the sign's total area.

3. Spacing

(a) Electronic graphic display signs are prohibited within 250 feet of a building containing a residential use or a single-family dwelling unit unless there is an intervening building that completely blocks the visibility of the proposed sign from the residential use or dwelling unit. Except for those properties with the G overlay designation, this requirement may not be waived or modified/reduced.

(b) Electronic graphic display signs are prohibited within 35 feet of any electronic message center and within 250 feet of another electronic graphic display or digital video display sign.

4. Orientation

The sign face must be oriented away from residential uses and districts.

5. Message Duration

Each image must remain static for at least 20 seconds.

6. Message Transition

The transition from one message or image display to the next must be accomplished in one second or less.

7. Brightness

Electronic graphic display signs may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours or more than 500 nits during nighttime hours (between dusk and dawn), as measured from the sign's face at maximum brightness. Signs shall be factory-certified to not exceed a maximum illumination of 5,000 nits during daylight hours and a maximum illumination of 500 nits between dusk to dawn. Signs shall be equipped with an automatic dimmer device to reduce nighttime wattage to a maximum of 500 nits.

> **Commentary**
> Nits are the standard unit of brightness for electronic and digital signage. It is a measure of the light being emitted by the sign in contrast to footcandles which measure the brightness of the surface area or object that is being lighted (e.g., parking lot).

8. Hours of Operation

Signs must be programmed to display a static message from 10:00 p.m. until 6:00 a.m. Static messages must have a minimum duration of one minute or more during such hours and must conform to other applicable standards of this subsection.

9. Default Image

Digital display signs must have a default design or image that will freeze in one position if a malfunction occurs. If a partial or incomplete message freezes or remains static on the sign due to a technical malfunction or a portion of the display face malfunctions, the sign's illumination must be turned off until the sign is repaired.

10. Prohibited Display Types

Digital display signs may not include flashing, scrolling, intermittent, or full-motion video elements. Audio or pyrotechnic elements are prohibited.

K. DIGITAL VIDEO DISPLAY SIGNS

Digital video display signs are subject to the same regulations as electronic graphic display signs with the following additions and exceptions.

1. Message Duration

Each video message or image display cycle must be completed in no more than eight seconds.

2. Message Transition

The transition from one message or image display cycle to the next must be accomplished in one second or less during which the screen is black or all images remain still. The transition must not employ special effects such as fade, fly-in, dissolve, or repixelization.

3. Hours of Operation

Digital video display signs must be programmed to display a static message from 10:00 p.m. until 6:00 a.m. Static messages must have a minimum duration of 20 seconds or more during such hours and must conform to other applicable standards of this subsection.

4. Brightness

Digital video display signs may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours or more than 500 nits during nighttime hours (between dusk and dawn), as measured from the sign's face at maximum brightness. Signs shall be equipped with an automatic dimmer device to reduce nighttime wattage to a maximum of 500 nits.

5. Default Image

Digital video display signs must have a default design or image that will freeze in one position if a malfunction occurs. If a partial or incomplete message freezes or remains static on the sign due to a technical malfunction or a portion of the display face malfunctions, the sign's illumination must be turned off until the sign is repaired.

6. Spacing

(a) Digital video display signs are prohibited within 250 feet of a building containing a residential use or a single-family dwelling unit unless there is an intervening building that completely blocks the visibility of the proposed sign from the residential use or dwelling unit. Except for those properties with the G overlay designation, this requirement may not be waived or modified/reduced.

(b) Digital video display signs are prohibited within 35 feet of any electronic message center or electronic graphic display sign and within 250 feet of another digital video display sign.

L. MURALS

The following regulations apply in the CN, CC, CH, CT, IL, IP, IG, MC, PS, DP, and MR districts.

1. General Standards

(a) A neighborhood meeting is required to allow input from any property owners directly adjacent to the proposed mural.

(b) A mural may be painted on or placed on an exterior building wall or fence and maintained in conformance with the provisions of this chapter.

(c) Murals may be used to display artistic and graphic displays. Text and graphic is limited to non-commercial messages only.

(d) All murals shall be properly maintained, cleaned, and repaired as necessary.

(e) No part of the mural shall exceed the height of the structure to which it is tiled, painted, or affixed.

(f) No part of the mural shall extend more than six inches from the plan of the wall to which it is tiled, painted, or affixed.

(g) External illumination of murals is allowed in accordance with Section 19.8.8, *Sign Illumination and Design*.

2. Design Review Required

(a) A Design Review application is required for each mural on a lot or site. The Design Review application must be submitted on forms available in the

Department of Community Development and Services. Design Review application fees to review proposed murals will not be required.

(b) An application for a mural must contain all information otherwise required for a wall sign in the district in which it is proposed. It must also include the following additional information and any other items deemed necessary by the Community Development and Services Director.

(1) One color sketch of the proposed mural, drawn to scale.

(2) A sketch drawn to scale or a photograph showing the proposed building or fence area to be covered by or used for the mural.

(3) Information as to existing texture and material of the building or fence surface will also be required.

(4) A graphical or written description of the proposed mural, including subject matter, type of paint/sealer to be used; and expected life span and maintenance plan for mural.

(5) If applicable, the distance in feet of all other murals within a quarter-mile radius of the site of the proposed mural.

(6) Contact information for the person or entity primarily responsible for the installation, maintenance, and repair of the mural.

M. WINDOW SIGNS

1. Window signs shall cover no more than 25 percent of each window or glass door in a nonresidential zoning district.

2. Signs shall not be placed in windows in a location that will obstruct the view of sales transaction areas from outside the business.

3. Exceptions to paragraphs 1 and 2 above: Window signs shall be permitted to exceed 25 percent of each window or glass door in industrial zoning districts. The portion of window signs exceeding 25 percent of each window or glass door shall be calculated against the allowable building tenant space wall signage, as allowed by code or defined by an approved master plan. Window signs proposed to exceed 25 percent of each window must meet the following criteria:

(a) Have a maximum perforation pattern of 50/50;

(b) Must be maintained from wear and tear and discoloration;

(c) Window signs covering more than 25 percent shall require approval by Community Development prior to installation; and

(d) No modification shall be permitted to increase tenant signage when utilizing window signage exceeding 25 percent of each window.

19.8.8. SIGN ILLUMINATION AND DESIGN

A. ILLUMINATION

Lighted signs or lighting devices must be directed or beamed in a manner that does not cause glare or illuminate a public street, highway, sidewalk, or adjacent premises to a degree that may constitute a traffic hazard or nuisance.

1. Channel letter signs may be illuminated internally or by halo or silhouette lighting.

2. Cabinet signs must be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols.

3. No sign may flash, blink, or emit a varying intensity of light or color, or make or emit any sound, or emit smoke or vapors.

4. All light sources must be shielded from view.

Figure 19.8.8-A: SIGN ILLUMINATION AND DESIGN

B. DESIGN

1. Signs should be designed to complement the architectural design and building materials used on principal buildings on the site. (Figure 19.8.8-A.)

2. Raceway mounts for channel letter signs must be painted and designed to blend in with the color of the wall to which it is attached. Raceway mounts must be of a size and design that gives them the appearance of being an integral background design feature of the sign rather than a separate mounting device.

19.8.9. TEMPORARY SIGNS

A. GENERAL

Temporary signs are allowed only in accordance with the regulations of this section. All temporary signs must conform to sight visibility requirements at all entrances, exits, and intersections.

B. TEMPORARY BUSINESS SIGNS

1. "Grand Opening" Signs

(a) Upon issuance of an initial business license for sales of products or for the provision of a service to the public, a proprietor may install temporary signs and banners for up to 90 days to announce the opening of the new business on the premises. This 90-day initial promotion sign period is a one-time opportunity for product and service businesses and is not intended for use by residential or

commercial rental agents or owners to market their available residential units or commercial or industrial lease space.

(b) Merchants seeking to take advantage of this 90-day "grand opening" sign allowance may do so without obtaining a sign permit provided; however, the type and mounting methods of any proposed temporary signs must be reviewed and approved by the building official, and further provided that no such sign or banner may be constructed or employed on the premises that presents a hazard to traffic or pedestrian safety.

2. Sales/Promotional Event Signs/Coming-Soon Signs

(a) Proprietors licensed for sales of products or for the provision of a service to the public who are not eligible for a temporary "grand opening" sign, must obtain approval from the Community Development and Services Director before installation, placement or other use of temporary sales/promotional event signs. Coming-soon signs are permitted without a proprietor's license being obtained.

(b) In the request for approval from the Community Development and Services Director, the applicant must specify the type of signs to be used (either banner or a-frame only), their location on the premises, installation date, and date of removal.

(c) Once an application is approved by the Community Development and Services Director, the applicant must then submit plans and specifications and obtain sign permits as required by the building official.

(d) The regulations of this subsection are not intended for use in selling or leasing residential units or commercial or industrial space.

(e) Temporary signs are permitted once every 90 days for a maximum of 14 days within any 90-day period.

(f) A maximum of two temporary signs shall be permitted within any 14-day period.

(g) Maximum square footage of temporary banner sign shall be 36 square feet and maximum square footage of an A-frame sign shall be nine square feet. A-frame signs shall not exceed a maximum vertical or horizontal dimension of three feet.

(h) A-frame signs shall not be located within the required sight visibility zone.

(i) Temporary banner signs shall be located on the tenant space of the business advertising. Temporary signs shall not be attached to public utility poles, landscaping or on-site informational signs.

C. TEMPORARY REAL ESTATE SIGNS

1. General

All temporary real estate signs allowed by this section must be on the premises of the unimproved land, construction project, or development being offered for sale or lease except as otherwise expressly stated.

2. Signs for New Construction

(a) Applicability

Temporary real estate signs for new construction are allowed in all zoning districts in addition to other allowed permanent signs. Such signs are subject to the regulations of this subsection.

(b) Small Signs

(1) Two small temporary real estate signs for new construction, one which may be 32 square feet in area and the other which may be may be 16 square feet in area, are allowed without a sign permit.

(2) Such signs must be set back at least 15 feet from the back of curb, the outer edge of the pavement, or travel way where no curb exists.

(c) Large Signs

The following temporary real estate signs for new construction are allowed:

(1) One or more wall or freestanding sign(s) not to exceed a total aggregate sign area of 400 square feet or 16 square feet per acre, whichever is less;

(2) One nongovernmental flag, 15 square feet in area or less, per acre;

(3) Two banners 48 square feet or less in area; and

(4) One A-frame sign of 32 square feet or less.

(d) Additional Signage for New Construction

In addition to other (new construction) temporary real estate signs allowed by this subsection, a developer may increase allowed temporary real estate signage for new construction by up to 50 percent from 6:00 p.m. Friday to 6:00 a.m. Monday or 6:00 a.m. Tuesday if Monday is a state or federal holiday.

(e) Time Limit on Temporary Real Estate Signs for New Construction

(1) Temporary real estate signs for new construction are allowed upon the City's acceptance of street and utility public improvement bonds for the project and may be used for a period not to exceed 180 days after issuance of the last certificate of occupancy for permitted structures. Following this period, all signs for residential projects not approved by a master sign plan must be removed. For nonresidential projects, following this period, all signs except those approved by a master sign plan or otherwise expressly authorized by this subsection must be removed.

(2) Permits for all structures offered for sale or lease must be kept current. Permits for common buildings, fences, pools, or other accessory structures do not extend the time period in which (new construction) temporary real estate signs are allowed.

3. Height

The maximum height of any temporary real estate sign is 20 feet.

D. SIGNS FOR LAND SALES OR LEASES

1. General

Temporary signs are allowed in addition to other allowed signs to advertise the sale or lease of an unimproved parcel of residential, commercial, or industrial land, or to pre-lease unconstructed improvements. Such signs are subject to the regulations of this subsection.

2. Small Signs

(a) On parcels not exceeding one acre in area (land sales or lease) one temporary real estate sign up to 16 square feet in area and four feet in height is allowed. On parcels larger than one acre in area (land sales or lease) one temporary real estate sign up to 32 square feet in area and eight feet in height is allowed. No sign permit is required for such signs.

(b) Such signs must be set back at least 15 feet from the back of curb, the outer edge of the pavement, or travel way where no curb exists.

3. Large Signs

(a) Temporary real estate signs for land sales or lease that are larger than allowed by subsection (b) below require a sign permit. Once issued, the sign permit is valid for one year and is renewable subject to compliance with all regulations in effect at the time of permit renewal.

(b) Such signs may not exceed 96 square feet in area, and no more than one such sign is permitted for each 250 linear feet of frontage, up to a maximum of four signs per frontage. Signs may be combined, but no single sign may exceed 192 square feet. The maximum height of such signs is 20 feet.

(c) Such signs must be set back at least 15 feet from the back of curb, the outer edge of the pavement, or travel way where no curb exists.

E. SIGNS FOR EXISTING IMPROVED PROPERTY

1. General

Temporary real estate signs are allowed in addition to other allowed signs to advertise the sale or lease of an existing improved commercial or industrial project, including newly constructed projects, beyond 180 days after issuance of the last certificate of occupancy (as limited in Section 19.8.9.C.2(e)(1)) only in accordance with the regulations of this subsection.

2. Small Signs

(a) One small temporary real estate sign is allowed per frontage of an existing improved property. Such sign may not exceed 32 square feet in area or eight feet in height. No sign permit is required for such signs.

(b) The sign must be set back at least 15 feet from the back of curb, the outer edge of the pavement, or travel way where no curb exists.

3. Large Signs

(a) Temporary real estate signs for existing improved property that are larger than allowed by subsection 2 (*Small Signs*) above require a sign permit. Once issued,

the sign permit is valid for one year and is renewable subject to compliance with all regulations in effect at the time of permit renewal.

(b) Such signs may consist of wall or freestanding signs not exceeding 400 square feet in area or one square foot per lineal foot of tenant frontage, whichever is less.

(c) No more than one such sign is permitted for each 250 linear feet of frontage, up to a maximum of four signs per frontage. Where a building fronts on more than one street, only the longer side may be used to determine allowed sign area. Where an available tenant space consists of only a portion of a building, only that area available for lease may be counted in determining the length of the building frontage. The maximum height of such signs is 20 feet.

(d) All freestanding signs must be set back at least 15 feet from the back of curb, the outer edge of the pavement, or travel way where no curb exists.

4. Height

The maximum height of any temporary off-premises development directional sign is 20 feet.

F. OFF-PREMISES OPEN HOUSE SIGNS

1. General

Temporary open house signs are allowed only in accordance with the regulations of this section.

2. Use and Intent

A temporary open house sign is an off-premises sign, located on property that is not occupied by the house that is for sale. Such signs are intended to direct potential homebuyers to open houses of existing homes that are for sale. The signs are not to be used as semi-permanent directional signs. Such signs may be used to direct traffic to resale homes only.

3. Area

Maximum of nine square feet.

4. Number

Maximum of five signs. One sign for each home per street intersection.

5. Location

(a) Temporary off-premises open house signs may not be placed within the public right-of-way, traffic median, public sidewalk, or bike lane, except where a landscaped greenway exists between the curb and sidewalk.

(b) Temporary off-premises open house signs located on private property require the property owner's approval.

6. Type of Sign Allowed

Temporary off-premises open house signs may be A-frame type only.

7. Additional Requirements

(a) The licensee or broker must be on duty at the open house while the sign is posted.

(b) The signs may be posted only between the hours of 8:00 a.m. and 9:00 p.m.

(c) Temporary off-premises open house signs may not be illuminated.

8. Fines/Enforcement

Any licensee or broker found not to comply with the requirements of this section are subject to the following fines:

(a) First offense: $200.00 fine

(b) Subsequent offense: $500.00 fine

G. OFF-PREMISES KIOSK SIGNS

1. General

Temporary off-premises kiosk signs are permitted only if reviewed and approved by the Planning Commission in accordance with the master sign plan procedures of Section 19.6.7, *Master Sign Plan*. Such signs are subject to the regulations of this section.

2. Intent

The temporary off-premises kiosk sign regulations of this section are intended to accommodate signs that direct potential buyers or renters to more than one real estate project offering lots, buildings or dwellings for sale or rent. Temporary off-premises kiosk signs serve multiple developments for a period of time longer than typically necessary for a single project, with the names and directional symbols changed from time-to-time during the life of the sign. A temporary off-premises kiosk sign is different from a master development sign in that a temporary off-premises kiosk sign is a temporary marketing sign, whereas a master development sign is a permanent display of a name or emblem. The temporary off-premises kiosk sign regulations are not intended to prohibit permanent way-finding signs that comply with this Code in developed residential subdivisions.

3. Location

The following location standards apply to all off-premises kiosk signs unless otherwise expressly approved as part of a City-approved off-premises kiosk sign contract.

(a) Prior to installation, the location of each temporary off-premises kiosk sign must be submitted to and approved by the City Traffic Engineer, and if the sign is proposed to be installed in a City-owned or City-maintained landscaped area, also by the Public Works Parks and Recreation Parks and Recreation Director.

(b) Temporary off-premises kiosk signs may not be located:

(1) On a one-acre or smaller lot within a residential subdivision;

(2) Within 50 feet of any other temporary off-premises kiosk sign;

(3) Within 100 feet of any temporary off-premises development directional sign; or

(4) Within 100 feet of any other freestanding sign that requires a sign permit.

(c) A residentially-zoned parcel larger than one acre may contain a temporary off-premises kiosk sign, and that sign may remain on the lot following the recording of a subsequent subdivision map that creates lots one acre or smaller until occupancy of the first lot of that subsequent subdivision. That first occupied lot need not be the specific lot on which the sign is constructed.

4. Size

The allowed size of each temporary off-premises kiosk sign must be established as part of the master sign plan or Citywide off-premises kiosk sign contract.

5. Setbacks

Except where a revocable permit has been authorized by the City Council for a sign to occupy space within a public right-of-way, temporary off-premises kiosk signs must be set back a minimum of three feet from all existing and future street rights-of-way.

6. Life of Permit; Lapse of Approval

Unless otherwise expressly approved by the City Council, a temporary off-premises kiosk sign permit is valid for five years. Unless the temporary off-premises kiosk permit is reissued, the off-premises sign for which it was issued must be removed within five years of the date of issuance of the temporary off-premises kiosk permit. The sign permit for a temporary off-premises kiosk sign may be reissued for succeeding periods not to exceed five years if the following conditions exist:

(a) The expiring permit must be at least four years and nine months old at the time of application for each reissuance.

(b) The permit applicant must be an appropriately licensed sign contractor and must present all exhibits and fees required for a new permit.

(c) The subject sign must have been in the permitted location and must have been maintained in accordance with the requirements of this Development Code during the entire life of the expiring permit.

(d) The subject sign must meet all of the requirements of this Development Code and all other applicable sign regulations for a new sign in the subject location. If any condition exists that would prohibit a new temporary off-premises kiosk sign from being permitted at the subject location, the expiring temporary off-premises kiosk permit may not be reissued.

7. Permit Number and Address

Every temporary off-premises kiosk sign must display the sign's owner, permit number, permit issuance and expiration dates, permittee's name and telephone number, and the sign's address on a four-inch by six-inch plate, or other approved substitute. The display must be installed to be readily accessible and legible.

8. Reverse Side of Sign Treatment

The structural members of all temporary off-premises kiosk signs and the reverse side of each single-faced sign must be painted to match the framework of the face.

9. Lease Agreements

Unless otherwise approved by the Community Development and Services Director, a land-lease agreement, proof of ownership or other suitable land use agreement for the specific

site where the kiosk sign is to be installed must be submitted to the City prior to issuance of a permit for construction of each sign.

H. OFF-PREMISES DEVELOPMENT DIRECTIONAL SIGNS

1. General

Temporary off-premises development directional signs are subject to the regulations of this section.

2. Number Allowed

A maximum of six temporary off-premises development directional signs may be permitted for each separately identified project offering either lots, buildings, or dwellings for sale or lease. Where two or more developments are advertised on a single sign structure, that sign counts as one sign against the six allowable signs for each development. A sign structure may have multiple faces; however, a single sign structure will count as only one sign against the six allowable signs for each development, regardless of the number of faces advertising the same developments on that sign structure.

3. Size and Form

The maximum size of any temporary off-premises development directional sign is 64 square feet. The measurement of the size of a sign includes all surfaces and faces containing messages, arrows, and graphics, including the structural framework if it contains messages or graphics.

4. Height

The maximum height of any temporary off-premises development directional sign is 15 feet.

5. Changes of Sign Copy

Removing, adding to, or altering the message or graphics of the sign will be considered as removing, adding to, or altering the sign itself.

6. Location

(a) Temporary off-premises development directional signs must be set back at least 15 feet from the back of curb, the outer edge of the pavement, or travel way where no curb exists.

(b) No temporary off-premises development directional sign may be located on a lot within a residential subdivision, within 100 feet of any residence, or within 100 feet of any other temporary off-premises development directional sign, billboard, temporary off-premises kiosk sign, master development sign, or freestanding sign allowed in accordance with Section 19.8.7.C. For the purposes of this section, a residential subdivision lot is one that is less than one acre. A residentially-zoned parcel larger than one acre may contain a temporary off-premises development directional sign, and that sign may remain on the lot following the recording of a subsequent subdivision map that creates lots smaller than one acre until occupancy of the first lot of that subsequent subdivision. That first occupied lot need not be the specific lot on which the sign is constructed.

(c) Within 200 feet of any freeway-limited access, controlled access arterial, or primary arterial as defined on the Henderson Master Streets and Highways Plan, temporary off-premises development directional signs must be separated from all other signs, except temporary off-premises election signs, by a distance of at least 300 feet.

7. Life of Permit; Lapse of Approval

A permit for a temporary development directional sign advertising buildings or apartments for lease will expire 180 days following issuance of the final lease unit certificate of occupancy for the project or two years after issuance of the permit, whichever is sooner. A permit for a temporary off-premises development directional sign advertising buildings or apartments for sale will expire ten days following closure of the project sales office or two years after issuance of the permit, whichever is sooner. Unless the permit is reissued, a temporary off-premises development directional sign must be removed upon expiration of its permit. The permit for a temporary off-premises development directional sign may be reissued if the following conditions exist:

(a) The permit applicant must be an appropriately licensed sign contractor and must present all exhibits and fees required for a new permit.

(b) The subject sign must have remained unaltered in the permitted location and must have been maintained in accordance with the requirements of this Development Code during the entire life of the expiring permit.

(c) The subject sign must meet all of the requirements of this Code and all other applicable sign regulations for a new sign in the subject location. If, at the time of application for reissuance, any condition exists that would prohibit a new temporary off-premises development directional sign from being permitted at the subject location or if the existing sign has not been maintained in like-new condition, the expiring permit may not be reissued.

8. Reverse Side of Sign Treatment

The structural members of all temporary off-premises development directional signs and the reverse side of each single-faced sign must be painted to be compatible with the background surrounding it. Unless otherwise approved by the Community Development and Services Director, for the purposes of this section, tan and light-brown colored paints will be considered compatible. All temporary off-premises development directional signs must comply with this standard or be considered in violation of this Development Code and removed.

9. Permit Number and Address

The sign's owner, permit number, permit issuance and expiration dates, permittee's name and telephone number, and the sign's address as assigned by the City must be indicated on a four-inch by six-inch plate or other approved substitute, installed so as to be readily accessible and readable approximately six feet above the adjacent ground surface, on every temporary off-premises development directional sign erected in accordance with the provisions of this section.

10. Lease Agreements

Unless otherwise approved by the Community Development and Services Director, a land-lease agreement, proof of ownership or other suitable land use agreement for the specific

site where the off-premises development directional sign is to be installed must be submitted to the City prior to issuance of a building permit for construction of each sign.

11. Placement of Signs on Public Lands

(a) Temporary off-premises development directional signs may be placed on any un-improved City-owned land with the exception of parcels with frontage on Boulder Highway or Lake Mead Parkway.

(b) Improved City-owned lands, including parks, may not be used without specific permission from the City Council. Other publicly owned lands (those owned by the Clark County School District, the federal government, etc.) are not to be used unless proof of permission for such use is submitted to the City.

(c) All persons erecting, hanging, painting, installing, or otherwise placing temporary off-premises directional signs on City-owned land must first obtain a master sign plan in accordance with the procedures of Section 19.6.7.

(d) If any sign is placed on publicly owned land under the terms of this chapter, the permittee assumes full responsibility for any damages or injuries to persons or property resulting either wholly, or in part, from the placement of the sign and must agree to defend and indemnify the City and hold the City harmless from all liability for such damages or injuries.

12. Signs in the Public Rights-of-Way

(a) Temporary off-premises development directional signs are not allowed in the public right-of-way.

(b) Rights-of-way for streets not included on the Master Streets and Highways Plan may not be used for signs unless a revocable permit has been issued by the City Council for each specific sign.

(c) In instances where a right-of-way is owned by the State of Nevada or the federal government, the permittee must abide by that owner's regulations in addition to the provisions of this chapter.

(d) If any sign is placed in any public right-of-way under the terms of this chapter, the permittee assumes full responsibility for any damages or injuries to persons or property resulting either wholly, or in part, from the placement of the sign and must agree to defend and indemnify the City and hold the City harmless from all liability for such damages or injuries.

I. TEMPORARY OFF-PREMISES ELECTION SIGNS

1. Permit Required

Each candidate for political office and each organization or individual supporting a position on an issue or ballot question who places a temporary off-premises election sign within the Henderson city limits must first obtain a permit to do so from the building official. The fee for this permit will be assessed per the Building and Fire Safety Department fees per candidate, issue, or ballot question, regardless of the number of signs placed. The purpose of the permit is to provide the building official with the name and pertinent information about the campaign manager or party responsible for repair of damaged or hazardous signs, and to monitor and remove all unclaimed signs following the election. Signs placed in Henderson without benefit of the proper permit will be removed

and impounded until a permit is obtained. Permit contacts are required to provide a map indicating the location of all elections signs placements after all signs have been installed.

2. Size

The maximum size of a temporary off-premises election sign is 18 square feet in residential zones and 128 square feet in all other zones.

3. Location

(a) Temporary off-premises election signs must not visually block any area within a street right-of-way or be located within the site visibility zone when taller than 24 inches above the curb, or edge of pavement where no curb exists. Where no pavement exists, measurement must be made from the edge of the travel way.

(b) Signs may not be placed on private property without the property owner's or authorized agent's written consent. Written consent shall be provided to the city upon request. Signs may not be placed, posted or otherwise affixed within public right-of-way, medians or upon any public property and on any site with construction fencing.

4. Time Allowed; Removal

Temporary off-premises election signs may be installed on or after January 1 of the year in which the election for that registered candidate or qualified ballot question occurs. Each temporary off-premises election sign must be removed by the permittee within ten days of the election in which the office, issue, or ballot question is decided. Any such election sign found to be in violation of the provisions of this Code must be brought into conformance by the permittee upon notification by the building official. If the permittee fails to make appropriate corrections in a timely manner, the building official is authorized to remove or cause to have removed any signs in violation and impound those signs until the permittee can make the necessary corrections. Following the election in which the subject office, issue or ballot question is decided, all unclaimed election signs will become the property of the City and will be disposed of at the discretion of the City.

J. TEMPORARY OFF-PREMISES SPECIAL EVENT SIGNS

Temporary off-premises special event signs advertising or pertaining to a special event of general public interest taking place within the City may be authorized by the Community Development and Services Director upon determination that such signs will not conflict with the general purpose of this Code. Such signs, when permitted, may not be installed prior to seven days before the event and must be removed within 24 hours after the event. Requests for permits must include a description of the event including place and duration, a depiction of the signs, a depiction of sign placement in relation to pedestrian and vehicle traffic, and a map showing all proposed sign locations. Unless otherwise approved by the Community Development and Services Director, a land-lease agreement, proof of ownership or other suitable land use agreement for the specific site where the temporary off-premises special event sign is to be installed must be submitted to the City prior to issuance of a permit for construction of each sign.

19.8.10. OFF-PREMISES SIGNS

A. BILLBOARDS

1. Applicability

Billboards are subject to the regulations of this section.

2. Billboard Map

The map entitled, "City of Henderson Billboard Map", dated September 1, 1993, and as amended from time-to-time, is hereby adopted and made a part of this Development Code.

3. Billboard Zone

The "Billboard Zone" is that area designated as such on the City of Henderson Billboard Map.

4. Amendments to Billboard Map

Amendments to the billboard map must be applied for and processed in the same manner as amendments to the zoning map, as specified in Section 19.6.4.C, *Rezonings*, with the following conditions:

(a) Billboard zones may only be placed adjacent to streets listed on the Henderson Master Streets and Highways Plan.

(b) Billboard zones must apply to both sides of the street. Billboard zones are intended to be corridors and, therefore, are not meant to overlay only one side of a street.

(c) New billboard zones must be extensions of and contiguous to an existing billboard zone.

(d) No billboard zone may be placed on residential zoning districts.

5. Signs Prohibited Over Other Structures

No billboard may be erected over structures or mobile homes and, following construction of the sign, no building or mobile home may be constructed or placed beneath any part of a billboard.

6. Lease Agreements

Unless otherwise approved by the Community Development and Services Director, a land-lease agreement, proof of ownership or other suitable land use agreement for the specific site where a billboard is to be installed must be submitted to the City prior to issuance of a building permit for construction of each sign.

7. Location

Billboard signs are allowed only within a billboard zone, as designated on the City of Henderson billboard map. The entire sign must lie in or above the billboard zone, and no part may lie in or overhang any lands not so designated. Billboards are prohibited within 100 feet of a residence. Unless otherwise approved by City Council through a master sign plan or variance, no billboard may be constructed on any parcel on which a structure other than a fence is constructed or for which any building permit has been issued. Unless otherwise approved by City Council through a master sign plan or variance, no billboard may remain on any parcel following construction of any other structure.

8. Separation

No new billboard may be constructed within 750 feet of any existing billboard. For the purposes of this section, a sign for which a billboard permit has been issued will be considered an existing sign. The minimum required distance will be measured between

points on the centerline of the adjacent street, and those points must reflect each sign's perpendicular relationship to that street's centerline. In no instance, however, because of a change in street direction or other measurement peculiarity, may the distance between signs be less than 750 feet when measured in a straight line.

9. Height

(a) No billboard may exceed 50 feet in height, excluding allowable embellishments (e.g., extraneous decorations, such as two- or three-dimensional objects or text that extend beyond the primary frame or border of a sign or billboard).

(b) Each sign must be elevated a minimum of nine feet above the ground and may not have more than two supports. A billboard that adjoins a controlled access freeway and which becomes obstructed due to a noise abatement project within the right-of-way of that same controlled access freeway, may:

(1) Adjust the height or angles of the structure to restore visibility as allowed by the standards of this section, or

(2) Relocate the structure to another location where the owner has secured the right to locate and which conforms to the location standards of subsection 7 above.

10. Size

No billboard may have a display surface greater than 672 square feet, except for an embellishment, which may not be higher than five feet or exceed 128 square feet of additional surface. For the purposes of this standard, only one side of a back-to-back off-premises sign will be counted; however, two opposing faces may not exceed 45 degrees from parallel.

11. Setbacks

No portion of a billboard may be closer than 25 feet to any existing or future public right-of-way.

12. Life of Permit; Lapse of Approval

A billboard sign permit will remain in effect for a period of five years. Renewal of sign permits, including the payment of fees and completion of inspections, is required and must be completed in five-year increments. Failure to renew a sign permit in accordance with the provisions of this Chapter will result in a penalty assessment and accrual of permit fees, the non-payment of which will result in a lien being placed on the real property upon which the sign is located. The billboard sign permit may be reissued for succeeding periods of five years from the date of reissuance if the following conditions exist:

(a) The permit applicant must be an appropriately licensed sign contractor and must present all exhibits and fees required for a new billboard permit.

(b) The subject sign must have been in the permitted location and must have been maintained in accordance with the requirements of this Development Code during the entire life of the expiring permit.

(c) The subject sign must meet all of the requirements of this Development Code or qualify as a nonconforming billboard per Section 19.8.11.E, *Prohibited, Illegal, Unsafe, and Dilapidated Signs*.

13. Permit Number and Address

The sign's owner, permit number, permit issuance and expiration dates, permittee's name and telephone number, and the sign's address as assigned by the City must be indicated on a four-inch by six-inch plate, or other approved substitute, installed so as to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every billboard erected in accordance with the provisions of this section.

14. Billboard Design Standards

(a) Face, Frame, and Reverse Side Treatment of Sign

(1) The face of each permitted billboard must contain a discernable message or graphic at all times. A billboard that stands as a skeletal structure without message panels or that has all blank panels or panels removed or arranged in such a manner as to make the message unreadable will be considered in disrepair and not in compliance with the maintenance requirements of this Development Code.

(2) The structural members of all billboards and the reverse side of each single-faced sign must be painted to be compatible with the background surrounding it. Unless otherwise approved by the Community Development and Services Director, for the purposes of this section, tan and light-brown colored paints will be considered compatible.

(b) Lighting

(1) Billboards may be illuminated internally or externally provided such external illumination be directed and shielded to limit direct illumination of any object other than the sign.

(2) A billboard's light source shall be boxed and integrated into the structure as to not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

15. Conversion of Existing Off-Premises Sign Permits to Billboard Permits

Each billboard sign that existed on November 21, 1991, and that met the definition of a billboard and that was properly permitted, constructed, inspected, and maintained in the City of Henderson will be issued a billboard permit and will be allowed to remain in place for the life of the permit, provided that it is maintained in accordance with the provisions of this Development Code. For the purposes of this section, regardless of the actual date of issuance of the billboard permit for each such previously existing, legally permitted, and legally constructed sign, the effective date of its permit will be November 21, 1991. Upon issuance of the billboard permit, all previous permits expire. Following the granting of a billboard permit by way of this conversion process, all signs must comply with all provisions of this Development Code. Any sign that did not at the time of conversion meet the locational or size requirements of this Development Code may not be altered unless it is brought into complete conformance with this Development Code.

B. OTHER OFF-PREMISES SIGNS

Regulations governing temporary off-premises signs can be found in the following sections:

1. Off-Premises Open House Signs, Section 19.8.9.F;

2. Off-Premises Kiosk Signs, Section 19.8.9.G;

3. Off-Premises Development Directional Signs, Section 19.8.9.H;

4. Temporary Off-Premises Election Signs, Section 19.8.9.I; and

5. Temporary Off-Premises Special Event Signs, Section 19.8.9.J.

19.8.11. ADMINISTRATION AND ENFORCEMENT

A. PERMIT REQUIRED

Except as otherwise expressly provided in this chapter, all persons erecting, hanging, painting, installing, or otherwise placing signs in the City must first obtain a sign permit and/or master sign plan approval in accordance with the procedures of Section 19.6.7, *Master Sign Plans*.

B. BUSINESS LICENSE ISSUANCE/RENEWAL

Regardless of whether a business is owned by the property owner or by a tenant proprietor, no business license may be issued or renewed for premises on which a prohibited sign exists.

C. SIGN ALTERATIONS

1. Billboards and Temporary Off-Premises Kiosks

Except for message and graphics changes on billboard signs or temporary off-premises kiosk signs, no billboard or temporary off-premises kiosk sign may be altered unless its sign permit is reissued.

2. Temporary Off-Premises Development Directional Signs

Except as otherwise authorized by the Community Development and Services Director, no temporary off-premises development directional sign may be altered in any way, including message or graphics, unless its permit is reissued. The Community Development and Services Director may authorize minor message changes on temporary off-premises development directional signs, such as corrections in the advertised telephone number or subdivision phase number, or other similar minor text or maintenance items. The term "minor message changes," however, does not include changes in project or developer name or redesigning the fundamental message or graphics of the sign.

3. Signs Requiring Building Permits

No sign requiring a building permit by this Development Code may be altered unless its sign permit is reissued.

4. Signs Governed by Master Sign Plans

Except for message changes, no sign included in a master sign plan may be altered except as prescribed in its approved master sign plan.

D. ABANDONED SIGNS

1. Within 45 days of abandonment, all abandoned signs must be removed. Except for vehicle signs, a sign will be deemed abandoned when it no longer directs, advertises, or identifies a licensed business establishment, legal product, or activity. Upon determination by the building official that a sign has been abandoned for 45 days, the building official must notify the property owner of such condition and must allow the property owner no less than 10, but no more than 30, calendar days to complete at least one of the following actions:

(a) Remove the abandoned sign and restore/repair building face to previous or like-new condition, which may include repainting of tenant space where signs were located;

(b) Reoccupy the premises with a business requiring the same sign message and make any changes to the sign needed to bring it into conformance with the building, electrical, neon, and all other applicable codes adopted by the City Council at the time of reoccupancy;

(c) Replace the former business message with the message of a public service organization and make any changes to the sign needed to bring it into conformance with the building, electrical, neon, and all other applicable codes adopted by the City Council. For the purposes of this section, naming the sign's leasing agent will not be considered a qualified message; or

(d) Apply to the Community Development and Services Director for an extension of time up to an additional 45 days to reoccupy the premises with a licensed business. This request must be accompanied by a signed lease for occupancy of the premises by a user allowed under the terms of the Development Code, and the applicant must make any changes to the sign needed to bring it into conformance with this chapter and the building, electrical, neon, and other applicable codes adopted by the City Council. Appeals of the Community Development and Services Director's decision or any request for an extension beyond that granted by the Community Development and Services Director, requires approval by the Planning Commission. An applicant appealing the Community Development and Services Director's decision or seeking an extension beyond that granted by the Community Development and Services Director must make any changes to the sign needed to bring it into conformance with this chapter and the building, electrical, neon, and other applicable codes adopted by the City Council.

2. If the property owner fails to complete at least one of the preceding four actions within the time specified by the building official or within any extension of time granted by the Community Development and Services Director or City Council, the building official is authorized to initiate removal proceedings in accordance with this section.

E. PROHIBITED, ILLEGAL, UNSAFE, AND DILAPIDATED SIGNS

1. Weekend directional signs will be impounded immediately.

2. Uninspected off-premises signs will be considered unsafe and will be impounded immediately.

3. All signs blocking public sidewalks or other required pedestrian walkways or exit corridors will be impounded immediately, unless such sign has received permit approval.

4. Upon determination by the building official that a sign was not properly permitted, that a sign does not comply with the approved plans or other requirements of this chapter, or that such sign, through lack of maintenance or other damaging cause, has come into such disrepair that it must be renovated or removed, the building official must notify the property owner of such condition and must allow the property owner no less than 10, but no more than 30 calendar days, to make the repairs directed by the building official. If the property owner fails to remedy all deficiencies within the time specified by the building official, the building official is authorized to initiate removal proceedings.

F. REMOVAL PROCEEDINGS

1. Billboards

(a) All provisions for the removal of billboards set forth by NRS Chapter 278 apply. A public hearing must be scheduled before the Planning Commission to address the removal of a nonconforming billboard sign prior to final review of any development applications for a parcel upon which a nonconforming billboard exists. Public notice provisions of Section 19.6.3.B.4, Public Notice apply.

(b) The Community Development and Services Director is authorized to initiate removal proceedings for billboards. When an imminent threat to public safety exists, the Community Development and Services Director in consultation with the building official must immediately take any necessary actions to prevent public exposure to the danger, including demolition, if necessary, until the billboard is removed. All labor and material costs incurred for such preventive measures or removal (as determined by the City Finance Director) must be reimbursed by the property owner. The building official may place a lien against the parcel from which the sign was removed for any unreimbursed expenses.

(c) Nonconforming billboards that are destroyed or damaged in excess of 50 percent of their material structural value as a result of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm, and snowstorm must be removed.

(d) Nonconforming billboards must also be removed under the following circumstances:

(1) The owner of the real property upon which the Billboard is located terminates the lease that governs the placement of the nonconforming billboards on that property pursuant to the terms of that lease.

(2) The billboard is destroyed or damaged in excess of 50 percent of its material structural value as a result of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm, and snowstorm.

(3) The conditions of approval for development or redevelopment require the removal of a billboard. In this circumstance, the City may not require the removal of a nonconforming billboard until such time as a building permit is submitted to the Department of Building and Safety for vertical construction.

(4) For purposes of record keeping, when it is discovered that no permit exists for a nonconforming billboard, the City is authorized to require that a licensed sign contractor acquire a sign permit. This requirement to obtain a sign permit does not authorize the City to require the removal of a nonconforming billboard, unless otherwise required by the provisions of this section. The issuance and renewal of all billboard permits is required as set forth in Section 19.8.10.A.12, *Life of Permit, Lapse of Approval*.

G. OTHER SIGNS

1. For temporary off-premises kiosk signs and temporary off-premises development directional signs, the building official may, at the property owner's expense, remove the subject sign or cause the sign to be removed. Where an imminent threat to public safety

exists, the building official must immediately take any necessary actions to prevent public exposure to the danger including demolition, if necessary, until the sign can be removed. The building official may also impound the removed sign for a period of 30 days or until the labor and material removal costs (as determined by the City Finance Director) are reimbursed to the City, whichever is sooner. If at the end of the 30-day impound period the property owner has not reimbursed the City for the removal expenses and claimed the sign, the sign may be disposed of at the discretion of the building official . The removal expense to be reimbursed for each sign will be the cost for labor and materials as determined by the City Finance Director or the applicable sign permit fee that would apply if such sign was being newly installed, whichever is greater.

2. For regulations regarding removal of temporary off-premises election signs, refer to Section 19.8.9.I, Temporary Off-Premises Election Signs.

3. For all other signs except vehicle signs, the building official may, where an imminent threat to public safety exists, take any necessary actions to prevent public exposure to the danger, including demolition if necessary, until the sign is removed. Such preventive measures or removal (as determined by the City Finance Director) must be reimbursed by the property owner. The building official must impound the removed sign for a period of 30 days or until the removal expenses are reimbursed to the City, whichever is sooner. If at the end of the 30-day impound period the property owner or his authorized agent has not reimbursed the City for the removal expenses and claimed the sign, the sign may be disposed of at the discretion of the building official. The removal expense to be reimbursed for each sign will be the cost for labor and materials as determined by the City Finance Director or the applicable sign permit fee that would apply if such sign was being newly installed, whichever is greater. The building official may place a lien against the parcel from which the sign was removed for any unreimbursed expenses.

4. For vehicle signs, the building official may, where an imminent threat to public safety exists, take any necessary actions to prevent public exposure to the danger, including causing its removal and impoundment if on private property, or notification of the Police Department if on a public right-of-way. If an imminent threat to public safety does not exist, the building official may issue a misdemeanor citation for each day in which the violation occurs. At such time as the building official determines that the vehicle or vehicle-mounted sign has been abandoned, the building official is authorized to cause it to be removed and disposed of it in the same manner as any other abandoned vehicle.

H. EXCEPTIONS AND MODIFICATIONS

The Planning Commission is authorized to approve exceptions to and modifications of sign regulations of this chapter only in accordance with the master sign plan regulations of Section 19.6.7, *Master Sign Plans*.

19.8.12. MEASUREMENTS AND INTERPRETATIONS

A. SIGN AREA

1. Sign Face

The area of a sign face is based on the outer dimensions of the frame or cabinet surrounding the sign surface area.

2. Channel (Individual) Letter Signs

The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric shape (e.g., square, rectangle, circle, polygon, etc) with no more than eight sides that can be drawn around the letters and/or elements. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter. (Figure 19.8.12-A.)

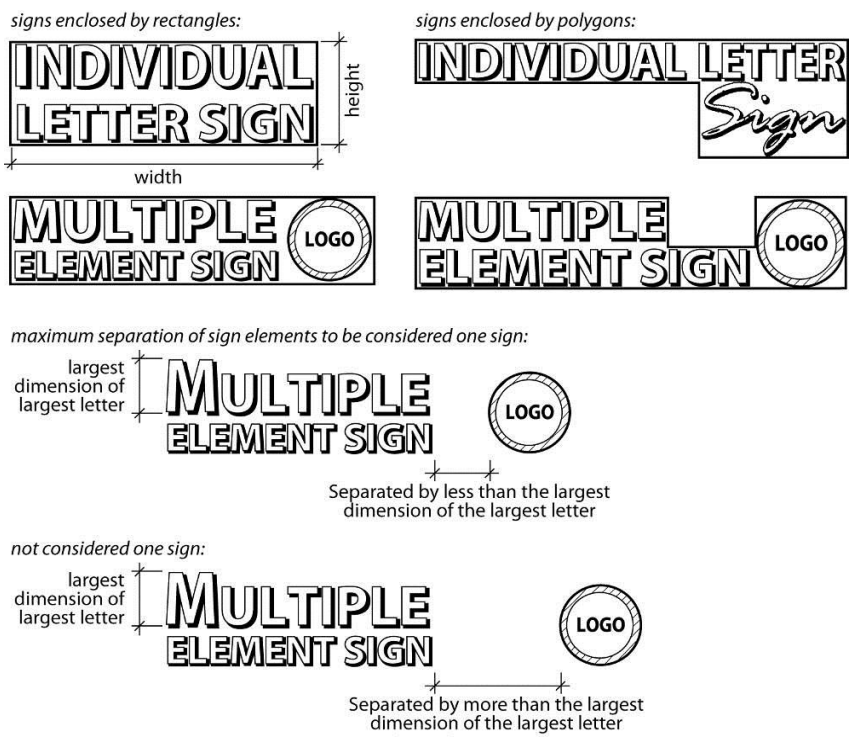


Figure 19.8.12-A: SIGN AREA CALCULATION

3. Multi-Sided Signs

When the sign faces of a multi-sided sign are parallel or within 45 degrees of parallel, only one side is counted. If the sign faces are not parallel or within 45 degrees of parallel, all sign faces are counted. (Figure 19.8.12-B).

4. Projecting, Roof-mounted and Freestanding

Means the sign face of any single-faced freestanding, roof-mounted or projecting sign and the largest side only of any double-faced freestanding, roof-mounted or projecting sign shall be counted in calculating its area. One-half the total area of any spherical, round, oval, elliptical, polygonal, totem, or

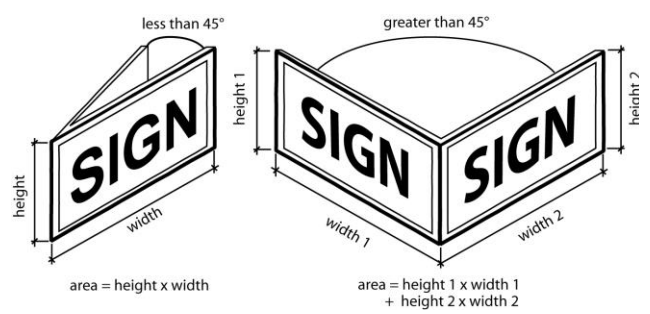


Figure 19.8.12-B: MULTI-SIDED SIGN FACE AREA CALCULATION

any other sign having more than two faces shall be counted in calculating its area.

The area of the sign shall be measured as follows:

For each sign face, a rectilinear line of not more than eight sides shall be drawn around and enclosing the perimeter of all cabinets or modules and their structure where the structure adds mass to the sign. Such area within the rectilinear line shall be the total sign area of that face. The perimeter of the measurable area shall not include incidental embellishments such as poles and pole covers 16 inches or narrower, framing, etc., provided that such embellishments do not include any advertising message, announcement, declaration, insignia, or mural, or are otherwise erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, produce or service. (See Figure 19.8.12-A)

B. FRONTAGE

The wall sign regulations of this chapter are based on either "building frontage" for buildings with a single primary entrance or "tenant frontage" for buildings where each tenant has its own entrance. Regardless of the height, number of stories, or number of tenants in a building, frontage will be determined by one measurement of the horizontal length of the exterior wall at floor plate level. Buildings frontage must be measured along a flat, unbroken plane, regardless of the presence of recesses or projections along the building wall.

Figure 19.8.12-C: BUILDING FRONTAGE MEASUREMENT

1. Building Frontage

The following rules govern the measurement of building frontage: For buildings occupied by a single tenant or multiple tenants that access the building via a common entrance, building frontage is the horizontal measurement of the exterior building wall (or walls) that: (1) is adjacent to a street or a parking area or other vehicle or pedestrian circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. Allowed wall sign area for a building that has two or more building frontages must be calculated on the basis of each individual building frontage. (Figure 19.8.12-C.)

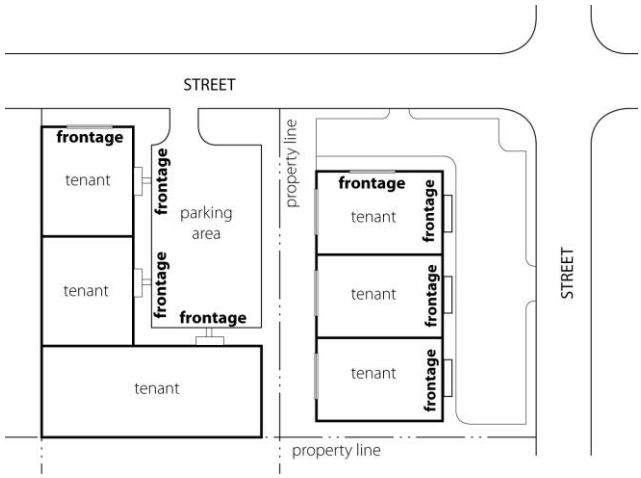


Figure 19.8.12-D: TENANT FRONTAGE MEASUREMENT

2. Tenant Frontage

For tenants that are located on the first or second floors of a building and have their own building entrance, building frontage is the horizontal measurement of the exterior building wall (or walls) that directly abuts the tenant's interior floor space (at floor plate level) and that: (1) abuts, parallels, or is the nearest to parallel with a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. A tenant that has two or more building frontages must calculate the permitted sign area on the basis of each individual building frontage. (Figure 19.8.12-D.)

In no instance may the total combined sign area for all signs exceed the cumulative maximum allowed sign area for the individual tenant frontages, as determined in accordance with the provisions of Section 19.8.7.B.1, *Maximum Area*.

C. WINDOW AREA

The area of a window includes only the glass or glazed elements of the window. Frames, mullions, and similar features are not counted as part of the window area. (Figure 19.8.12-E.)

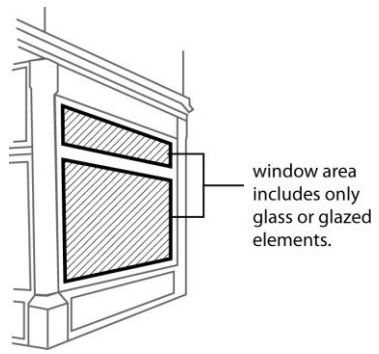


Figure 19.8.12-E Window Area Measurement

D. SIGN HEIGHT

The height of a sign must be computed as the distance from the highest point of the sign or sign structure (including any framework or embellishments) to the average finished grade at the base of a freestanding sign. If the ground elevation at the base of a freestanding sign is augmented in a manner that adds height to the sign but not to surrounding buildings, sign height must be measured from the top of curb of the nearest street or road. If no curb exists, height must be measured from the highest point of the sign structure to the centerline pavement elevation of the nearest street or road. When street or road improvements are planned to the nearest street or road, the measurement must be made from the projected, improved curb (or centerline) grade. (Figure 19.8.12-F.)

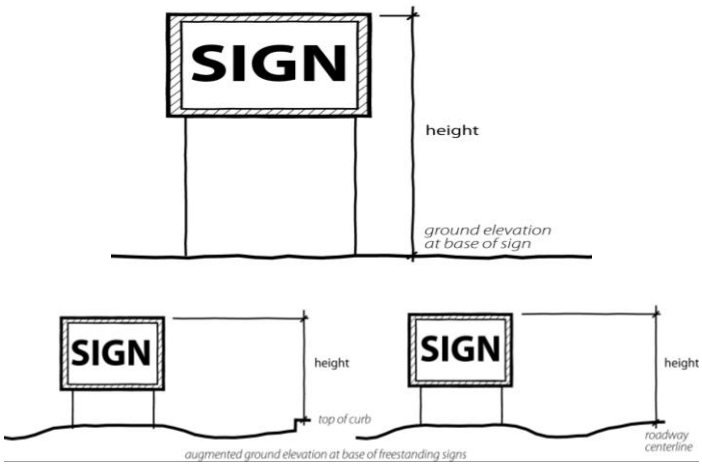


Figure 19.8.12-F: SIGN HEIGHT MEASUREMENT

E. SIGN CLEARANCE

The vertical distance between the highest point of the ground immediately beneath the sign and the lowest point of the sign itself, including framework and embellishments extending over the ground. (Figure 19.8.12-G.)

F. SIGN BASE

The solid base of a monument sign must be equal to or greater than the width of the sign face with no separations between the sign and base. The supporting base must have a minimum12-inch vertical height. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.

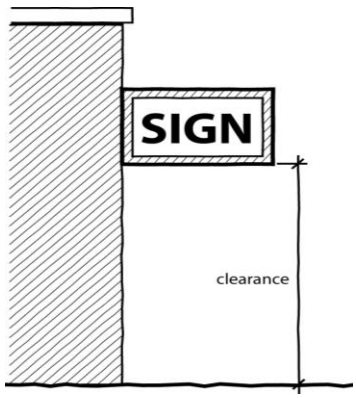


Figure 19.8.12-G: SIGN CLEARANCE

G. DETERMINATION OF "VISIBILITY" OR "LEGIBILITY"

1. When this chapter requires a determination of "visibility," the standard is based on the eyesight of an adult eligible to receive a Nevada driver's license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person will be presumed to be between five and six feet in height.

2. In determining visibility of a sign from property used or zoned for residential purposes, it will be assumed that a two-story residence will occupy the property with second-story windows facing the sign.

3. In determining legibility, the reader will be assumed to have a high school education.

CHAPTER 19.9: SUBDIVISION DESIGN AND IMPROVEMENTS

19.9.1. GENERAL

A. APPLICABILITY

The regulations of this chapter apply to all development in the City of Henderson including, but not limited to, building permits, grading permits, encroachment permits, offsite permits, subdivisions, resubdivisions, minor subdivisions, or other divisions of land for any purpose within the City, and the preparation of subdivision maps and other maps provided for by NRS 278 and this Code. All subdivisions and any part thereof lying within the City must be made, and all subdivision maps must be prepared and presented for approval, as provided for in this Code.

B. EXEMPTIONS

The regulations of this chapter do not apply to any of the following:

1. Creation or realignment of a public right-of-way by a public agency;

2. Creation or realignment of an easement;

3. Adjustment of the boundary line or the transfer of land between two adjacent property owners that does not result in the creation of any additional parcels;

4. Purchase, transfer, or development of space within an apartment building or an industrial or commercial building;

5. Carrying out an order of any court or dividing land as a result of an operation of law;

6. Creation of a lien, mortgage, deed of trust, or any other security instrument;

7. Creation of a security or unit of interest in any investment trust regulated under the laws of Nevada or any other interest in an investment entity;

8. Conveying an interest in oil, gas, minerals, or building materials that is severed from the surface ownership of real property;

9. Conveying an interest in land acquired by the Nevada Department of Transportation under NRS; or

10. Filing a certificate of amendment under NRS.

C. IMPROVEMENT PLANS

Subdividers must file with the Public Works Parks and Recreation Parks and Recreation Director complete plans covering the improvement of alleys, streets (including all appurtenances), curbs, gutters, sidewalks, street lights, driveways, sewer mains, and house laterals within the public right-of-way, water mains, gas mains, fire hydrants, parking areas, subsurface drainage, utility easement location, and such other plans and documents as may be required by the Public Works Parks and Recreation Parks and Recreation Director. The subdivider must enter into a contract with the City, approved as to form and legality by the City Attorney, to make, install, and complete all required improvements.

D. STANDARD DRAWINGS AND STANDARD SPECIFICATIONS

1. All improvements and construction must conform to all standards and specifications of the Public Works Parks and Recreation Parks and Recreation Director and all applicable master plans.

2. All references to "Standard Specifications" are to the most recent edition of the Uniform Standard Specifications for Public Works Parks and Recreation Construction Off-Site Improvements, Clark County Area, Nevada.

3. All references to "Standard Drawings" are to the most recent edition of the Uniform Standard Drawings for Public Works Parks and Recreation Construction Off-Site Improvements, Clark County Area, Nevada.

19.9.2. REQUIRED DEDICATIONS AND IMPROVEMENTS

A. DEDICATIONS

1. As a condition of approval of a tentative map or parcel map, the subdivider must dedicate, or make an irrevocable offer to dedicate, all parcels of land within the subdivision that are needed for improvements required by this chapter.

2. All dedications of property to the City for public purposes must be made in fee title except that, at the City's discretion, the grant of an easement may be taken for the following purposes: recreational easements, emergency access easements, municipal easements, or public utility easements.

3. All dedications in fee and grants of easements must be free of liens and encumbrances except for those that the City, in its discretion, determines would not conflict with the intended ownership and use.

B. INSTALLATION OF PUBLIC FACILITIES AND IMPROVEMENTS

1. General

In addition to required dedications, the subdivider must construct, or cause to be constructed or installed, all public facilities and improvements required by this Chapter.

2. Supplemental Improvement Capacity (Over-sizing)

(a) As a condition of approval of a tentative map, the City may impose a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public.

(b) When such supplemental size, capacity, number, or length is solely for the benefit of property not within the subdivision, the City may enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements. The City will determine the method for payment of the costs required by a reimbursement agreement that may include, but is not limited to, the establishment and maintenance of local benefit districts for the levy and collection of such charge or costs from the property benefited.

C. PERFORMANCE GUARANTEES

1. Types Allowed

The subdivider must provide a performance guarantee to ensure the completion of required improvements in the form of a performance or surety bond, cash deposit, agreement in lieu of bond, or a letter of credit.

(a) Performance and Surety Bonds

Performance or surety bonds, if used, must be posted in the amount of 100 percent of the total cost of improvements, plus ten percent for engineering and contingencies. The performance or surety bond must be written by a company on the approved federal list and authorized to do business in the State of Nevada.

(b) Cash Deposits

If the performance guarantee is in the form of a cash deposit with the City of Henderson, proportional parts thereof are refundable in relation to progress payments less retainage, subject to approval of the Public Works Parks and Recreation Parks and Recreation Director and subject to a minimum deposit balance of $15,000.

(c) Agreement In Lieu of Bond

(1) If the performance guarantee is in the form of an agreement in lieu of bond, two options are available: (1) establishment of a separate account, or (2) establishment of a segregated account.

i. If a separate account is established, it must be designated an "offsite improvement account" in which there has been deposited a sum equal to the amount that would otherwise have been required for a performance or surety bond.

ii. If a segregated account is established, it must be in a sum equal to the amount that would otherwise have been required for a performance or surety bond. It must include a pledge by the lending institution that the funds necessary to carry out the agreement are on deposit.

(2) An agreement in lieu of bond must further provide that any funds on deposit may be withdrawn only upon draft or request for withdrawal signed jointly by the Public Works Parks and Recreation Parks and Recreation Director, by some person designated by the subdivider, and a representative of the lending institution. The agreement must also provide for progress payments to be made to the subdivider, or directly to contractors if acceptable lien releases are submitted, based on a percentage of the work completed by line item, provided that at all times there must be a ten percent retention of the funds deposited by line item of the bond estimate form, until all offsite improvements have been completed and accepted by the City. The agreement must further include such additional terms and conditions as the City Council may deem necessary to ensure the completion of offsite improvements. Agreements must be on a form provided by the City of Henderson.

(3) Any subdivider wishing to provide the necessary performance guarantee for improvements in the form of an agreement in lieu of bond must submit financial background information concerning the financial institution to the Director of Finance for approval. Said request for approval of the institution must include:

i. The most recent annual statement of the institution; and

ii. A copy of the institution's current quarterly report or a current unaudited statement of the institution if applicable.

(4) If the institution's financial status is approved by the Director of Finance, then a recommendation will be forwarded to the City Council for approval to place the institution on the list of approved financial institutions for participation in agreements in lieu of bonds under this Development Code. The approval by the City Council must be for one calendar year or until the subsequent January, at which time the financial institution's approval may be renewed for an additional one calendar year upon the submission of the information set forth in this subsection. A financial institution will be annually renewed unless the institution fails to submit the requested information by January 30, specifically requests its name be removed from the list or the Director of Finance recommends denial. The list of approved institutions must be maintained by the City Clerk and updated annually.

D. MAINTENANCE GUARANTEES

1. If the subdivider completes all required improvements and complies with all conditions of the subdivision agreement as determined by the Public Works Parks and Recreation Parks and Recreation Director, the remainder of monies retained by a financial institution or by the City may be released to the subdivider or the subdivider's successor in title.

2. Prior to release, the subdivider must provide the City, prior to the issuance of any building permit, a performance bond, surety bond, or cash deposit equal to the amount determined by the Public Works Parks and Recreation Parks and Recreation Director that would ensure the repair of any damage to the existing improvements during the course of any construction, but in no case will the amount of the security be less than $1,000 for each individual building lot.

3. Prior to the issuance of any certificate of occupancy, the Public Works Parks and Recreation Parks and Recreation Director must determine whether any breakage or damage has occurred. If no damage to any offsite improvements has occurred, then the Public Works Parks and Recreation Parks and Recreation Director may release the security to the subdivider or the subdivider's successor in title. If damages have occurred, they must be repaired or the City may draw on the security before it is released.

E. INSPECTION OF IMPROVEMENTS

1. The subdivider must notify the Public Works Parks and Recreation Parks and Recreation Director at least 24 hours in advance of commencing work on any of the following items:

(a) Laying of sewage and construction of manholes;

(b) Backfilling of sewage;

(c) Placing of water lines, fire hydrants, and valves;

(d) Backfilling around water lines, fire hydrants, and lateral connections;

(e) Laying of storm drainage lines and facilities;

(f) Backfilling of storm drainage lines and facilities;

(g) Preparing the base and placing concrete for curbs, gutters, sidewalks, or valley gutters;

(h) Placing of Type I base course;

(i) Placing of Type II base course;

(j) Priming base course;

(k) Placing surfacing;

(l) Sealing surfacing;

(m) Installing street lights;

(n) Painting curbs red and installing "No Parking" identification; and

(o) Other offsite improvement construction.

COMMENTARY

The Fire Department also conducts reviews and inspections.

2. If the start of the work will be delayed, the subdivider must notify the Public Works Parks and Recreation Parks and Recreation Director of the delay at least two hours before work is scheduled to begin. Signed construction plans must be maintained at all times on the job site by the subdivider.

19.9.3. RESOURCE PRESERVATION

In reviewing subdivision layout and lot configuration, the Planning Commission is authorized to encourage preservation of natural features and historic landmarks. The Planning Commission must also ensure that the proposal complies with the resource-related standards of Chapter 19.7.

19.9.4. LOTS

A. DIMENSIONS AND CONFIGURATION

1. Lot sizes and dimensions must comply with the standards of the underlying zoning district, provided that the net area of lots to be served by individual sewage disposal and water supply installations must comply with Clark County Health District standards.

2. Lots may not be divided by another lot, street, alley, or any other thoroughfare or property.

3. Lots may not be divided by City boundary lines. City boundary lines may be coterminous with lot lines or centerlines of streets and alleys.

4. No public or private street, alley, or sidewalk shall be included in the measurement of lot area.

B. SETBACKS

Building setbacks must comply with the standards of the underlying zoning district. Required setbacks must be shown on the final map.

19.9.5. ACCESS

The subdividing of land must be such as to provide each lot, park, or public grounds with satisfactory means of ingress and egress to a public street.

A. The City may require, as a condition of approval of a tentative map, that dedications or offers of dedication of streets include a waiver of direct access rights from any lot within the subdivision to any such street within or abutting the subdivision. Upon acceptance of the dedication, such waiver must be reflected in an appropriate title document, which must be recorded and become effective in accordance with its provisions.

B. Lots abutting a primary or secondary arterial or highway (as designated on the approved Master Streets and Highways Plan) may be denied vehicular access to such street.

C. Vehicular access to lots denied direct access from a primary or secondary arterial or highway (as designated on the approved Master Streets and Highways Plan) must be by minor street or alley.

D. The paving materials, widths, and locations of driveways must conform to the Standard Drawings. In residential districts, all driveways must be at least 6 feet from the point of curvature of any intersection, per Standard Drawing Nos. 222 and 222A, unless this requirement is waived by the Public Works Parks and Recreation Parks and Recreation Director.

E. Parcels classified in the RN overlay with access solely via a roadway listed on the adopted Master Streets and Highways Plan must have a circular driveway, cul-de-sac, or any other acceptable design that eliminates backing into the roadway for egress. Parcels with dual frontage must use the frontage adjacent to the roadway that is not listed on the Master Streets and Highways Plan.

19.9.6. DRAINAGE

A. DRAINAGE SYSTEM

The subdivider must provide the necessary means to assure complete drainage in and adjacent to the subject property by making use of state or City storm drains, natural watercourses, or constructed channels. The subdivider must submit to the Public Works Parks and Recreation Parks and Recreation Director sufficient information in the form of maps and profiles prepared by a surveyor or engineer to indicate the proper drainage of the surface water to natural drainage courses or into City or state drain systems. If surface water drainage is proposed across lands intended to be used as private lots, rights-of-way and easements must be indicated on the proposed plat. The location and width of easements must be indicated on the plat to be recorded and marked "easements reserved for drainage." If deemed necessary by the Public Works Parks and Recreation Parks and Recreation Director, ditching must be provided. The Public Works Parks and Recreation Parks and Recreation Director may also require that the drain be enclosed in pipe made to designed size and specifications, and laid to the grade and depth required by governmental authority.

B. VALLEY GUTTERS AND UNDER-DRAINS

Valley gutters with a minimum width of eight feet or under-drains are required across intersections. The construction of valley gutters or under-drains must comply with the Standard Drawings. Alley gutters must be constructed across alleys in conformance with the Standard Drawings. Valley

gutters may not cross streets with a width of 80 feet or more. Drainage must be placed in appropriately sized pipes at those points and drained to daylight.

C. DRAINAGE CHANNEL DESIGN

Drainage channels must be designed to maintain a minimum velocity of two feet per second and a maximum velocity of eight feet per second where possible.

D. DRAINAGE PIPE

No public storm water drainage pipe may be less than 18 inches in diameter. All public storm water drainage pipes must be corrosive-resistant pipe and have a design life of at least 50 years.

19.9.7. STREETS

A. ALIGNMENT

Streets must be aligned in accordance with the Master Streets and Highways Plan. Street layouts and alignments are subject to the transportation and circulation standards of this Code and the HMC.

B. STREET AND RIGHT-OF-WAY WIDTHS

1. Minimum Standards

Public and private streets must comply with the right-of-way and pavement standards in Table 19.9.7-1, *Street and Right-of-Way Widths*:

TABLE 19.9.7-1: STREET AND RIGHT-OF-WAY WIDTHS

STREET TYPE	RIGHT-OF-WAY WIDTH (FEET)	PAVEMENT WIDTH {1} (FEET)	
		NO ON-STREET PARKING	ON-STREET PARKING
Cul-de-Sac	See Section 19.9.7.B.2		
Minor Local/Interior Subdivision			
Minor or Industrial Collector	60	36	49
Secondary Arterial	80 {3}	{2}	{2}
Primary Arterial	100± {4}	{2}	{2}
Controlled Access Arterial	120± {5}	{2}	{2}

NOTES:
{1} Pavement width measured from face-of-curb to face-of-curb.
{2} Per Standard Drawings/Specifications and Master Streets and Highways Plan.
{3} Where a secondary arterial street intersects another secondary arterial or larger street, each secondary arterial or larger street right-of-way must be increased in width, as specified in the Standard Drawings/Specifications.
{4} Where a primary arterial street intersects a secondary arterial or larger street, each arterial right-of-way must be increased to a 120-foot width for 660 feet in each direction from the intersection, as specified in the Standard Drawings/Specifications.
{5} Where a controlled access arterial street intersects a secondary arterial or larger street, each arterial right-of-way must be increased to a 140-foot width for 660 feet in each direction from the intersection as specified in the Standard Drawings/ Specifications.

2. Options for Minor Local/Interior Subdivision Streets

The design options in Table 19.9.7-2 and Figure 19.9.7-A are allowed for minor local streets and interior subdivision streets, including cul-de-sacs:

TABLE 19.9.7-2: STREET OPTIONS					
RIGHT-OF-WAY WIDTH (FEET)	PAVEMENT WIDTH {1} (FEET)	PARKING LANES		SIDEWALKS	
		SIDES OF STREET	WIDTH {1}	SIDES OF STREET	WIDTH
47	36	2	8	2	5
NOTES: {1} Pavement and parking lane widths measured from face-of-curb.					

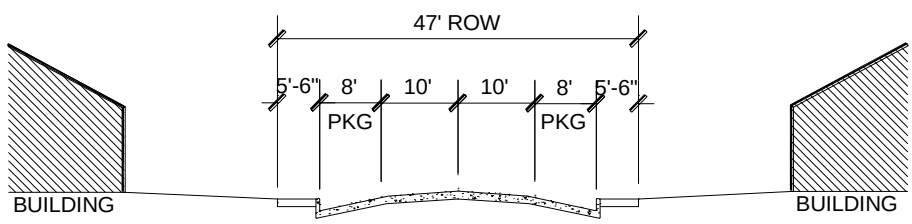


Figure 19.9.7-A: MINOR LOCAL AND INTERNAL STREET LAYOUTS

(a) In addition to the street width design options described above, a single-family subdivision with attached or detached housing product is permitted to have streets that provide a minimum 24-foot-wide flowline when all of the following are provided:

(1) Fire lanes (including signage, curb painting, and stenciling) must be complete before the issuance of any certificates of occupancy.

(2) The subdivision must be gated.

(3) The streets must be privately owned and maintained.

(4) The project may not contain cul-de-sacs, dead-ends or "stub" streets.

(5) Guest parking must be provided in locations approved by the Fire Chief and the Community Development and Services Director.

(6) All purchasers must sign a disclaimer at the close of escrow acknowledging the prohibition of on-street parking.

(7) The codes, covenants, and restrictions (CC&Rs) must be irrevocably written and recorded so that the maintenance and enforcement of the on-street parking prohibition is the responsibility of the homeowners' association (HOA) for the life of the project. The CC&Rs must clearly state that the HOA officers are responsible for the enforcement of the on-street parking prohibition and are personally liable for any penalties, including citations, for the failure to follow through with their responsibilities.

(b) Subdivision Boundary Streets

Subdivision boundary streets shown on the Master Streets and Highways Plan must be dedicated for one-half of the otherwise required width, and one-half of the otherwise required street improvement section.

(c) Half-Streets

Half-streets are prohibited within the interior of a subdivision. They are permitted along the exterior boundaries of subdivisions when they are major streets or when the need is dictated by traffic, topography, or drainage factors. Where a dedicated half-street or alley abutting the proposed subdivision exists, the other half must be dedicated to make the street or alley complete. In the event that the abutting half-street is unimproved or partially unimproved, the developer is required to construct a half-street or complete the partially improved half-street, which for the purposes of this section must consist of:

(1) Curb and gutter, street lights, sidewalk, one eight-foot-wide parking lane, and two 12-foot-wide travel lanes for 51-foot and narrower rights-of-way.

(2) Curb and gutter, street lights, sidewalk, one nine-foot-wide parking lane, and two 15-foot-wide travel lanes for 52- to 80-foot rights-of-way.

(3) As prescribed by the Public Works Parks and Recreation Parks and Recreation Director for all other rights-of-way.

3. Waiver of Street Width Standards

The City Council, upon recommendation of the Public Works Parks and Recreation Parks and Recreation Director, Fire Chief, and the Planning Commission, may waive or modify otherwise required street width standards upon finding that such waivers or modifications are justified by compensating benefits, such as public open space, recreational amenities or enhanced landscaping, and that adequate provision for utilities service and emergency vehicle access are provided.

4. Private Driveways and Drive Aisles

Multifamily, commercial, and industrial developments served by private driveways or drive aisles must comply with the paving materials, width, and location standards of this section. In nonresidential districts, driveways approaching an intersection must comply with the driveway standards in this Code. In residential districts, all driveways must be at least 26 feet from the point of curvature of any intersection, per Standard Drawing Nos. 222 and 222A, unless this requirement is waived by the Public Works Parks and Recreation Parks and Recreation Director. Private driveways and drive aisles must comply with the Fire Code when the Fire Chief determines that they are necessary for fire apparatus access.

5. Direct Access to Collector and Larger Streets Restricted

Unless otherwise approved by the Public Works Parks and Recreation Parks and Recreation Director, no direct vehicular access onto any minor or industrial collector, secondary arterial or primary arterial, or larger street is permitted from any lot zoned RS-1, RS-2, RS-4, RS-6, RS-8, or RM-10. Access to lots zoned RS-1, RS-2, RS-4, RS-6, RS-8, or RM-10 must come from minor local or interior subdivision streets or alleys only. Unless otherwise approved by the Public Works Parks and Recreation Parks and Recreation Director, each RS-1 and RS-2 lot existing prior to adoption of this Development Code that fronts on and directly accesses a street shown on the Master Streets and Highways Plan must provide a circular drive to access that street.

C. STREET JOGS

Streets may not have centerline offsets of less than 125 feet unless approved by the Public Works Parks and Recreation Parks and Recreation Director.

D. REVERSE OR COMPOUND CURVES

The minimum tangent on reverse or compound curves on all streets, except local streets, must be 100 feet.

E. CUL-DE-SACS

In addition to the right-of-way and pavement width standards of this section, cul-de-sac streets must comply with the following standards.

1. Length

The maximum length of a cul-de-sac is 600 feet, measured from the center of the intersection to the center of the turnaround. Cul-de-sac lengths in excess of 600 feet require approval of the Fire Chief.

2. Number of Lots

No more than 20 lots may be located on a cul-de-sac street. Cul-de-sacs that serve more than 20 lots require approval of the Fire Chief.

F. BLOCK LENGTH

1. Blocks may not exceed 1,200 feet in length between intersections except where topography, traffic, or other conditions necessitate longer blocks. The Community Development and Services Director is authorized to require that long blocks—those longer than 800 feet between intersections—include mid-block pedestrian access.

2. Neighborhood streets must be designed with elements to reduce cut-through traffic and speeding. Design elements such as curved streets, traffic circles, and short block lengths must be used.

G. INTERSECTIONS

1. Minimum tangent distances between right-of-way lines must comply with the Standard Drawings.

2. At intersections of major streets or a major and minor street, sight visibility zones must be provided in accordance with Standard Drawing No. 201.2.

3. Any median opening providing access to a public or private street may be closed or channelized with a median in order to restrict the public or private street to right-turn-only movements, as determined by the Public Works Parks and Recreation Parks and Recreation Director to reduce the risk of any potential traffic hazards.

H. CURB AND GUTTER

1. General

Curbs and gutters must conform to the Standard Drawings and Standard Specifications.

2. Rolled Curbs and Gutters—Private Streets

A 30-inch rolled curb and gutter may be used on privately owned and maintained streets, provided that all sidewalks abutting the rolled curb and gutter are constructed with a minimum thickness of five inches of Class B concrete, and all meter covers in the sidewalk area are the traffic-bearing type.

I. ALLEYS

1. Alleys not less than 20 feet in width may be provided in commercial and industrial districts except where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking that is adequate for the proposed uses. Alleys designated as fire lanes must be at least 24 feet in width.

2. If alleys are provided in residential developments, they must be a minimum of 20 feet in width and not exceed a maximum of 24 feet in width. In all cases, a minimum building to building separation of 30 feet is required. Alternative alley dimensions may be considered by the Development Review Committee. Guest parking and off-street parking shall not be allowed within the required alley width. Alleys designated as fire lanes must be at least 24 feet in width.

J. STREET NAMES

1. All street names and addresses must conform to the Henderson Standard for Street Naming and Addressing, as adopted by the City Council.

2. The subdivider must purchase and install street signs in accordance with City standards.

K. ACCESS STREETS

All access streets must be constructed in compliance with the Standard Drawings and Standard Specifications, as approved by the Public Works Parks and Recreation Parks and Recreation Director and Fire Chief.

L. GATES AND RESTRICTIONS ON ACCESS TO STREETS, DRIVEWAYS, OR ALLEYS

The standards of this subsection apply to all residential, commercial, and industrial development. They do not apply to individual detached houses with gated private driveways.

1. Gating of Public Streets

Public streets and public alleys may not be gated. For the purpose of this provision and this section, the term "gate" means any electronically operated barrier or similar device that would allow access or passage to a certain person, group of people or type of traffic and not to the general public or to transient traffic.

2. Approval Required

No other street, driveway, or alley may be gated and no vehicular or pedestrian (traffic) access may be otherwise restricted along any street without the City's express written approval, in accordance with the standards of this section.

3. New Streets and Alleys

Permission to restrict access from public streets to private streets or to gate or otherwise restrict access to private streets, driveways, and alleys may be granted by the Public Works Parks and Recreation Parks and Recreation Director in conjunction with Community Development and Services Director, provided that the proposed design does not result in

a restriction of access to any existing street. Before approval of any restriction on access to a newly created street or alley, the Public Works Parks and Recreation Parks and Recreation Director in conjunction with the Community Development and Services Director must forward the request to the Fire Department and any other relevant agencies for their review and comment.

4. Existing Streets

(a) In the event that one or more property owners wish to restrict access on an existing public street or alley, the property owners must submit a design review application to the Community Development and Services Department. The Community Development and Services Department must forward the application to the City Council for acceptance or rejection. The application must be signed by each property owner whose lot or condominium directly abuts the subject street and each owner of property on any cul-de-sacs or loop streets that are primarily accessed by the subject street. The fee for such application is the same as for an application for vacation of street rights-of-way.

(b) If accepted, the City Council must remand the application to the Citizens Traffic Advisory Board and Planning Commission for their reviews. The applicants must cause a traffic study to be performed in accordance with the specifications of the City's Traffic Engineer, and the results of the study, along with any Police and Fire Department requirements, must be included in a plan presented to the Citizens Traffic Advisory Board. The Citizens Traffic Advisory Board must forward the results of their review to the Planning Commission, which must then make a recommendation to the City Council.

(c) Upon receipt of the Planning Commission's recommendation, the City Council must conduct a public hearing and make its final determination to approve or deny the request.

5. Decision-Making Criteria

(a) Access to either public or private streets, driveways, and alleys may be restricted using a permanent barrier if approved by the Public Works Parks and Recreation Parks and Recreation Director and Fire Chief. Such restriction applies to all vehicles with the exception of emergency vehicles that may require passage as an option. All decisions on proposed access restrictions must be based on a determination of whether the restriction will enhance the health, safety, and welfare of the general public, and not solely serve to isolate or segregate a segment of the population or an organization from access.

(b) It is also the intent of this subsection that no street, driveway, or alley access restriction may be authorized until all traffic and emergency access studies and all functional and aesthetic designs are completed, reviewed by the Planning Commission, and approved by the City Council. Furthermore, the Citizens Traffic Advisory Board must also review all such proposals for streets already in existence at the time of the application.

19.9.8. SIDEWALKS

A. WHERE REQUIRED

Concrete sidewalks are required on all streets in accordance with the Standard Specifications. Sidewalks must be provided on both sides of minor collector, industrial collector, minor local, interior subdivision streets, and cul-de-sac streets.

B. WHERE NOT REQUIRED

If a trail is designated per the City's Master Bike and Trails plan, sidewalks may not also be required along the same frontage if approved by the Community Development and Services Director and Public Works Parks and Recreation Parks and Recreation Director.

C. WIDTH

1. Residential

Sidewalks in residential zoning districts must be provided in accordance with the standards of Section 19.9.7.B.2, *Options for Minor Local/Interior Subdivision Streets*.

2. Nonresidential

Sidewalks in nonresidential zoning districts must be constructed in accordance with the Standard Specifications and Standard Drawings or as otherwise approved by the Public Works Parks and Recreation Parks and Recreation Director. Except the DP zone district must comply with Table 19.9.8-1.

TABLE 19.9.8-1: SIDEWALK WIDTH

ZONING DISTRICT	100-FOOT OR GREATER ROW	LESS THAN 100-FOOT ROW
DP	10 ft {1,3}	12-15 ft {2,3,4}

NOTES:

Notes: Lake Mead Parkway and Boulder Highway have a right-of-way in excess of 100 feet. All other streets within the downtown area regardless of actual dedicated right-of-way are considered to have a right-of-way width of less than 100 feet.

{1} Lake Mead Parkway includes a 10-foot detached sidewalk located 6 feet from the back-of-curb.

{2} A 12-foot attached sidewalk measured from back-of-curb is required adjacent to all streets except Water Street. Water Street sidewalk width varies per the approved improvement plans.

{3} Sidewalks must as a minimum be finished concrete with a salt or acid wash and have rounded edges and scoring as needed to prevent cracking. The use of color integral concrete, pavers, stamped concrete, granite, or tile is encouraged.

{4} Sidewalk width includes a minimum of one 36-inch box shade tree per 30 feet of linear street frontage in accordance with the City of Henderson Community Development and Services Plant Palette. Shade trees must be located in tree wells measuring 5 feet by 5 feet and include iron grates. Location and type of shade trees and grates must be as approved by design review.

D. LOCATION

Sidewalks along local streets may be attached to the back of curb. Sidewalks along all other streets must be detached and separated from the back of curb by a minimum distance of seven feet unless otherwise approved by the Public Works Parks and Recreation Parks and Recreation Director because the right-of-way width is in-adequate to the otherwise required curb-sidewalk separation distance.

E. CONSTRUCTION

Unless expressly approved by the City Council, construction details must be in accordance with the Standard Specifications and Standard Drawings.

F. PEDESTRIAN CONNECTIONS BETWEEN DEVELOPMENTS

Pedestrian connections between developments must comply with the provisions of Section 19.7.3, *Circulation and Mobility*.

19.9.9. STREET LIGHTS

A. The electricity supply must be adequate for domestic use and street lighting.

B. The subdivider must furnish a statement from the electric supply company certifying that the company will furnish necessary electricity.

C. Street lights must be located and installed in conformance with the Standard Specifications and Standard Drawings.

D. The cost of making the connections to existing street lighting circuits is the responsibility of the subdivider.

19.9.10. WATER SUPPLY AND FIRE HYDRANTS

A. Water lines to fire hydrants must comply with the Standard Specifications and Standard Drawings.

B. The following information must be provided for subdivisions to be supplied by a source of water other than the City of Henderson or the Las Vegas Valley Water District:

1. A copy of the state well permit.

2. A statement showing capacity of the well, pressure, the population that can be served from the well or wells, and the state certificate number issued for each well.

3. Provisions to comply with the Fire Code.

4. An agreement, approved by the City Attorney, guaranteeing continued water supply for the subdivision.

19.9.11. EASEMENTS

A. UTILITY EASEMENTS

Uniform and continuous easements must be provided along lot lines for utility service in accordance with Section 14 of the Henderson Municipal Code (HMC). Easements for water and sewer must be in accordance with the currently adopted versions of the Uniform Design and Construction Standards for Potable Water Systems (UDACS) and the Design and Construction Standards for Wastewater Collection Systems, respectively. Easements for storm sewer lines must be at least 20 feet in width unless otherwise waived by the Public Works Parks and Recreation Parks and Recreation Director. Other utility easements (for other than water, sewer, and storm sewer lines) must be a minimum of five feet in width when abutting the street lot lines and at least three feet in width when abutting interior lot lines.

B. EMERGENCY ACCESS EASEMENTS

Emergency access easements must be at least 24 feet in width. Emergency access easements may not be divided by lot lines. In residential subdivisions, emergency access easements shall be common elements.

C. CROSS-ACCESS EASEMENTS

If a proposed subdivision will accommodate cross-access from abutting parcels or subdivisions, the developer may be required to dedicate a cross-access easement in a format determined by the City. Also see Section 19.7.3.E, *Cross-Access Between Adjacent Uses*.

19.9.12. MONUMENTS

A. GENERAL

1. Permanent survey monuments must be furnished, constructed, and set in accordance with the types illustrated in the Standard Drawings and located as shown on the plans or as directed by the City Surveyor. Prior approval of alternate survey monuments is required. All alternate types of survey monuments must equal or surpass the requirements in the Standard Drawings regarding quality, durability, and conformance with applicable laws and ordinances.

2. Only a land surveyor, duly licensed by the State of Nevada, is authorized to determine or establish the exact location for a survey monument, and only such registered land surveyors is authorized to perpetuate and reference existing survey monuments located within the limits of construction. The contractor will coordinate the work with the licensed professional land surveyor.

3. All monuments must be set in such a manner that the accuracy of their relative positions is not less than second-order Class II, in accordance with the specifications established by the U.S. Federal Geodetic Control Committee.

B. MONUMENT TYPES

Only monument types illustrated in the Standard Drawings may be used. All final maps must describe the monuments in detail and not simply refer to a type.

1. Type I Monument

Type I monuments must be installed as section corner or one-quarter section corner surface monuments in a street or road section that is paved with Portland cement concrete or asphaltic concrete. Construction must be in accordance with Standard Drawing No. 239.

2. Type II Monument

Type II monuments must be installed as surface monuments within a street or road section that is paved with Portland cement concrete or asphaltic concrete at one-sixteenth section corner points. Type II monuments must also be used as subsurface section corner and one-quarter section corner monuments in an unpaved street or road section where maintenance would preclude the use of surface monuments. Construction must be in accordance with Standard Drawing 240.

3. Type III Monument

Type III monuments must be installed at all other survey control points on the plans, such as secondary street intersections, center of hammerhead turnarounds or circular cul-de-sacs, points of curvature or tangency, points of intersection, and points of reverse or compound curvature. Construction must be in accordance with Standard Drawing No. 241.

4. Type IV Monument

Type IV monuments are reference monuments. They must be placed in accordance with Standard Drawing No. D-33A and with a tie-to-tie angle as close to 90 degrees as possible. Construction must be in accordance with Standard Drawing No. 242.

C. DETERMINATION OF MONUMENT LOCATION

1. In situations where street centerlines are obstructed by median islands, plantings, street lights, or other structures, consideration should be given to placing clearly identified monuments on an off-set baseline.

2. Monumentation at a point of intersection that falls within the street limits will be preferred over setting monuments at points of curvature or points of tangency unless the point of intersection falls within an unpaved area.

D. ALTERNATE MONUMENT TYPES

1. Other types of monuments, such as "Berntsen" monuments, will be considered as an approved equal for all types of monuments except Type I monuments.

2. Where hard rock or other physical obstructions are encountered, monument length sufficient to resist removal may vary within reasonable limits.

3. Alternate types of survey monuments that do not meet or exceed the requirements of the Standard Drawings regarding quality, durability, and conformance with applicable laws or ordinances must be removed and reconstructed.

E. CONSTRUCTION

Monuments must be constructed in accordance with the Standard Specifications and under the surveyor's direction. Poor workmanship or substandard materials will not be accepted.

F. SURVEY REQUIREMENTS

1. Survey Required

A complete and accurate boundary survey of the land to be divided or subdivided must be made by a Nevada professional land surveyor in accordance with the standard practices and principles of land surveying. Unless an alternate method of property line verification is approved by the building official, no foundation or footing for any structure or addition may be constructed or approved for construction by the building official unless the property's corner markers are in place and the property boundaries identified.

2. Error Limit for Traverse

The traverse of the exterior boundaries of the subdivision and of each block must close within a limit of error of one foot to 10,000 feet.

3. Tying in Monuments

All centerlines of streets, property lines, monuments, alleys, and easements within or adjacent to the subdivision must be tied into the survey.

4. Monuments

(a) Monuments must be set at:

(1) All angle points in the subdivision boundary;

(2) All angle points of tangency and points of curvature in the subdivision boundary;

(3) All street centerline intersections;

(4) All angle points of tangency and points of curvature in street centerlines;

(5) All intersections of street centerlines with the subdivision boundary;

(6) All section corners, quarter corners, and sixteenth corners;

(7) All intersections of prolongated subdivision boundary lines with the centerline of the adjoining street; and

(8) All other locations determined by the City Surveyor's office.

(b) All monuments shall have a nonferrous metal cap made from one-piece cast virgin metal, free from casting imperfection. This cap shall be securely attached to the top of the monument and permanently punched for marking the location. The Surveyor's registration or license number shall be stamped on the cap.

(c) Monuments may be set after approval of the final map, but must be set prior to the final acceptance of the subdivision improvements. If the monuments are to be set after recordation and approval of the final map, a cash deposit or approved bond in an amount set by the Public Works Parks and Recreation Parks and Recreation Director must be filed with the City of Henderson to guarantee performance of such work.

(d) All monuments shall conform to the Clark County Area Standard Drawings. In addition, surface points shall be set carrying a registered Land Surveyor's tag at all the above locations. All the above established points that fall within the limits of public or private rights-of-way shall be referenced to four firmly established ties within a radius of 20 to 100 feet. The angle from tie-to-tie shall be as close to 90 degrees as possible, radiating from the established intersection.

G. SUBDIVISION LOTS

All rear lot corners must be set with a nail and tag with PLS number on block walls. All front or side lot corners adjoining public rights-of-way and private streets must be marked by saw-cutting the back-of-curb.

19.9.13. RESERVATIONS FOR PARKS AND SCHOOL SITES

A. PARKS AND RECREATION SITES

1. The Planning Commission is authorized to review proposed subdivisions in relation to park and recreation facility needs identified in adopted plans and recommend that sites within those subdivisions be reserved for such facilities when deemed essential to provide adequate public facilities and services for residents of the area. Reserved sites may not abut primary or secondary arterial streets, unless such sites are shown on the Master Parks and Recreation Plan.

2. Unless otherwise approved by the Planning Commission, City parks must be surrounded by public streets or other nonresidential features such as schools, washes with rim trails, rail-road or powerline rights-of-way, other approved uninhabited property, or any combination thereof. The Parks and Recreation Board must be the first board to review all proposed plans for parks and recreational facility development.

B. SCHOOL SITES

1. Notification of Plans for School Construction

When the Board of Trustees of a school district develops a plan for the future construction of one or more schools within the City of Henderson, it must notify the Planning Commission. The notice must include the grades to be taught, the number of pupils to be accommodated, and the area to be served. The Board of Trustees must notify the Planning Commission of any change in or abandonment of its plan.

2. School District Review of Tentative Map Applications

The Community Development and Services Director must forward a copy of the tentative map applications to the Board of Trustees of the school district within which the proposed subdivision is located. Within 15 days after receipt of the tentative map application, the Board of Trustees must, if a school site is needed within the area, notify the Community Development and Services Director that a school site is requested.

3. Reservation of Land

If the Board of Trustees requests a site, the person proposing the subdivision must set aside a site of the size determined by the Board of Trustees. The person proposing the subdivision and the Board of Trustees must negotiate a sales price for the site, which must not exceed the fair market value of the land, as determined by an independent appraisal paid for by the Board of Trustees.

4. Disposal of Unused Land

(a) If any land purchased by a school district pursuant to the provisions of this section has not been placed in use as a school site at the end of ten years from the date of purchase, the land must be offered to the subdivider or the subdivider's successor in interest at a sales price equal to the fair market value. If such person does not accept the offer, then the Board of Trustees may:

(1) Sell or lease such property in the manner provided in NRS 277.050 or 393.220 to 393.320, inclusive.

(2) Exchange such property in the manner provided in NRS 277.050 or 393.326 to 393.3293, inclusive.

(3) Retain such property, if such retention is determined to be in the best interests of the school district.

(b) Except as provided in this section, when any land dedicated to the use of the public school system or any land purchased and used as a school site becomes unsuitable, undesirable, or impractical for any school uses or purposes, the Board of Trustees of the school district in which the land is located may dispose of the land as provided in this section.

(c) Land dedicated under the provisions of former NRS 116.020, as it read before April 6, 1961, that the Board of Trustees determines is unsuitable, undesirable or impractical for school purposes may be reconvened without cost to the dedicator or the dedicator's successors in interest.

19.9.14. STREET NAMING AND ADDRESSING

A. STREET NAMING

All street names within the City of Henderson must be approved by the Community Development and Services Director.

1. Submittal of Street Names

(a) Proposed street names must be submitted prior to submittal of a final map application. The list of street names will be reviewed by the Community Development and Services Director.

(b) Proposed street names must be submitted to the Community Development and Services Director in alphabetical order and only after the applicant has eliminated duplicate street names by checking the street names against an established local map book.

(c) If foreign names are requested, the applicant must provide the English translation of each name.

2. Street Name Guidelines

(a) Street names may only be used once and may not be used in any other alignment.

(b) Once a street name is assigned to any alignment, it may not change anywhere along the extension of that alignment regardless of jurisdiction.

(c) Names that are the same or pronounced the same (homonyms) or similarly with different spellings may only be used once.

(d) Only the common or correct spelling of street names will be accepted. (Example: Allen not Alan)

(e) Street names in a foreign language will be accepted provided their meaning is polite and reasonable.

(f) Names that tend to be slurred or phonetically difficult to pronounce may not be used.

(g) Primary street names are restricted to a maximum of 13 characters.

(h) Directional prefixes may not be used unless the street actually crosses a zero grid line.

3. Suffixes

(a) "Avenue" represents a generally east/west street.

(b) "Street" represents a generally north/south street.

(c) "Boulevard" represents a 100-foot-wide street.

(d) "Road" represents an 80-foot-wide street.

(e) "Lane" represents a generally northeast/southwest street.

(f) "Place" represents a generally northwest/southeast street.

(g) "Drive" represents a multi-directional curved street.

(h) "Way" represents an "L"-shaped street with either leg 200 feet.

(i) "Circle" represents a street starting and ending on the same street or itself.

(j) "Court" or "Square" represents a cul-de-sac with no side streets.

(k) Other suffixes not shown on this list may be used as approved by the Community Development and Services Director. Proposed suffixes may not replace one of the above suffixes, but must address a special situation.

(l) Foreign street names with suffixes at the beginning of the street name do not require an additional suffix. (Example: Calle Cantar not Calle Cantar Street).

4. Alignments

(a) A new street must assume the name of the street in which it aligns unless the new street does not and cannot in the future connect to an existing street segment along the alignment.

(b) Once a street name is assigned to a particular alignment, it may not be assigned to any other alignment.

(c) A knuckle, less than 100 feet in length and located off any given street, must assume the name and numbering of the street that it adjoins.

(d) A motor court for accessing cluster lot or small lot development will be addressed off of the main street. The motor court may not be named.

(e) A horseshoe-shaped street may maintain its own street name. Whenever possible, a name change must occur at natural breaking points such as intersections and knuckles.

5. Exceptions

Any exception to these requirements must be approved by the Community Development and Services Director. Decisions will be based on consistency and issues related to life safety.

6. Street Name Changes

(a) Applicability

A street name change application is required for all proposed street name changes except for those roadways on the Master Streets and Highways Plan. Master Streets and Highways Amendments must be filed in accordance with Section 19.6.4.A. of this Code.

(b) Application Filing

Applications for street name changes must be submitted to the Community Development and Services Director.

(c) Community Development and Services Director's Review and Decision

The Community Development and Services Director must review each proposed street name change in light of the approval criteria of this subsection. Upon completion of the review, the Community Development and Services Director must prepare a letter of decision for the applicant.

(d) Approval Criteria

(1) Applicant must own property with access to the roadway proposed for the street name change.

(2) Applicant must provide signed and notarized letter(s) of approval from every property owner with access to the street proposed for change.

(3) The proposed change may not have any adverse impacts on vehicular or pedestrian traffic.

(4) The proposed change may not have a negative effect on the routing or response time of emergency services.

(5) The applicant is responsible for replacing all existing street name signs in accordance with Public Works Parks and Recreation requirements.

B. ADDRESSING

1. General Standards

All lots, buildings, and structures within the City of Henderson must be numbered in accordance with the provisions Section 19.9.15, *Building Addressing*, of this Code.

(a) Address Assignment and Record Keeping

The Community Development and Services Director must assign numbers to all structures and lots within the City of Henderson and must maintain a database containing those numbers.

(1) For the purpose of address assignment, curved streets must be treated as if they were straight.

(2) Lots fronting on a loop street must be addressed without regard to the change of direction. The numbers assigned must be within the address range available within the appropriate hundred blocks along the primary direction of the loop. The addresses must be assigned starting at the

entrance to the loop and continuing counter-clockwise around the outside. The opposite even or odd numbers must be assigned continuously around the inside of the loop.

(b) Addressing Grid

Generally speaking, the intersection of Lake Mead Parkway and Boulder Highway represents the initial point. However, the City of Henderson Address Grid Map must be used when determining location of properties within the grid.

(c) Odd and Even Numbers

Even numbers must be located on the north and east sides of streets and odd numbers must be located on the south and west sides.

2. Exceptions

Any exception to these requirements must be approved by the Community Development and Services Director. Decisions will be based on consistency and issues related to life safety.

3. Address Number Changes

(a) Applicability

An address number change application is required for all proposed changes to the assigned address number.

(b) Application Filing

Applications for address number changes must be submitted to the Community Development and Services Director.

(c) Community Development and Services Director's Review and Decision

The Community Development and Services Director must review each proposed address number change based on the approval criteria of this subsection. Upon completion of the review, the Community Development and Services Director must prepare a letter of decision for the applicant.

(d) Approval Criteria

(1) Applicant must be the owner or represent the owner of the parcel proposed for the address number change.

(2) The proposed change may not have any adverse impacts on vehicular or pedestrian traffic.

(3) The proposed change may not have any adverse effect on emergency service routing or response time.

4. Residential Addressing

(a) Single-Family

Addresses must be assigned by the Community Development and Services Director either as part of the final map process (for a subdivision) or when applying for a building permit (for other lots).

(1) Addressing Application

A conformed copy of the final map along with an addressing application must be filed with the Development Services Center in order to obtain addresses. The Community Development and Services Director must provide a copy of the address numbers on the conformed copy of the recorded map and a list of the addresses to the applicant.

(2) Early Addresses

Addresses may be obtained prior to final map recordation for the purpose of securing model home, retaining wall, or perimeter wall permits only, provided the following criteria is met:

i. An application is filed in the Development Services Center.

ii. The final map has gone through one complete review.

iii. The street names and suffixes are approved.

iv. Fees are paid.

(b) Multifamily

Addresses for apartments may be obtained upon submittal of building permits or as part of the entitlement process. Addresses for condominiums or townhomes may be obtained after recordation of the final map or as part of the early addressing process described in this section.

(1) Multiple buildings on one parcel must receive one common address and use unit number for specific identification of units. This standard applies to apartments and condominiums. Townhomes may have individual addresses for each unit provided the townhome subdivision is not mapped as a condominium subdivision with limited use common elements.

(2) Multiple-unit buildings located along privately dedicated, named streets must be given one address for each building and unit numbers.

(3) Unit Numbers and Building Numbers

i. Unit numbers must be based on the building number, floor, and unit number within the building.

ii. Assigned building numbers must begin with the number one at the primary entrance and continue counterclockwise. Building numbers may not use letters of the alphabet.

iii. Unit numbers may not exceed five characters (numbers only).

5. Nonresidential Addressing

Addresses may be obtained upon submittal of building permits or as part of the entitlement process.

(a) Each building within a nonresidential subdivision must be assigned an individual address.

(b) Suite Numbering for In-Line Retail/Commercial Centers and "Spec" Warehouse Buildings

(1) All units within buildings must be assigned a suite number.

(2) No alphabetic suite designators are allowed.

(3) Suites must be in the "100s" format, and increase by 10s where possible.

(4) The first digit of a suite must always be the number of the floor on which the suite is situated (most in-line retail and warehouse buildings will only have suites in the 100s).

(5) Suite numbers must be pre-assigned to all possible lease spaces first. For tenants who occupy more than one minimum-sized lease space, use the lowest number.

(6) Suite numbers must increase from left to right as one stands in front of a building looking at the building.

(7) Suite numbering restarts from 100 for each individually addressed building segment.

(8) Reserving suite numbers in cases where tenants occupy more than one lease space leaves numbers available should the tenant ever move or split into smaller lease spaces.

6. Suite Numbering for "Pad" Buildings and Office Buildings

(a) No alphabetical suite designators allowed.

(b) Suites must be in the "100s" format, and increase by 10s where possible.

(c) New buildings constructed on parcels with buildings that do not comply with this ordinance are subject to this ordinance provided new suite numbers do not create confusion for emergency services.

(d) The first digit of a suite must always be the number of the floor on which the suite is situated.

(e) Even- and odd-numbered suites must be on opposite sides of internal corridors from one another. Where possible, even-numbered suites must be on the north/east side of internal corridors and odd-numbered suites on the south/west side of internal corridors.

(f) Pad and office buildings will be assigned their own individual street addresses. A central address with multiple building numbers is not acceptable.

(g) If a pad building is divided into suites with entrances on more than one side of the building, suites must be numbered in a counter-clockwise manner, starting from the left side of what would reasonably be considered the front of the building, or the side facing the main vehicular access to the building.

19.9.15. BUILDING ADDRESSING

A. COLOR, STYLE, AND HEIGHT SPECIFICATIONS

1. Color of numbers and letters shall be of a contrasting color to the background to which they are attached and must be visible at all times.

2. Building and suite numbers and letters shall conform to the following:

(a) Single-family homes shall be a minimum of six-inch numbers and letters.

(b) All commercial, industrial, and semipublic buildings shall be a minimum of eight-inch numbers and letters when less than 100 feet from curb line, and a minimum of 14-inch numbers and letters when located farther than 100 feet from curb line.

(c) Multiple-story commercial, industrial, and semipublic buildings shall be a minimum of 14-inch numbers and letters.

(d) All commercial, industrial, and semipublic suite numbers shall be a minimum of six inches.

3. Multifamily unit numbers shall be a minimum of three inches in height. Building numbers shall be a minimum of 12 inches in height.

4. All numbers and letters shall be illuminated from dusk to dawn. Commercial, semipublic, or industrial rear-door suite numbers are exempt from the illumination requirement.

B. LOCATION

1. The identification signs and addresses for commercial, industrial, semipublic, and multifamily developments shall be mounted in a permanent and durable manner and shall be visible at all times from public access to the property. Placement shall not conflict with mature trees or plants.

2. No other number shall be affixed to a building that might be mistaken for, or confused with, the number assigned to that building.

3. The address for single-family and attached dwellings shall be placed as follows:

(a) The number for each house shall be placed on the front of the house.

(b) If the dwelling is adjacent to an alley, the number shall be placed on or adjacent to the rear gate accessing the alley.

(c) If the house is not viewable from the street frontage, a permanent monument with the site address shall be placed in a conspicuous place, or the site address may be placed on a curbside postal mailbox. The house number shall be placed on both the permanent monument or the mailbox and the building structure.

4. The building and unit number for multifamily buildings shall be placed as follows:

(a) Each principal building shall display the number or letter assigned on each side of the building. Additional display of numbers and letters shall be placed at the midpoint of the structures.

(b) Illuminated unit numbers shall be placed adjacent to the entry door to each unit. For buildings with recessed entryways, the illuminated unit number shall be placed in the entryway to the recessed area, and an additional unit number may be

required adjacent to the entry door to each unit. If the recessed area provides access to more than one dwelling unit, each unit's number shall be displayed.

5. The address for commercial, industrial, and semipublic developments shall be placed as follows:

(a) Each building shall display the number or letter assigned on each side. Additional display of numbers or letters shall be at the midpoint of the structure for structures over 200 feet in length.

(b) The numbers or letters assigned to each individual suite in a commercial, industrial, or semipublic building shall be displayed at both the front and rear entrances.

CHAPTER 19.10: NONCONFORMITIES

19.10.1. GENERAL

A. INTRODUCTION

This chapter governs uses, structures, lots, signs, and other situations that came into existence legally, but do not comply with one or more requirements of this Code.

B. APPLICABILITY

This chapter applies to nonconformities created by initial adoption of or amendments to this Code. It also applies to nonconformities that were legal nonconformities under previously applicable ordinances, even if the type or extent of nonconformity is different.

C. CONTINUATION PERMITTED

Any nonconformity that legally existed on March 1, 2010, or that becomes nonconforming upon the adoption of any amendment to this Code may be continued in accordance with the provisions of this article.

D. DETERMINATION OF NONCONFORMITY STATUS

The burden of establishing that any nonconformity is a legal nonconformity shall, in all cases, be solely upon the owner of such nonconformity.

E. REPAIRS AND MAINTENANCE

Incidental repairs and normal maintenance of nonconformities shall be permitted unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by this Code. Nothing in this chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

F. TENANCY AND OWNERSHIP

The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

19.10.2. NONCONFORMING USES

A. EXPANSION

1. General

A nonconforming use may be enlarged or expanded only if reviewed and approved in accordance with the conditional use permit procedures of Section 19.6.6.A, *Conditional Use Permits*.

2. Single-Family Homes

Existing single-family homes located in the CO, CC, CH, CT, and CA districts may be expanded or accessory structures added without obtaining a conditional use permit, provided the expansion or accessory structure is developed in accordance with the standards of Section 19.5.7, *Accessory Uses and Structures*, and the previous density and dimensional standards of the original zoning district in which the single-family home was constructed.

B. CHANGE OF USE

1. Except in the DX district, a nonconforming use may only be changed to a use allowed in the zoning district in which it is located. In the DX district, an existing single-family residential dwelling unit may be converted to a commercial use, subject to compliance with all provisions of the Building Code, Fire Code, and this Code.

2. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

C. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED

A use that does not comply with the performance standards of Section 19.7.8, *Operational Performance*, shall not be enlarged or extended unless the enlargement or extension increases the degree of compliance with the performance standards.

D. LOSS OF LEGAL NONCONFORMITY STATUS

1. Abandonment

Except for single-family dwelling units, if a nonconforming use ceases for any reason for a period of more than 180 days or other period of time as specified by the City Council as part of a closure plan, the use shall be considered abandoned. Once abandoned, the legal nonconforming status shall be lost, and re-establishment of the use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.

2. Damage or Destruction

(a) If a building or structure housing a nonconforming use is destroyed by a fire or other natural cause, the nonconforming use may be re-established within six months after the fire or other natural cause. The re-establishment of the building or structure must occur after design review approval and shall begin within six months of the date of the destruction or damage. Any new structure shall be reviewed for compliance with all applicable regulations of Title 19.

(b) This damage or destruction provision shall not apply to single-family dwelling units in residential zoning districts or for single-family dwelling units in the Downtown Redevelopment Area, which may be reconstructed with substantially the same floor area, provided there is no increase in any other nonconformity.

(c) The extent of damage or destruction shall be based on the ratio of the estimated cost of restoring the structure to its condition prior to such damage or destruction to the estimated cost of duplicating the entire structure. Estimates for this purpose shall be made by or shall be reviewed and approved by the building official.

19.10.3. NONCONFORMING LOTS

A. RESIDENTIAL LOTS

1. General

(a) In the residential districts, notwithstanding limitations imposed by other provisions of this Code, a single-family dwelling and customary accessory structures may be developed on any single lawfully-established nonconforming lot existing on March 1, 2010. This provision applies even though the lot fails to comply with the standards for area or width in the district where it is located.

(b) The lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership.

(c) Development of a single-family dwelling on the lot shall comply with the other zoning district standards, to the maximum practical extent.

2. Combination of Lots

If two or more nonconforming lots of record are in single ownership on March 1, 2010, or on the date they become nonconforming, and if all or part of these lots do not comply with the lot area standards for the zoning district where located, the lots involved shall be considered to be an individual lot for the purposes of this Code. No portion of these lots shall be used or sold that does not comply with the lot area standards in this Code, nor shall any division of the lots be made that leaves remaining any lot that fails to comply with this Code's lot area standards.

B. NONRESIDENTIAL DISTRICTS

In the nonresidential districts, notwithstanding limitations imposed by other provisions of this Code, a permitted use may be developed on any single nonconforming lot existing on March 1, 2010, or the date the lot of record became nonconforming, subject to approval of a conditional use permit in accordance with Section 19.6.6.A, *Conditional Use Permits*. This provision shall apply even though the lot of record fails to comply with the standards for lot area that are applicable in the district. In considering the application for a conditional use permit, the Planning Commission shall ensure the design and location of the proposed use is compatible with surrounding uses. Development of the permitted use on a nonconforming lot shall comply with the other intensity and dimensional standards of the district, to the maximum practical extent.

19.10.4. NONCONFORMING STRUCTURES

A. USE

Except where prohibited by this chapter, a nonconforming structure may be used for any use allowed in the underlying zoning district, including a legal nonconforming use.

B. EXPANSION

A nonconforming structure may be expanded as long as the expansion does not increase the degree of nonconformity.

C. MOVING

A nonconforming structure shall not be moved in whole or in part to any other location unless the move results in the entire structure being brought into compliance with all applicable zoning district regulations and development standards of this Code.

D. LOSS OF NONCONFORMING STATUS; DAMAGE OR DESTRUCTION

1. If a nonconforming structure is destroyed by any means to the extent of more than 50 percent of its current replacement value, it may not be re-established except in compliance with all regulations applicable to the zoning district in which it is located. This provision shall not apply to single-family dwelling units in residential or DR zoning districts, which may be reconstructed with substantially the same floor area, provided there is no increase in any other nonconformity.

2. The extent of damage or destruction shall be based on the ratio of the estimated cost of restoring the structure to its condition prior to such damage or destruction to the estimated cost of duplicating the entire structure. Estimates for this purpose shall be made by or shall be reviewed and approved by the building official.

19.10.5. NONCONFORMING SIGNS

A. DETERMINATION OF NONCONFORMING STATUS

1. Criteria

Existing signs that do not conform to the specific provisions of this Development Code are considered "nonconforming" and will be permitted to remain, provided that:

(a) The sign was lawfully installed in conformance with any required permit and complied with all regulations and laws in effect at the time of installation; and

(b) The Community Development and Services Director determines that such signs are properly maintained and do not endanger the public in any way.

2. Burden of Proof

In any matter in which a property owner, sign owner, sign user, or other person seeks the protection provided to nonconforming signs under this section, the burden of proof is on the person seeking such protection to prove:

(a) The date of erection or installation of the sign;

(b) That the sign fully conformed to the sign ordinance then in effect;

(c) That the person erecting the sign obtained all necessary permits for the erection of the sign; and

(d) That any changes to the sign have been made in accordance with the requirements of this chapter and in compliance with all applicable permit requirements.

B. OWNERSHIP

The status of a nonconforming sign or sign structure is not affected by changes in ownership.

C. MAINTENANCE AND REPAIR

Sign maintenance, sign repair, and changing of permanent sign faces are allowed so long as structural alterations are not made and the sign is not increased in size.

D. LOSS OF NONCONFORMING STATUS

A nonconforming sign must be removed or otherwise brought into conformance with this Development Code if:

1. The sign is relocated or replaced;

2. The structure or size of the sign is altered in any way except toward compliance with the sign regulations of this chapter;

3. The sign is damaged or deteriorated by more than 50 percent of its material structural value, as determined by the Community Development and Services Director; or

4. A nonconforming billboard sign fails to meet the requirements of Section 19.8.10.A, Billboards.

E. ALTERATIONS

Except for message changes authorized by this Development Code, no nonconforming sign may be altered unless a building permit to do so is issued and the sign is brought into conformance with the requirements of this Development Code at the time of alteration.

19.10.6. NONCONFORMING SITE FEATURES

A. PURPOSE

The purpose of this section is to provide a means by which the City may require certain nonconforming site features to come into compliance with the standards of this Code as part of major reinvestment on the site.

B. APPLICABILITY

1. For purposes of this section, the term "nonconforming site features" includes the following:

(a) Nonconforming signs;

(b) Nonconforming screening of mechanical equipment;

(c) Nonconforming screening walls or fences;

(d) Nonconforming driveway surfacing;

(e) Nonconforming landscaping; and

(f) Nonconforming urban design and architecture standards in the DX, DR and DP zoning districts.

2. If an application is filed for a building permit(s) for the reconstruction, remodeling, expansion, or other improvements of a building or site that has one or more nonconforming site features, and the value of the proposed improvements totals at least 25 percent of the assessed value of the existing structure as listed on the latest tax rolls, the applicant shall be required to address the nonconforming site features as provided in this section.

3. The Community Development and Services Director may develop administrative guidelines to assist in the implementation of this section, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into conformance with the requirements of this Code because of particular site constraints or impacts upon adjacent properties.

COMMENTARY

For example, if a site has 20 of 30 required parking spaces and the cost of the remodeling is 30 percent of the value of the building, then 30 percent of the deficiency in required off-street parking spaces (three spaces) shall be provided.

C. EXTERIOR REMODELING OF BUILDINGS

1. Off-Street Parking, Driveway Surface, Landscaping, Perimeter Buffers, and Screening

(a) More Than 25 Percent but Less Than 75 Percent of Structure Value

Remodeling in any continuous 12-month period that costs more than 25 percent but less than 75 percent of the current assessed value of the structure shall require that a corresponding percentage of the off-street parking, driveway surface, landscaping, perimeter buffer, and screening standards of this Code be installed or upgraded on the site, until the site achieves 100 percent compliance.

(b) 75 Percent or More of Structure Value

Remodeling projects that cost 75 percent or more of the current assessed value of the structure shall require 100 percent compliance with the off-street parking, driveway surface landscaping, perimeter buffer, and screening standards of this Code.

(c) One Additional Parking Space Required

When only one additional off-street parking space is required under this subsection as a result of a remodeling project, such additional off-street parking is not required to be installed.

2. Signage

Remodeling in any continuous 12-month period that costs more than 25 percent of the current assessed value of the structure (at the option of the applicant) shall require 100 percent compliance with the signage standards of this Code.

3. Physically Constrained Properties- Comply to Maximum Practical Extent

(a) Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply, to the maximum practical extent, as determined by the Community Development and Services Director.

(b) For purposes of determining when a correction is required, the cost of the remodeling shall be as shown on the approved building permit application. Assessed value shall be based upon Clark County Assessor information.

D. ADDITIONS AND EXPANSIONS

Additions and expansions to structures on nonconforming sites shall require correction of existing onsite nonconforming off-street parking, driveway surface, landscaping, perimeter buffer, screening, and signage standards in accordance with this section.

1. Off-Street Parking, Driveway Surface, Landscaping, Perimeter Buffers, and Screening

(a) Expansion of 50 Percent or Less of Gross Square Footage Over Five Years

Expansions that result in a 50 percent or less increase in the gross square footage of the existing structure require that a corresponding percentage of the off-street parking, driveway surface, landscaping, perimeter buffer, and screening standards of this Code be installed or upgraded on the site, until the site achieves 100 percent compliance. Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.

COMMENTARY

For example, if the addition is 25 percent of the area of the existing structure and the site contains only 50 percent of the required landscaping, the missing landscaping must be provided to bring landscaping on the site to 62.5 percent of the total required.

(b) Expansion of Greater Than 50 Percent of Gross Square Footage Over Five Years

Expansions that result in a greater than 50 percent increase of the gross square footage of the existing structure, require the entire property to meet all of the off-street parking, driveway surface, landscaping, perimeter buffer, and screening standards of this Code.

2. Signage

Any expansion shall require 100 percent compliance with the signage standards of this Code or an approved master sign plan.

3. Physically Constrained Properties- Comply to Maximum Extent Practical

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum practical extent as determined by the Community Development and Services Director.

4. Addition of Outdoor Storage Area Only

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives in Section 19.7.5, *Landscaping and Screening*, with priority given to screening the impacts of outdoor operations.

5. Building Design/Architecture Standards

Additions or expansions to nonresidential buildings in the DX, DR, and DP zoning districts shall require compliance with the building design standards for the opportunity districts where located.

CHAPTER 19.11: ENFORCEMENT

19.11.1. PURPOSE

This chapter establishes procedures through which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of this Code.

19.11.2. VIOLATIONS

Any of the following shall be a violation of this Code and shall be subject to the remedies and penalties provided for in this Code.

A. ESTABLISH USE, STRUCTURE, OR SIGN WITHOUT PERMIT OR APPROVAL

To establish or place any use, structure, or sign upon land that is subject to this Code without all of the approvals required by this Code.

B. DEVELOPMENT OR SUBDIVISION WITHOUT PERMIT OR APPROVAL

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Code without all of the approvals required by this Code.

C. DEVELOPMENT, SUBDIVISION, USE, OR SIGN INCONSISTENT WITH PERMIT

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required in order to engage in such activity.

D. DEVELOPMENT, SUBDIVISION, USE, OR SIGN INCONSISTENT WITH CONDITIONS OF APPROVAL

To violate, by act or omission, any term, condition or qualification placed by a decision-making body upon any permit or other form of authorization.

E. DEVELOPMENT, SUBDIVISION, OR SIGN INCONSISTENT WITH DEVELOPMENT CODE

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this Code.

F. MAKING LOTS OR SETBACKS NONCONFORMING

To reduce or diminish any lot area so that the lot size, setbacks, or common open spaces shall be smaller than prescribed by this Code.

G. INCREASING INTENSITY OR DENSITY OF USE

To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Code.

H. REMOVING OR DEFACING REQUIRED NOTICE

To remove, deface, obscure, or otherwise interfere with any notice required by this Code.

I. FAILURE TO REMOVE SIGNS

To fail to remove any sign installed, created, erected, or maintained in violation of this Code or for which the sign permit has lapsed.

19.11.3. CONTINUING VIOLATIONS

After receiving notice of the violation from the City, each day that a violation remains uncorrected shall constitute a separate violation of this Code.

19.11.4. RESPONSIBLE PERSONS

Any person who violates this Code shall be subject to the remedies and penalties set forth in this chapter.

19.11.5. RESPONSIBILITY FOR ENFORCEMENT

A. DIRECTOR OF BUILDING AND SAFETY

The Director of Building and Safety shall have primary responsibility for enforcing provisions of this Code pertaining to the erection, construction, reconstruction, moving, conversion, or alteration of any building or structure.

B. PUBLIC WORKS PARKS AND RECREATION DIRECTOR

The Public Works Parks and Recreation Director shall have primary responsibility for enforcing provisions of this Code related to subdivision, including all standards in Chapter 19.9: *Subdivision Design and Improvements*.

C. COMMUNITY DEVELOPMENT AND SERVICES DIRECTOR

The Community Development and Services Director shall have primary responsibility for enforcing all other provisions of this Code not listed in subsections A or B above. Other officers of the City as authorized by the Community Development and Services Director shall share responsibility for enforcing provisions of this Code.

19.11.6. ENFORCEMENT PROCEDURES

A. NON-EMERGENCY MATTERS

In the case of violations of this Code that do not constitute an emergency or do not require immediate attention, the official responsible for enforcement shall give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have ten days to correct the violation before further enforcement action shall be taken. Subsequent violations within a 12-month period at the same property address shall constitute a failure to correct the violation for purposes of further enforcement action. Notice shall be given in person, by United States certified mail or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. EMERGENCY MATTERS

In the case of violations of this Code that constitute an emergency as a result of safety, public concerns, or violations that will create increased problems or costs if not remedied immediately,

the City may use the enforcement powers available under this chapter without prior notice, but the official responsible for enforcement shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

C. COMPLAINTS REGARDING APPROVED CONDITIONAL USE PERMITS, TEMPORARY USE PERMITS, VARIANCES, AND HOME OCCUPATION PERMITS

Conditional use permits, temporary use permits, variances, and home occupation permits shall be subject to immediate review upon complaint from any member of the public, whether received from a nearby property owner, other members of the general public or city enforcement personnel. The review process may be implemented as follows:

1. The Community Development and Services Director shall notify the property owner of each complaint.

2. The property owner shall:

(a) Propose and initiate a remedy, or

(b) Dispute the validity of the complaint.

3. If the Community Development and Services Director determines the complaint is valid, the Community Development and Services Director shall monitor the effectiveness of the initiated remedy, if any is proposed and initiated by the property owner. If the remedy appears to resolve the complaint, no further action shall be required.

4. If the remedy is ineffective or if the property owner fails to propose and initiate a remedy, or if the property owner further disputes the validity of the complaint, the Community Development and Services Director shall initiate revocation proceedings in accordance with this section.

5. The permits and variances listed in this subsection (C) are subject to all other enforcement and compliance procedures described in this chapter, in addition to revocation under part D below, or where no remedial action is proposed and initiated by the property owner.

D. REVOCATION

1. Duties of Enforcement Official

The revocation process shall be initiated by the official responsible for enforcement of the subject provision upon a determination by that official that there are reasonable grounds for revocation of the subject permit or development approval.

2. Authority to Revoke

The decision-making body that approved the permit or development approval shall be authorized to revoke the permit or development approval.

3. Notices and Public Hearing

(a) Notice

Notice of a revocation hearing shall be given in the same manner as required for the public hearing at which approval was granted. If no notice was required for approval, none shall be required for the revocation hearing, provided that notice shall be mailed to the owner of the use or structure for which the permit was granted at least ten days prior to the hearing.

(b) Hearing

At the public hearing, the decision-making body shall hear testimony of City staff, the owner of the use or structure for which the permit was granted, if present, and any other interested person.

(c) Appeals

Any decision rendered at a revocation hearing is subject to the appeal procedures set forth in Section 19.6.9.E, *Appeals*.

4. Required Findings

The decision-making body shall revoke the permit upon making one or more of the following findings:

(a) The permit was issued on the basis of erroneous or misleading information or misrepresentation.

(b) The terms or conditions of approval of the permit have been violated or other laws or regulations have been violated.

(c) There has been a discontinuance of the exercise of the entitlement granted by the permit for 180 consecutive days.

5. Decision and Notice

(a) Matters Subject to Public Hearing

Within ten working days of the conclusion of the hearing, the decision-making body shall render a decision and shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

(b) Matters Not Subject to Public Hearing

Within three working days of a decision on a revocation matter that is not the subject of a public hearing, the decision-making body shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

6. Effective Date

A decision to revoke a permit shall become final ten days after the date of the decision unless an appeal is filed in accordance with the procedures set forth in Section 19.6.9.E, *Appeals*. In such cases, the decision shall become final ten days after the date of the appellate body's decision. No property that is the location of any permit or variance

revoked pursuant to the procedures of this chapter can be the subject of an application for the same permit or variance within two years following revocation.

19.11.7. REMEDIES AND ENFORCEMENT POWERS

The City shall have the following remedies and enforcement powers:

A. WITHHOLD PERMIT

1. The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements upon a determination that there is an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

2. The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

B. PERMITS APPROVED WITH CONDITIONS

Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that the violation be corrected.

C. REVOKE PERMITS

Any development permit or other form of authorization required under this Development Code may be revoked when the Community Development and Services Director determines that:

1. There is departure from the plans, specifications, or conditions as required under terms of the permit;

2. The development permit was procured by false representation or was issued in error; or

3. Any of the provisions of this Code are being violated.

D. STOP WORK

With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Code or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

E. INJUNCTIVE RELIEF

The City may seek an injunction or other equitable relief in court to stop any violation of this Code or of a permit, certificate, or other form of authorization granted hereunder.

F. ABATEMENT

The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

G. PENALTIES

Any violation of the provisions of this Code constitutes a misdemeanor and is subject to the punishment provided by law in such cases, as amended from time to time. The City may also seek such civil penalties as are provided by law.

H. OTHER REMEDIES

The City shall have such other remedies as are and as may be from time-to-time provided by law for the violation of zoning, subdivision, sign, or related Code provisions.

I. OTHER POWERS

In addition to the enforcement powers specified in this chapter, the City may exercise any and all enforcement powers granted by law.

J. CONTINUATION

Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and laws.

19.11.8. REMEDIES CUMULATIVE

The remedies and enforcement powers established in this chapter shall be cumulative, and the City may exercise them in any order or combination, at any time.

CHAPTER 19.12: MEASUREMENT AND DEFINITIONS

19.12.1. CHAPTER ORGANIZATION

This Chapter includes the rules of interpretation, rules of measurement, and the definitions for terms used in this Code.

A. Section 19.12.2, Rules of Interpretation, establishes the rules related to word usage and the construction of language used in this Code.

B. Section 19.12.3, Rules of Measurement, explains how distances are customarily measured, how numerical amounts are derived, and what encroachments may be permitted.

C. Section 19.12.4, Defined Terms, includes the definitions for terms used in this Code.

19.12.2. RULES OF INTERPRETATION

A. MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the purpose and intent set out in Section 19.1.5.

B. HEADINGS, ILLUSTRATIONS, AND TEXT

In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, figure, commentary block, or illustration, the text shall control.

C. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including" and "such as," or similar language, are intended to provide examples, not to be exhaustive lists of all possibilities.

D. COMPUTATION OF TIME

References to days are calendar days unless otherwise stated. When business days are referenced, they shall include only days when City Hall is open. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a holiday observed by the City or a City Hall non-business day, that day shall be excluded.

E. REFERENCES TO OTHER REGULATIONS, PUBLICATIONS, AND DOCUMENTS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

F. DELEGATION OF AUTHORITY

Whenever a provision requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

G. TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the City of Henderson, unless otherwise indicated.

I. MANDATORY AND DISCRETIONARY TERMS

The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are advisory and discretionary terms.

J. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events apply.

2. "Or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

K. TENSES AND PLURALS

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

L. COMMENTARY

Whenever a provision of this Code requires additional explanation to clarify its intent, a "commentary" is included. These commentaries are intended solely as a guide for administrative officials and the public to use in interpreting the Code.

M. TERM NOT DEFINED

In the event there is a term used in this Code that is not defined in this chapter, the Community Development and Services Director shall have the authority to provide a definition through the Interpretation procedure (Section 19.6.9.F) based upon the definitions used in accepted sources.

19.12.3. RULES OF MEASUREMENT

This section sets out the rules for measurement used in this Code.

A. DENSITY/INTENSITY

1. Acre, Gross

Means a measure of land area (43,560 square feet). For purposes of calculating residential density or intensity of development, existing dedicated rights-of-way within a site, and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries shall be included.

2. Density

Means the number of dwelling units for each acre of land. Density is calculated by dividing the number of dwelling units on a site by the gross acreage of the site on which the dwelling units are located. For purposes of calculating residential density, dedicated rights-of-way within a site, and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries shall be included.

3. Transition Density Housing

Means dwellings in developments or subdivisions at densities greater than six units per acre, but not more than ten units per acre.

B. BULK

1. Building Coverage

Means the portion of a site covered by principal and accessory buildings and structures (not including non-building impervious surfaces such as driveways, patio slabs, and decks), as measured from the outside of the building or structure at ground level. Expressed as a percentage of total site area. See Figure 19.12.3-A.

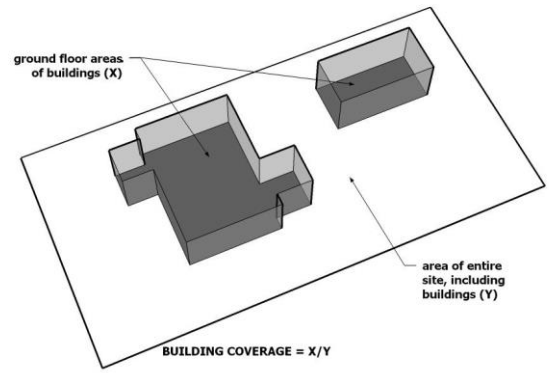


Figure 19.12.3-A: BUILDING COVERAGE

2. Floor Area, Gross

Means the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, basement or attic areas having a height of more than seven feet, and areas with a permanent solid roof even if open on the sides (i.e., covered porch or patio); but excluding areas used exclusively for vehicle parking or loading, areas with partially covered (e.g., lattice-type) roofs, and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters, and similar enclosures.

3. Floor Area Ratio (FAR)

Means the amount of gross floor area of all buildings and structures on a building lot divided by the total lot area.

C. HEIGHT

1. Exceptions to Height Limits

Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, flagpoles, monuments, theater scenery lofts, radio and television antennas, and necessary mechanical appurtenances covering not more than 25 percent of the roof area of the structure, and similar structures may exceed the maximum permitted height in the district in which the site is located in accordance with the following:

(a) Encroachments of up to ten feet may be authorized with no discretionary review.

(b) Design review (Section 19.6.6.B) shall be required for features extending more than ten feet but less than 20 feet above the base district height limit.

(c) Encroachments of 20 feet or more above the maximum height for a zoning district shall require a conditional use permit (Section 19.6.6.A).

2. Grade, Finished

Means final elevation of the ground level after topsoil has been applied to graded slopes, as measured six feet from the exterior walls of the structure.

3. Grade, Existing

Means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this Code.

4. Grade, Street

Means the top of the curb or the top of the edge of the pavement or traveled way where no curb exists.

5. Height

Means the vertical distance in feet between the lowest finished grade adjacent to the building to the top of the highest roof beam on a flat or shed roof, the deck level on a mansard roof or the average distance between the eaves and apex of a gable, hip or gambrel roof. For buildings with basements with direct, walk-out access, finished grade means the grade level at the walk-out access of the basement. The height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall. See Figure 19.12.3-B.

6. Tower Height

Means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including

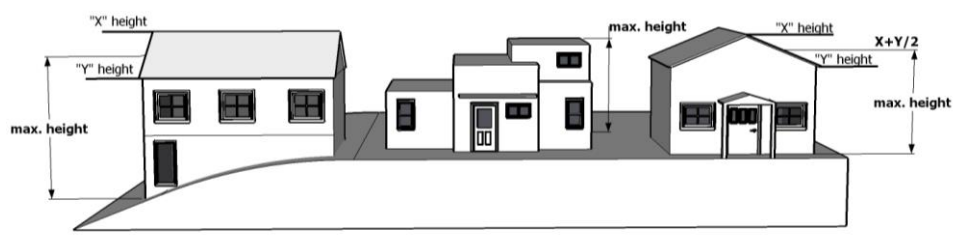


Figure 19.12.3-B: MEASUREMENT OF HEIGHT

the base pad and any antenna.

D. LOT CHARACTERISTICS

1. Flag Lots

The following dimensional standards shall apply to flag lots:

(a) The flagpole or panhandle portion of the lot shall be a minimum of 24 feet wide, and the depth of the flagpole or panhandle shall not exceed 150 feet as measured from the adjacent public or private street.

(b) The flag portion of a flag lot shall be subject to the lot width/depth requirements for non-flag lots.

(c) The flagpole or panhandle portion of the lot shall not be included in calculating lot size. See Figure 19.12.3-C.

2. Lot, Area

Means the amount of horizontal land area contained inside the lot lines of a lot or site. Rights-of-way shall not be included in calculating lot size.

3. Lot, Corner

Means a site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees. The front yard of a corner lot shall adjoin the shortest street property line, provided that where street property lines are substantially the same length, the Community Development and Services Director shall determine the location of the front yard. See Figure 19.12.3-D.

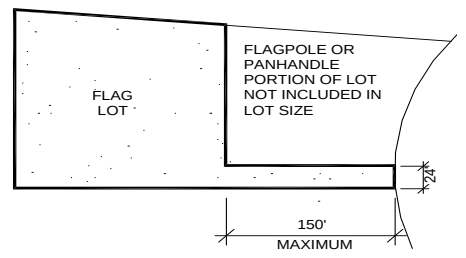


Figure 19.12.3-C: FLAG LOTS

4. Lot, Coverage

Means the proportion of a site covered by all principal and accessory buildings and structures, as measured from the outside of the building or structure, and all other impervious surfaces such as driveways, patios, and decks, expressed as a percentage of the total net area of the site. Lot coverage includes, but is not limited to, all principal buildings, all accessory structures such as sheds or gazebos regardless of size, patio covers, covered parking, garages, carports, halls, stairways, service rooms, and mechanical equipment rooms.

5. Lot, Depth

Means the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines. In cases where there is no rear lot line, depth equals the distance from the front lot line to the most distant point on any other lot line.

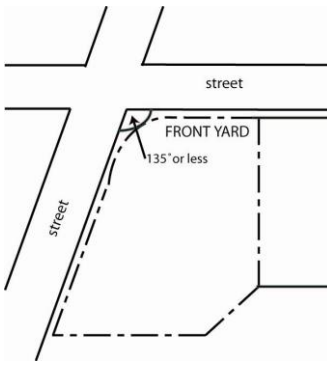


Figure 19.12.3-D: CORNER LOT

6. Lot or Property Line, Front

Means the lot line describing the edge of the lot abutting the street or right-of-way to which the lot has access and is oriented to for purposes of development. On a corner lot, only one street shall be considered as a front line, and the shorter street or right-of-way frontage shall be considered the front line. In RS-1 and RS-2 Districts where lots abut multiple streets or right-of-way, the front lot or property line shall be determined by the assigned property address.

7. Lot or Property Line, Rear

Means a lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, it shall be deemed the rear lot line for the purpose of measuring rear-yard depth. See Figure 19.12.3-E. In instances where neither the front lot line nor the rear lot line is a simple

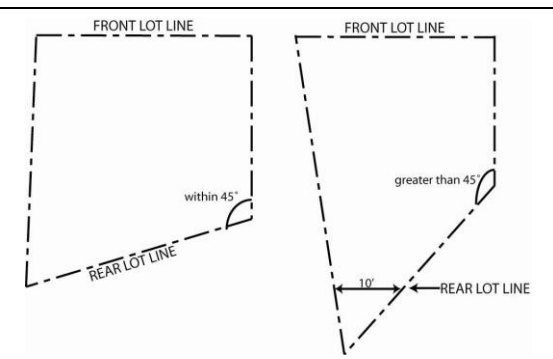


Figure 19.12.3-E: LOT OR PROPERTY LINE, REAR

straight line and it may not be easy to determine whether any lot line is within 45 degrees of being parallel to the front lot line, the Community Development and Services Director may make the determination of the rear property line.

8. Lot or Property Line, Interior

Means a lot line not abutting a street.

9. Lot or Property Line, Side

Means any lot line that is not a front lot line or a rear lot line.

10. Lot or Property Line, Street

Means a lot line abutting a street.

11. Lot Width

Means the mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at points 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line. See Figure 19.12.3-G.

E. SETBACKS

1. Attached Buildings

Attached buildings, whether principal or accessory, shall be treated as a single structure for the purpose of applying setbacks. This requirement shall not apply to residential patio covers, carports, or open shade structures.

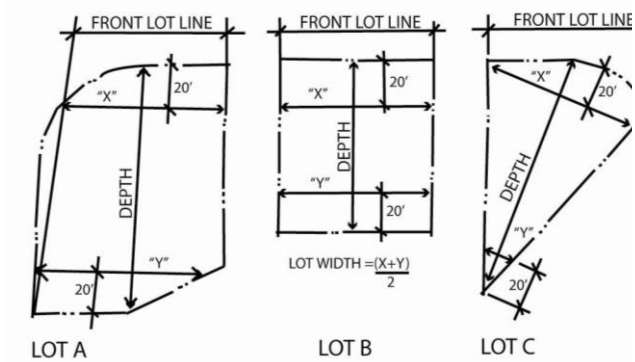


Figure 19.12.3-G: LOT WIDTH MEASUREMENT

2. Measurement

Setbacks shall be measured as the distance between the nearest lot line and the foundation of a building or structure along a line at right angles to the lot line. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line. Allowable projections into setback areas shall not be utilized for measurement of setbacks.

3. Setback Line

Means a line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location of buildings, structures, or uses. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

4. Setback, Front

Extends across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site. The front setback must follow the curvature of the front property line in cases where a lot is on a cul-de-sac or knuckle. See Figures 19.12.3-F.

5. Setback, Front on Corner Lots

The front setback of a corner lot shall be measured from the side of the lot designated as the "front." On a corner lot only, one street line shall be considered as a front line, which shall be the shorter street frontage.

6. Setback, Rear

Extends across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot, the rear yard shall extend only to the side yard abutting the street.

7. Setback, Side Interior

Means a side setback on that portion of a lot that is not adjacent to a private or public street. It extends from the rear line of the required front yard or the front property line of the site where no front yard is required, to the front line of the required rear yard or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site.

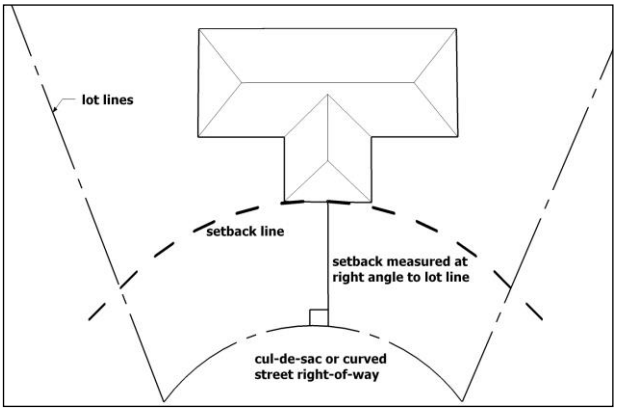


Figure 19.12.3-F: CUL-DE-SAC SETBACK MEASUREMENT

8. Setback, Side Street

A side setback on that portion of a lot that is adjacent to a private or public street. It extends from the rear line of the required front yard or the front property line of the site where no front yard is required, to the rear property line of the site, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site.

9. Build-to Line

An alignment established at a certain distance from the property line to a line along which the building must be built.

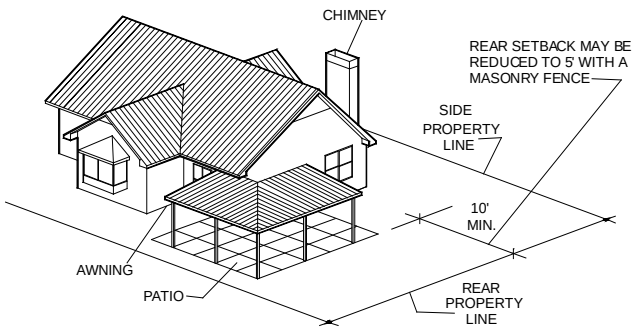


Figure 19.12.3-I: BUILDING PROJECTIONS INTO SETBACKS

F. ENCROACHMENT

1. Features Allowed Within Setbacks

Trees, shrubs, flowers, hedges, and other landscape features may be located within any required setback. Fencing and walls are allowed subject to the requirements of Section 19.7.5.K, *Fences and Walls*. The following features may be located within any required setback, subject to the following limitations set forth:

(a) Antennas

Antennas, including satellite dishes in excess of 36 inches in diameter, amateur licensed radio antennas, and similar personal communication device reception towers and facilities shall not be located in any required front or side setback area unless such prohibition would substantially interfere with reception of such devices or facilities to the extent they are rendered inoperable.

(b) Attached Patio Covers, Pergolas, and Awnings

(1) Not closer than ten feet from the rear property line and five feet from a side property line, measured from the bearing wall or post, provided that the roof area encroaching into the rear setback does not exceed one-third of the area of the required rear yard, with the exception of townhome or single-family attached developments that may exceed one-third of the area of the required rear yard. See Figure 19.12.3-H.

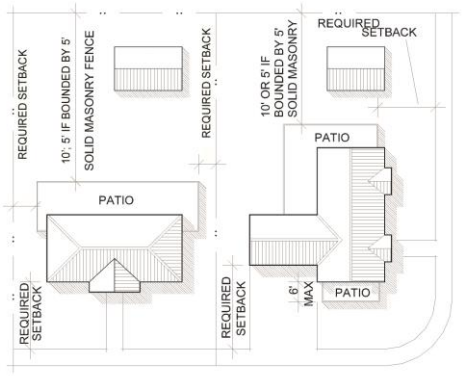


Figure 19.12.3-H: PATIO ENCROACHMENTS

(2) Eaves and overhangs may extend one foot into the five-foot side setback.

(3) The required setback may be reduced to five feet from the rear property line, measured from the bearing wall, or post, provided that the yard is bounded by a solid masonry fence at least five feet in height. See Figure 19.12.3-I.

(4) Eaves and overhangs may extend 12 inches into the reduced five-foot rear setback.

(5) For single-family attached developments with one single-family attached unit per each individual lot, the restriction on roof area not exceeding one-third of the area of the required rear yard shall not apply. (Detached shade structures and carports are treated as "Accessory Structures.")

(6) All attached patio covers, pergolas, and awnings must also comply with applicable building code requirements.

(c) Balconies, Porte Cocheres, and Covered Porches

(1) Such features may encroach up to six feet into a front or rear yard and one foot into a side yard, with a maximum overhang of 12 inches. Structures must also comply with applicable building code requirements.

(2) Porches on homes that have a minimum 10-foot front setback may encroach a maximum of four feet into the required front setback.

(d) Bay Windows

Bay windows that do not exceed 8.5 feet in width may encroach up to 2.5 feet provided the window is no closer than three feet to a property line. Structures must also comply with applicable building code requirements.

(e) Attached Carports

(1) Attached carports shall not be closer than five feet from a side property line and behind the front setback line measured from the bearing wall or post.

(2) Eaves and overhangs may extend one foot into the required side setback.

(3) Eaves and overhangs may extend up to 30 inches into a required front or rear setback, but shall maintain a minimum of a four-foot setback measured to the eave or overhang.

(4) Attached carports must also comply with applicable building code requirements.

(f) Media Niches and Fireplaces

Media niches, fireplaces, chimneys, and combination media niche/fireplaces limited to one per wall and not exceeding 12 feet in linear dimension along the affected wall may project up to two feet into a required yard. However, at no time shall the resulting setback be less than three feet. Structures must also comply with applicable building code requirements.

(g) Cornices, Eaves, Mechanical Equipment, and Ornamental Features

Such features may encroach up to three feet into a setback or as allowed by the building official.

(h) Signs

Signs may encroach into required setbacks as allowed in Chapter 19.8: *Signs*.

(i) Steps

Steps or stairs may encroach up to three feet into a side yard and six feet into a front or rear yard. Steps or stairs must also comply with applicable Building Code requirements.

(j) Uncovered Porches, Terraces, Platforms, Decks, Subterranean Garages, and Patios

(1) When more than 12 inches, but less than 30 inches in height, such features may encroach up to three feet in a side yard and six feet into a front or rear yard.

(2) When less than 12 inches in height, such features may extend to the property line. (This includes flatwork, such as concrete slabs, walks, bricks, and flagstone.)

(k) Flagpoles, Yard and Lighting Fixture Poles

(1) No limitation applies when such features are 20 feet or less in height.

(2) Flagpoles, yard and service lighting fixture poles greater than 20 feet in height require approval of a conditional use permit to encroach into setbacks. Also see Section 19.8.3.D, *The American Flag*.

(l) Pedestrian Bridges

Such features may encroach up to five feet into a required setback. A larger encroachment into the public right-of-way may be approved through an encroachment permit.

2. Public Rights-of-Way

In the DR, DP, MC, and DX Districts, subject to an administratively-issued revocable permit from the Public Works Parks and Recreation Parks and Recreation Director or designee and approved by City Council, the following features may be located within a public right-of-way, subject to the limitations set forth:

(a) Trees, shrubs, flowers, fences, retaining walls, hedges, and other landscape features.

(b) Balconies, stairs, attached balconies, overhangs and awnings, provided such features maintain a minimum vertical clearance of 80 inches from finished grade and they do not extend beyond the curb face of an adjacent street or alley.

(c) Cornices, eaves, reveals, columns, ribs, pilasters, or other similar architectural features, provided no architectural foam is located within ten vertical feet of finished or street grade.

(d) Signs, in accordance with Section 19.8: *Signs*.

(e) Sidewalk cafes and associated street furniture.

19.12.4. DEFINED TERMS

ABANDONED VEHICLE

A vehicle as described in Title 15.12 of the Henderson Municipal Code.

ABUTTING OR ADJOINING

Two or more uses of land having common district boundaries, lot lines, or being immediately adjacent, including across a street, easement, right-of-way.

ACCESS ROAD

A road designated on an approved grading plan and used during construction operations for the movement of grading equipment, hauling of fill material, and for other traffic to and from the grading site.

ACCESSORY BUILDING OR STRUCTURE

A building or structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.

ACCESSORY USE

A use of land that is incidental to the principal permitted or conditionally-permitted use on a site and is found on the same site or lot.

ACCOMMODATION FACILITY

A day-care facility that is operated by a business licensed to conduct business other than child care and is an auxiliary service provided for the customers of the primary business.

ACTION

An act to approve, approve with conditions, or to deny any development review application described in Article 19.6, *Administration*, with consideration given to whether the application complies with the Development Code and all other applicable regulations. Acknowledgement of a withdrawal or a continuance are other forms of action.

ADMINISTRATIVE ADJUSTMENT

Minor deviations from otherwise applicable standards that may be approved by the Community Development and Services Director.

AFFORDABLE HOUSING

Housing affordable for a family with a total gross income that does not exceed 80 percent of the median gross income for Clark County, based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for Clark County.

AIRPORT APPROACH ZONE (APZ)

The airport approach area, as defined in Federal Aviation Regulations Part 77, Surfaces.

AIRPORT AUTHORITY

The Clark County Director of Aviation.

AIRPORT TRANSITION ZONE

The land areas directly beneath the transition surfaces, as defined in Federal Aviation Regulations Part 77, Surfaces.

AIRPORT TURNING ZONE

The land areas directly beneath the conical surface and the horizontal surface, as defined in Federal Aviation Regulations Part 77, Surfaces.

ALLEY

A minor public right-of-way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

ALTER

To make any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

ANIMAL, DOMESTIC

Small animals of the type generally accepted as household pets including, but not limited to, dogs, cats, birds, and fish, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs, or similar animals.

ANIMAL, EXOTIC

Any species of wild or exotic animals not customarily confined or cultivated by humans for domestic or commercial purposes, but kept as a pet or for display. These animals are prohibited unless otherwise allowed in strict compliance with HMC Title 7.

ANIMAL, LARGE

An animal larger than the largest breed of dogs, including horses, cows, and other mammals customarily kept in corrals or stables.

ANIMAL, POT-BELLIED PIG

A small domesticated pig (native to southeastern Asia), often raised as a house pet, having a saddle-shaped back, a straight tail, potbelly, swayback, and black, white, or black and white coat.

ANIMAL, SMALL

An animal no larger than the largest breed of dogs, including fish, birds, and mammals customarily kept in kennels.

APPEAL

A procedure by which a decision, interpretation, or enforcement action is brought from a lower decision-making authority to a higher authority for determination.

APPROVAL

Written notice by an authorized representative of the City of Henderson approving the design, progress, or completion of work.

ARCADE

A covered passageway, typically found at street level, often comprised of a series of arches supported by columns.

ARTICULATION

Describes the degree or manner in which a building wall or roofline is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors, or textures.

ARTS AND CRAFTS OUTDOOR SHOW

Outdoor display and sale of painting, sculpture, hand crafts, and similar objects.

ASSESSED VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Clark County Property Appraiser's office for the purposes of taxation.

A-WEIGHTED DECIBELS

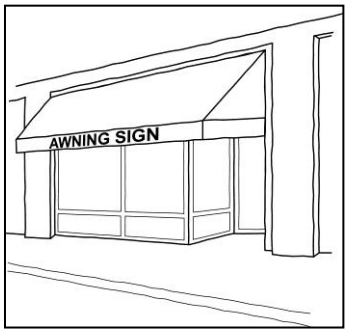
The ear is not as effective in hearing low-frequency sounds as it is hearing high-frequency sounds. That is, low-frequency sounds of the same dB level are not heard as loudly as high-frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter that is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter. The sound pressure level in dB(A) gives a close indication of the subjective loudness of the noise. The sound pressure level in decibels is measured with a sound-level meter or noise dosimeter using the A-weighted network. The standard notation is dB(A) or dBA.

AWNING

Means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. The awning area is a roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the awning/canopy or cantilevered from the building. An awning is distinguished from a marquee in that a marquee is covered with rigid material. An awning is distinguished from a canopy in that an awning is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

AWNING SIGN

A sign painted on, printed on or otherwise attached flat against the surface of an awning.



AXIS

The centerline of a structure that divides it into two halves.

BACK-LIT AWNING SIGN

An internally illuminated fixed-space frame structure with translucent, flexible, reinforced covering designed in awning form, either with or without graphics or copy applied to the visible surface of the awning.

BACKGROUND NOISE

The term used to describe the noise measured in the absence of the noise under investigation. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for 90 percent of a sample period. This is represented as the L_{90} noise level.

BACKHAUL NETWORK

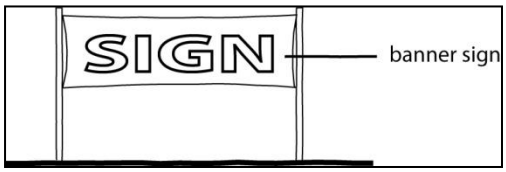
The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network through the use of existing wire line networks, fiber systems, microwave links, or other transport technology.

BALCONY

A porch or other outdoor use area associated with the upper floor(s) of a building.

BANNER

A fabric device, either solid in color or displaying a civic or private symbol, message or pattern, whether flown on a flagpole, draped or displayed by some other method. The term banner also includes all other forms of bunting and fabric or metallic festoonery, whether "stars and stripes" or other colors, used for festive occasions or to draw attention to a place or event.



BARRIER PLANT

A plant that, by its characteristics, would act as a barrier to pedestrian movement.

BASEMENT

A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet (as distinguished from a cellar, which has less than one-half of its floor-to-ceiling height above the average level of the adjoining ground or has a floor-to-ceiling height of less than 6.5 feet).

BERM

In the context of landscaping or buffer yard requirements, a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

BILLBOARD (OFF-PREMISES)

A sign that advertises products or services that are not sold on the premises upon which the sign is constructed.

BLOCK FACE

The lands abutting one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of the County of Clark, Nevada.

BOULDER HIGHWAY LINEAR PARK

Continuous landscaped area within the Boulder Highway right-of-way, as defined by the Boulder Highway Corridor Investment Strategy and Landscape Design Manual.

BOUNDARY LINE ADJUSTMENT

A process where the boundaries of recorded lots are combined or relocated in accordance with the standards in NRS Section 278.

BUFFER

A perimeter area around a lot or parcel which, through landscape planning, distance, or structures, is designed to improve nuisances between adjacent land uses or between a land use and a street.

BUFFER YARD

Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUFFER ZONE

For purposes of the alcohol and liquor uses of this Code, the Buffer Zone separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed use offering Alcohol and/or Liquor and the property line of the nearest established or approved school, religious facility, or general child care facility.

BUILDING

Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which is governed by the following characteristics:

A. Is permanently affixed to the land;

B. Has one or more floors and a roof; and

C. Is bounded by either open space, yards, or the lot lines of a lot.

BUILDING OFFICIAL

The building official for the City of Henderson, Nevada.

BUILDING, PRINCIPAL

The building or structure on a lot used to accommodate the primary permitted use, possibly occurring in more than one building or structure.

BUILD-TO ZONE

The Build-To Zone is defined by a minimum percentage of each building façade that shall be shall be built to the minimum setback. The balance of the building shall be built at a distance not to exceed the maximum build-to line.

BULKHEAD

The portion of a building's facade closest to the ground.

CANOPY, BUILDING

A rigid, multi-sided structure covered with fabric, metal, or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

CERTIFICATE OF INCLUSION

Authorization granted to an applicant to allow for the incidental taking of threatened or endangered species under the provisions of the Incidental Take Permit. Authorization is granted upon receipt of payment of all required mitigation fees.

Channel letter

CHANNEL LETTER

A fabricated or formed three-dimensional letter, number, or symbol.

CHARACTER

Those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

CITY

The City of Henderson, Nevada.

CITY COUNCIL

The City Council of the City of Henderson.

COMMERCIAL MESSAGE

Words, symbols, logos, pictures, or any combination of elements that identify or direct attention to a business, commodity, service, or entertainment sold or offered for sale or a fee.

COMMERCIAL VEHICLE

Every vehicle designed, maintained, or used primarily for the transportation of property or passengers in furtherance of commercial enterprise, or any vehicle of over 10,000 pounds gross unloaded weight, but not including any residential mobile home or motor home. Storage of a commercial vehicle or vehicles constitutes a commercial use of land; but this provision shall not be interpreted to prohibit the parking of a single commercially licensed automobile at a residence.

COMMUNITY DEVELOPMENT AND SERVICES DIRECTOR

The Community Development and Services Director for the City of Henderson, Nevada.

COMMUNITY FACILITY:

1. A facility that provides day care to children;
2. A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents or;
3. A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

COMPATIBLE OR COMPATIBILITY

The characteristics of different uses, activities or design that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

COMPLETE APPLICATION

An application for development approval or a permit that has been submitted in the required format, including all mandatory information and accompanied by the established fee.

COMPREHENSIVE PLAN

The master plan of the City of Henderson, entitled the, "*Henderson Comprehensive Plan*," as amended.

COMPREHESIVE PLAN AMENDMENT

An application to modify the text or future land use map of the adopted Henderson Comprehensive Plan.

CONDITIONAL USE PERMIT

A discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features.

CONDITIONALLY PERMITTED

A use permitted subject to approval of a conditional use permit or temporary use permit.

CONNECTING WALKWAY

(1) Any street sidewalk, or (2) Any walkway that directly connects a building entrance to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or driveways and around buildings, or to follow parking lot outlines that are not aligned to a logical route.

CONNECTIVITY

The relative degree of connection between streets, sidewalks, or other means of travel.

CONSTRUCTION

Any or all activity, except tunneling, necessary or incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, public or private highways, roads, premises, parks, utility lines, or other property, including land clearing, grading, excavating, and filling.

CONTINUOUS SOUND

Any sound that exists essentially without interruption for a period of ten minutes or more.

CORNICE

A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

COURT

An open space of prescribed dimensions opposite a required window of a habitable room in a multifamily dwelling that is unobstructed by structures and open to the sky, except as otherwise provided in this Title.

COUNTY

The County of Clark, Nevada.

CPTED

An acronym for "Crime Prevention through Environmental Design." Architectural design, site design, and landscape design principles intended to reduce the fear and incidence of crime, and to improve the quality of life.

CROSS-ACCESS

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

CUPOLA

A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

CURB

A stone, concrete or other improved boundary usually demarcating the edge of a roadway, parking lot or other paved area.

CUT SLOPE

The exposed ground surface resulting from the excavation of material from the natural terrain.

DECIBEL

A unit of measure of sound (see "sound pressure level"). The level of noise is measured objectively using a sound level meter. This instrument has been specifically developed to mimic the operation of the human ear. The human ear responds to minute pressure variations in the air. These pressure variations can be likened to the ripples on the surface of water but of course cannot be seen. The pressure variations in the air cause the eardrum to vibrate, and this is heard as sound in the brain. The stronger the pressure variations, the louder the sound is heard. The standard notation is dB.

DECISION-MAKING BODY

The entity (typically City Council, Planning Commission, or the Community Development and Services Director) that is authorized to finally approve or deny an application or permit required under this Development Code.

DECK

A platform, either freestanding or attached to a building, which is supported by pillars or posts.

DESIGN REVIEW

The review of a site plan or other diagrammatic display of a proposed development, including lot lines, public infrastructure, buildings, and site elements such as landscaping, parking, fencing, and similar features.

DEVELOPED RESIDENTIAL DISTRICT

A district zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable property interests in such land.

DEVELOPMENT

The carrying out of any building activity or mining operation and the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two or more parcels (see "Subdivision" below).

A. The term "development" includes:

1. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land.

2. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development.

3. Any change in use of land or a structure.

4. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland.

5. The clearing of land as an adjunct of construction.

6. The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling, or excavation on a parcel of land.

7. The deposit of refuse, solid or liquid waste, or fill on a parcel of land.

8. The installation of landscaping within the public right-of-way when installed in connection with the development of adjacent property.

B. The term "development" does not include:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

2. Work by any utility and other entity or persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing, on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

3. A change in the ownership or form of ownership of any parcel or structure.

4. Creation or termination of rights of access, easements, or covenants concerning development of land or other rights in land.

DEVELOPMENT AGREEMENT

An agreement for the development of land pursuant to NRS 278.0201 *et seq*. and HMC 19.6.10.A.

DEVELOPMENT AGREEMENT ADVISORY COMMITTEE

A committee charged with determining the applicability of development agreements and the subsequent negotiation of development agreements on behalf of the City. The Development Agreement Advisory Committee (DAAC) is composed of the directors of Community Development and Services, who shall act as chair; Public Works, Parks and Recreation; and Utility Services, along with the City Manager and City Attorney, or their designees.

DEVELOPMENT CODE TEXT AMENDMENT

The process by which the text of this Development Code text is revised in accordance with all City and State laws.

DEVELOPMENT PERMIT

For the purposes of Sec. 19.7.9 Multiple Species Habitat Conservation only, "development permit" means an onsite or offsite permit issued by the City that authorizes the development of a parcel of land that has not previously been improved in accordance with all applicable City ordinances including, but not limited to, building permits and grading permits for construction activities. Demolition permits and temporary power permits do not constitute a development permit.

DEVELOPMENT REVIEW COMMITTEE

A committee of City staff charged with review of several application types as established in Table 19.6.2-1, *Summary Table of Development Review Procedures*, and composed of the following persons or their representatives:

A. The Community Development and Services Director, who shall act as chair;

B. The Public Works Parks and Recreation Parks and Recreation Director;

C. The Building Official;

D. The Fire Chief;

E. The Police Chief;

F. The Director of Utility Services;

G. The City Attorney; and

H. A secretary to the committee.

DEVELOPMENT STANDARDS

Regulations that limit the size, bulk, or siting conditions of particular types of buildings or uses located within any designated district.

DIGITAL VIDEO DISPLAY

An electronic graphic display sign capable of displaying digital videos.

DISTRIBUTION LINE

An electric power line bringing power from a distribution substation to consumers.

DISTRICT

A base or overlay zoning district within which the use of land and structures and the location, height, and bulk of structures are governed by this Code.

DORMER

A window or other projection from a roof that includes its own roof.

DRIVE-THROUGH FACILITY

An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVEWAY

A private roadway providing access to a street or highway from a building or structure.

DWELLING UNIT

One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with a single kitchen, sleeping, and bathroom facilities for the exclusive use of a single household.

DYNAMIC BRAKING DEVICE

A device used primarily on trucks and buses to convert the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as an engine or "jake" brake.

EASEMENT

A grant of one or more property rights (e.g., access) by the owner to, or for the use by, the public, a corporation, or another person or entity.

ELECTRONIC MESSAGE CENTER

A sign or component of a sign that uses changing lights to form a message or series of messages that are electronically programmed or modified by electronic processes.

EMERGENCY WORK

Work required to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.

EROSION

Means the wearing away of the ground surface as a result of movement by wind or water.

EXCAVATION

Means the mechanical removal of earth material.

FAA

The Federal Aviation Administration.

FAMILY UNIT

A family unit is defined as a person living alone or any of the following groups living together as a stable single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

A. any number of related people and no more than two unrelated persons;

B. six unrelated people; or

C. two unrelated people and any minor children related to either of them.

A family unit does not include any society, club, fraternity, sorority, lodge, organization, or group where people come and go on a transient basis or where the relationship is merely based on a commercial basis; rather, the composition of a family unit must be sufficiently stable and permanent and of a demonstrable bond characteristic of a cohesive family unit. The size of a family unit is subject to the maximum dwelling unit occupancy set forth in Section 19.5.3.A.1. For purposes of this section, "related" means by blood, marriage, adoption, guardianship, or other duly and legally authorized custodial relationship.

FARMERS MARKET

A designated area where on designated days and times, agricultural and home manufactured products may be sold directly to the public in accordance with City regulations. The City shall have the right to relocate or discontinue a market to specify the days and times of its use and to stipulate what goods may be sold.

FCC

The Federal Communications Commission.

FENCE

An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENCE, DECORATIVE

A continuous permanent or temporary structure designed primarily for aesthetic appeal and not intended or designated as a method of prohibiting entry to a property.

FESTOON

A string or garland suspended in a loop or curve between two points.

FILL SLOPE

The exposed ground surface resulting from the placement of excavated material on the natural terrain.

FINAL MAP

A map prepared in accordance with the provisions of NRS 278.325, 278.360 to 278.460, inclusive, 278.472, 278.4725 or 278.4955, and any applicable local ordinance, that is designed to be placed on record in the office of the Clark County Recorder.

FIRE LANE

A "Fire Apparatus Access Road" as defined in the Fire Code.

FLAG

The flag of a recognized government and its agencies or a flag-like device not bearing governmental emblems, whether flown from a flagpole, draped, or displayed by some other method.

FLOODPLAIN

A natural watercourse and adjacent low-land areas that would be inundated by flood waters that are generated from a 100-year storm.

FRONTAGE

See Section 19.12.3.D.6, *Lot or Property Line, Front*.

GARAGE

A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and intended for the storage of motor vehicles and equipment with no facilities for mechanical service or repair of a commercial or public nature.

GRADE

The vertical alignment of a surface of land as it exists or as rendered by cut or fill activities.

GRADING

Rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.

GRUBBING

The removal of trees and other large plants by their roots.

HABITABLE STRUCTURE

A structure that has facilities to accommodate people for an overnight stay, including, but not limited to, residential homes, apartments, condominiums, hotels, motels, and manufactured homes, and which does not include recreational vehicles.

HARDSCAPE

The part of a development's grounds consisting of structures, such as patios, retaining walls, and walkways, made with hard materials.

HAZARDOUS WASTE OR MATERIALS

Chemicals or substances that are physical or health hazards as defined and classified in the Fire and Building Codes and Title 29 of the Code of Federal Regulations, such as: explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers, and other health hazards.

HENDERSON MUNICIPAL CODE (HMC)

The Municipal Code of the City of Henderson, Nevada.

HIGH-VOLTAGE TRANSMISSION LINE

A facility that transmits a minimum of 69 kilovolts of electrical power.

HILLSIDE

The part of a hill between the summit and the foot with slopes of 15 percent or more.

HILLSIDE DEVELOPMENT PLAN

A series of words and graphic depictions prepared by an applicant that describe the proposed development of property located within the Hillside Overlay District. See Section 19.4.8.

HILLSIDE REGULATION MAP

A graphic display depicting properties subject to the requirements of the Hillside Overlay District, including parcels with 15 percent or greater slope and sensitive ridgelines that may be incorporated into the official zoning map.

HMC

Henderson Municipal Code.

HOSTEL

An establishment operated, managed, or maintained under sponsorship of a non-profit organization that holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended, or that is licensed by and operated under the rules of Hosteling International -American Youth Hostels, or a comparable hosteling umbrella organization approved by the City Council. Such uses provide beds for rent on a daily basis in individual rooms or dormitories, and guests shall be provided toilet and bathing facilities. This use type does not include homeless shelters, honor camps, halfway houses, and for early-release shelters operated through the judicial system or in conjunction with or in lieu of incarceration in a penal institution. Hostels are also distinguished from drug, alcohol, or other rehabilitation facilities or similar institutional facilities providing physical or psychological care.

HOTEL OR MOTEL, RESIDENTIAL

An establishment offering transient lodging consisting of five or more guest rooms with kitchenettes or kitchen facilities as part of any guest room and available for occupancy of continuous periods exceeding a weekly basis.

ILLUMINATION, DIRECT

Illumination by means of light that travels directly from its source to the viewer's eye.

ILLUMINATION, EXTERNAL

A lighting source that projects light onto a sign surface from an exterior location to the sign itself.

IMPLEMENTING AGREEMENT

For the purposes of Sec. 19.7.9 Multiple Species Habitat Conservation only, "implementing agreement" means that certain document entitled Clark County Multiple Species Habitat Conservation Plan Implementing Agreement, approved by the Henderson City Council on October 3, 2000.

IMPULSE SOUND

A noise containing excursions usually less than one second as measured on a peak un-weighted sound pressure measuring instrument.

INCIDENTAL TAKE PERMIT

The permit, effective as of February 1, 2001, issued by the Secretary of Interior pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539 which incorporates by reference the Multiple Species Habitat Conservation Plan and Implementing Agreement and allows the incidental taking of threatened or endangered species in the course of otherwise lawful activities.

INFRASTRUCTURE

Man-made structures that serve the common needs of the population, such as: potable-water systems; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems;

electric, gas, telephone, cable, and other utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails; and transit stops.

INTERPRETATION

The process whereby the Community Development and Services Director interprets or explains the provisions of this Code in relation to a proposed use or activity.

KITCHEN

That portion of a dwelling unit devoted to the preparation or cooking of food for the purpose of consumption by residents of the dwelling unit. A kitchen indicates the presence of complete cooking facilities (i.e., stove, oven and/or microwave oven, refrigerator, dishwasher, and sink). For the purposes of this Code, a natural gas stub or a 220 volt electrical outlet/wiring shall classify any food preparation area as a kitchen.

L-10 TENTH PERCENTILE NOISE LEVEL

The A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded to one minute in a ten-minute period) and is denoted L10.

L-90 NINETIETH PERCENTILE NOISE LEVEL

The A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded to nine minutes in a ten-minute period) and is denoted L90.

LANDSCAPE MAINTENANCE DISTRICT

The sum of all legal parcels of real property containing improvements requested by the applicant to be included and maintained within the district in accordance with Section 19.6.10.B, *Creation of Landscape Maintenance Districts*, and all other applicable City standards.

LANDSCAPE MAINTENANCE DISTRICT, ACCEPTANCE OF

The date the City accepts maintenance of the area upon which the improvements to be included in a landscape maintenance district are located.

LANDSCAPE MAINTENANCE DISTRICT, ASSESSMENT

The amount and time periods as determined by the maintenance district coordination team for property described in an application for a landscape maintenance district.

LANDSCAPE MAINTENANCE DISTRICT, ASSESSMENT UNIT

Each legal lot or parcel of real property comprising and being included within the boundaries of the maintenance district and upon which a single-family dwelling unit may be constructed, whether such building unit has been constructed or not.

LANDSCAPE MAINTENANCE DISTRICT, PUBLIC LIGHTING

Works or improvements useful in lighting a street, sidewalk, or other place used for a public purpose as defined in NRS 278.4783.

LANDSCAPE MAINTENANCE DISTRICT, SECURITY WALL

The perimeter wall of a residential subdivision located immediately abutting the maintenance district, but not including gates, as defined in NRS 278.4785.

LANDSCAPING

An area devoted to or developed and maintained with native or exotic plantings; lawn; groundcover; gardens; trees; shrubs and other plant materials; decorative outdoor landscape elements; pools; fountains; water features; paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, loading or storage areas); and sculptural elements. Plants on rooftops and porches or in boxes attached to buildings are not considered landscaping.

LANDSCAPING, INTERIOR PARKING LOT

A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding walkways providing direct access to the facility, driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

LANDSCAPING, PERIMETER

A landscaped area adjoining the perimeter or exterior boundary of a subdivision, project, parking, loading or similar paved area, excluding driveways or walkways providing access to the subdivision, project or other facility.

LAUNDROMAT

A facility where patrons wash, dry, or dry clean clothing or other fabric items in machines operated by the patron.

LEQ (EQUIVALENT SOUND PRESSURE LEVEL)

The steady sound level that, over a specified period of time, would produce the same energy equivalence as the fluctuating sound level actually occurring. Denoted as "Leq."

LEQ (9HR)

The Leq noise level for the period 8:00 p.m. to 5:00 a.m. or commercial and industrial nighttime measurements.

LEQ (10HR)

The Leq noise level for the period 9:00 p.m. to 7:00 a.m. or residential nighttime measurements.

LEQ (14HR)

The Leq noise level for the period 7:00 a.m. to 9:00 p.m. or residential daytime measurements.

LEQ (15HR)

The Leq noise level for the period 5:00 a.m. to 8:00 p.m. or commercial and industrial daytime measurements.

LIGHTING, INDIRECT

Illumination from a light source not contained within a sign or awning or halo or silhouette lighting that is not visible or exposed on the face of the sign.

Halo lighting

LIGHTING, HALO OR SILHOUETTE

A type of indirect sign illumination where a concealed light source illuminates the wall behind sign letters.

LOADING AREA

An off-street area of a lot where goods are received and/or from which they are shipped, and where adequate space is available to permit maneuvering of vehicles entirely on the lot.

LOT

A piece or parcel of land established by plat, subdivision, or otherwise permitted by law to be used, occupied or intended to be occupied by one or more buildings, structures or uses, together with such open spaces and access to or frontage on a street, as required by this Code.

LOUDNESS

A rise of ten dB in sound level corresponds approximately to a doubling of subjective loudness. That is, a sound of 85 dB is twice as loud as a sound of 75 dB, which is twice as loud as a sound of 65 dB, and so on. That is, the sound of 85 dB is 400 times the loudness of a sound of 65 dB.

MAIN BODY

As used in the design standards, the primary mass of a house or other building. The main body may be augmented by side or rear wings as well as bays, porches, and balconies.

MALT BEVERAGE

Beer, ale, porter, stout, or other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

MANUFACTURED HOME

A structure that is:

A. Built on a permanent chassis.

B. Designed to be used with or without a permanent foundation as a dwelling when connected to utilities.

C. Transportable in one or more sections.

D. Eight feet or more in body width or 40 feet or more in body length when transported or, when erected onsite, contains 320 square feet or more.

E. Complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.).

MARIJUANA

Any of the following, or as defined in NRS 453A, as may be amended or renumbered:

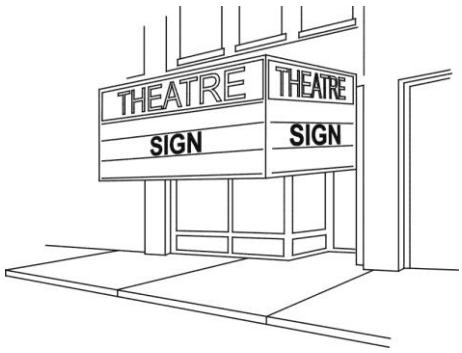
1. The dried leaves and flowers of any plant of the genus Cannabis, and any mixture or preparation thereof that are appropriate for the medical use of marijuana; and

2. The seeds of a plant of the genus Cannabis;

3. The resin extracted from any part of the plant;

4. Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

5. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted there from), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.



MARQUEE SIGN

MARQUEE

A shelter projecting from and supported by the exterior wall of a building constructed of rigid materials on a supporting framework. A marquee is distinguished from an awning in that an awning is covered with non-rigid material. A marquee is distinguished from a canopy in that a marquee is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

MASTER DEVELOPMENT PLAN

A plan establishing the requirements for development in the master plan development (MP) overlay district.

MASTER PLAN

The provisions for development of land including all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, private streets, ways, and parking facilities, common open space, and public facilities.

MASTER SIGN PLAN

A plan establishing the requirements for the size, location, and design of signs within a development that is constructed or managed as a single development.

MATERIAL STRUCTURE VALUE

The cost of labor and materials necessary to erect a sign. The term does not include any revenue or expenses related to the lease of real property upon which the sign is located.

MAXIMUM EXTENT FEASIBLE

Means that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account, but shall not be the overriding factor in determining "maximum extent feasible."

MAXIMUM PRACTICAL EXTENT

Means that, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

MEDICAL USE OF MARIJUANA

Means (a) the possession, delivery, production or use of marijuana; (b) the possession, delivery or use of paraphernalia used to administer marijuana; or (c) any combination of the acts described in subsections (a) and (b), as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition.

MEDICAL MARIJUANA, CULTIVATION FACILITY

A business that is registered with the State of Nevada Department of Health and Human Services – Health Division pursuant NRS453A.322; and which acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to: (a) medical marijuana dispensaries; (b) facilities for the production of edible marijuana products or marijuana-infused products; or (c) other cultivation facilities.

MEDICAL MARIJUANA, DISPENSARY FACILITY

A facility that is registered with the State of Nevada Department of Health and Human Services – Health Division pursuant to Title 10 of Senate Bill 374; acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card as defined by NRS 453A.410.

MEDICAL MARIJUANA, EDIBLE MARIJUANA PRODUCTS

Products that contain marijuana or an extract thereof; which are intended for human consumption by oral ingestion; are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

MEDICAL MARIJUANA, ESTABLISHMENT

An independent testing laboratory; a cultivation facility; a facility for the production of edible marijuana products or marijuana-infused products; a medical marijuana dispensary; or a business that has registered with the State of Nevada Department of Health and Human Services – Health Division and paid the requisite fees to act as more than one of the types of businesses listed.

MEDICAL MARIJUANA, INDEPENDENT TESTING LABORATORY

A laboratory certified by the State of Nevada to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in the State of Nevada.

MEDICAL MARIJUANA, MARIJUANA-INFUSED PRODUCTS

Marijuana products that are infused with marijuana or an extract thereof; and are intended for use or consumption by humans through means other than inhalation or oral ingestion. This term includes, without limitation, topical products, ointments, oils and tinctures.

MINI-STORAGE

See "Warehousing and/or Storage Yard." Section 19.5.6.M

MITIGATION FEE

The fee imposed pursuant to the provisions of Section 19.7.9.B, *Imposition of Mitigation Fee*.

MIXED-USE

The development of a site, building, or structure with two or more different uses including, but not limited to, residential, office, retail, public uses, personal service, or entertainment uses, designed, planned, and constructed as a unit.

MOBILE HOME

A vehicle without motor power designed or equipped for long-term habitation purposes and to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle. This use type does not include travel trailers, commercial coaches, manufactured homes, or any structure built in compliance with the requirements of Chapter 461 of NRS.

MOBILE HOME LOT

Any area or tract of land designated, designed, or used for the occupancy of a mobile home.

MOTOR COURT

The vehicular access to housing units within a cluster.

MOTOR HOME

Means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for the storage or conveyance of materials, tools, equipment or machinery, and so designed that it is or may be mounted on wheels, used as a conveyance on highways and streets, and propelled by its own motor power.

MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

The Clark County Multiple Species Habitat Conservation Plan approved and adopted by the Henderson City Council on August 3, 1999, and as thereafter approved and modified.

MULTI-TENANT DEVELOPMENT

A development (either a single or multiple-building development) consisting of two or more business establishments. The tenants of a multi-tenant development typically share vehicle access and parking facilities. Building entrances may be separate or common.

MURAL

A graphic representation that is painted on a building, wall, or fence.

NEVADA REVISED STATUTES (NRS)

The Nevada Revised Statutes, as amended.

NOISE

Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

NOISE DISTURBANCE OR UNREASONABLE NOISE

Any sound that annoys, injures, or endangers the safety or health of a reasonable person(s) with normal sensitivities or endangers the comfort, repose, health, hearing, peace, or safety of another person(s), or that causes injury to, or damage to property or business.

NONCONFORMING LOT

A lot whose area, dimensions, or location were lawful under prior law on the day before the effective date of this Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment to conform to all the present requirements of this Code.

NONCONFORMING STRUCTURE

A structure that was lawfully erected but does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this Code or by reason of annexation of territory to the City.

NONCONFORMING USE

The use of a structure or land that was lawfully established and maintained, but does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this Title or by reason of annexation of territory to the City.

NONCONFORMING SITE

A site that was lawfully established and maintained, but does not conform with the applicable development standards (e.g., landscaping, parking) for the district in which it is located by reason of adoption or amendment of this Title or by reason of annexation of territory to the City.

NONCONFORMITY

A nonconforming use, lot, site, structure, or building.

OFF-STREET LOADING

A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

OFF-STREET PARKING

A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

OPEN SPACE, COMMON

A parcel or parcels of land, an area of water, or a combination of land and water within the site designated that is designated and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.

OPEN SPACE, NATURAL

Protected lands that, depending on their resource sensitivity, are conserved in their natural state restored, or improved with appropriate native landscaping to retain a natural or natural-appearing condition and are integrated into an interconnected open space and trails system. Natural open space may include appropriate public trails or other public improvements. Open space is typically publicly-owned and maintained.

OPEN SPACE, PRIVATE

A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

OPEN SPACE, USABLE

An outdoor or unenclosed area on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or corner side yard, and excluding any space with a dimension of less than six feet in any direction or an area of less than 36 square feet. The area must be surfaced with lawn, pavers, decking, or sport-court-type that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.

OPPOSITE

Walls, windows, signs, districts or property lines are deemed "opposite" if a line perpendicular to a vertical plane through one element and having its widest horizontal dimension would intersect a similar vertical plane through another element.

OUTDOOR ACTIVITY

Any enterprise, operation, or activity that occurs in an unroofed area as part of a permitted use on a lot, and any outdoor display of materials, machinery, vehicles, or things that may or may not be for sale or rent.

OUTDOOR STORAGE

The keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

OUTPARCEL

A portion of land in a subdivision, shopping center, or other development that does not contain the primary building associated with the development, and that is intended for development of one or more smaller independent buildings usually located adjacent to a development's street frontage. Outparcels are typically smaller than the parent parcel and may not be contiguous to the parcel containing the primary building or buildings. Also known as Pad Site.

OVERLAY DISTRICT

A zoning district that encompasses one or more underlying base zoning districts and that imposes additional or alternate requirements to that required by the underlying zone(s).

PARAPET

A building facade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

PARCEL

All real property for which a development permit is applied.

PARCEL MAP

A subdivision map as provided in NRS 278.461, 278.462, 278.463, 278.464 or 278.466.

PARKING AISLE

The traveled way by which cars enter and depart parking stalls or spaces.

PARKING AREA

Any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

PARKING LOT

An off-street, ground-level, open area for the temporary storage of motor vehicles.

PARKING, SHARED

Joint use of a parking lot or area for more than one use.

PARKING SPACE

The space or area in which a vehicle would park in a private or public parking lot.

PARKING STRUCTURE

A building or structure consisting of more than one level and used to temporarily park or store motor vehicles.

PARKWAY STREET

A public frontage street designed to provide vehicular access to property and public amenities abutting the Boulder Highway, as identified in Chapter 6 of the Boulder Highway Corridor Investment Strategy.

PASEO

A linear park or path designated for walking or recreation.

PEDESTRIAN ARCADE

A public or private right-of-way across a block or within a block to provide access to be used by pedestrians.

PEDESTRIAN ORIENTATION

Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

PEDESTRIAN SCALE

The use of human-proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, and architectural details.

PERMITTED

As related to a particular use type, "permitted" means the use is allowed without a requirement for approval of a use permit or temporary use permit.

PERSON

Any individual, partnership, company, corporation, association, firm, organization, government agency, administration, or department, or any other group of individuals, or any officer or employee thereof.

PILASTER

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature. This term is also used for the supporting structures of masonry walls.

PLAINLY AUDIBLE NOISE

Any noise for which the information content of that noise is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehensive of whether a voice is raised or normal, or comprehensible musical rhythms.

PLAN

The provisions for development of a planned unit development, including a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, private streets, ways, and parking facilities, common open space, and public facilities.

PLANNED UNIT DEVELOPMENT

An area of land controlled by a landowner that is to be developed as a single entity for one or more planned unit developments, one or more public, quasi-public, commercial or industrial areas, or any combination of these uses.

PORCH

A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room that is not heated or cooled and that is attached to the outside of a building.

PORTICO

A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

POWER TOOL

Any device powered mechanically, by electricity, by gasoline, by diesel fuel, or by any other fuel, which is intended to be used or is actually used for, but shall not be limited to, the performance of such functions as cutting, nailing, stapling, sawing, vacuuming, or drilling.

PRE-EXISTING

A use or condition in existence prior to the effective date of the subject provision.

PRE-EXISTING TOWERS AND PRE EXISTING ANTENNAS

Any tower or antenna for which a building permit, design review, or conditional use permit has been properly issued prior to the effective date of this Code, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not yet expired.

PRIMARY ENTRANCE

A place of ingress and egress to a building, parcel, or development used by the public and facing the street from which the structure obtains its street address.

PRIMARY FACADE

The side of the building containing the primary entrance, or the side of a building facing the street from which the building derives its street address.

PRIMARY STREET

The street adjacent to and facing the primary front facade of a structure.

PRINCIPAL USE

See "Use, Principal."

PROJECT

Any proposal for new or changed use, or for new construction, alteration, enlargement or expansion of any property or structure, that is subject to the provisions of this Code.

PROJECT OF REGIONAL SIGNIFICANCE

As adopted by the Southern Nevada Regional Planning Coalition, "Project of Regional Significance" means any of the following:

A. Site-Specific Projects

1. Site-specific building or development projects of either a private, public, or quasi-public nature that satisfy one of the following criteria and occur within a half-mile of the boundary of an adjacent municipal corporation or unincorporated area:

(a) Tentative maps or planned unit developments of 500 units or more;

(b) Tourist accommodations of 300 units or more;

(c) A commercial or industrial facility generating more than 6,250 average daily vehicle trips, as defined by the Institute of Transportation Engineers or its successor; or

2. Zoning map amendments or local land use plan amendments that could result in development that exceeds the threshold criteria identified above and that occurs within a half-mile of the boundary of an adjacent municipal corporation or unincorporated area; or

3. Any conditional use permit request that involves property within 500 feet of the boundary of an adjacent municipal corporation or unincorporated area.

B. Regionally Significant Infrastructure Projects

Multi-jurisdictional regional infrastructure projects not under the purview of existing regional agencies (such as the Regional Transportation Commission), including, but not limited to, the following facilities when they impact more than one jurisdiction:

1. A transmission line that carries 60 kilovolts or more;

2. A facility that generates electricity greater than 50 megawatts;

3. Natural gas storage and peak shaving facilities; and

4. Gas regulator stations and mains that operate over 200 pounds per square inch.

PROJECT OF SIGNIFICANT IMPACT

A development project that:

A. Results in 500 or more dwelling units,

B. Contains 300 or more hotel rooms,

C. Includes 160 or more acres of nonresidential, or

D. Generates over 3,000 average daily trips (commercial/industrial only).

PROPERTY BOUNDARY

An imaginary line at the ground surface, and its vertical extension, that separates the real property owned by one person from that owned by another person.

PROTECTED USE

School sites, religious assemblies, and day-care centers as defined in Section 19.5.

PUBLIC FACILITIES NEEDS ASSESSMENT

An analysis that identifies existing public facilities and the structure of network used for the delivery of goods, services, and public safety, including, without limitation, communications facilities, water systems, sanitary sewer systems, storm sewer systems, streets and roads, traffic control systems, sidewalks, parks and trails, recreational facilities, fire, police and flood protection and all related appurtenances, equipment and employee costs, or any combination thereof, intended for use by the general public, or land approved for such use, and evaluates the need for and phasing of additional facilities and services required. A public facilities needs assessment is approved upon adoption by ordinance by the City Council.

PUBLIC PARK

Any land area dedicated to and/or maintained by the city for public purposes generally consisting of landscaped areas, picnic shelters, small play structures, or the like; and which may include programmable facilities such as ball fields, multi-purpose fields, swimming or aquatic facilities, facilities for other recreational purposes, sports complexes, plazas, water features, and other specific site furnishings, but shall not include: (a) privately-owned amusement parks; or (b) privately-owned or privately-managed golf courses.

PUBLIC PLAYGROUND

Any outdoor facility (including the parking lot); intended for recreation; open to the public and any portion of the playground that has three or more separate apparatus intended for recreation of children (slides, swings, see-saws, etc.)

PUBLIC RIGHT-OF-WAY

Land owned by the United States of America, the State of Nevada, Clark County, or the City of Henderson, that is used, reserved, or intended for use for pedestrian or vehicular travel.

REAL PROPERTY

A lot or parcel of land together with all structures located thereon.

RECREATIONAL VEHICLE

A vehicle towed or self-propelled on its own chassis, or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. This use includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, and converted trucks or buses..

RECYCLABLE MATERIALS

Solid waste including, but not limited to, newspaper, corrugated cardboard, aluminum, yard debris, (i.e. vegetation, green waste), office paper, glass, tin and steel cans, metal, motor oil, plastic, antifreeze, wood, and food waste which is intended for reuse, remanufacture, or reconstruction for the purpose of using the altered form.

REDEVELOPMENT AREA REVIEW

A process where proposed development is reviewed for consistency with an applicable redevelopment plan for a specific portion of the City that has already been adopted by the City Council.

REGIONAL MALL

A commercial development consisting of a minimum of 500,000 square feet connected by an enclosed common walkway, with a minimum of four major anchor stores and where the majority of the commercial tenant spaces have internal-facing commercial storefronts.

RESORT VILLAGE

A pedestrian-oriented, mixed-use project of at least five acres, located in a MC district, MR district, or CT zoning district and within a master-planned development which also contains a resort hotel. The resort village must be adjacent to the resort hotel and developed in accordance with the purposes and intent of the MC, MR, or CT district as set forth in Title 19. A resort village located outside of the Las Vegas Boulevard gaming corridor or in the rural Clark County gaming zone, as such terms are defined in Nevada Revised Statutes Chapter 463, shall not contain more than three taverns. Each of such taverns may be licensed to operate a maximum of 15 slot machines. Parking is to be located predominately at the perimeter of the resort village with no more than one percent of the parking located in the interior of the resort village. These restrictions do not include any parking reserved for the exclusive use of residents of the resort village. Such resident parking must be restricted from public use.

RETAINING WALL

A wall designed and constructed to withstand lateral earth and hydrostatic pressures.

REVEGETATION

The placement of native living plant materials or seeds on areas where the natural vegetation has been removed. Such areas include disturbed natural areas and manmade cut and fill slopes.

REVERSION TO ACREAGE

A process where the lot lines of two or more platted lots within a subdivision are removed or relocated to form a single larger parcel or site.

REVIEW BODY

The entity (typically City staff or Planning Commission) that is authorized to recommend approval or denial of an application or permit required under this Code.

REZONING

A legislative process where the official zoning map designation for a lot, portion of a lot, or group of lots is changed in accordance with the process in NRS Section 278.

RIDGE

An elongated crest or series of crests of a hill.

RIDGELINE

A ground line located at the highest elevation of and running parallel to the long axis of the ridge.

ROCK CRUSHING

See "Mining and Processing, General" or "Mining and Processing, Short Term." Section 19.5.6.J.

ROUTINE MAINTENANCE

Normal repair and upkeep of a sign's or billboard's structural integrity and appearance. The term does not include any increase in the size or height of the structure or any addition or enhancement to the

structure that increases the visual effect of the structure or increases the impact on the use of the land in the area around the structure.

SCHOOL SITE

A public or private facility recognized by the State of Nevada Board of Education that provides educational instruction to children in grades kindergarten to twelfth grade, has a minimum enrollment of 50 students, and conducts classes on either a nine-month or 12-month basis, or parcels with an existing use permit for a school.

SECONDARY STREET

A street facing a secondary or side/rear facade of a structure.

SENSITIVE RIDGELINE

A line designated on the Hillside Regulation Map meeting all the following characteristics as viewed from vantage points that are one or more miles apart and below the 15 percent slope line:

A. A series of points that when connected form an uninterrupted line with a definable starting and ending point.

B. Two intersecting side slopes each having a minimum gradient of 15 percent.

C. A starting point where three side slopes intersect at a definable point, which shall be a point at which the elevation is a minimum of 200 vertical feet higher than the closest parcels outside of the 15 percent slope line as designated on the Hillside Regulation Map.

D. An ending point of a sensitive ridgeline shall be the highest vertical elevation along the series of connecting points.

SEXUAL ACTIVITIES, SPECIFIED

Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks, or female breasts.

SHADED WALKWAY

For purposes of this Code, a shaded walkway shall be any one of the following:

A. A sidewalk at least ten feet wide made of pervious concrete with shade trees at 30-foot intervals or of standard concrete with the trees planted in grates at the same distance.

B. A five-foot sidewalk adjacent to a landscape strip at least ten feet wide planted with shade trees at 30-foot intervals.

C. A sidewalk at least six feet wide covered with weather-protection materials (such as awnings, an arcade, or other structure).

SHADE TREE

A tree grown primarily to produce shade, not including palm trees.

SHOPPING CENTER

Any structure or group of structures housing any assemblage of commercial and/or retail uses, including personal services, food service, and other ancillary uses, with a minimum 25,000 square feet of gross floor area upon a single lot or parcel of land, or upon contiguous parcels of land that have common vehicular

access and parking facilities. A shopping center may consist of one or more "out parcels" under separate ownership or lease that contain complementary commercial enterprises.

Pin-mounted channel letter signs

SIDE OR REAR WINGS

As used in the design standards, massing forms of a house or building subordinate to the main body attaching to the side or rear faces of the main body. Side or rear wings are usually smaller than the main body. Wings are typically limited to a maximum width of one third the width of the main facade.

SIGN

A visual communications device used to convey a message to its viewer. A sign means and includes every advertising message, announcement, declaration, insignia, mural, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of any establishment, product, good or service, or the interests of any person or entity.

SIGN, A-FRAME

A temporary and/or portable sign constructed with two sides attached at the top allowing the sign to stand in an upright position.

Raceway-mounted channel letter sign

SIGN, ABANDONED

A sign that no longer directs, advertises, or identifies a legal business establishment, product, or activity, or that lacks any required maintenance certification.

SIGN, ANIMATED

Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, BLADE

A projecting sign, generally eight square feet or smaller in size, either lighted or unlighted, designed to be suspended from a canopy or to project from a wall or post above a walkway to aid pedestrians in locating store entrances.

SIGN, CABINET

A sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a cabinet or box that houses the lighting source and equipment.

SIGN, CANOPY

A sign painted on, printed, on or otherwise attached flat against the surface of a canopy.

SIGN, CHANNEL LETTER, PIN-MOUNTED

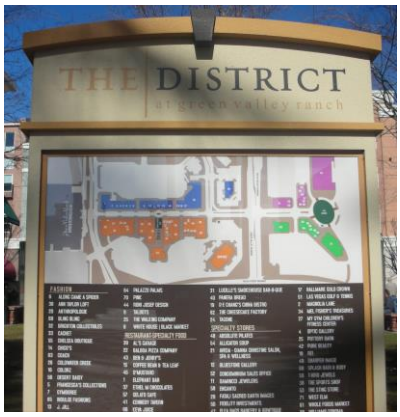
A wall sign mounted directly on the face of a building wall as channel letters without a raceway or other background other than the background provided by the building wall to which it is attached.

SIGN, CHANNEL LETTER, RACEWAY-MOUNTED

A wall sign mounted directly on a raceway (a metal structure that encloses the electrical components of a sign) as channel letters. Also includes channel letters mounted on a background other than the building wall.

SIGN, CHANGING-IMAGE

A sign or portion thereof that, through the use of moving structural elements, lighting, video, television, or plasma screens, holographic displays, or an electronic message center, to depict or simulate movement, action, scrolling text, or a change in appearance of any manner. Time and temperature, electronic message center, electronic graphic display, and digital video display signs are examples of changing-image signs.



Directory sign

SIGN, CONSTRUCTION

A temporary sign identifying the persons, firms or businesses directly connected with a construction or development project.

SIGN, DIRECTIONAL/INFORMATIONAL

An incidental sign designed to guide or direct pedestrian or vehicular traffic, to specify procedures or to warn of hazards. Directional/informational signs contain no commercial message, but may contain a company name or logo if such name or logo enhances the directional or informational message of the sign. For example, a small logo combined with a directional arrow may reduce confusion for drivers looking for a certain driveway entrance.

SIGN, DIRECTORY

A wall or freestanding sign on a multi-tenant development site that is used to convey directions and tenant information to pedestrians and motorists who have entered the site.

SIGN, DISTINCTIVE MATERIALS/DESIGN

A sign that uses indirect lighting and is constructed primarily of the following materials and methods:

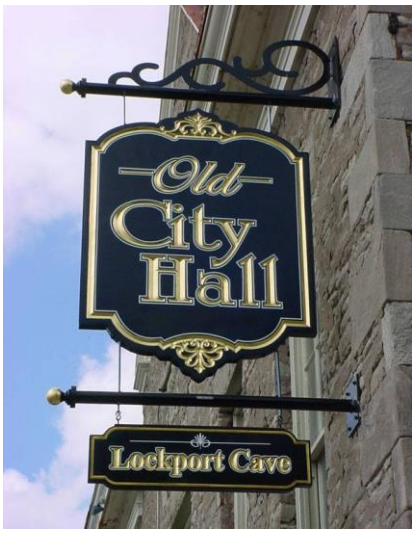
A. ceramic tile—painted or sandblasted;

B. wood—carved or sandblasted;

C. metal—formed, etched, cast, or engraved;

D. brick or stone with recessed or raised lettering; or

E. other similar high-quality, exterior-grade materials approved by the Community Development and Services Director.



Distinctive material sign examples

SIGN, EASEL

An A-frame sign type, typically used indoors or under a canopy or awning.

SIGN, ELECTION

A sign containing a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose. These signs are regulated as temporary off-premises election signs.

SIGN, ELECTRONIC GRAPHIC DISPLAY

A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using light emitting diodes (LEDs), fiber optics, light bulbs, other illumination devices, or a combination thereof, within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays.

SIGN, FLASHING

An illuminated sign that contains an intermittent or sequential flashing light source or any other means to attract attention. This definition is not intended to include animated signs.

SIGN, FREESTANDING

A sign supported by the ground or by freestanding frames, braces, or poles and not attached to any building. This includes ground signs, detached signs, pole signs, and monument signs.

SIGN, ILLEGAL

A sign that does not comply with the requirements of this Development Code and that has not received lawful nonconforming status or has lost its lawful nonconforming status.

SIGN, ILLUMINATED

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

SIGN, INCIDENTAL

A small sign, emblem, or decal pertaining to goods, products, services, or facilities that are available on the premises where the sign occurs and intended primarily for the convenience of the public.

SIGN, MARQUEE

A sign painted on, printed on, or otherwise attached flat against the surface of a marquee.

SIGN, MASTER DEVELOPMENT

A permanent off-premises sign that identifies, embellishes, or directs visitors to a planned community or large aggregate collection of developments. A master development sign is generally a permanent project emblem or identity sign, whereas a temporary off-premises kiosk sign is a marketing sign of a more temporary nature.

SIGN, MENU-BOARD

A permanent sign placed for the purpose of listing food or beverages available for sale at a drive-through or walk-up restaurant.

SIGN, MONUMENT

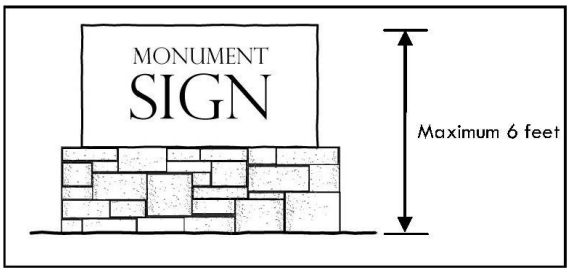
A low-profile freestanding sign with a solid base resting on the ground and typically incorporating the design and building materials complementary to the architectural theme of the buildings on the same property. A monument sign shall be no taller than 6 feet above grade.

SIGN, MOVING

Any sign or device that has any visible moving part, visible revolving part or visible mechanical movement.

SIGN, MULTI-TENANT DEVELOPMENT

A sign on the site of a multi-tenant development identifying the name of the development, the address of the development, and two or more tenants within the development.



SIGN, MURAL

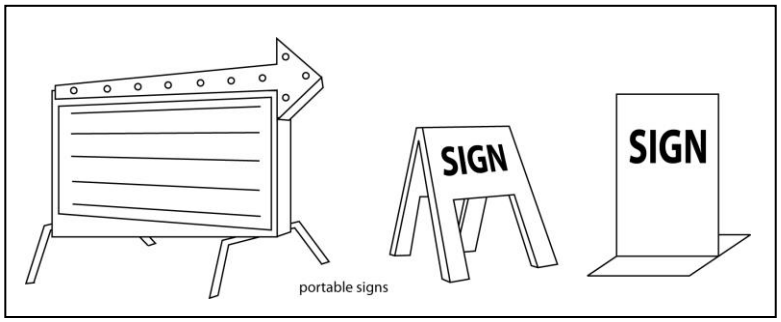
A graphic representation that is painted on a building, wall, or fence.

SIGN, NONCONFORMING

A sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed but does not conform with standards of location, size, or illumination for the district in which it is located by reason of adoption or amendment of this Code or by reason of annexation of territory to the City.

SIGN, OFF-PREMISES

A sign or billboard that advertises products or services that are not sold on the premises upon which the sign is located. See also "Billboard."

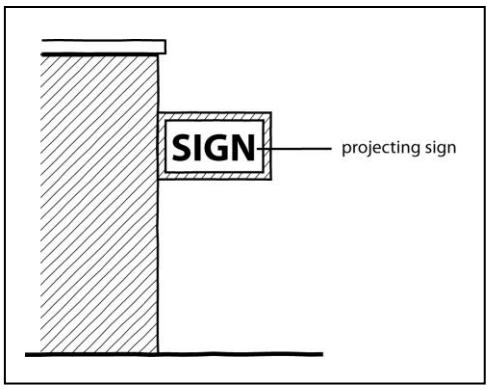


SIGN PERMIT

A permit issued by the Building and Fire Safety Department authorizing the installation, modification, or removal of signage.

SIGN, POLE

A free-standing sign, usually double-faced, mounted on a round pole, square tube, or other fabricated member without any type of secondary support.



SIGN, PORTABLE

Any sign designed to be moved and not permanently attached to the ground or to a structure or building.

SIGN, PROJECTING

Any sign that is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached by more than 12 inches. Includes blade, suspended, and hanging signs.

SIGN, PUBLIC SERVICE INFORMATION

Any sign intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, or traffic control.

SIGN, REAL ESTATE

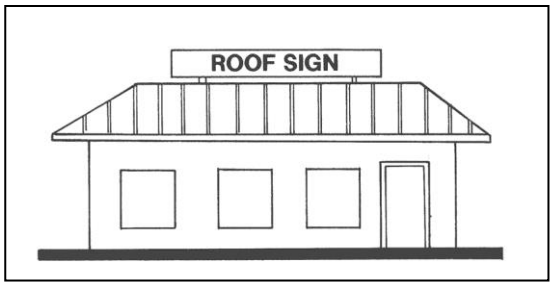
Any temporary sign pertaining to the sale, exchange, lease, or rental of land or buildings. This definition includes stab signs, designed and constructed to be installed in the ground without tools, but excludes subdivision development and directional signs.

SIGN, ROOF

Any sign erected upon or above a roof or parapet wall of a building and that is completely or partially supported by the building.

SIGN, ROTATING

Any sign or portion thereof that physically revolves about an axis.



SIGN, SNIPE

A sign or poster affixed to a tree, fence, etc.

SIGN, STAB

Angle iron-mounted and similarly constructed signs, typically placed along roadsides to direct traffic to projects or activities or to support political candidates.

SIGN, SUBDIVISION DIRECTIONAL

A sign designed to inform the public of the existence of a real estate subdivision.

SIGN, SUBDIVISION (OR NEIGHBORHOOD) IDENTIFICATION

A monument or wall sign identifying a recognized subdivision, condominium, apartment complex, or residential development.

SIGN, TEMPORARY BUSINESS

A temporary sign used for grand opening events immediately after issuance of an initial business license or to advertise a temporary sales or promotional event taking place upon the subject property.

SIGN, TEMPORARY OFF-PREMISES DEVELOPMENT DIRECTIONAL

A temporary off-premises sign that is intended to serve only the short-term customer directing needs of its respective development, and is not envisioned to be a semi-permanent directional sign post for a greater number of projects. Included in this definition is the original message and graphics on the face of the sign, thereby distinguishing temporary off-premises development directional signs from billboards and temporary off-premises kiosk signs that are contemplated by this chapter to employ changeable messages and graphics.

SIGN, TEMPORARY OFF-PREMISES ELECTION

A temporary sign other than a billboard that advertises, promotes, supports, or opposes a candidate, issue, or ballot question to be decided in a scheduled election. This definition includes City, County, and other public elections as well as elections of clubs, labor unions, and other organizations that are not conducted by the City, County, or state.

SIGN, TEMPORARY OFF-PREMISES KIOSK

A temporary off-premises sign that directs potential buyers or renters to more than one real estate project offering lots, buildings, or dwellings for sale or rent. Where specifically approved by the City Council, a temporary off-premises kiosk sign may also direct travelers to public and semipublic uses, such as City buildings, recreation facilities, hospitals, and airports. A temporary off-premises kiosk sign is intended to serve multiple developments for a period of time longer than would be needed for a single project, with the names and directional symbols changed from time-to-time during the life of the sign. A temporary off-premises kiosk sign is different from a master development sign in that a temporary off-premises kiosk sign is a temporary marketing sign, whereas a master development sign is a permanent display of a name or emblem.

SIGN, TEMPORARY OFF-PREMISES OPEN HOUSE

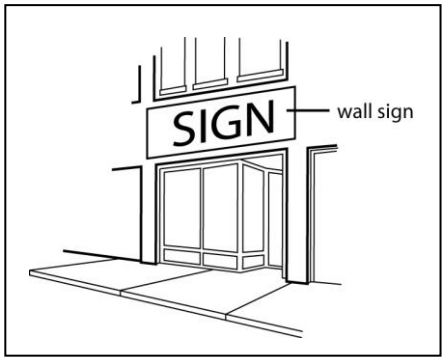
A temporary off-premises sign directing potential house buyers to an active open house event for a house that is for sale.

SIGN, TEMPORARY OFF-PREMISES SPECIAL EVENT

A temporary sign advertising or pertaining to any civic, patriotic, or other special event of general public interest taking place within the City.

SIGN, TEMPORARY REAL ESTATE

A temporary sign pertaining to the construction, sale, exchange, lease, or rental of land or buildings. Includes Temporary signs for new construction, temporary signs for land sales or leases, temporary real estate signs for existing improved property, temporary off-premises open house signs, temporary off-premises kiosk signs, and temporary off-premises development directional signs.



SIGN, TEMPORARY

A sign that is temporary in nature, such as temporary real estate signs and signs advertising occasional sales or promotions, and that are not permitted for permanent placement or to have the functional effect of permanently placed signs.

SIGN, UNDER-CANOPY

A sign suspended beneath a canopy, ceiling, roof, marquee, or similar structure. Also see "Sign, Blade."

SIGN, VEHICLE

A sign or other advertising device painted on or otherwise affixed to a car, truck, trailer, or other similar vehicle.

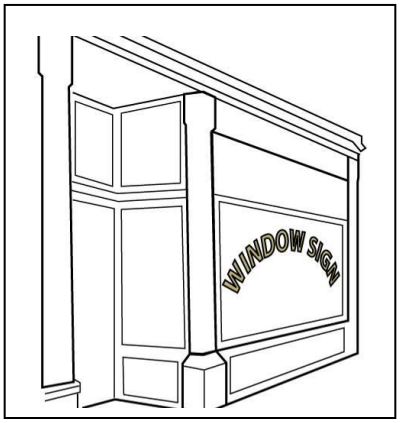
SIGN, WALL

Any sign posted, painted, or suspended from or otherwise affixed to the wall of any building or structure in an essentially flat position, or with the exposed face of the sign in a place approximately parallel to and not greater than 12 inches away from the wall with no copy on the sides or edges or engraved into the facade of a structure. Wall signs that are painted on a building wall surface may contain any art of graphic representation painted onto a building wall containing a product name, brand, trade style, or similar copy representation. A wall sign is distinguished from a mural since murals contain no copy or reference to a commercial person, product, or organization.

SIGN, WEEKEND DIRECTIONAL

See "Stab Sign."

SIGN, WINDOW



A sign that is attached, affixed, or placed and intended to be seen in, on, or through a window or door and is visible from the exterior of the building.

SINGLE FAMILY RESIDENCE

A structure containing one or more dwelling units in which resides a family unit. This classification includes homes for individual residential care, residential facilities for groups, and halfway house for recovering alcohol and drug abusers pursuant to the provisions of NRS 278.02386.

SINGLE OWNERSHIP

Holding record title, possession under a contract to purchase or possession under a lease by a person, firm, corporation or partnership, individually, jointly, in common or in any other manner where the property is or will be under unitary or unified control.

SITE

A lot or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit that is proposed for development in accordance with the provisions of this Code and is in a single ownership or has multiple owners, all of whom join in an application for development.

SITE DISTURBANCE

The area on a lot or parcel, excluding streets, that has been graded, excavated, cleared or grubbed, or contains cut slopes or fill slopes.

SLOPE ANALYSIS MAP

A pictorial representation prepared by the City of the natural topography of property expressed in a series of percentages. See Section 19.4.8.

SOIL

All earth material of any origin that overlies bedrock and may include a decomposed zone of bedrock that can be excavated by mechanical equipment or blasting.

SOLAR REFLECTANCE INDEX (SRI)

A composite index used to estimate how hot a surface will get when exposed to full sun. The temperature of a surface depends on the surface's reflectance and emittance, as well as solar radiation. The Solar Reflectance Index (SRI) is used to determine the effect of the reflectance and emittance on the surface temperature, and varies from 100 for a standard white surface to zero for a standard black surface. The SRI is calculated using ASTM E1980, "Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low-Sloped Opaque Surfaces."

SOUND

A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates a finite speed to distance points that evokes an auditory sensation.

SOUND LEVEL METER

A sound level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications S 1.4-1971. A sound level meter for the purposes of this Code shall contain at least an A-scale and both fast and slow meter response.

SOUND PRESSURE LEVEL

In decibels (dBA), is 20 times the logarithm to the base ten of the ratio of the pressure of a given sound to the reference pressure. The reference pressure is ten micropascals per square meter. Abbreviated LP or SPL.

STANDARD DRAWINGS

The Uniform Standard Drawings for Public Works Parks and Recreation Construction, Offsite Improvements, Clark County Area, Nevada, as modified and adopted by the City of Henderson.

STANDARD SPECIFICATIONS

The Uniform Standard Specifications for Public Works Parks and Recreation Construction, Offsite Improvements, Clark County Area, Nevada, as modified and adopted by the City of Henderson.

STEADY NOISE

A sound pressure level that remains essentially constant during the period of observation and does not vary more than six dBA when measured with the slow response of the sound level meter.

STREET

An improved vehicular passage within a right-of-way that affords the primary means of access to abutting lots. The term "street" includes avenue, drive, circle, road, roadway, parkway, boulevard, or any other similar term.

STREET, COLLECTOR

A street that collects traffic from local streets and connects with minor or major arterials, and that is defined specifically as such on the City's Master Streets and Highways Plan.

STREET, CUL-DE-SAC

A minor street with only one outlet, which provides for an adequate turning area for vehicular traffic at its terminus.

STREET FRONTAGE

The frontage of the parcel or lot with access to the public right-of-way.

STREET, LOCAL

A street designed to provide vehicular access to abutting property and to discourage through-traffic, and that is defined specifically as such on the City's Master Streets and Highways Plan.

STREET, MAJOR ARTERIAL

A street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials, and that is defined specifically as such on the City's Master Streets and Highways Plan.

STREET, MINOR ARTERIAL

A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets, and that is defined specifically as such on the City's Master Streets and Highways Plan.

STREET, PRIVATE

A street that has not been accepted by the municipality or other governmental entity.

STREET, PUBLIC

A right-of-way intended to be used for travel by the public, improved for such purpose, and accepted by the City of Henderson for perpetual maintenance.

STREET STUB

A terminated street intended for future connection.

STRUCTURE

Any manmade construction in, on, or over the ground or water, including: buildings, stadiums, platforms, radio towers, sheds, storage bins, fences, improved facilities for drainage, flood control, retention, public recreation, and other facilities.

SWIMMING POOLS AND HOT TUBS

Water-filled enclosures having a depth of 18 inches or more used for swimming or recreation.

TOBACCO PARAPHERNALIA/ACCESSORIES

Includes pipes, pipe tampers and cleaners, cigar cutters, humidors, lighters, cigarette papers or wrappers, holders of smoking materials of all types, hookahs, cigarette rolling machines, and other similar accessories designed for the smoking or ingestion of tobacco products.

TRAFFIC IMPACT STUDY

A report analyzing anticipated roadway conditions with and without an applicant's development, and may also include a parking study and overall access management plan for the development site.

TRAILER

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or for the conduct of any business, trade or occupation, or for use as a selling or advertising device, or for the storage or conveyance of materials, tools, equipment, machinery, or recreational apparatus, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by the motor power of another vehicle.

TRANSMISSION LINE

An electric power line bringing power to a receiving or distribution substation.

TREILLAGE

Two or more trellis structures.

UNDISTURBED AREA

The area on a lot or parcel that has not been graded for access, a building pad, or a driveway. Undisturbed areas may include areas that are fenced and landscaped.

USE

The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

USE, PRINCIPAL

The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be used, occupied, or maintained.

USE, SIMILAR

A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele.

VACATION, TYPE I

A process where the City abandons interest in any public street or easement.

VACATION, TYPE II

A process where the City abandons interest in an easement for municipal utility (water or sewer) or controlled by the City. (Municipal Utility Easement).

VARIANCE

A grant by the Planning Commission permitting an owner to use a lot not wholly in accordance with the provisions of this Code because the Commission finds that strict conformance would be an unusual hardship not created by the owner, but depriving him of reasonable use of the lot. Such a grant specifies a minimum deviation or deviations from the regulations intended to cure the hardship, but not create detrimental conditions affecting abutting property owners or the public-at-large.

VEGETATION

Trees, grass, shrubs, or vines.

VEHICLE

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, ANTIQUE

Any vehicle older than 40 years.

VEHICLE, CLASSIC

Any vehicle between 25 and 40 years old.

VEHICLE, CUSTOM

Any vehicle that has been significantly modified after delivery from the manufacturer for the purpose of enhancing engine performance, suspension performance, braking, handling, appearance, or other permanent and significant modifications to the body, electrical systems, parts or engine thereof that distinguish the vehicle from original equipment manufacturer's (OEM) specifications, other than minor cosmetic modifications including, but not limited to, pinstriping or decals.

VISIBLE

Likely to be noticed by a person of average height walking on a street or sidewalk two years after installation of any planting intended to screen a view.

VISIBLE LIGHT TRANSMITTANCE

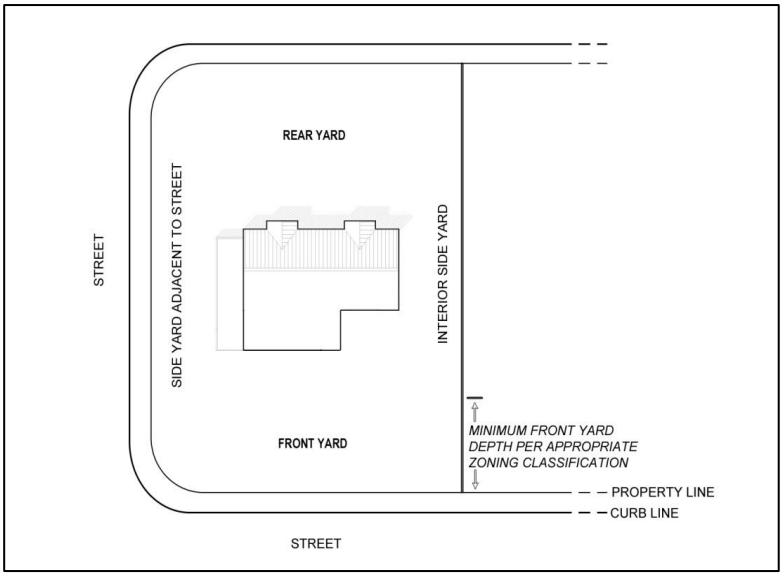
An optical property that indicates the amount of visible light transmitted. The higher the visible transmittance, the more light is transmitted. A high visible transmittance is desirable to maximize daylight.

YARD

An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this Code, including a front yard, side yard, or rear yard.

YARD, CORNER SIDE

The yard of a corner lot extending from the front yard to the rear yard and between the side street and the primary structure.



YARD, FRONT

The yard area extending along the entire length of the front property line and the depth between the street right-of-way line and the front façade or façades of the primary structure.

YARD, REAR

The yard area extending along the entire length of the rear property line and the depth between the rear property line and the rear façade or façades of the primary structure.

YARD, SIDE

The yard area extending from the front yard to the rear yard and between the side property line and the primary structure.

ZONING MAP AMENDMENT

A formal application and procedure for amending the official zoning map.

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