

CHAPTER 4: LAND USE CLASSIFICATIONS

4.1 CHAPTER ORGANIZATION

This chapter describes the allowed land uses within this Master Plan and the applicable use-specific standards.

A. USE CLASSIFICATION

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 opportunity 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 includes: Residential Uses, Public/Institutional Uses, Commercial Uses, and Accessory Uses and Temporary Uses.

B. USE REGULATIONS

Use-Specific Standards

For all uses in this section, the “All Districts” standards apply in all districts a use is permitted, and any district-specific standards supplement the all-district standards unless otherwise indicated

Any modifications to the use-specific standards of this chapter through a conditional use permit approval process shall be specifically listed in the approved conditions of approval. See Chapter 2.5.C, *Administration* for more details.

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 Master Plan. 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 this chapter shall not be deemed to limit or negate any other provision of this Master Plan.

To ensure consistency between the allowed use definitions within this master plan and the City of Henderson’s Title 19 use definitions, anytime that Title 19 is updated which makes changes to an allowed use definition, this chapter may be administratively updated to modify the effected definition to ensure consistency between the documents.

C. 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.

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.

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4.1 CHAPTER ORGANIZATION - STANDARDS FOR APPROVING UNLISTED USES

D. UNLISTED USES

1. PROCEDURE

Where a particular use type (principal, accessory, or temporary) is not specifically listed in this master plan, and affects the overall development of the Downtown; an application to amend this chapter of the master plan may be filed by the City Council, Planning Commission, City Manager, Redevelopment Manager, or Community Development and Services Director. Amendments to add a use to this chapter will only require Planning Commission Approval.

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 district, the Community Development and Services Director and Redevelopment Manager 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;

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4.2 PROHIBITED USES - PROHIBITED USES

- (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.

4.2 PROHIBITED USES

A. PROHIBITED USES

Airport or Landing Strip	Junkyard
Agriculture	Livestock Farming (Equine/Bovines)
Ambulance Service	Maintenance and Service Facility
Animal Husbandry	Mining and Processing
Auto Broker	Mobile Home Park or Subdivision
Barns, Stables, and Corrals	Non-Domesticated Companion Animals
Brewery	Recycling Facility
Building Materials and Services	Service Station
Car Wash, Unattended	Sexually Oriented Business
Caretaker's Quarters	Smog-check Station
Cemetery	Stable or Riding Academy
Cogeneration Power Plant	Swap Meet
Commercial Laundry	Teenage Dancehall and Nightclubs
Concrete Product Production	Temporary Development Lodging
Construction Storage Yard	Temporary Vehicle/Equipment Sales and Auctions
Daily Labor Service	Travel Trailer/RV Park
Facility for Transitional Living for Released Offenders.	Vehicle Sales Equipment Sales
Fleet Fueling Station	Vehicle Storage
Funeral and Interment Service	Warehousing and/or Storage Yards
Horticulture	Wholesaling, Distribution, and Storage
Industry	Vehicle/Equipment Auction

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4.3 PERMITTED USES - PERMITTED USES

4.3 PERMITTED USES

A. PERMITTED USES

SUMMARY TABLE OF ALLOWED USES								
P = Permitted S = Permitted w/ Standards BLANK CELL= PROHIBITED								
USES	ADT	BTD	BVC	GWD	SRD	SRT	WSD	WST
Accessory Uses and Structures 4.3.A								
Animal Keeping	S	S				S		S
Apiaries	S	S				S		S
Drive-In and Drive-Through Facilities				S	S			
Outdoor Display/Sale	S	S	S	S	S	S	S	S
Outdoor Dining and Seating			S	S	S		S	S
Wind Energy System	S	S	S	S	S	S	S	S
Solar Collection System	S	S	S	S	S	S	S	S
Residential Uses 4.3.B								
Live/Work Dwelling	S	S	S	S		S	S	S
Multi-Family	P	S	S		S	P	S	P
Single-Family Attached	P	P				P		P
Single-Family Detached	S	S				S		S
Mixed-Use Residential	S	S	S	S	S	S	S	S
Senior Housing						S		S
Accessory Dwelling Unit	S	S	S			S		S
Community Residence	S	S	S			S		S
Short-Term Vacation Rental	S	S	S	S	S	S	S	S
Public/Institutional Uses 4.3.C								
Club or Lodge			S	S			S	S
Community Food Services			-	S	S			-
Cultural Institution				S	S		S	

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USES	ADT	BTD	BVC	GWD	SRD	SRT	WSD	WST
Day Care								
<i>Day Care Center</i>			S	S	S		S	
<i>Family Home</i>	S	S				S		S
<i>Group Child Care</i>	S	S				S		S
Detention Facility							P	
Employment & Training Center, Nonprofit				S	S		S	
Government Office				P	P		P	
Heliport					P			
Hospital					P			
Institutional Housing								
<i>Group Living General</i>		S				S	-	S
<i>Supportive Housing</i>				S		S		
Park and Recreation Facility	S	S			S	S	S	S
Public Safety Facility							S	
Religious Assembly	S	S	S	S	S	S	S	S
School			P	P	P		S	P
Social Service Facilities					S			
Telecommunication Facility	S	S	S	S	S	S	S	S
Utility, Minor and Major	S	S	S	S	S	S	S	S
Vocational School			S	S	S		S	
Youth Drop-in Center			S		S			
Commercial Uses 4.3.D								
Live Entertainment			S	S	S	S	S	S
Animals Services								
<i>Animal Boarding</i>				S	S			
<i>Animal Sales and Grooming</i>	S	S	S	S	S	S	S	S
<i>Veterinary Clinic/Hospital</i>				S	S		S	
Artists' Studio	S	S	S	S	S	S	S	S
Bail-Bond Broker			S				P	
Banquet/Convention Facility				P	P		P	S
Brew Pub/Microbrewery/Craft Distillery			S	S	S		S	

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USES	ADT	BTD	BVC	GWD	SRD	SRT	WSD	WST
Commercial Recreation and Entertainment								
<i>Cinema/Theater</i>			P	P	P		P	
<i>Indoor Sports and Recreation</i>			P	P	P		P	
<i>Outdoor Recreation and Entertainment</i>			P	P	P		P	
Eating and Drinking Establishment								
<i>Restaurant</i>	S	S	P	P	P	S	P	S
<i>Restaurant with Bar</i>	S	S	P	P	P	S	P	S
<i>Tavern</i>	S	S	S	S	S	S	S	S
<i>Beer or Wine Lounge</i>	S	S	S	S	S	S	S	S
<i>Urban Lounge</i>							S	
Emergency Health Care Facility			S	S	S		S	S
Farmer's Markets			S		S		S	
Financial Institution			P	S	S		P	
Food Preparation			S	S	S		S	
Gaming Establishment	S	S	S	S	S	S	S	S
Instructional Service	S	S	P	P	P	S	P	S
Laboratory			S	P	P		S	
Maintenance and Repair Service			S	P	P		S	
Mobile Food Vendor			S	S	S		S	
Mobile Food Vendor Court							P	
Office								
<i>Business and Professional</i>	S	S	P	P	P	S	S	S
<i>Medical</i>	S	S	P	P	P	S	S	S
Personal Service								
<i>General</i>	S	S	S	S	S	S	S	S
<i>Dry-Cleaning Agency</i>	S	S	P	S	S	S		S
<i>Massage</i>			S	S	S		S	

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<i>Reflexology</i>			S	S	S		S	
<i>Tattoo and Body Alteration Studio</i>			S	S	S		S	
Retail Sales and Service								
<i>General</i>	S	S	P	P	P	S	P	P
<i>Auction Facility</i>			S	S	S		S	
<i>Convenience Store</i>	S	S	S	S	S	S	S	S
<i>Grocery Store</i>	S	S	S	S	S	S	S	S
<i>Liquor Store</i>			S	S	S			
<i>Pharmacy</i>	S	S	P	P	P	S	P	S
<i>Pharmacy with Drive Through</i>				S	S			
<i>Plant Nursery</i>			P	P	P			
<i>Printing Service</i>			P	P	P		P	P
<i>Equipment Rental</i>			S	S	S		S	
<i>Secondhand Goods</i>			S	S	S		S	
Vehicle/Equipment Related Uses								
Vehicle Rental				S				
Car Wash				S				
Visitor Accommodation	S	S	S	S	S		P	
<i>Bed and Breakfast</i>	S	S				S		S
<i>Hotel/Boutique Hotel</i>			S	S				
<i>Time-Share Project</i>								
Wedding Chapel			P					
Marijuana Establishment					C			
Agriculture Uses 4.3.E								
Urban Agriculture								
<i>Community Garden</i>	S	S				S	S	S
<i>Indoor Agriculture</i>			S	S	S		S	
<i>Market Garden</i>	S	S				S	S	S
Temporary Uses and Structures 4.3.F								
Circuses and Carnivals			S					
Commercial Filming, Limited	P	P	P	P	P	P	P	P

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Holiday Retail Sales/Rental	S	S	S	S	S	S	S	S
Street Fairs	P	P	P			P		P
Temporary Construction Trailer	S	S	S	S	S	S	S	S
Temporary Dwelling Unit	S	S				S		S
Temporary Live Entertainment Events	S	S	S			S		S
Temporary Outdoor Event	S	S	S	S	S	S	S	S
Temporary Pop-up Retail	S	S	S	S	S	S	S	S
Temporary Religious Assembly	S	S	S	S	S	S	S	S
Temporary Real Estate Sales Office	P	P	P	P	P	P	P	P
Temporary Security Trailer	S	S	S	S	S	S	S	S
Trade Fair	P	P	P	P		P		P
Temporary Vehicle/Equipment Sales and Auctions				S				

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - GENERAL STANDARDS FOR ALL ACCESSORY USES.

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS

A. ACCESSORY USES AND STRUCTURES

1. GENERAL STANDARDS FOR ALL ACCESSORY USES.

General Allowance for Accessory Uses. Accessory uses that are clearly incidental and subordinate to a principal use on the site may be allowed in conjunction with the principal use to which it relates. All accessory uses shall:

- (a) Be clearly subordinate in area, extent, and purpose to the principal use or structure; and
 - (1) Not violate any standards of this Code when taken together with the principal use or structure.
 - (2) Use-Specific Standards. Unless otherwise provided in this Master Plan, an accessory use is subject to all regulations applicable to the principal structure on the site.
 - (3) Timing. Accessory uses shall not be established prior to the start of construction of the principal use or structure.

2. ANIMAL KEEPING

- (a) Definition.

The keeping of animals as an accessory use.

- (b) Standards.

The keeping of all animals as an accessory use shall conform to Title 7 of the HMC, Animals, all other provisions of law governing animal keeping, and the following standards:

- (1) General Standards. The following standards apply to all animal keeping activities.
 - i. Unless otherwise allowed in another part of this Code, the keeping of animals shall be for the owner's or resident's use only.
 - ii. 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.
- (2) Household Pets. 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 may be kept in compliance with the following standards.

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- i. Outdoor Enclosure Location. Outdoor enclosures shall be located in an interior side or rear yard and set back a minimum of five feet from the property line.
 - ii. Dogs, Cats, and/or Ferrets. A maximum of three dogs, three cats, and/or three ferrets over three months of age, may be kept at any place, or premises, or in any one residence.
 - (3) Backyard Chickens. Hens (not roosters) may be kept outdoors as household pets and/or for the production of eggs for personal consumption as an accessory use on a lot with a detached single-family dwelling in compliance with the following standards.
 - i. Minimum Lot Size. Hens may only be kept on a lot with a minimum size of 6,000 square feet.
 - ii. Maximum Number. A maximum of seven hens may be kept on a single lot.
 - iii. Coops.
 - 1. Hens shall be kept in a predator-proof coop with a fenced-in run.
 - 2. Coops larger than 200 square feet require a building permit and must meet all requirements for accessory structures.
 - 3. Coops shall be separated by a minimum of 20 feet from any dwelling on an adjacent lot.
 - 4. Coops shall be set back a minimum of five feet from any property line.
 - 5. Coops shall not be located in a front yard.
 - 6. Coops must be maintained and cleaned at all times to minimize odors and other nuisances.
 - iv. Chickens may not be raised for slaughter or bred for sale.
 - v. Roosters are not permitted in any zoning district.
- (c) **Apiaries.**
 - (1) Definition.
 - i. Apiary means any hive box or other place where bees are kept by any person, and all beekeeping equipment used in connection therewith.
 - ii. Bees means honey-producing insects of the genus *Apis*, and includes adults, eggs, larvae, pupae, and all material, excluding honey and rendered beeswax, that is deposited into colonies by the adults. Beekeeping of anything other

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - ANIMAL KEEPING

than bees as defined herein and regulated by this Section is not permitted within the boundaries of the City.

- iii. Beekeeper means a person who owns or has charge of one or more apiaries.
 - iv. Beekeeping equipment means anything used in the operation of an apiary including, but not limited to, hive boxes, supers, frames, top and bottom boards, and extractors.
 - v. Colony means the bees, comb, and honey contained in the hive box.
 - vi. Disease means any condition adversely affecting bees or their brood which may become epidemic including, without limitation, bacteria, viruses or invertebrate pests and the presence of undesirable genetic characteristics including those associated with *Apis Mellifera Scutellata* or hybrids of this subspecies.
 - vii. Feral bee means wild bees, which are generally aggressive, have a tendency to swarm, and are of little value for commercial honey production or for pollination of crops.
 - viii. Flyway barrier means a solid wall, fence, or dense vegetation that will modify bees' flight patterns. Flyway barriers must be at least six feet in height as measured from the ground adjacent to where the hive box is located and must run along the adjacent property lines and extend 10 feet in either direction beyond the hive box. If a different height is needed for commercial purposes, it must be approved by the City through the zoning approval.
 - viii. Hive box means the structure with movable frames in which a bee colony lives and which may not exceed a height of 56 inches. It shall be unlawful for any person to have in the person's possession any bees kept in other than hive boxes.
 - ix. Aggressive bees or aggressive bee behavior means defensive actions such as unprovoked attacks, robbing of hives, significantly increased flying speed, formation of a dark cloud above the hives, and reaction to carbon dioxide.
- (2) City Approval and Registration.
- i. Community Development and Services Department approval (zoning approval) described in this Section is required prior to housing an apiary on any real property within the City boundaries. No person shall participate in

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - ANIMAL KEEPING

any beekeeping activity or otherwise keep, maintain, or allow to be kept any hive box or other facility for the housing of bees on or in any property within the City without first obtaining zoning approval. A home occupation license and other approvals required through the City's business licensing division may also be applicable.

- ii. Participation in the Nevada Department of Agriculture Voluntary Apiary Registration Program is required.
- iii. Zoning approval shall not be transferable. Only the owner of the real property where the apiary is proposed, or an occupant of the real property where the apiary is proposed, with the owner's written permission, is eligible to apply for an apiary zoning approval. Each beekeeper shall be responsible for obtaining a separate zoning approval for his or her apiaries. Only one apiary approval shall be approved per parcel.
- iv. Applicants shall provide at a minimum the following information with the submittal for zoning approval to demonstrate compliance with the requirements of this Section:
 1. A detailed lot diagram or site plan including location, materials and height of flyway barrier, location of hive box, and beekeeping equipment with distances to property lines and from nearby structures on neighboring properties, and type and number of flowering plants and description of water source.
 2. Sufficient proof in staff's discretion of beekeeping education/training from a local technical college, university, or beekeeping association or organization to obtain competency in beekeeping must be submitted at the time of submittal for zoning approval. Beekeeping training and membership is encouraged to promote recognized best management practices that provide safe and healthy living conditions for the bees while avoiding nuisance impacts on surrounding properties and persons and protecting the public health, safety and welfare.
 3. Sufficient documentation to demonstrate that all standards have been met.
 4. Additional items as deemed necessary by staff in their discretion for the subject location.

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- (3) Standards.
- i. All Districts.
 1. Apiaries are limited to the following numbers of hive boxes, based upon the size of the lot:
 - a. Hive boxes are not permitted on lots that are less than 5,500 square feet;
 - b. A lot that is 5,500 square feet or larger but equal to or smaller than ½-acre may have a maximum of two hive boxes;
 - c. A lot that is larger than ½-acre but equal to or smaller than two acres may have a maximum of four hive boxes;
 - d. A lot that is larger than two acres but equal to or smaller than five acres may have a maximum of six hive boxes;
 - e. A lot that is larger than five acres may have a maximum of 25 hive boxes if the beekeeper can support the number of hive boxes with sufficient water (approximately one gallon per hive box per day) and with available forage.
 2. Apiaries are permitted only as an accessory use for all zoning districts with the exception of the DH District. On land zoned DH, apiaries may be the primary or only use.
 3. All apiaries located adjacent to parks, trails, or schools, or within or adjacent to a PS zoning district, shall be located and maintained behind six-foot barriers (natural or otherwise) to encourage bees to fly above such places. Additional setbacks may be required if determined necessary for the protection of public health and safety.
 4. In order to ensure the appropriate height of the bee flight path, hive boxes must face away from, or be parallel to, the nearest property line adjacent to another lot.
 5. Hive boxes must be located a minimum of 20 feet from any street.
 6. If hive boxes are located less than 30 feet from any street, or less than 15 feet from any property line, a flyway barrier is required. If flyway barriers are comprised of vegetation on latticework or

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- shrubby or other plantings, they must be maintained and pruned around the hive box except as needed to allow reasonable access.
7. Hive boxes, related beekeeping equipment, and the entire lot where the apiary is located, must be clean, maintained in good condition, and kept free of any build-up of wax, comb or other materials that might encourage robbing by other bees (including bees other than honey bees). The area must be clear of remnant boxes or other debris that are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
 8. Water shall be made available to the bees on the lot at all times throughout the year and in a location that minimizes the potential for bees to seek water on other properties.
 9. Colonies shall be re-queened biannually or as often as necessary to prevent swarming or other aggressive behavior. Queens shall be selected from stock bred for non-aggressive behavior.
 10. Beekeepers shall maintain all receipts and records related to beekeeping activities for at least two years from the date of such record. Beekeepers may be required by the City and the Nevada Department of Agriculture to submit such records in response to a nuisance complaint or regulatory enforcement activities.
 11. No beekeeper shall own or operate an apiary that exhibits aggressive bee behavior, contains apiary pests, or is an abandoned apiary.
 12. No grandfathering rights shall be attached to any property, lot, entity, organization, person, business, or institution under this Section.
 13. High pollen and nectar producing plants must be provided on-site for purposes of pollination and avoiding nectar dearths that could cause aggressive behavior. Beekeepers shall maintain such flowering plants in proportion to the number of hive boxes they possess to support bee foraging and as reflected in their site plan.
 14. An apiary establishment that offers products for sale must obtain a producer's certification from the Nevada Department of Agriculture.

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15. Beekeepers shall comply with all applicable federal, state, and city code, laws, regulations, and requirements.
- ii. ATD, BTM, SRT, and WST Residential Districts.
 1. Hive boxes shall not be located in a front yard.
 - b. Bees shall not be raised or bred for sale. Bees may be raised or bred for the cultivation and sale of honey and other products in compliance with the home occupation provisions and any other applicable law. However, the honey extraction process may be performed in the same outdoor area where the hive boxes are permitted to be maintained. Approval of the City's business licensing division may also be required prior to commencing any sales of bee products.
 - c. Hive boxes and beekeeping equipment shall be kept a minimum of 10 feet from the side and five feet from the rear property lines and in a gated area that is inaccessible to the public.
- (2) Public Nuisance. The following may be declared to be public nuisances subject to abatement, removal, and/or destruction:
 - i. Bees other than as defined in this Section, abandoned colonies, diseased bees, feral bees, or aggressive bees found to be living in hive boxes;
 - ii. Honey, honeycombs and beeswax containing honey, if any of these items are exposed to robber bees; or
 - iii. Any bees lacking an adequate fresh and clean supply of water on the premises at all times.
- (3) The cost of abatement, removal, and/or destruction of any of the above, may be assessed against the beekeeper and/or the property owner through the lien and special assessment provisions of Title 15.
- (4) Penalty for Violation. Failure to comply with the provisions of this Section or the terms of the zoning approval will result in a fine up to \$500 per day per violation for each day the violation continues and could result in revocation of the zoning approval for the apiary. With respect to violations that are continuous, each day that the violation continues is a separate offense. Nothing in this Section shall be deemed to limit the City's right to exercise remedies under Title 7, Title 15, or Section 19.35, Enforcement, including the imposition of criminal penalties.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - DRIVE-IN AND DRIVE-THROUGH FACILITIES.

3. DRIVE-IN AND DRIVE-THROUGH FACILITIES.

(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.

(1) GWD and SRD District

i. Where Allowed and Permit Requirement. 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 the design review process.

ii. Sound Systems.

1. Within 300 Feet of a Residential Dwelling. Outdoor speakers or other public-address systems that emit sound are prohibited. Face to face ordering is allowed.
2. More than 300 Feet from a Residential Dwelling. An automated volume control system is required. Design treatments, such as porte cocheres, may be required to provide further sound mitigation.

(2) Design.

Design of the drive-in or drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site; screening; architectural compatibility with the principal structure; and the pedestrian environment of the overall development.

(3) Location.

- i. A conditional use permit is required if the use will be located within 50 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

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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. Stacking spaces are counted beginning at the point of order from the vehicle (order station/menu board), not the pickup window. For a business that only contains a pick-up/drop-off window, stacking spaces are counted from the pick-up/drop-off window.
- (4) Waiver or Modification of Standards. The standards of this Section may be modified or waived through Design Review with Modification approval.

4. OUTDOOR DISPLAY AND SALES.

(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. These standards apply to outdoor display and sales.

- (1) 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;
- (2) Display/sales areas shall be located outside of drive aisles, fire lanes, parking areas, required landscape areas, or pedestrian ways;
- (3) Display/sales areas shall not exceed eight feet in height and shall not extend more than a maximum four feet from the building;
- (4) Such uses shall take place on an improved surface such as paved area; and
- (5) Display/sales areas shall not be located within landscaped areas.

5. OUTDOOR DINING AND SEATING.

(a) Standards for GWD, WSD, WST, BVC and SRD Districts.

- (1) Applicability. The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining

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and seating located in the public-right-of-way is subject to an encroachment permit issued by the Department of Public Works.

- i. Such uses may be located adjacent to the main building or the curb provided a five-foot-wide unobstructed pedestrian pathway is maintained.
 - ii. 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.
 - iii. 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.
 - iv. Umbrellas shall be secured so as not to create a hazard in windy conditions.
 - v. Furnishings shall be compatible with the overall design of the building and should express the restaurant's theme or image.
- (2) Accessory Use. Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.
 - (3) Hours of Operation. The hours of operation are limited to the hours of operation of the associated eating and drinking establishment.
 - (4) Maintenance. Outdoor dining and seating areas shall always remain clear of litter.

B. RESIDENTIAL USES

1. GENERAL STANDARDS FOR ALL RESIDENTIAL USES.

The following general standards apply to all Residential Uses in the City.

- (a) Maximum Dwelling Unit Occupancy.

Occupancy by persons living in a dwelling unit shall comply with all of the following:

- (1) Compliance with the definition of a "family unit" or a "Community Residence".
- (2) A maximum of 20 occupants. CUP approval is required for occupancy of a dwelling unit by more than 10 persons 18 or older, not including house parents, guardians, and other persons

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related to the house parents or guardians, of a Community Residence.

- (3) A minimum of 150 square feet of gross floor area for each of the first 10 occupants and 300 square feet for each additional occupant.

(b) **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 residential use.

(c) **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.

2. HOUSEHOLD LIVING.

(a) **Dwelling, Live/Work.**

(1) 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.

(2) Standards.

i. All Districts.

1. Live/work units must be specifically indicated as such on a site plan approved through an entitlement application.
2. The nonresidential portion within the live/work unit may be located on the ground or second floor of a building. In the event the nonresidential portion is sought to be located on floor three and up, the activity must be approved through Conditional Use Permit application process. 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. Any nonresidential activity shall require a City business license.
4. The nonresidential portion of the building shall comply with all applicable nonresidential Building Code requirements.

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5. Employees shall be limited to occupants of the residential portion of the building plus up to two people not residing in the residential portion.
6. Drive-through windows are prohibited.
7. 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.
8. The following uses are permitted for live/work units:
 - a. Business and professional offices (excluding medical offices);
 - b. Artist studios;
 - c. Retail sales of items produced or created on-site as part of the live/work use;
 - d. Personal services such as photography studios, tailors, seamstresses, shoe repair, and other similar uses but excluding any uses prohibited below;
 - e. Personal improvement services such as music and dance lessons, tutoring, palmistry and fortune-telling, and other similar uses but excluding any uses prohibited below;
 - f. Other uses as approved by the Planning Commission if determined to be compatible with the overall characteristics of the development or neighborhood.
9. A live/work unit shall not be established or used in conjunction with any of the following activities:
 - a. Sexually oriented businesses;
 - b. Animal sales and animal-related services;
 - c. Liquor sales;
 - d. Massage establishments;
 - e. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and

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- recreational vehicles, vehicle detailing and painting, upholstery, etc);
- f. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 - g. Welding, machining, or any open flame work;
 - h. Manufacturing/industrial activities;
 - i. 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.
10. Client and customer visits to live/work units are permitted subject to the listed standards to ensure compatibility with adjacent commercial uses or adjacent residentially zoned areas or uses.
11. A live/work unit shall be designed to accommodate commercial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial facilities used for the same work activity.
12. 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.
13. 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 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. The exterior appearance of the live/work unit shall be designed to be compatible with adjacent and nearby residential uses.

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14. 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.
 15. Exterior areas shall not be used for work space for a live/work use.
 16. No more than one single one-ton or smaller commercial vehicle related to the business activity shall be kept at the dwelling site.
 17. 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.
 18. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- ii. ATD, BTM, SRT, and WST Districts.
1. The residential portion within the live/work unit shall occupy a maximum of 50 percent of gross floor area.
 2. Live/work units may be located within a single-family detached dwelling, single-family attached dwellings, as well as vertical mixed-use dwellings.
 3. 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 a Conditional Use Permit approval.
- iii. WSD District.
1. The residential portion within the live/work unit shall be a minimum 500 square feet
 2. Live/work units may be located within a vertical mixed-use dwelling.
 3. Customer visits may be allowed 7 days a week between the hours of 8:00 a.m. and 12 a.m.
 4. Deliveries may be allowed between the hours of 8:00 a.m. and 6:00 p.m. No Deliveries will be allowed on the weekends.

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(b) **Dwelling, Multifamily.**

(1) Definition.

Two or more dwelling units on one lot, each of which includes a separate household, including duplexes, condominiums, townhouses, row houses, multiple detached residential units, or apartments.

(2) Standards.

i. BVC, SRD, and WSD Districts

1. Multifamily uses are allowed only as part of a mixed-use project.
2. Multifamily uses are not allowed on the ground floor. Exception to this standard is if the residential units face Victory Road, Pacific Avenue, Texas Avenue, Atlantic Avenue, Basic Road, Army Street, Navy Street, Market Street, Panama Street and Marine Street.

ii. BTD South District

1. Multifamily Dwellings shall not be allowed within the area bounded by Major Avenue to the south, Basic Road to the north, Boulder Highway to the east, and Water Street to the west

(c) **Dwelling, Single-Family Attached.**

(1) Definition.

A dwelling unit that is designed for occupancy by one household located on a separate lot from any other principal dwelling unit and attached to one or more dwellings on abutting lots.

(d) **Dwelling, Single-Family Detached.**

(1) 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).

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- (2) Standards
 - i. All Districts
 - 1. Single-family detached dwellings shall comply with all applicable standards in Chapter 3.
 - 2. 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 HMC 19.10.2.E.
 - ii. ATD and WST Districts
 - 1. New single-family detached dwelling developments are not allowed along the Victory Road and Pacific Avenue frontage.
- (e) **Dwelling, Mixed-Use Residential.**
 - (1) Definition.

A dwelling unit either attached or established in a horizontal or vertical manner with nonresidential uses. Nonresidential uses may include small-scale retail, service, and professional offices that provide goods or services to residents of the surrounding neighborhood.
 - (2) Standards.
 - i. ATD, BTD, SRT, and WST Districts

Based on lot size and proposed non-residential uses, no more than 25 to 50 percent of the structure or development can be dedicated to nonresidential uses. See specific non-residential use regulations for limitations.
 - ii. GWD and SRD Districts
 - 1. As part of a vertical mixed-use project, residential uses are to be located on the upper floors or above street-level commercial uses.
 - 2. Residential uses in horizontal mixed-use projects shall not front along Lake Mead Parkway.
 - 3. As part of a horizontal mixed-use project, residential uses shall be integrated into site development to provide a transition between the highest intensity uses within the development and the adjacent neighborhood.

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4. Vertical or horizontal mixed-use projects shall provide a pedestrian circulation system plan that demonstrates a reduction in pedestrian and vehicular movements on-site and with the adjacent neighborhood.
 - iii. WSD District
 1. Residential uses are not allowed on the ground floor. Exception to this standard is if the residential units face Victory Road, Pacific Avenue, Texas Avenue, Atlantic Avenue, Basic Road, Army Street, Navy Street, Market Street, Panama Street and Marine Street.
- (f) **Senior Housing.**
- (1) **Definition.**

A deed restricted 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:

 - i. Provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and
 - ii. 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.
 - (2) **Standards.**
 - i. SRT, WST Districts
 1. All new Senior Housing projects shall only be located on the eastside of Water Street.
 2. Personal Services (General) uses may be allowed as accessory uses subject to the following:
 - a. Personal services uses shall be limited to residents of the development and shall not be open to the general public.
 - b. No exterior signage shall be visible to the public.

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

(g) **Accessory Dwelling Unit.**

(1) Definition.

A building or structure on the same lot as a principal dwelling, either detached from the principal dwelling or attached to the principal dwelling with no internal access and with an independent means of access, and intended for occupancy as separate living quarters.

- (2) An accessory dwelling unit shall be allowed only as accessory use to a single-family detached and attached residential dwelling unit

(3) Standards.

i. ATD, BTD, SRT, and WST Districts

1. The setback requirements for the principal dwelling shall apply to the accessory dwelling unit, not the general setback requirements for accessory structures.
2. Maximum Size. Accessory dwelling units shall not exceed 1,000 square feet in size.
3. Maximum Number. There shall be no more than one accessory dwelling unit on a lot in addition to the principal single-family detached dwelling.
4. Density. Accessory dwelling units shall not count toward any applicable maximum residential density requirements.
5. Use Limitations. Accessory dwelling units shall not be sold apart from the principal dwelling upon the same lot where they are located.
6. Accessory dwelling units shall not be leased or rented for tenancies of less than 30 days.
7. Pool houses, cabanas, and casitas shall not be used as accessory dwelling units.
8. Only one kitchen is allowed per accessory dwelling unit.

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(h) **Community Residence.**

(1) Definition.

A dwelling unit of a residential character for fewer than 11 unrelated individuals with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Nevada Revised Statutes Chapter 278 defines “person with a disability” as a person: (a) with a physical or mental impairment that substantially limits one or more of the major life activities of the person; (b) with a record of such an impairment; or (c) who is regarded as having such an impairment. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provides habilitative or rehabilitative services related to the disabilities of the residents. A Community Residence seeks to achieve normalization and community integration of its residents. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental, as in any home.

The term “Community Residence” includes “residential facilities for groups,” as defined by Nevada Revised Statutes 449.017 in which fewer than 11 unrelated persons with disabilities reside, a “recovery house for recovering alcohol and drug abusers” as defined by Nevada Revised Statutes 278.02374, in which fewer than 11 persons reside, and a “home for individual residential care”, as defined by Nevada Revised Statutes 449.0105. The term does not include a “facility for the treatment of abuse of alcohol or drug abuse”, “modified medical detoxification facilities”, “transitional living facilities for released offenders”, “facilities for treatment with narcotics”, or “community triage centers” as each of these is defined within Chapter 449 of the Nevada Revised Statutes. The term also does not include an “institution”, “hospital”, “boarding house”, “lodging house”, “fraternity”, “sorority”, “dormitory”, or any other group living arrangement for unrelated individuals who are not disabled. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

(2) Standards.

Community residences shall comply with the general standards for all residential uses in HMC Subsection 19.9.4.A and the following.

- i. All Community Residences. A Community Residence shall comply with any and all local, state and federal governmental licensing or certification requirements as well as all public health and safety requirements, including any applicable building and fire safety code

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requirements. A residential facility for groups shall be equipped with a fire sprinkler system if the facility has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.

(3) Recovery Houses for Recovering Alcohol and Drug Abusers.

- i. A Recovery house for recovering alcohol and drug abusers shall require such residents to 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.
- ii. A Recovery house for recovering alcohol and drug abusers shall adopt and enforce a policy prohibiting the use of drugs or alcohol by clients while they reside in the home.
- iii. Upon request, the Recovery house operator shall produce evidence satisfactory to the Director of Community Development and Services that the home is in compliance with these standards.

(4) Occupancy.

- i. Residents of a residential facility for groups may also reside with house parents or guardians who need not be related to any of the persons with disabilities and, if applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity, as long as the total number of occupants of the home does not exceed 20 persons.
- ii. CUP approval is required to increase the number of residents to 11 or more persons 18 or older, not including house parents, guardians, and other persons related to the house parents or guardians, of a Community Residence.
 1. An application for a CUP shall not be denied on any basis that discriminates against persons with disabilities. If it deems appropriate, the approving body may continue a public hearing on the application to another date in order to allow Community Development and Services staff to consult with, or to obtain an opinion from, a person or entity with expertise in the Federal Fair Housing Act regarding whether an approval or denial of the application is justified under state and federal law.

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2. Requests to waive, reduce or refund CUP application fees for a community residence shall be considered by the Director of Community Development and Services and shall be administratively granted where the request is reasonable and the applicant can demonstrate a financial hardship or other good cause for the waiver, refund or discount.

(i) **Short-Term Vacation Rental.**

(1) Definition.

A permanent residential dwelling unit or any portion of such dwelling unit, rented for occupancy for a period of less than thirty (30) consecutive calendar days, counting portions of calendar days as full days, regardless of whether a permanent resident is also present during the period of occupancy, excepting February.

(2) Standards.

i. All Districts

The following short-term vacation rental standards are not waivable. Failure to comply with any of these standards shall constitute a violation of this Section:

1. Unless mapped for individual ownership, multifamily dwelling units shall not be utilized as short-term vacation rentals.
2. Any property owner wishing to operate a short-term vacation rental must register its property with the City. Effective July 1, 2022, all registrants must obtain a State of Nevada business license.
3. Only the property owner of record, as listed in the Clark County Assessor's records at the time of registration may register a short-term vacation rental. The property owner must be at least 18 years of age. The property owner may also be referred to in this Section as the "applicant" or "registrant". If the property owner of record is an entity, an officer or manager of the entity may register the short-term vacation rental upon providing proof of entity action authorizing the registration. If the property owner of record is a trust, only a trustee designated by the trust may register the short-term vacation rental.

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4. Effective July 1, 2022, each property owner is limited to a maximum of 5 registrations per State of Nevada business license held by that owner.
5. Mobile homes, RVs, travel trailers, tents, vehicles, and similar non-permanent structures may not serve as short-term vacation rentals.
6. Short-term vacation rentals are considered “transient lodging” for the purposes of HMC Chapter 4.48 and are required to meet the definition of transient lodging set forth in that Section.
7. A short-term vacation rental shall not generate more traffic or different types of vehicle traffic than a home occupied by a permanent resident.
8. A short-term vacation rental may only be used for overnight accommodations and shall not be used for weddings, bachelor or bachelorette parties, or any gathering meeting the definition of “party” as established in Chapter 19.37, Definitions of Terms.
9. A short-term vacation rental shall, at all times, comply with all residential property maintenance requirements of HMC Title 15.
10. Complaints regarding short-term vacation rentals shall be directed to the City complaint hotline (see Subsection 19.35.5.B, Enforcement Process for Short-Term Vacation Rentals). The registered local contact shall be available by phone 24 hours a day to answer calls from the complaint hotline, as well as complaints from any other sources. Upon receipt of a notification or attempted notification regarding a complaint, the registered local contact shall contact the occupant of the short-term vacation rental and resolve the issue giving rise to the complaint. The registered local contact shall have 30 minutes from the time of notification or attempted notification of a complaint to resolve the problem giving rise to the complaint. Failure to resolve the problem within 30 minutes shall constitute a violation of this code unless the registered local contact can demonstrate that they contacted the occupant of the short-term vacation rental within 30 minutes and attempted to resolve the problem but were unable to do so. In that event, the registered local contact shall visit the short-term vacation rental property to address the

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problem and resolve the complaint within 30 minutes thereafter. The registered local contact shall provide a detailed report of all complaints received and their resolution or attempted resolution to the Community Development and Services Department within 48 hours of notification or attempted notification of a complaint. If the registered local contact disputes the complaint, the report shall include any photographs, videos, audio recordings, and/or other documentation refuting the existence of the problem underlying the complaint. Failure to resolve any complaint or to report complaints to the Community Development and Services Department as required in this Section 19.9.4.F.2.j, shall be a violation of this Section and shall be cause for the issuance of administrative fines and potential termination of registration pursuant to Subsection 19.35.5.B, Enforcement Process for Short-Term Vacation Rentals. Violations of this Section 19.9.4.F.2.j shall be considered separate and independent from any violation of any other provision of this Section. The City may take enforcement action against a short term vacation rental for any violation of this Section 19.9.4.F.2.j separately from and in addition to any enforcement action taken to address the violation underlying the complaint, if any.

11. A change in record ownership of a registered short-term vacation rental for any reason shall terminate the current registration upon recordation of the transfer of property or sale of the property and requires a new registration in the name of the new property owner of record, in compliance with this ordinance. Any transfer of ownership interests in an entity shall constitute a change in ownership of a registered short-term vacation rental which shall terminate the current registration upon such transfer of ownership interests, and requires a new registration disclosing all ownership interests in the entity. This Subsection (k) does not apply to non-conforming short-term vacation rentals as defined in HMC Subsection 19.9.4.F.2.p, whose registration shall automatically terminate as set forth in HMC Subsection 19.9.4.F.2.p.iii.

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12. Occupancy of a short-term vacation rental is limited to four occupants for the first bedroom and two occupants per each additional bedroom as listed with the Clark County Assessor's Office as of the date of registration, up to a maximum of 16 persons.
13. The City-issued registration number and, effective July 1, 2022, the Secretary of State business identification number shall be listed within the property description on any advertisement for the short-term vacation rental. The City issued registration certificate and, effective July 1, 2022, the State of Nevada business license shall be posted inside the property in a conspicuous location. The on-site posting shall include the maximum number of occupants permitted per the registration, the registered local contact name and phone number, and the issue date and expiration date of the registration.
14. The number of short-term vacation rentals within a multi-unit dwelling structure or mixed-use building is limited to 10 percent of the total number of residential units within a structure. Each short-term vacation rental shall require a separate registration. Where more applications are submitted to operate a short-term vacation rental than are allowed within the same multi-unit dwelling structure or mixed-use building, the first applicant(s) to complete the registration process, as measured by the date and time of final approval of registration, shall be entitled to operate a short-term vacation rental.
15. A short-term vacation rental shall not be located within 1,000 feet of another registered short-term vacation rental. The distance shall be measured as a radius from the property line of the registered short-term vacation rental to the nearest property line of the proposed short-term vacation rental. This distance requirement is not waivable. This distance separation does not apply to units mapped for individual ownership within a multi-unit dwelling structure, which units shall be limited as described in HMC Subsection 19.9.4.F.2.n, above. A short-term vacation rental shall not be located within 2,500 feet of a resort hotel, as defined by NRS 463.01865. The distance shall be measured as a radius from the property line of the proposed short-term vacation rental to the

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nearest property line of the resort hotel. This distance requirement is not waivable.

16. The following shall be permitted to operate as a legal non-conforming short-term vacation rental, subject to the requirements of subsections i through iii of HMC Subsection 19.9.4.F.2.p.: a registered short-term vacation rental that does not meet the required distance separation from another registered short-term vacation rental as required in HMC Subsection 19.9.4.F.2.o, as of November 17, 2020; a registered short-term vacation rental that does not meet the required distance separation of 2,500 feet from a resort hotel as required in HMC Subsection 19.9.4.F.2.o, as of February 18, 2022; a registered short-term vacation rental in a multi-unit dwelling structure with more than 10 percent of units registered as short-term vacation rentals as of February 18, 2022; and a registered short-term vacation rental located in a common interest community as of February 18, 2022.
 - a. A legal non-conforming short-term vacation rental registration shall automatically terminate if not renewed by the annual registration date; and thereafter, the property may not be registered and may not operate as a short-term vacation rental.
 - b. A legal non-conforming short-term vacation rental registration that is terminated for any other reason pursuant to the provisions of this Section or HMC Subsection 19.35.5.B, Enforcement Process for Short-Term Vacation Rentals, may not be registered thereafter and may not operate as a short-term vacation rental.
 - c. A legal non-conforming short-term vacation rental registration shall automatically terminate with a change in record ownership of the short-term vacation rental for any reason, upon recordation of the transfer or sale of the property. For a legal non-conforming short-term vacation rental owned by an entity, any transfer of ownership interests in the entity shall constitute a change in the ownership of the legal non-conforming short-term vacation rental which shall terminate the current

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registration upon such transfer of ownership interest.

17. Only one short-term vacation rental booking is allowed per registered property at any given time.
18. Exterior signs identifying the property as a short-term vacation rental are prohibited.
19. Short-term vacation rentals shall be booked for a minimum of two nights per booking, unless the rental is owner-occupied, in which case the minimum shall be one night.
20. Pools and/or spas shall not be used between the hours of 10:00 p.m. and 10:00 a.m. on weekends, and 10:00 p.m. and 7:00 a.m. on weekdays. Signage shall be posted at these outdoor areas to notify occupants of the prohibited hours.
21. Each short-term vacation rental shall install a front, street-facing security camera that shall be installed and remain functioning as long as the property is registered as a short-term vacation rental. Security footage shall be maintained for a minimum of two months. This requirement does not apply to multi-unit dwelling structures that have monitored common entrances to the building.
22. Each short-term vacation rental shall comply with HMC Section 5.17 (Solid Waste Management). The property owner shall include usable trash and recycling containers, the trash services collection schedule and instructions for proper trash disposal in the rental rules provided to each occupant.
23. Each short-term vacation rental shall comply with noise standards listed below:
 - a. HMC Section 8.84 (Noise Control); and
 - b. Quiet hours which shall be between the hours of 10:00 p.m. and 10:00 a.m. on weekends, and 10:00 p.m. and 7:00 a.m. on weekdays.
 - 1) No outdoor amplified sounds shall occur during quiet hours.
 - 2) Yelling, shouting, hooting, whistling, or singing during quiet hours so as to unreasonably annoy or disturb the

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- quiet, comfort, or repose of any persons of ordinary sensibilities is prohibited.
- 3) During non-quiet hours, outdoor amplified sound shall comply with noise regulations.
 - 4) All rear and side yard outdoor lighting shall be turned off during quiet hours, with the exception of motion-sensitive outdoor security lighting and landscape lighting.
24. All short-term vacation rentals shall maintain a noise management plan. The noise management plan must include:
 25. Continuous operation of noise monitoring device(s) while the registered property is rented;
 26. Conspicuous posting on-site of established quiet hours and penalties for violations of the HMC;
 27. A commitment by the short-term vacation rental owner and registered local contact, upon notification that the short-term vacation rental occupants and/or their guests have created unreasonable noise or disturbances or violated provisions of the Henderson Municipal Code or state law pertaining to noise or disorderly conduct, that the short-term vacation rental owner or its registered local contact will promptly act within 30 minutes to prevent continuation and/or a recurrence of such conduct by those short-term vacation rental occupants and/or their guests.
 28. Noise level data records maintained by the property owner for a minimum of two months.
 29. Noise monitoring equipment located both indoors and outdoors, in common areas; and
 30. Additional noise monitoring equipment shall be installed at the pool/spa areas for non-multi-unit dwelling structures with a pool or spa.
 31. The City shall have the right to request an inspection of all short-term vacation rentals. Upon consent of the property owner, an inspection shall be conducted at a reasonable time, and shall be limited in scope to inspection of areas needed to determine compliance with the registration

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requirements of this Code. If the property owner agrees to the inspection, the property owner or the registered local contact must meet the City inspector at the property for any requested inspection.

32. All hosting platforms shall:
 1. Require that all users listing rentals on the platform include the City issued registration number in any listing for a short-term vacation rental on the platform and, effective July 1, 2022, the Secretary of State business license number;
 2. Ensure the deactivation of all short-term vacation rental listings that lack a registration number by doing one of the following:
 - 1) Check the listed registration number against the City's registry described in HMC Subsection 19.9.4.F.2, above, and deactivate any short-term vacation rental listing that lacks a registration number that appears on the City's registry; or
 - 2) Deactivate any short-term vacation rental listing that lacks a registration number within seven days of receiving notice from the City.
 3. Submit a quarterly report to the City and to the State of Nevada Department of Taxation stating, for each quarter:
 - 1) The number of bookings, listings, owners and lessees for the City;
 - 2) The average number of bookings per listing for the City;
 - 3) Current year-to-date booking value for the City;
 - 4) Current year-to-date revenue collected from all rentals through the platform in the City, disaggregated by owners or lessee; and

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- 5) The average length of a rental in the City.
 - 6) In addition to hosting platforms, all accommodations facilitators that collect such information must submit the above-required quarterly report. To the extent the accommodations facilitator does not collect any of the above information, the City may require the owner to submit a quarterly report of such information.
 4. Effective July 1, 2022, impose, collect and remit all required taxes on the gross receipts from the rental of transient lodging advertised on its platform in compliance with the requirements applicable to operators set forth in HMC Chapter 4.48.
 - e. Upon request of the Director, an accommodations facilitator shall report all current listings of a residential unit or a room within a residential unit that the accommodations facilitator brokers, coordinates, makes available or otherwise arranges for the short-term vacation rental.
 33. A short-term vacation rental shall not be located within a common-interest community unless the governing documents of the community expressly authorize the rental of a residential unit or a room within a residential unit for the purposes of transient lodging.
- (3) Registration Requirement. Operation of a short-term vacation rental requires a registration with the City that must be renewed on an annual basis as set forth in this Section. Registration requires the following:
 - i. Advance payment of the then-current annual registration fee for the year following the date of registration, as set forth in HMC Section 18.01.030.
 - ii. Effective July 1, 2022, a current State of Nevada business license in the name of the property owner.
 - iii. Evidence that the registrant is at least 18 years of age; or, if the property owner of record is an entity, proof of entity action authorizing the registration by a manager or officer of the entity; or, if the property owner of record is a trust,

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a copy of the certification of trust authorizing the registration by a trustee designated by the trust.

- iv. A listing of the number of bedrooms that are available for rent at the property as listed with the Clark County Assessor's Office.
- v. A certificate of insurance indicating that the property is used as a short-term vacation rental and carries general liability coverage with policy limits of not less than \$1 million per occurrence. An excess liability policy or umbrella liability policy may be used in addition to the general liability policy to meet the minimum liability requirements. Insurance shall be maintained for the duration of the short-term vacation rental registration. Proof of insurance shall be required at the time of the application submittal.
- vi. A notarized statement from the registrant:
 - 1. Certifying that operation of the short-term vacation rental, if located within a common-interest community, is expressly authorized by the current governing documents of the community, with such governing documents expressly authorizing operation of a short-term vacation rental provided as a required attachment to the notarized statement, and with the express authorization language clearly identified by the applicant. ii.
 - 2. Acknowledging that registration with the City will not supersede any such governing documents;
 - 3. Acknowledging that the registrant has reviewed this Section and understands its requirements and consents to abide by the same;
 - 4. Certifying that the property is fully compliant with all applicable laws and has installed or included the following: a smoke alarm in each bedroom, a carbon monoxide detector on each floor, an illuminated street address number visible from the street, one fire extinguisher per floor, and an evacuation map;
 - 5. Acknowledging that the registrant is responsible for each and every occupant's compliance with the HMC while they are on the property;

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6. Certifying that there are no delinquent room tax liabilities or liens on or associated with the property;
 7. Certifying that a noise management plan as required in Subsection 19.9.4.F.2.x will be in place prior to first rental after registration approval;
 8. Acknowledging that the property does not receive affordable housing incentives and is not located in any subsidized housing, public housing, or other unit subject to income restrictions.
 9. Certifying that the registrant intends to operate a short-term vacation rental on the property and is not obtaining a registration for any other purpose; and
 10. Acknowledging that the registrant agrees to indemnify and defend the City against any third-party claims based upon the veracity of the foregoing statements.
- vii. Designation by the owner of a registered local contact who shall be available 24 hours per day, seven days per week, to respond to and resolve any complaint as set forth in HMC Subsection 19.9.4.F.2.j, above. The property owner shall provide the registered local contact person's proof of residency within Clark County, at the time of registration. A property owner may contract with a private security company that is licensed to conduct business within the City to act as the registered local contact. The licensed security company shall provide monitoring and compliance enforcement 24 hours per day, seven days per week, and is required to provide services complying with the requirements of HMC Subsection 19.9.4.F.2.j, above.
- viii. Dissemination of registered local contact information to all properties located within a 200-foot radius of the short-term vacation rental parcel within 10 days of registration approval. Information shall be mailed to each address and to each owner of property as listed with the Clark County Assessor's Office and to any homeowner's association that is registered with the City within the 200-foot radius. Proof of mailing and a copy of the information sent to residents and homeowners associations shall be provided to Community Development and Services Department within 14 days of mailing.

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- ix. If the registered local contact is changed, the owner shall provide its updated registration information to the Community Development and Services Department and to all properties within a 200-foot radius of the short-term vacation rental parcel within five business days of the change, in accordance with Subsection 19.9.4.F.3.h, above.
- x. The registrant shall provide a copy of the City's "Good Neighbor" pamphlet and its registered local contact to the future occupant at the time of reservation booking and upon checking into the short-term vacation rental. A copy of the pamphlet shall be on site at all times.
- xi. The registrant shall conduct a self-inspection utilizing the City short-term vacation rental checklist and shall provide the City a signed copy of the completed checklist as part of the registration process. The City reserves the right to inspect the property during the registration period for the limited purpose of determining that all registration requirements for the property have been met and the property meets all building code requirements prior to beginning operation as a short-term vacation rental. Any inspection shall occur upon prior notification to the property owner, at a reasonable time, and with the property owner or its designated agent present for the inspection. The registrant is responsible for payment of any costs related to the inspection.
- xii. The property owner and registered local contact shall complete and provide proof of completion of a short-term vacation rental certification program for short-term rental best practices provided by a college or university or offered through a professional organization prior to issuance of registration. The course must be approved by Community Development and Services. If the registered local contact changes after issuance of registration, the new registered local contact must complete and submit proof of completion of the program within 10 days of the change. Completion of a certification program is not required for a property manager licensed under NRS 645. A copy of such state license shall be provided at the time of registration or the certification program shall be required.
- xiii. Once the applicant has submitted a complete application and all required materials and registration fees, the Community Development and Services Department will review the application and materials and determine whether the short-term vacation rental property meets all of the City's requirements for registration. If it is determined that the

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application and other submittals meets all of the requirements, the Director or designee will issue the registration.

- xiv. Registrations must be renewed by the annual registration renewal date. Renewal will require submittal of the following:
1. The annual registration fee;
 2. Current State of Nevada business license (effective July 1, 2022);
 3. An updated general liability insurance certificate;
 4. Updated property owner contact information;
 5. Updated registered local contact information, including proof of residency within Clark County; if new registered local contact, must also include required short-term vacation rental certification certificate or a copy of a valid state license for a local contract that is NRS645 licensed property manager;
 6. A completed self-inspection checklist;
 7. Any additional information staff may request upon review of the renewal application; and
 8. An inspection of the property by the City, if needed during the renewal period for the limited purpose of determining that all registration and/or renewal requirements for the property have been met and the short-term vacation rental meets all building code requirements. Any inspection shall occur upon prior notification to the property owner, at a reasonable time, and with the property owner or its designated agent present for the inspection.

Failure to complete the renewal process by the annual deadline will require completion of a new registration in compliance with all current Code requirements.

- xv. Registrants shall conform with all registration requirements contained in this Section at all times. Should a registrant fail to conform or become unable to conform with these requirements, the registrant shall immediately discontinue the use of the property as a short-term vacation rental. Failure to immediately discontinue the use of the property as a short-term vacation rental may result in the immediate suspension of the registration upon written notice from the City.

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- xvi. If the property is served by a private on-site septic system, the property owner shall provide a letter of approval from the Southern Nevada Health District that indicates the maximum number of people the septic system is able to handle.
- (4) Transient Lodging Tax.
- i. The registrant shall comply with HMC Chapter 4.48 – Transient Lodging and Gaming Taxes regulations. Effective July 1, 2022, accommodations facilitators shall comply with HMC Chapter 4.48 – Transient Lodging and Gaming Taxes regulations – with regard to its requirements for imposing, collecting and remitting taxes on the gross receipts from the rental of the transient lodging. For a short-term vacation rental with no accommodations facilitator, the registrant shall continue to be responsible for compliance with HMC Chapter 4.48.
 - ii. The registrant shall maintain rental records in accordance with HMC Chapter 4.48.070.
 - iii. The registrant shall submit to the City a transient lodging tax return on a monthly basis, whether or not the short-term vacation rental generated revenue for the designated month. Effective July 1, 2022, accommodations facilitators shall file with the City a transient lodging tax return on a monthly basis for all short-term vacation rentals in the City for which they facilitated a rental during that month. If the accommodations facilitator is a hosting platform, it shall submit a transient lodging tax return for all short-term vacation rentals listed on the platform during that month, whether or not the short-term vacation rental(s) generated revenue for the designated month. For short-term vacation rentals with no accommodations facilitator, the registrant shall remain responsible for submitting the transient lodging tax return.
- (5) **Enforcement Process.** Subsection 19.35.5.C, Enforcement Process for Short-Term Vacation Rentals, shall govern the enforcement of this Section. All violations of this Section are deemed a nuisance and are therefore subject to all enforcement actions and remedies available to the City for prevention and correction of nuisances.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - CLUB OR LODGE.

C. PUBLIC/INSTITUTIONAL USES

1. CLUB OR LODGE.

- (a) 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.
- (b) Standards.
 - (1) All Districts
 - i. Clubs or lodges offering alcohol or liquor for onsite or offsite consumption shall comply with Chapter 4.4.D.1, Live Entertainment.
 - ii. Clubs or lodges shall not be allowed as a stand-alone use.
 - (2) GWD 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) BVC, WSD, WST District. Clubs and lodges are not permitted on the ground floor of a building.

2. COMMUNITY FOOD SERVICES.

- (a) Definition. A religious, charitable or other nonprofit organization that collects, stores, distributes and/or serves food or edible commodities to low-to-moderate income individuals in need. Community Food Services includes Food Banks, Food Pantries, Congregate Meal Service. These are defined as:
 - (1) Food Bank.
 - i. Definition. A facility operated by a religious, charitable or other nonprofit organization for the sourcing, collecting, sorting, cataloging, and warehousing of unprepared or prepared packaged and fresh food items to be distributed to the general public via off-site third-party entities such as food pantries.
 - (2) Food Pantry.
 - i. Definition. A religious, charitable or other nonprofit organization or establishment which maintains a store of unprepared or prepared food, or other provisions for distribution at no cost, or very low cost, to people in need,

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - COMMUNITY FOOD SERVICES.

i.e. low income, unemployed or homeless individuals or families, or those facing emergency or distress.

(3) Congregate Meal Service.

- i. Definition. A religious, charitable, or other nonprofit organization that maintains an established feeding operation to provide food including but not limited to hot meals or boxed meals to persons in need on a regular basis.

(4) Food Handler.

- i. Definition. A Food Handler as defined in NRS 446.030 with the exception that, for the purposes of this Code, a Food Handler is further defined as a person who works/volunteers for a Community Food Services operation.

(5) Mobile Food Pantry.

- i. Definition. A religious, charitable or other nonprofit organization, or combination thereof that provides Food Pantry or Congregate Meal Service at temporary locations.

(6) Food Establishment.

- i. Definition. As defined in NRS 446.020 and regulated by the Southern Nevada Health District.

(b) Standards. For sites that operate as a Food Bank, Food Pantry, Congregate Meal Service, or Mobile Food Pantry the standards below will apply, and a Design Review Application is required. These standards do not apply to Food Establishments and Food Handler.

(1) **Site Design.**

- i. Appropriate waiting areas shall be created to minimize the formation of lines for those awaiting service, to ensure no surrounding land use will be disrupted by the community food service operations.
- ii. Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided. Volunteers, Food Handlers, and patrons must utilize all on-site parking prior to utilizing street parking. Queueing of vehicles must occur on-site and adequate staff to direct traffic must be provided (if queueing occurs).

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - COMMUNITY FOOD SERVICES.

(2) **Waste Management.**

- i. Solid Waste must be disposed to comply with HMC Title 5 and all dumpsters must be adequately screened in compliance with HMC Section 19.10.7.B.
- ii. Food waste and other putrescible waste must be disposed of and comply with HMC Section 5.17.040.D and HMC Section 15.12.030.
- iii. Mobile food pantries must identify in their application the location where they will properly dispose of food. Food waste and other putrescible waste must not be dumped directly into a solid waste dumpster. A written agreement with the owner or location where food waste and other putrescible waste is disposed of must accompany any design review application.

(3) **Accessory Buildings/Outside Storage.**

- i. Any building constructed on the site must be reviewed through the appropriate development process. This includes obtaining all required building permits and approvals.
- ii. The use of trailers, portable cold storage units, storage containers, and other similar means of storage is not permitted without a separate approval.
- iii. The stacking or storing of pallets is not permitted unless properly screened and reviewed through the Design Review Application.

(4) **Operations.**

- i. **Handwashing and Sanitation.**
 1. Handwashing and/or sanitation stations facilities must be made available on the property for all staff members and clients. All handwashing stations must supply hot water of at least 110 degrees or through an alternate method as approved by the health authority.
- ii. **Restrooms.**
 1. Restroom facilities are required to be made available on the property or within a reasonable distance for all staff members and program clients pursuant to the certificate of occupancy for the primary structure. Mobile Food Pantry operators shall be located within 300 feet of an operable accessible public restroom. The applicant must

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - COMMUNITY FOOD SERVICES.

provide written permission from the property owner to utilize any public or private restrooms.

- iii. Certification.
 1. At least one person onsite must have a Food Handler Certificate as issued by the Southern Nevada Health District.
- iv. Storage of Food.
 1. Food requires time/temperature control for safety (TCS) to control the limit pathogenic microorganism growth or toxin formation. All food that requires TCS must comply with time and temperature information as contained in the current U.S. Food and Drug Administration Food Code. All locations which are being used to meet TCS must be made available to the City to inspect for compliance.
 2. Transportation of TCS Foods – Foods must be kept at their designated safe hot or cold temperatures during transport as established in the current U.S. Food and Drug Administration Food Code. All locations which are being used to meet TCS must be made available to the City to inspect for compliance.
 3. Re-freezing of previously frozen raw foods is unsafe and prohibited.
 4. Food storage areas must be kept in a clean and sanitary manner. The areas must be maintained free of rodents, insects, and standing/stagnated water. All locations which are being used to meet TCS must be made available to the City to inspect for compliance.
 5. Mobile food pantries and/or congregate meal services shall prepare all hot meals from a fixed location identified in the application. No private or personal cooking apparatus may be used at a park, recreation facility, and trail per HMC 2.27.030.Q. All locations which are being used to prepare food must be made available to the City to inspect for compliance.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - CULTURAL INSTITUTION.

3. CULTURAL INSTITUTION.

- (a) Definition. An institution and/or associated facility engaged in 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.
- (b) Standards.
 - (1) GWD, SRD, WSD Districts Any use that includes live entertainment shall comply with the standards in Chapter 4.4.D.1, Live Entertainment.

4. DAY CARE.

- (a) **Day Care Center.**
 - (1) Definition. Establishments that provide care for persons on a less-than-24-hour basis other than Group Child Care or Family Home. 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.
 - (2) Standards.
 - i. Indoor and Outdoor Space. Day care centers 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. Separation. Day care centers located within a primarily residential districts shall be located a minimum of 1,000 linear feet from any other Day Care Center or Group Child Care use also located within a primarily residential district;
 - iii. Location. Day care centers shall:
 - 1. Be located on a lot of at least 10,000 square feet in size.
 - 2. When a day care abuts a residential use, additional buffering may be required to reduce adverse impacts to the residential use
 - 3. The use shall not be the principal use in any freestanding building.
 - 4. May not be located fronting Water Street.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - DAY CARE.

(b) **Family Home.**

- (1) **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.
- (2) **Standards.**
 - i. **Indoor and Outdoor Space.** Family homes 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. **Separation.** Family homes located within a primarily residential district shall be located a minimum of 1,000 linear feet from any other Day Care Center or Group Child Care use also located within a primarily residential district.

(c) **Group Child Care.**

- (1) **Definition.** A residential dwelling used primarily as a residence or an accommodation 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.
- (2) **Standards.**
 - i. **Indoor and Outdoor Space.** Group child care 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. **Separation.** Day Care uses located within a primarily residential district shall be located a minimum of 1,000 linear feet from any other Day Care Center or Group Child Care use also located within a primarily residential district.
 - iii. **Location.** Group child care uses shall:
 1. Be located on lots that front a street right-of-way that is a minimum of 47-feet in width; and
 2. Be located on a lot of at least 6,000 square feet in size.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - DETENTION FACILITY.

5. DETENTION FACILITY.

- (a) Definition. Facilities providing housing, care, and supervision for persons confined by law.

6. EMPLOYMENT & TRAINING CENTER, NON-PROFIT.

- (a) 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 disabilities. This use type does not include homeless shelters or other forms of transient or permanent residential accommodation.

- (b) Standards.

- (1) GWD, SRD, WSD Districts

- i. Non-profit Employment and Training Center shall be limited in size to 5,000 square feet or less, and demonstrate that activities associated with the facility will not interfere with existing or anticipated adjacent uses.
- ii. Be located only upon lots that front a public street greater than 80 feet in width.
- iii. Maintain a minimum separation of 250 linear feet from any other non-profit employment & training center.

7. GOVERNMENT OFFICE.

- (a) Definition. Administrative, clerical, or public contact offices of a government agency, including postal facilities, with incidental storage and maintenance of vehicles.

8. HELIPORT.

- (a) Definition. Pads and facilities enabling takeoffs and landings by helicopters and air ambulances.
- (b) Standards. Heliports must be separated a minimum of 1,000 feet from a residential property. A greater separation may be required to ensure the heliport does not adversely impact nearby residential properties.

9. HOSPITAL.

- (a) Definition. Facilities providing medical, surgical, psychiatric, or emergency medical services to the sick or injured, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment,

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - INSTITUTIONAL HOUSING.

diagnostic services, training, research, administration, and services to patients, employees, or visitors. 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.

10. INSTITUTIONAL HOUSING.

(a) **Group Living – General.**

(1) **Definition.** Shared living quarters for seven 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.

(2) **Standards.**

i. **BTD, SRT, WST District**

1. Such uses shall be considered as residential use for the purpose of this master plan.
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.

(b) **Supportive Housing.**

(1) **Definition.** A residential facility with self-contained dwelling units or private or shared sleeping rooms that provide a combination of housing and supportive services for the elderly or functionally impaired. Permitted services include, but are not limited to, meals, housekeeping, personal care, medication supervision, and social and recreational activities. Facilities may provide direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses' aides prescribed by a resident's physician, but surgical and emergency medical services are not permitted.

(2) **Standards.**

i. **GWD and SRT District.**

1. Personal services use types may be provided as an accessory use where the personal service use is limited to residents of the housing facility, is not open to the general public, and no exterior signage is visible to the public.
- 2.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - PARK AND RECREATION FACILITY.

3. Age Restricted Facilities.
 - a. 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.
 - b. 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.

11. PARK AND RECREATION FACILITY.

- (a) Definition. Parks, playgrounds, recreation facilities, and open spaces.
- (b) Standards.
 - (1) ATD, BTD, SRD, SRT, WST Districts.
 - i. Private or non-public park and recreation facilities shall not include commercial functions.
 - ii. Park and recreation facilities shall be subject to review by the Parks and Recreation Board.
 - iii. If a park, recreational facility or open space discontinues daily operation or maintenance, see Title 19, Operation and Maintenance Closure Plan.

12. PUBLIC SAFETY FACILITY.

- (a) Definition. Facilities for public safety and emergency services, including police and fire protection, not including detention facilities.
- (b) Standards.
 - (1) WSD District
 - i. 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 substations require approval of a CUP.

13. RELIGIOUS ASSEMBLY.

- (a) Definition. Facilities for religious worship and incidental religious education, but not including schools as defined by this Code.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - SCHOOL.

- (b) Standards.
 - (1) Day Cares and Schools. Day cares and/or schools may be allowed as part of a community assembly use though CUP approval when the approving body finds 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.
 - (2) Classes. Only classes operating in conjunction with the community assembly use may be permitted as an accessory use.
 - (3) WSD District. Religious Assembly uses shall not be allowed on the ground floor of building located on Water Street.

14. SCHOOL.

- (a) 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.
- (b) Standards. Schools shall be located, developed, and operated in compliance with the following standards unless specifically modified through CUP approval.
 - (1) Traffic Impact Study. The site must comply with the traffic impact study recommendations. A traffic impact study is required for:
 - i. All new construction, additions, and retrofits;
 - ii. Addition of portable structures to an existing school site;
 - iii. Any increase to the student count at the school beyond the count provided for the most recently approved traffic impact study; or
 - iv. If a traffic impact study has never been completed.
 - (2) Outdoor Recreation Area. The school must provide programmable outdoor recreation area per HMC Section 19.10.10. Athletic fields, vegetated roof-top play areas, school gardens, and spaces featuring vertical gardens can be considered. If space is not available on-site, programmed outdoor recreation area shall be located adjacent to or within safe access to a park or other community center or facility which students may access per an existing shared use agreement.
 - (3) Circulation. For non-residential zones, the school site must be designed so that auto, bus, pedestrian, and bicycle access, circulation, and parking do not negatively impact or are not negatively impacted by traffic serving other uses on-site.
 - (4) A school may not be located on the ground floor of a building located on Water Street.

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- (c) Design Standards. The Henderson Strong Comprehensive Plan calls for siting and designing schools in a manner that positively influences students' learning environment. The Plan prioritizes locations and designs that allow a maximum number of students to walk or bike to school; safe and efficient multimodal access, parking, and circulation; separation from noise and environmental pollution; integration with neighborhood parks and community services; and sufficient space for outdoor recreation. See HMC 19 for specific design standards.

15. SOCIAL SERVICE FACILITIES.

- (a) Definition. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, food banks, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces.

16. TELECOMMUNICATION FACILITY.

- (a) This Section provides a process to authorize the installation or modification of wireless facilities on public and private property within the City of Henderson and associated design and location standards. See HMC 19 for definitions, design standards, and siting requirements.

17. UTILITY, MINOR.

- (a) 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.
- (b) Standards. Unless excepted 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.

18. UTILITY, MAJOR.

- (a) 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, waste transfer facilities, transportation or communications utilities (including wireless), and similar facilities of public agencies or utility providers.
- (b) Standards.
 - (1) The applicant shall submit a plan for screening and/or buffering major utilities from adjacent residential districts.
 - (2) Unless accepted in accordance with HMC Title 15.18.22, all electrical, telephone, cable television, internet, fiber optic, and

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similar distribution lines providing direct service to a development site shall be installed underground in accordance with Section 15.18 of the HMC.

- (3) New electrical transmission lines shall only be permitted underground.
- (4) New electrical transmission lines shall only be permitted underground or within the right-of-way of Van Wagenen Street.
- (5) Existing electrical transmission lines may be consolidated to a single tower located on the same property or may be relocated to either an adjacent right-of-way or placed underground.

19. VOCATIONAL SCHOOL.

- (a) 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.
- (b) Standards.
 - (1) WSD District
 - i. 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).
 - ii. Schools consisting of intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair, etc.) require approval of a Conditional Use Permit.
 - iii. A Conditional Use Permit shall be required to 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.

20. YOUTH DROP-IN CENTER.

- (a) 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 Statutes. This use must comply with all local and state licensing requirements. This definition does not include a day care facility or a facility that provides immediate and short-term emergency medical care.
- (b) Standards.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - LIVE ENTERTAINMENT.

- (1) The facility must be located on a parcel with a minimum size of 6,000 square feet unless modified through CUP approval.
- (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 two hours at any given time. The hours of operation can be modified through CUP approval when the approving body finds that there is clear and convincing evidence that potential impacts on other uses and/or surrounding properties will be mitigated.
- (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) Youth drop-in centers shall be located a minimum of one mile from any other youth drop-in center, or any parcel where a day-care center is established or approved. The distance requirements may be waived or reduced through CUP approval when the approving body finds that there is clear and convincing evidence that a waiver or reduction the 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.
- (8) Loitering in the surrounding neighborhood is prohibited.

D. COMMERCIAL USES

1. LIVE ENTERTAINMENT.

- (a) Applicability. The standards of this Section apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on a single site, excluding Urban Lounges:
 - (1) A musical, dance, or comedic act or event, disc jockey (unless merely playing recorded music), play, recital, concert, or other similar performances or activities intended to entertain.
 - (2) A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing. A change of

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performers shall not constitute a change in the type of live entertainment.

- (b) A Design Review Application is required to be submitted and approved by Community Development prior to any live entertainment taking place on a property. Live entertainment must comply with the following standards:
- (1) Exits and Entrances. Exits and entrances shall not be located opposite a residential property immediately adjoining the site. This provision does not apply to emergency entrances and exits.
 - (2) Hours of live entertainment will be limited to between 8:00 am to 2:00 am. Any outdoor entertainment will be subject to modified hours based on the type of entertainment, proximity to existing residential, and/or location and will be a condition of DRA approvals.
 - (3) Banquet Facilities. Live entertainment uses shall be permitted as an accessory to banquet facilities, provided they comply with the following standards.
 - i. All live entertainment activities shall occur within the banquet facility building or tenant space.
 - (4) Type of Entertainment. A DRA 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 DRA.
 - (5) Conditions of Approval. In granting a DRA, the approving body may impose necessary conditions to ensure compatibility with surrounding uses and districts.
 - (6) During indoor or outdoor live entertainment all exterior doors facing a residential use must remain closed during performances.

2. ANIMALS SERVICES.

(a) **Animal Boarding.**

- (1) Definition. A facility for keeping, boarding, training, breeding or maintaining of dogs, cats, or other household pets not owned by the operator. Typical uses include pet clinics, and pet day care, but exclude pet stores and animal hospitals.
- (2) Standards.
 - i. The property owner/operator must comply with all applicable requirements of Title 7 of the HMC, Animals, and obtain a Professional Animal Handler permit.
 - ii. All indoor animal use areas shall be entirely enclosed, properly ventilated, and provide sound barriers and odor protection to adjacent properties and users within the same development.

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- iii. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.
- iv. All animals shall be confined within an enclosed area or on a leash at all times.
- v. Exterior overnight boarding is prohibited.
- vi. Exterior pens for daytime use shall be located a minimum of 50 feet from any residential property and shall be screened from view from adjacent streets and adjoining properties, unless modified through CUP approval.
- vii. Residential Districts. Animal boarding is prohibited in the ATD, BTD, SRT, WST residential districts.

(b) **Animal Sales and Grooming.**

- (1) Definition. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.
- (2) Standards.
 - i. All Districts.
 - 1. The property owner/operator must comply with all applicable requirements of Title 7 of the HMC, Animals, and obtain a Professional Animal Handler permit.
 - 2. All indoor animal use areas shall be entirely enclosed, properly ventilated, and provide sound barriers and odor protection to adjacent properties and users within the same development.
 - 3. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.
 - 4. All animals shall be confined within an enclosed area or on a leash at all times.
 - 5. Exterior overnight boarding is prohibited.
 - 6. Exterior pens for daytime use shall be located a minimum of 50 feet from any residential property and shall be screened from view from adjacent

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streets and adjoining properties, unless modified through CUP approval.

7. Animal grooming uses shall be entirely enclosed.

ii. ATD, BTM, SRT and WST Districts.

1. An animal grooming service shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the space 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.

2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.

3. The use shall not occupy more than 50 percent of a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.

4. The use is not allowed on a lot less than 6,000 square feet.

(c) **Veterinary Clinic/Hospital.**

(1) 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.

(2) Standards.

i. The property owner/operator must comply with all applicable requirements of Title 7 of the HMC, Animals, and obtain a Professional Animal Handler permit.

ii. All indoor animal use areas shall be entirely enclosed, properly ventilated, and provide sound barriers and odor protection to adjacent properties and users within the same development.

iii. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - ARTISTS' STUDIO.

- iv. All animals shall be confined within an enclosed area or on a leash at all times.
- v. Exterior overnight boarding is prohibited.
- vi. Exterior pens for daytime use shall be located a minimum of 50 feet from any residential property and shall be screened from view from adjacent streets and adjoining properties, unless modified through CUP approval.
- vii. Veterinary clinic/hospital uses shall be entirely enclosed, except outdoor daytime activity areas (e.g. walking areas, pens, dog runs) located a minimum of 50 feet from any residential use.
- viii. A minimum 100-square-foot animal use area shall be located within 50 feet of the entrance. The animal use area shall be landscaped with groundcover, shrubs, and at minimum of one tree. Turf, other than artificial turf, is prohibited.

3. ARTISTS' STUDIO.

- (a) Definition. Workspace for artists and artisans, including individuals practicing one of the fine arts or performing arts or skilled in an applied art or craft.
- (b) Standards.
 - (1) All Districts
 - i. 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.
 - (2) ATD, BTM, and SRT District
 - i. Artist studios may be located within single-family detached dwellings, single-family attached dwellings, as well as vertical mixed-use dwellings.
 - ii. The use shall occupy a maximum of 50 percent of the gross floor area if located within a residential use.
 - iii. The artist studio shall be specifically indicated on a site plan approved through an entitlement application.

4. BAIL-BOND BROKER.

- (a) Definition. Person or establishment offering bonds in lieu of confinement by judicial courts.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - BANQUET FACILITY.

(b) **Standards.**

- (1) BVC and WSD District. Such uses shall not be located on the ground floor of a multi-story building.

5. BANQUET FACILITY.

- (a) **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.

(b) **Standards.**

- (1) WST District. Banquet facilities are allowed as an accessory use to an eating and drinking establishment.

6. BREW PUB/MICROBREWERY/CRAFT DISTILLERY.

- (a) **Definition.** A Brew Pub or Craft Distillery is an establishment that produces, and may also bottle and/or package, alcoholic beverages may include a taproom in which guests/customers may purchase and consume beverages on-site or sample products to purchase for off-site consumption.

More specifically, a Brew Pub produces malt beverages and a Craft Distillery produces distilled spirits from agricultural raw materials through distillation. An Estate Distillery is a Craft Distillery where at least 85 percent of the agricultural raw materials from which distilled spirits are manufactured, in the aggregate, were grown on land within this state which is owned or controlled by the owner of the distillery.

(b) **Standards.**

- (1) All Districts
- i. All establishments must comply with requirements as set forth by NRS 597.
 - ii. Brew pubs/microbreweries/craft distillery 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.
 - iii. A freestanding brew pub/microbrewery/craft distillery or independently owned brew pub/microbrewery located within a nonrestricted or limited gaming location shall be licensed as required per Title 4.
 - iv. 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

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - COMMERCIAL RECREATION AND ENTERTAINMENT.

- customers, provided they comply with the standards for such accessory uses in Chapter 4.4.A.5.
- v. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Chapter 4.4.D.1, General Standards Live Entertainment.
 - vi. Any use that includes Restricted Gaming shall comply with the standards in Chapter 4.4.D.13, Restricted Gaming and HMC Title 4.32. An applicant shall demonstrate compliance with these standards through the Conditional Use Permit for a Brew Pub/Microbrewery/Craft Distillery.
 - vii. Brew pubs/microbreweries/craft distilleries must provide sound-proofing and odor abatement.
- (2) BVC and WSD District. Brew pubs/microbreweries/craft distilleries are allowed only as part of a new mixed-use development project or within an existing freestanding structure.
 - (3) GWD and SRD District. Such uses may be permitted by right in a freestanding single-use building within a horizontal mixed-use development, or as “end” or “corner” uses in multi-tenant buildings.

7. COMMERCIAL RECREATION AND ENTERTAINMENT.

(a) Cinema/Theaters.

- (1) Definition. Any facility for the indoor display of films and motion pictures on single or multiple screens.

(b) Indoor Sports and Recreation.

- (1) Definition. Establishments providing predominantly participant sports, indoor amusement and entertainment services conducted within an enclosed building, including electronic game centers having more than three coin-operated game machines. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice and roller skating rinks, indoor racquetball courts, and athletic clubs.

(c) Outdoor Recreation and Entertainment.

- (1) Definition. Participant sports or spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, miniature golf courses, tennis clubs, outdoor batting cages, swimming pools, and archery ranges.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - EATING AND DRINKING ESTABLISHMENT.

(2) Standards.

Residential Districts. Outdoor recreation and entertainment uses are prohibited in the ATD, BTM, SRT, and WST residential districts

8. EATING AND DRINKING ESTABLISHMENT.

(a) **Restaurant.**

(1) 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 Chapter 4.36.

(2) Standards.

i. All Districts.

1. Any use that includes outdoor seating and outdoor food service areas shall comply with Chapter 4.4.A.5, Outdoor Seating/Outdoor Food Service.
2. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Chapter 4.4.D.1, Live Entertainment.

ii. ATD, BTM, SRT, and WST Districts.

1. Restaurant shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the restaurant 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.
2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
3. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.
4. The use is not allowed on a lot less than 6,000 square feet.

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5. A restaurant may only be permitted as an accessory use in a cultural, educational, civic institution, or recreational facility, provided the accessory use portion of the primary establishment does not exceed 5,000 gross square feet.

(b) **Restaurant with Bar.**

- (1) **Definition.** An area 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
- (2) **Standards.** Restaurants with bars shall comply with requirements related to operational characteristics such as alcohol and liquor uses, gaming establishments, live entertainment, outdoor dining, and other applicable standards; Title 4 requirements, and the following standards.
 - i. **Hours of Operation.**
 1. BVC, GWD, SRD, and WSD. The hours of operation shall be limited to between 6:00 a.m. and 2:00 a.m. unless permitted through CUP approval in consideration of residential compatibility due to aspects such as the location of building ingress and egress, setbacks, parking locations, and loading zones.
 2. ATD, BTD, SRT, and WST. The hours of operation shall be limited to between 6:00 a.m. and 12:00 a.m. unless permitted through CUP approval in consideration of residential compatibility due to aspects such as the location of building ingress and egress, setbacks, parking locations, and loading zones.
 - ii. **Minimum Dining Area.** 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. **Bar Enclosure.** 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

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- seating areas as determined by the Community Development and Services Director.
- iv. Any use that includes Restricted Gaming shall comply with the standards in Chapter 4, Restricted Gaming, and Title 4.32.
 - v. Any use that includes outdoor seating and outdoor food service areas shall comply with Chapter 4.4.A.5, Outdoor Seating/Outdoor Food Service. 2. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Chapter 4.4.D.1, Live Entertainment.
 - vi. ATD, BTM, SRT, and WST District.
 - 1. Restaurant shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the restaurant 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.
 - 2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
 - 3. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.
 - 4. The use is not allowed on a lot less than 6,000 square feet.
 - 5. 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.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - EATING AND DRINKING ESTABLISHMENT.

(c) **Tavern.**

- (1) **Definition.** An establishment primarily engaged in selling or serving alcoholic beverages at retail by the drink to the general public for on-premises consumption.
- (2) **Standards.** Taverns shall comply with requirements related to operational characteristics such as alcohol and liquor uses, gaming establishments, live entertainment, outdoor dining, and other applicable standards; Title 4 requirements, and the following standards.
 - i. Any use that includes Restricted Gaming shall comply with the standards in Chapter 4.4.D.13, Restricted Gaming, and Title 4.32.
 - ii. Any use that includes outdoor seating and outdoor food service areas shall comply with Chapter 4.4.A.5, Outdoor Seating/Outdoor Food Service. 2. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Chapter 4.4.D.1, Live Entertainment.

(d) **Beer or Wine Lounge.**

- (1) **Definition.** A place where the primary business is the service or sale of wine, beer, 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. Retail sale of beverages for off-premises consumption is permitted as an accessory use. This use includes tasting rooms and craft- and micro-breweries where production or distilling, food service, and retail sales are subordinate to the sale of beverages for on-site consumption.
- (2) **Standards.** Beer and wine lounges shall comply with requirements related to operational characteristics such as alcohol and liquor uses, live entertainment, outdoor dining, and other applicable standards; Title 4 requirements, and the following standards.
 - i. The hours of operation shall be limited to between 11:00 a.m. and 2:00 a.m. unless the wine or beer lounge is an accessory use in which case the beer or wine lounge shall be operated only during the hours of operation of the primary business.
 - ii. Slot machines (gaming devices) are prohibited.
 - iii. Service of wine or beer may be from a bar and/or service bar.
 - iv. Self-service wine and beer dispensers are permitted.

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- v. Any use that includes outdoor seating and outdoor food service areas shall comply with Chapter 4.4.A.5, Outdoor Seating/Outdoor Food Service.
- vi. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Chapter 4.4.D.1, Live Entertainment.

(e) **Urban Lounge**

- (1) **Definition:** An establishment primarily engaged in selling or serving alcoholic beverages at retail by the drink to the general public for on premise consumption including a live entertainment component within these standards.
- (2) **Purpose:** The Urban Lounge use is unique to the Downtown Redevelopment Area that was created as an incentive to attract businesses and entertainment options into Downtown Henderson. This use receives many benefits of a Tavern or Restaurant with Bar, depending on classification, but does not have an origination fee that is required of other similar type uses in the City. Because of this, there are operational requirements and expectations associated with the issuance of the Urban Lounge licenses.
- (3) **Standards:**
 - i. **WSD District**
 - 1. An applicant seeking an Urban Lounge use within the Water Street District shall meet with the Redevelopment Agency to initiate a required financial due diligence that will be conducted by a third-party financial reviewer. This will also be the first review of the applicants request to determine level of compliance with the required standards.
 - 2. The financial analysis will include the following:
 - a. A review of the business plan and pro forma conducted by a third-party financial reviewer on behalf of the Redevelopment Agency.
 - b. Analysis of previous professional experience of business owner(s). A review of business financials and financial analysis of all business owner(s) having more than a 20% interest in the business. This will require applicants signing a credit release.

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- c. A review of the number of jobs that will be created by this use.
3. After the Redevelopment Agency has received the financial analysis from the financial reviewer, the Redevelopment Agency will provide a written recommendation to the applicant prior to any future applications are submitted to Community Development and Services.
4. An applicant may submit the required Design Review application for review and consideration of an Urban Lounge once they have received their written recommendation from the Redevelopment Agency.
5. Requests for an Urban Lounge shall be reviewed and approved by the Redevelopment Agency and Community Development and Services Department.
6. To be eligible for an Urban Lounge use/license the proposed use must comply with NRS 463.161 with the following operating standards for when restricted gaming is proposed. These standards are cumulative. The applicant must demonstrate compliance with these items through the Design Review application and licensing process:
 - a. 1-5 gaming machines
 - 1) A distinct and/or unique theme for the lounge, restaurant, and bar area .
 - 2) Provide other non-gaming machines or activities for entertainment.
 - 3) Gaming machines must comply with NRS 463.
 - 4) A restaurant is required that provides meals to customers with the hours of operation in compliance with HMC Title 19 for a Tavern and restricted gaming.
 - 5) Provide permanent exterior signage plan to promote the business.

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- 6) There shall be no more than two (2) licenses issued allowing up to five (5) gaming machines in the Downtown Redevelopment Area.
 - b. 6-15 gaming machines
 - 1) Includes all requirements for 1-5 gaming machines:
 - 2) Includes a separate lounge or seating area away from the bar.
 - 3) No more than 10 allowed Gaming machines may be located within the bar top but must comply with NRS 463.
 - 4) Provide no less than 15 hours of live entertainment per week and shall be posted and visible upon entrance to the establishment See 4.4.D.1
 - 5) There shall be no more than five (5) of these licenses issued in the Downtown Redevelopment Area.
7. Any use that includes Restricted Gaming shall comply with the standards in Chapter 4.4.D.18(b), Restricted Gaming, and Title 4.32.
8. An Urban Lounge use shall only be located on Water Street or Pacific Avenue within the Water Street District.
9. There shall be no more than seven (7) Urban Lounge uses allowed within the Water Street district. Two (2) Urban Lounges limited to 1-5 gaming machines, five (5) Urban Lounges allowed 6-15 gaming machines.
10. An Urban Lounge Use may be transferred to other properties located within the Water Street district, pursuant to these standards, and to an operator who has been approved by the City Council.
11. Exterior windows may be tinted, but may not be blacked out and/or permanently covered so as to impede viewing into the urban lounge area at any time. Any window signage must comply with HMC Title 19.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - EATING AND DRINKING ESTABLISHMENT.

12. For Urban Lounges with more than 6 gaming machines there shall be a requirement for live entertainment to be provided. A minimum of 15 hours per week, including but not limited to the following:
 - a. A music entertainment venue with live music (jazz, blues, reggae, hip hop, rock'n roll, etc.), including bar and cocktail service;
 - b. A restaurant which serves full meals and light snacks with live music and dancing, including bar and cocktail service;
 - c. A dance hall/night club/discotheque with dancing and live music or live disc jockey, including bar and cocktail service;
 - d. A comedy entertainment venue with live comedic performers, including bar and cocktail service;
 - e. A karaoke entertainment venue with amateur guest performers, including bar and cocktail service;
 - f. A themed restaurant or night club with a discernible and unique theme, style, or character, and dancing with live music or live disc jockey, including bar and cocktail service.
 - g. Live entertainment options will be reviewed through the Design Review process by Community Development and Services and the Redevelopment Agency to ensure compliance and conformity to the goals and objectives of the Water Street District.

13. Live Entertainment shall comply with the following standards:
 - a. Live outdoor entertainment shall only be permitted between the hours of 10:00 am and 2:00 am. Additional hours maybe permitted with the approval of a conditional use permit.;
 - b. Live indoor entertainment shall be permitted between the hours of 10:00 am

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - EMERGENCY HEALTHCARE FACILITY.

and midnight. Indoor hours may be extended beyond midnight with an approved mitigation plan as reviewed and considered through the design review process for the subject urban lounge use.

- c. Additional sound dampening material or other mitigation measures shall be required to be installed to reduce the impact of the live entertainment when located within 200 feet of any residential properties and/or units.
- d. During indoor or outdoor live entertainment all exterior doors facing a residential use must remain closed during performances.
- e. A calendar of events and activities must be displayed on a sign posted at the entrance of the facility. The location of the sign must be identified during the Design Review process. An A-Frame style sign located in front of the business is encouraged to promote the entertainment.

- 14. Any Urban Lounge use not in compliance with or is found violating these standards, the City reserves the right to revoke the Urban Lounge use and transition the business to either a Restaurant with Bar or Tavern use, which will require payment of additional business license fees.

9. EMERGENCY HEALTHCARE FACILITY.

- (a) Definition. A facility maintained and operated to provide immediate and short-term emergency medical care. Overnight patient care is not provided.
- (b) Standards. 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.

10. FARMER'S MARKETS.

- (a) Definition. Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - FINANCIAL INSTITUTION.

- (b) **Standards.**
 - (1) **Management Plan.** A management plan shall be prepared and provided to the Community Development and Services Director. The management plan shall include the following:
 - i. Identification of a market manager or managers, who shall be present during all hours of operation.
 - ii. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.
 - (2) **Hours of Operation.** Market activities may be conducted between the hours of 7:00 a.m. and 10:00 p.m. with specific hours and duration to be approved by the City. Set-up of market operations cannot begin more than two hours prior to the operational hours of the market and take-down shall be completed within two hours of the close of the market.
 - (3) **Waste Disposal.** Adequate composting, recycling, and trash containers shall be provided during hours of operation and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

11. FINANCIAL INSTITUTION.

- (a) **Banks and Credit Unions.**
 - (1) **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) **Financial Institution with Drive-Through Service.**
 - (1) **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.
 - (2) **Standards.** GWD and SRD 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.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - FOOD PREPARATION.

- 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. 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, 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. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

12. FOOD PREPARATION.

- (a) Definition. Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, retail bakeries, and small-scale specialty food production.
- (b) Standards. Such uses may be allowed as part of an Eating and Drinking Establishment, office/demonstration showroom open to the public or in connection with a banquet facility

13. GAMING ESTABLISHMENT.

- (a) **Nonrestricted Gaming.**
 - (1) Definition. The operation of 16 or more slot machines, gaming devices, or live games.
 - (2) Standards.
 - i. New nonrestricted gaming establishments may only be established as part of a Resort Hotel.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - GAMING ESTABLISHMENT.

- ii. Existing nonrestricted establishments and those approved for development by the Council prior to July 21, 1998, may only be altered subject to CUP approval, requirements in HMC Section 4.32.350.B, and design review.
- (b) **Restricted Gaming.**
- (1) **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.
 - (2) **Standards.** An establishment which is licensed to sell alcoholic beverages at retail by the drink to the general public shall comply with the following standards.
 - i. **1-5 Slot Machines.**
 - 1. Restaurant with bar use shall be subject to the standards in Chapter 4.4.D.8(b) 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.
 - 3. Complies with HMC Chapter 4.36.
 - ii. **6-15 Slot Machines (Tavern).**
 - 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. The establishment shall contain a permanent physical bar per NRS 463.161 (regardless of the effective date);
 - 3. A minimum of eight slot machines must be embedded in the bar top. If less than eight, all slot machines must be embedded in the bar top;
 - 4. The establishment shall contain a restaurant which:
 - a. Serves meals ordered by patrons from tables or booths;

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - INSTRUCTIONAL SERVICE.

- 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 12 a.m.; and
 - d. Complies with HMC Chapter 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.

14. INSTRUCTIONAL SERVICE.

- (a) Definition. Provision of instructional services or facilities including photography, 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, yoga studios, and weight-reduction establishments.
- (b) Standards. ATD, BTB, SRT, WST District
 - (1) Personal Improvement services shall be limited to health clubs, spas, fitness studios, karate, dance/music studios, and weight-reduction establishments.
 - (2) Uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the personal improvement service space 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.
 - (3) The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
 - (4) The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - LABORATORY.

area of a building or development if located on a lot more than 10,000 square feet.

- (5) The use is not allowed on a lot less than 6,000 square feet.

15. LABORATORY.

- (a) 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."
- (b) Standards. BVC and WSD. Such uses may not be permitted on the ground floor of a mixed-use or multi-story building.

16. MAINTENANCE AND REPAIR SERVICE.

- (a) Definition. Establishments providing appliance repair, office machine repair, furniture upholstery, or building maintenance services, but not including maintenance and repair of vehicles.
- (b) Standards. BVC and WSD. Such uses may be permitted only in conjunction with a retail sales and service use.

17. MOBILE FOOD VENDOR.

- (a) Definition. A self-contained vehicle that is readily movable without disassembling and is used to prepare, sell, and serve food and beverages for immediate consumption.
- (b) Standards.
- (1) Location.
- i. Mobile Food Vendor vehicles shall not be permitted as a permanent or proprietary location within the Downtown Master Plan Area.
 - ii. Vehicles shall not be left unattended at any time, unless legally parked.
 - iii. Mobile Food Vendors are not permitted to operate at any location where they will impede pedestrian access.
- (2) Duration. Mobile Food Vendors may operate a maximum of four hours per day.
- (3) A Mobile Food Vendor must obtain all necessary approvals from the Southern Nevada Health District (SNHD) and such approval shall not supersede operational requirements for a Mobile Food Vendor as stated in these standards. A copy of the approval from SNHD must be kept on site and provided upon request by City staff.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - MOBILE FOOD VENDOR.

- (4) No Mobile Food Vendor shall sell within the boundaries of any City park or designated recreation area without prior written approval from the City's Parks and Recreation Department.
- (5) Parking Requirements.
 - i. Paving. Mobile Food Vendor vehicles shall only be stopped or parked on surface paved with concrete or asphalt and be in compliance with applicable air quality standards as adopted by the Clark County Department of Environment and Sustainability.
 - ii. Obstructions. Mobile Food Vendors and customer service areas may not be located within designated fire lanes. In addition, Mobile Food Vendors are not permitted to place extension cords or any other impediments across the sidewalk area.
- (6) Nuisance. No Mobile Food Vendor shall ring bells, play chimes, play an amplified musical system, or make any other noise to attract attention to its business while operating within city limits.
 - i. Temporary signs are not permitted except for a menu board located on or adjacent to the vehicle/trailer.
 - ii. Placing chairs, tables, tents, or other similar items in the right-of-way (including the sidewalk area) or on private property is prohibited with the exception of a single table used for condiments or other similar items may be placed in front of the Mobile Food Vendor adjacent to the service window.
 - iii. The use of a generator must comply with all standards in Title 19.10.13.F, Noise, and any other applicable NRS requirement.
- (7) Other Requirements.
 - i. Mobile Food Vendors shall obtain an Operational Fire Permit as a Mobile Food Vendor and shall pass an annual fire inspection to operate within the City of Henderson.
 - ii. Mobile Food Vendors shall have the required City Business License.
 - iii. Mobile Food Vendors are required to comply with all necessary Southern Nevada Health District requirements.
 - iv. Mobile Food Vendors shall operate from an approved commissary and must comply with all provisions of HMC Chapter 14.08 and 14.09.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - MOBILE FOOD VENDOR COURT.

- v. Use of City Infrastructure: A Mobile Food Vendor is not permitted to utilize any electrical outlets or other city resources that may be located within the public right-of-way.

18. MOBILE FOOD VENDOR COURT.

- (a) Definition. A “Mobile Food Vendor Court” is a primary land use located on one or more platted lots where two or more mobile vending units congregate to offer food or beverages for sale to the public, functioning as a single business and may provide restrooms, tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment open to the customers of all vendors.
- (b) Standards.
 - (1) All Mobile Vending Units shall be equipped with a self-closing lidded trash receptacle. The trash receptacle must be placed outside next to the mobile vending unit for use by the patrons of the unit. The area around the Mobile Vending Unit shall be kept clean and free from litter, garbage, and debris. No Mobile Vending Unit shall operate at any time between the hours of 2:00 a.m. and 7:00 a.m.
 - (2) No Mobile Vending Unit, displays of merchandise, seating, or temporary shelters may obscure traffic.
 - (3) No Mobile Vending Unit shall be allowed to sell merchandise, sell, or serve food on any public street, sidewalk, or other public right-of-way.
 - (4) Merchandise and Food Vendors shall remove the Mobile Vending Unit daily from the property.
 - (5) Mobile vendor food courts may utilize outside seating consisting of portable tables with a minimum seating capacity for four.
 - (6) Each individual Mobile Vendor Food Court shall comply with all regulations of Chapter 4, Business Licensing.
 - (7) There must be a designated on-site manager of the site that is responsible for the orderly organization of Mobile Vending Units, the cleanliness of the site, and the site’s compliance with all rules and regulations during working hours.
 - (8) Mobile Vending Units shall be placed on, at a minimum, compacted gravel base.
 - (9) Mobile Vending Units shall not be parked on unimproved surfaces.
 - (10) One on premise sign is permitted at the entrance identifying the Mobile Food Court. Each Mobile Vending Unit may have attached signage. One temporary sandwich board sign is permitted per Mobile Vending Unit to be displayed within 10 feet of the unit and

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - OFFICE.

within the boundaries of the Mobile Vendor Food Court. Only one banner or temporary inflatable sign may be permitted at one time per Mobile Vendor Food Court.

- (11) Live entertainment will be permitted on site but may only operate between the hours of 11:00 am and 10:00 pm.

19. OFFICE.

(a) Business and Professional.

- (1) Definition. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, computer software consulting, data management, call centers, 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.

- (2) Standards.

- i. ATD, BTD, SRT and WST Districts

1. Office shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office 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.
 2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
 3. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot more than 10,000 square feet.
 4. The use is not allowed on a lot less than 6,000 square feet.
 5. See Chapter 3.3.E, West Basic Road Building Conversion Guiding Principles for standalone

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - OFFICE.

office uses along West Basic Road within the Atlantic District for Design Guidelines and use standards.

ii. WSD District

1. For properties located on Water Street, the following Business and Professional Office uses are permitted on the ground floor of a building: architectural, engineering, interior design, graphic design, real estate, insurance, investment, and legal offices. All other Business and Professional Office uses may be permitted on the ground floor of a building only if approved with a Conditional Use Permit. All other areas of the Water Street District, Business and Professional Office uses are permitted on the ground floor of a building.

(b) **Medical.**

- (1) **Definition.** Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists, including surgical recovery; medical and dental laboratories that see patients; chiropractors; and similar practitioners of medical and healing arts (including hypnotherapy, reiki, and other similar uses), but not including emergency health care.

(2) **Standards.**

i. ATD, BTM, SRT and WST Districts

1. Office shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office 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.
2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development if located on a lot between 6,001 and 10,000 square feet.
3. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - PERSONAL SERVICE.

building or development if located on a lot more than 10,000 square feet.

4. The use is not allowed on a lot less than 6,000 square feet.

20. PERSONAL SERVICE.

(a) General.

- (1) 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).

- (2) Standards.

- i. All Districts.

1. Personal services use types may be provided as an accessory use to the uses in the “Institutional Housing” use classification.
 2. Personal services uses shall be limited to residents of the institutional housing and shall not be open to the general public.

- ii. ATD, BTM, and SRT Districts

1. Personal service uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office 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.
 2. No more than three individual personal services use types within a development shall be allowed.
 3. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot between 6,001 and 10,000 square feet.
 4. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - PERSONAL SERVICE.

building or development, if located on a lot more than 10,000 square feet.

5. The use is not allowed on a lot less than 6,000 square feet.

iii. GWD and SRD Districts.

1. Self-service laundries (laundromats) require approval of a Conditional Use Permit.
2. Please see Chapter 4.3.D.1 for standards for a drive-through/drop-off window accessory use.

(b) **Dry-Cleaning Agency.**

- (1) Definition. Dry-cleaning agencies perform dry cleaning on the premises for retail customers only. Such use types do not include commercial laundries.

- (2) Standards.

i. GWD and SRD Districts.

1. A Dry-Cleaning Agency with a drive-through/drop-off window as an accessory use is permitted with the following standards.
2. Design on the drive-through facility (including 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, 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).
3. 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.
4. Applicants are encouraged to locate a usable building space above any drive-through facility where feasible.

ii. ATD, BTM, SRT and WST Districts.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - PERSONAL SERVICE.

1. Personal service uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office 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.
2. No more than three individual personal services use types within a development shall be allowed.
3. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot between 6,001 and 10,000 square feet.
4. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot more than 10,000 square feet.
5. The use is not allowed on a lot less than 6,000 square feet.

(c) **Massage.**

- (1) **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.
- (2) **Standards.**
 - i. **General Standards.**
 1. **HMC Requirements.** All massage establishments shall conform to the requirements of HMC Chapter 19 and Chapter 4.84 for Massage Establishments.
 2. All massage uses/establishments within the Downtown Master Plan will be required to obtain a Conditional Use Permit.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - PERSONAL SERVICE.

ii. Enforcement Authority.

1. Any authorized representative of the City shall have access to every part and portion of the premises for which a CUP 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 of the HMC 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 CUP may be subject to revocation per HMC Section 19.35, Enforcement, in the event the massage establishment business license expires, is revoked, or is otherwise terminated.

(d) **Reflexology.**

- (1) 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.
- (2) Standards. Reflexology establishments shall comply with the following standards.
 - i. General Standards.
 1. HMC Requirements. All reflexology establishments shall conform to the requirements of HMC Chapter 19 and Chapter 4.85 for Reflexology.

(e) **Tattoo and Body Alteration Studio.**

- (1) 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 make-up, and medical offices are not included in this use type.
- (2) Standards.
 - i. Required Separation. A tattoo and body alteration studio shall be located a minimum of 500 feet from any other

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - RETAIL SALES AND SERVICE.

- tattoo and body alteration studio unless modified through the CUP approval.
- ii. Alcohol Prohibited. No alcohol may be sold, consumed or purchased in any tattoo and body alteration studio.
- iii. Visibility. 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.

21. RETAIL SALES AND SERVICE.

(f) General.

- (1) Definition. The retail sale or rental of merchandise not specifically listed under another use classification. This use type includes department stores, clothing stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, electronics 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).
- (2) Standards. ATD, BTD and SRT District
 - i. General retail sales and services uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office 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.
 - ii. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot between 6,001 and 10,000 square feet.
 - iii. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot more than 10,000 square feet.
 - iv. The use is not allowed on a lot less than 6,000 square feet.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - RETAIL SALES AND SERVICE.

(g) **Auction Facility.**

- (1) Definition. An activity where goods, vehicles, equipment are sold by auction within an enclosed building or structure or conducted outdoors.
- (2) Standards.
 - i. Limitation. All activities shall be conducted within an enclosed building.

(h) **Convenience Store.**

- (1) Definition. A small (no less than 1,200 and no more than 6,000 square feet) retail self-service store selling staple food items in these four categories (1) fruits and vegetables, (2) meat, poultry, or fish, (3) dairy products, and (4) breads or cereals; all intended for home preparation and consumption, a limited line of fast-moving food and nonfood items. Convenience stores usually have extended hours of operation and a high volume of customer traffic comprised of quick transactions of a small number of items. A convenience store may be accessory to a multifamily development. A retail business licensed as a drugstore or pharmacy shall not be considered to be a convenience store. Examples of regional convenience stores for comparison of operation are 7-Eleven, Circle K, Speedee Mart, and Green Valley Grocery.
- (2) Standards.
 - i. General Standards
 1. Windows shall face all adjacent parking areas.
 2. All exterior doors shall be provided with individual light sources.
 3. Parking areas shall remain lit from dusk to dawn, subject to the lighting standards of HMC 19.10.8, Glare and Lighting.
 4. Vacuuming equipment shall be set back a minimum of 50 feet from any adjacent residential property unless waived through CUP approval.
 - ii. ATD and BTM District
 1. Convenience Store uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office 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.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - RETAIL SALES AND SERVICE.

2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot between 6,001 and 10,000 square feet.
 3. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot more than 10,000 square feet.
 4. The use is not allowed on a lot less than 6,000 square feet.
- iii. SRT District
1. A convenience store may be allowed as a freestanding use within a horizontal mixed-use development.
 2. A convenience store use shall demonstrate how it does not create negative impacts on pedestrian movement of the overall development and is compatible with the adjacent neighborhood.
- (i) **Grocery Store.**
- (1) **Definition.** Grocery stores, delicatessens, and similar commercial establishments of more than 6,000 square feet in size, where the majority of the floor area open to the public is occupied by food, beverage, and related products packaged for preparation and consumption away from the site of the store. These full-service businesses do not typically have limited hours of operation.
 - (2) **Standards.**
 - i. **Performance Standards.**
 1. **Storage, display, and sale of food.** All food, food products, meat, meat products, and meat food products shall be so stored and displayed as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowl shall be kept or allowed in any room in which food, food products, meat, meat products or meat food products are prepared, stored or offered for sale. All reasonable means necessary for the elimination of flies, roaches, and rodents shall be used.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - RETAIL SALES AND SERVICE.

(i) **Liquor Store.**

- (1) Definition. Retail establishments that sell alcoholic beverages for consumption off-premises as a primary use, which may or may not include ancillary tasting rooms or facilities.
- (2) Standards.
 - i. BVC, GWD, SRD.
 1. There shall be no more than three (3) Liquor Stores allowed within the master plan area.

(k) **Pharmacy.**

- (1) 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.
- (2) Standards.
 - i. ATD, BTD, SRT, WST District
 1. Pharmacy uses shall only be allowed as an accessory use as part of a vertical or horizontal mixed-use project. If included as part of a horizontal mixed-use project, design of the office 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.
 2. The use shall not occupy more than 25 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot between 6,001 and 10,000 square feet.
 3. The use shall not occupy more than 50 percent or a percentage thereof if included with other non-residential uses, of the gross floor area of a building or development, if located on a lot more than 10,000 square feet.
 4. The use is not allowed on a lot less than 6,000 square feet.
 - ii. SRT District

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - RETAIL SALES AND SERVICE.

1. A pharmacy use shall demonstrate how it does not create negative impacts on pedestrian movement of the overall development and is compatible with the adjacent neighborhood.

(l) **Pharmacy with Drive-Through Service.**

(1) Definition. A pharmacy that includes service from a building to persons in vehicles through an outdoor service window

(2) Standards.

i. GWD and SRD Districts

1. 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.
2. 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, 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).
3. 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.
4. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

(m) **Plant Nursery.**

(1) Definition. Any establishment(s) primarily engaged in retailing nursery products and garden supplies, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. Fertilizer of any type is stored and sold in package form only.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - RETAIL SALES AND SERVICE.

(n) **Printing Service.**

- (1) 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.”

(o) **Equipment Rental.**

- (1) 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.”

(2) Standards.

i. BVC and WSD District

1. The net site area shall not exceed one acre.
2. All maintenance of equipment must be conducted within a building.
3. All equipment shall be stored within an enclosed area or building.

ii. GWD and SRD District

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.

(p) **Secondhand Goods.**

- (1) 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.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - VEHICLE/EQUIPMENT RELATED USES.

- (2) Standards.
 - i. BVC and WSD District
 - 1. Such uses may only be permitted as part of a multi-tenant building.
 - 2. Pick-up and drop-off areas for donations shall not be permitted in connection with this use.
 - 3. No outdoor sales or storage of any merchandise shall be permitted unless otherwise permitted through a Conditional Use Permit.
 - 4. Outdoor displays shall conform to the standards found in Chapter 4.4.A.4, Outdoor Display/Sales.
 - ii. GWD and SRD District
 - 1. Such use shall be permitted as a freestanding use or as part of a multi-tenant building.
 - 2. Pick-up and drop-off areas for donations shall not be permitted in connection with this use.
 - 3. Outdoor display, sales, or storage may be allowed with the approval of a Conditional Use Permit.

22. VEHICLE/EQUIPMENT RELATED USES.

(a) Vehicle Rental.

- (1) Definition. Rental of automobiles, motorcycles, electric bicycles and electric scooters, recreational vehicles, boats, light trucks, and similar equipment, including incidental storage and maintenance.
- (2) Standards.
 - i. GWD District
 - 1. 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 HMC 19.10.6, 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.
 - 2. Required customer parking spaces shall not be used for vehicle/equipment rental display.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - VISITOR ACCOMMODATION.

(b) **Car Wash.**

(1) Definition.

- i. Drive-in establishment providing wash functions controlled manually by a car wash employee, where the vehicle interiors and exteriors are cleaned, and a customer's vehicle may be automatically moved through the car wash facility

(2) Standards. Car washes are subject to the following standards.

i. GWD District

1. Prior to submittal of an application, the applicant shall submit to the Redevelopment Manager and Community Development and Services Director, an economic benefit analysis for review;
2. Shall require approval of a design review;
3. Shall be located along Lake Mead Parkway or along a 150-foot right-of-way;
4. All car washing activities shall take place within an enclosed building;
5. Vacuuming equipment shall be set back a minimum of 50 feet from any adjacent residential use; and
6. Design of the car wash drive lanes and stacking spaces shall demonstrate integration, screening, coordination with pedestrian movement along sidewalks and through area 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.

23. VISITOR ACCOMMODATION.

(a) **Bed and Breakfast.**

- (1) Definition. Bed and Breakfast facilities means a building is kept, maintained, and marketed to provide overnight sleeping accommodations to the public. Bed and Breakfast facilities must have between three (3) and ten (10) guest rooms used for sleeping accommodations offered at daily rates to guests on a less-than-weekly basis. A bed and breakfast facility may also contain a banquet facility or restaurant for private parties as an ancillary use.

(2) Standard.

- i. ATD and BTD Districts

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - VISITOR ACCOMMODATION.

1. Bed and breakfast facilities may be located within a single-family detached dwelling.
2. The owner or a manager shall reside on the site where the bed and breakfast facility is located.
3. A banquet facility or restaurant use may only be provided for the use of overnight guests in conjunction with private events.

(b) **Hotel/Boutique Hotel.**

(1) Definition.

- i. "Hotel" means a 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 enclosed foyer and hallways. A hotel may also contain a restaurant and personal-service shops.
- ii. "Boutique Hotel" means a building or other structure kept, maintained, advertised, or held out to the public to be a place that provides five or more rooms but fewer than 90 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 boutique hotel must have a distinct character intentional design and décor, and personalized service. A boutique hotel may also contain incidental food service. This use category does not include bed-and-breakfast, residential hotel/motel uses, or hostel facilities.

(2) Standards. Any use that includes live entertainment shall comply with the standards for live entertainment uses in Chapter 4.4., Live Entertainment.

- i. GWD and SRD District.
 1. Hotels may be up to 100 feet in height and may exceed 100 feet in height if approved through a design review with modification, provided minimum setbacks abutting residential land uses or lots occupied by residential uses be increased by at least one foot for each one-foot increase in height above 100 feet.
- ii. BVC District

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - WEDDING CHAPEL.

1. Hotels shall demonstrate that the use does not adversely impact nearby residential neighborhoods.

(c) **Time-Share Project.**

- (1) **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.
- (2) **Standards.**
 - 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.

24. WEDDING CHAPEL.

- (a) **Definition.** Establishments performing marriage or wedding services for a fee. This use type does not include religious assembly uses.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS -

25. MARIJUANA ESTBALISHMENT

(a) Purpose and Intent

The purpose and intent of this section is to provide a procedure for the regulations of marijuana establishments within the Downtown Master Plan. These regulations are in addition to the regulations of Title 4 of the Henderson Municipal Code and provide all land use regulations for marijuana establishments.

(b) Marijuana Establishments, Minimum Separation table

MARIJUANA ESTABLISHMENT	PROTECTED USE (1) (2)				DISPENSARY
	SCHOOL (3)	COMMUNITY FACILITY	PUBLIC PARK OR PLAYGROUND (4) OR RELIGIOUS ASSEMBLY	NON-RESTRICTED GAMING ESTABLISHMENT	
Dispensary, Medical and Retail	1,000 feet	300 feet	1,000 feet	1,500 feet	5,280 feet (5)

Notes:

1 The separation from a marijuana establishment to a protected use is for a protected use that existed or occupied on the date the City accepted and processed a complete Conditional Use Permit submittal.

2 Distance shall be measured as the shortest line, without regard to intervening obstacles, from the front door of the building of the proposed marijuana establishment to the closest point of the property line of the protected use. If both the proposed 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 line between the front door of the space to be occupied by the proposed marijuana establishment and the closest point on the exterior wall of the building or portion thereof occupied by the protected use. If the proposed marijuana establishment contains more than one entrance, the application must designate one of the entrances as the front door for all purposes of the operating business and must set forth a reasonable and good faith basis for that designation. Applicants shall not be permitted to designate a front door for the purpose of evading the required distance separation. If the application fails to make a proper designation regarding the front door, staff shall make a determination as to which entrance is the front door for the purposes of this section.

3 Means a public, charter, or private school that provides formal education traditionally associated with preschool through grade 12.

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.

5 This distance separation does not apply to medical and recreational dispensaries under the same ownership, within the same tenant space. Distance separation between marijuana dispensaries shall be measured as the shortest straight line between the closest exterior walls of the building or portion thereof of the proposed marijuana dispensary to the closest exterior walls of the building or portion thereof of the established marijuana dispensary. This distance separation may not be waived at any time by the Council.

(c) Medical Marijuana, Dispensary

(1) Definition.

A business that is licensed by the State of Nevada Cannabis Compliance Board and acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - 25. MARIJUANA ESTBALISHMENT

identification card, as defined in NRS 678C.080, or to another medical marijuana dispensary.

- (2) Standards. All medical marijuana dispensary facilities shall comply with the following standards.
 - i. St. Rose District. Parcels in the St. Rose District must have frontage on Water Street and Boulder Highway (Northern portion of the St Rose District).
 1. Shall comply with all H.M.C. Title 4 regulations.
 2. Distance Limitations. Shall meet the minimum separation requirements in the Marijuana Establishments, Minimum Separation table.
 3. Permanent Building. Shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.
 4. Hours of Operation. Hours of operation are limited to between the hours of 8:00 am and 11:00 pm, unless extended through the CUP approval.
 5. Pick-Up Window. The use of a pick-up window is subject to CUP approval and the following:
 - a. No order shall be placed at the pick-up window. Order box is not permitted.
 - b. No advertisement of product may be visible from the pick-up window.
 - c. Shall provide a queuing lane outside of required parking, drive aisles, and any required fire lane.
 - d. Shall provide a minimum of three vehicle queuing spaces, measured from pick-up window.
 - e. Design of the pick-up window (including the drive lanes and queuing spaces) shall demonstrate integration with the site; compatibility with surrounding uses; screening; architectural compatibility with the principal structure; efficient vehicular travel; and the pedestrian environment of the overall development.
 6. Emissions. There shall be no emission of dust, fumes or vapors into the environment from the facility.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - 25. MARIJUANA ESTBALISHMENT

7. Minimum Square Footage. Shall be a minimum of 1,400 gross square feet in size.
8. Outdoor Seating Prohibited. Outdoor seating is prohibited.
9. Outdoor Display Prohibited. There shall be no outdoor display of merchandise or merchandise visible from the outside of the establishment.
10. Outdoor Storage is Prohibited. Outdoor storage, including the use of cargo/shipping containers for on-site storage is prohibited.
11. Windows. Windows in common customer space must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind is prohibited.
12. No neon or LED string lights within windows or exterior portions of the building.
13. Signs. If signage is installed, signs shall meet the following regulations:
 - a. Shall be limited to wall signs only;
 - b. Maximum sign area of all wall signs combined shall be 25 square feet;
 - c. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs);
 - d. Wall signs shall be internally illuminated. No exposed lighting sources are permitted;
 - e. No animation or electronic message unit signs are permitted;
 - f. Color and design, including lettering shall complement the architecture of the building;
 - g. Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices; and
 - h. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
14. Landscaping/Screening. The property shall provide perimeter and parking lot landscaping and screening. The perimeter landscaping dimensions, plant quantities, and other screening methods shall

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - 25. MARIJUANA ESTBALISHMENT

screen the parking lot area to the maximum practical extent as required through entitlement approvals. Typical screening methods to include shrub, trees, ornamental screening, and walls.

15. CUP Expiration. The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.

16. Approval of a conditional use permit does not guarantee approval of a business license.

(d) Retail Marijuana, Dispensary

(1) Definition

A business that is licensed by the State of Nevada Cannabis Compliance Board and acquires, possesses, delivers, transfers, supplies, sells or dispenses marijuana or related supplies to a consumer or to another retail marijuana dispensary.

(2) Standards

i. St. Rose District. Parcels in the St. Rose District must have frontage on Water Street and Boulder Highway (**Northern** portion of the St Rose District).

1. Shall comply with all H.M.C. Title 4 regulations.

2. Distance Limitations. Shall meet the minimum separation requirements in the Marijuana Establishments, Minimum Separation table.

3. Hours of Operation. Hours of operation are limited to between the hours of 8:00 am and 11:00 pm, unless extended through the conditional use permit approval.

4. Pick-up window: The use of a pick-up window is subject to CUP approval and the following:

a. No order shall be placed at the pick-up window. Order box is not permitted.

b. No advertisement of product may be visible from the pick-up window.

c. Shall provide a queuing lane outside of required parking, drive aisles, and any required fire lane.

d. Shall provide a minimum of three vehicle queuing spaces, measured from pick-up window.

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - 25. MARIJUANA ESTBALISHMENT

- e. Design of the pick-up window (including the drive lanes and queuing spaces) shall demonstrate integration with the site; compatibility with surrounding uses; screening; architectural compatibility with the principal structure; efficient vehicular travel; and the pedestrian environment of the overall development.
5. Emissions. There shall be no emission of dust, fumes or vapors into the environment from the facility.
6. Minimum Square Footage. Shall be a minimum of 1,400 gross square feet of combined dispensary area.
7. Outdoor Seating Prohibited. Outdoor seating is prohibited.
8. Outdoor Display Prohibited. There shall be no outdoor display of merchandise or merchandise visible from the outside of the establishment.
9. Permanent Building. Shall be located in a permanent building, and shall not be located in a trailer, cargo/shipping container or motor vehicle.
10. Outdoor Storage is Prohibited. Outdoor storage, including the use of cargo/shipping containers for on-site storage is prohibited.
11. Windows. Windows in common customer space must remain unobstructed, allowing visibility into the facility. Window tint, decals, and signage of any kind is prohibited.
12. No neon or LED string lights within windows or exterior portions of the building.
13. Signs. If signage is installed, signs shall meet the following regulations:
 - a. Shall be limited to wall signs only;
 - b. Maximum sign area of all wall signs combined shall be 25 square feet;
 - c. Wall signs shall be constructed only of pan channel letters (no cabinet or can signs);
 - d. Wall signs shall be internally illuminated. No exposed lighting sources are permitted;

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - URBAN AGRICULTURE.

- e. No animation or electronic message unit signs are permitted;
 - f. Color and design, including lettering shall complement the architecture of the building;
 - g. Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices; and
 - h. Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
14. Landscaping/Screening. The property shall provide perimeter and parking lot landscaping and screening. The perimeter landscaping dimensions, plant quantities, and other screening methods shall screen the parking lot area to the maximum practical extent as required through entitlement approvals. Typical screening methods to include shrub, trees, ornamental screening, and walls.
15. CUP Expiration. The conditional use permit shall lapse without further action if the use ceases for a period exceeding 90 days.
16. Approval of a conditional use permit does not guarantee approval of a business license.

E. AGRICULTURAL USES

1. URBAN AGRICULTURE.

(a) Community Garden.

- (1) Definition. Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households.
- (2) Standards.
 - i. Maximum Size. Gardens shall be no greater than one acre in size unless a larger garden is authorized through CUP approval.
 - ii. Management. A manager shall be designated for each garden who shall serve as liaison between gardeners, property owner(s), and the City.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - URBAN AGRICULTURE.

- iii. Hours of Operation. Gardens shall only be tended between 7:00 am and 7:00 pm unless additional hours are authorized through CUP approval.
- iv. Buildings and Structures. Accessory buildings, such as sheds, greenhouses, and hoopouses are allowed and shall comply with the property development standards of the zoning district.
- v. Equipment. Use of mechanized farm equipment is prohibited except as provided below or otherwise authorized through CUP approval.
 - 1. Heavy equipment may be used initially to prepare the land for gardening.
 - 2. Landscaping equipment designed for household use is permitted.
- vi. Maintenance.
 - 1. The manager shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.
 - 2. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.
- vii. Composting.
 - 1. Compost and compost receptacles shall be located so as not to be visible from a public right-of-way.
 - 2. Compost and compost receptacles shall be set back a minimum of 20 feet from residential buildings.
 - 3. In residential districts, composting is limited to the materials generated on-site and shall be used on-site.
- viii. Utilities. The land shall be served by a water supply sufficient to support the cultivation practices used on the site. Drip irrigation is the only permitted form of irrigation.
- ix. Signage. No more than one identification sign with a maximum area of nine square feet is permitted.
- x. Fencing. The site may only be enclosed by wrought-iron fencing, a maximum of eight feet in height. Solid block walls are prohibited unless already existing.

(b) **Indoor Agriculture.**

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - TEMPORARY USES

- (1) Definition. Cultivation of agricultural products other than marijuana or cannabis under controlled conditions entirely within an enclosed facility. Typical uses include hydroponics, aeroponics, aquaponics, and aquaculture.
 - (2) Standards. Indoor agriculture operations in residential districts are limited to home occupations consistent with HMC, Home Occupations.
- (c) **Market Garden.**
- (1) Definition. The primary use of a site for cultivation of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs for sale or donation of its produce to the public.
 - (2) Standards. Market gardens are subject to the same standards as community gardens.

F. TEMPORARY USES

1. TEMPORARY USES

- (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 may be permitted as a temporary use provided:
 - (1) If applicable, the proposed temporary use obtains a temporary use permit in compliance with the requirements in HMC Chapter 19.32, 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 CUP in compliance with HMC Chapter 19.22, Conditional Use Permits.
 - (4) The Director or Redevelopment Manager may also require design review consistent with HMC Chapter 19.24, Design Review, 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) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - (2) Be compatible with the principal uses taking place on the site;

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4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - TEMPORARY USES

- (3) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
 - (4) Not include permanent alterations to the site;
 - (5) Not maintain temporary signs associated with the use or structure after the activity ends;
 - (6) Not violate the applicable conditions of approval that apply to a site or use on the site;
 - (7) Not interfere with the normal operations of any permanent use located on the property; and
 - (8) 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 Structure.
- (1) Circuses and Carnivals.
 - i. Definition. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions or similar activities in a tent or other temporary structure.
 - ii. Standards. Circuses and carnivals shall be limited to a maximum of seven days per occurrence.
 - (2) Commercial Filming, Limited.
 - i. 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.
 - i. 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.
 - ii. 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.

CHAPTER 4: LAND USE CLASSIFICATIONS

4.4 LAND USE DEFINITIONS AND ADDITIONAL REGULATIONS - TEMPORARY USES

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) Storage/Shipping Containers.
- i. 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.
 - ii. Standards. Temporary storage/shipping containers may be permitted as a temporary use in compliance with the following standards:
 - (1) Nonresidential Districts.
 - a. 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.
 - b. Storage/shipping containers may be located within City-approved outdoor storage yards provided the containers are not stacked. No CUP shall be required.
 - c. Temporary storage/shipping containers may be permitted as a temporary use for a maximum period of three months per site per year.
 - d. Temporary storage/shipping containers shall not be stacked.
- (5) Street Fairs.
- i. Definition. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
- (6) Temporary Construction Trailer.
- i. Definition. A temporary portable unit for construction office use that is designed to be transported, after

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fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.

- ii. Standards. The owner of a construction project may utilize a temporary office for use by construction and security personnel in compliance 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 CUP.
 - a. The temporary trailer shall not be located within 25 feet of any residential use.
 - b. The sanitary plumbing requirements can be waived by the building official provided adequate sanitary plumbing is available elsewhere on the site.
 - c. The temporary trailer shall be removed 10 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 10 days of sale or lease of all dwelling units.
- (7) Temporary Dwelling Unit.
- i. Definition. A temporary portable unit for residential use that is occupied during the construction or reconstruction of a primary residence.
 - ii. 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 compliance with the following standards:
 - 1. Temporary dwelling units may only be sited and occupied in compliance with the standards in Section 15.60.040 of the HMC; and
 - a. 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.

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- (8) Temporary Live Entertainment Events.
- i. Definition. Live Entertainment events lasting less than five days.
 - ii. Standards. Conditions may be added to ensure compatibility with surrounding properties.
- (9) Temporary Event.
- i. 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.
 - ii. Standards. Events shall not exceed a maximum of five days and a site may host a maximum of six events per year.
- (10) Temporary Pop-up Retail
- i. Definition. A retail venue that is temporary in nature used to fill empty retail spaces within a shopping center for a short period of time. Pop-up retail allows a company to create a unique environment which engages customers and generates interest for the business and a commercial district. Pop-up retail may be used for any of the following reasons; marketing, testing products, locations, or markets.
 - ii. Standards.
 1. Such sales, when located outdoors, shall take place only on fully improved, paved lots.
 - a. A temporary use permit is required if the retail sales area will be located outdoors.
- (11) Temporary Religious Assembly.
- i. Definition. Religious services conducted on a site that is not permanently occupied by a religious assembly use.
 - ii. Standards. Temporary religious assembly uses shall be limited to a maximum of 30 days per site per year.
- (12) Temporary Real Estate Sales Office.
- i. Definition. A temporary portable unit for sales office use that is located on the site of the development for which sales are occurring, 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.

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- ii. Standards. Temporary sales offices serving residential subdivisions shall be operated in compliance 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 initially approved subdivision.
 - 2. Maximum Duration.
 - a. The Community Development and Services staff may approve an onsite temporary sales office for a maximum of 12 months, unless an extension of time application is approved.
 - b. 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 CUP.
 - c. The 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.
 - a. 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.
 - b. 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

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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.
 - a. 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.
 - b. 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.
 - c. Off-street parking areas shall be paved or improved with an alternate material approved by the Public Works Department.
 - d. 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.
 - e. Indoor sanitary facilities shall be provided when and where sewer and water service are available.
 - f. 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 Department.

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- (13) Temporary Security Trailer.
- i. 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.
 - ii. 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.
- (14) Trade Fair.
- i. Definition. Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days.
- (15) Temporary Vehicle/Equipment Sales and Auctions.
- i. Definition. The sale and auction of vehicles or equipment from a site not permanently licensed by the City for such sale or auctions.
 - ii. Standards. The number of events allowed at each site is limited to seven days per quarter per site.