CHAPTER 19.12: MEASUREMENT AND DEFINITIONS

19.12.1. CHAPTER ORGANIZATION

This Chapter includes the rules of interpretation, rules of measurement, and the definitions for terms used in this Code.

A. Section 19.12.2, Rules of Interpretation, establishes the rules related to word usage and the construction of language used in this Code.

B. Section 19.12.3, Rules of Measurement, explains how distances are customarily measured, how numerical amounts are derived, and what encroachments may be permitted.

C. Section 19.12.4, Defined Terms, includes the definitions for terms used in this Code.

19.12.2. RULES OF INTERPRETATION

A. MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the purpose and intent set out in Section 19.1.5.

B. HEADINGS, ILLUSTRATIONS, AND TEXT

In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, figure, commentary block, or illustration, the text shall control.

C. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including" and "such as," or similar language, are intended to provide examples, not to be exhaustive lists of all possibilities.

D. COMPUTATION OF TIME

References to days are calendar days unless otherwise stated. When business days are referenced, they shall include only days when City Hall is open. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a holiday observed by the City or a City Hall non-business day, that day shall be excluded.

E. REFERENCES TO OTHER REGULATIONS, PUBLICATIONS, AND DOCUMENTS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

F. DELEGATION OF AUTHORITY

Whenever a provision requires the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

G. TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the City of Henderson, unless otherwise indicated.

I. MANDATORY AND DISCRETIONARY TERMS

The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are advisory and discretionary terms.

J. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events apply.

2. "Or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

K. TENSES AND PLURALS

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

L. COMMENTARY

Whenever a provision of this Code requires additional explanation to clarify its intent, a "commentary" is included. These commentaries are intended solely as a guide for administrative officials and the public to use in interpreting the Code.

M. TERM NOT DEFINED

In the event there is a term used in this Code that is not defined in this Chapter, the Community Development and Services Director shall have the authority to provide a definition through the Interpretation procedure (Section 19.6.9.F) based upon the definitions used in accepted sources.

19.12.3. RULES OF MEASUREMENT

This section sets out the rules for measurement used in this Code.

A. DENSITY/INTENSITY

1. Acre, Gross

Means a measure of land area (43,560 square feet). For purposes of calculating residential density or intensity of development, existing dedicated rights-of-way within a site, and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries shall be included.

2. Density

Means the number of dwelling units for each acre of land. Density is calculated by dividing the number of dwelling units on a site by the gross acreage of the site on which the dwelling

units are located. For purposes of calculating residential density, dedicated rights-of-way within a site, and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries shall be included.

3. Transition Density Housing

Means dwellings in developments or subdivisions at densities greater than six units per acre, but not more than ten units per acre.

B. BULK

1. Building Coverage

Means the portion of a site covered by principal and accessory buildings and structures (not including non-building impervious surfaces such as driveways, patio slabs, and decks), as measured from the outside of the building or structure at ground level. Expressed as a percentage of total site area. See Figure 19.12.3-A.

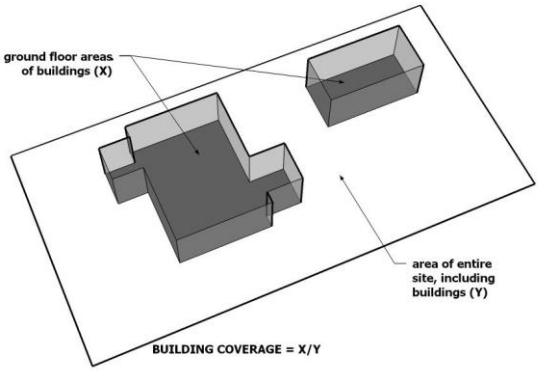


Figure 19.12.3-A: BUILDING COVERAGE

2. Floor Area, Gross

Means the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, basement or attic areas having a height of more than seven feet, and areas with a permanent solid roof even if open on the sides (i.e., covered porch or patio); but excluding areas used exclusively for vehicle parking or loading, areas with partially covered (e.g., lattice-type) roofs, and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters, and similar enclosures.

3. Floor Area Ratio (FAR)

Means the amount of gross floor area of all buildings and structures on a building lot divided by the total lot area.

C. HEIGHT

1. Exceptions to Height Limits

Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, flagpoles, monuments, theater scenery lofts, radio and television antennas, and necessary mechanical appurtenances covering not more than 25 percent of the roof area of the structure, and similar structures may exceed the maximum permitted height in the district in which the site is located in accordance with the following:

(a) Encroachments of up to ten feet may be authorized with no discretionary review.

(b) Design review (Section 19.6.6.B) shall be required for features extending more than ten feet but less than 20 feet above the base district height limit.

(c) Encroachments of 20 feet or more above the maximum height for a zoning district shall require a conditional use permit (Section 19.6.6.A).

2. Grade, Finished

Means final elevation of the ground level after topsoil has been applied to graded slopes, as measured six feet from the exterior walls of the structure.

3. Grade, Existing

Means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this Code.

4. Grade, Street

Means the top of the curb or the top of the edge of the pavement or traveled way where no curb exists.

5. Height

Means the vertical distance in feet between the lowest finished grade adjacent to the building to the top of the highest roof beam on a flat or shed roof, the deck level on a mansard roof or the average distance between the eaves and apex of a gable, hip or gambrel roof. For buildings with basements with direct, walk-out access, finished grade means the grade level at the walk-out access of the basement. The height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall. See Figure 19.12.3-B.

6. Tower Height

Means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

D. LOT CHARACTERISTICS

1. Flag Lots

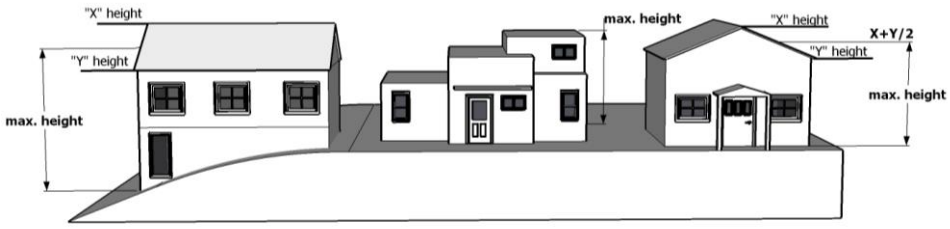


Figure 19.12.3-B: MEASUREMENT OF HEIGHT

The following dimensional standards shall apply to flag lots:

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

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

(c) The flagpole or panhandle portion of the lot shall not be included in calculating lot size. See Figure 19.12.3-C.

2. Lot, Area

Means the amount of horizontal land area contained inside the lot lines of a lot or site. Rights-of-way shall not be included in calculating lot size.

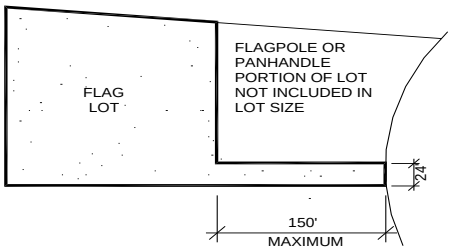


Figure 19.12.3-C: FLAG LOTS

3. Lot, Corner

Means a site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees. The front yard of a corner lot shall adjoin the shortest street property line, provided that where street property lines are substantially the same length, the Community Development and Services Director shall determine the location of the front yard. See Figure 19.12.3-D.

4. Lot, Coverage

Means the proportion of a site covered by all principal and accessory buildings and structures, as measured from the outside of the building or structure, and all other impervious surfaces such as driveways, patios, and decks, expressed as a percentage of the total net area of the site. Lot coverage includes, but is not limited to, all principal buildings, all accessory structures such as sheds or gazebos regardless of size, patio covers, covered parking, garages, carports, halls, stairways, service rooms, and mechanical equipment rooms.

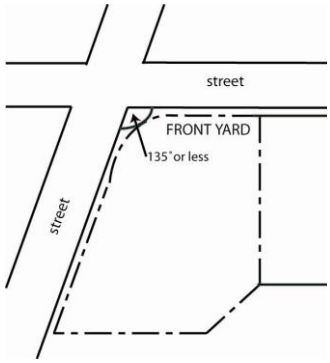


Figure 19.12.3-D: CORNER LOT

5. Lot, Depth

Means the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines. In cases where there is no rear lot line, depth equals the distance from the front lot line to the most distant point on any other lot line.

6. Lot or Property Line, Front

Means the lot line describing the edge of the lot abutting the street or right-of-way to which the lot has access and is oriented to for purposes of development. On a corner lot, only one street shall be considered as a front line, and the shorter street or right-of-way frontage shall be considered the front line. In RS-1 and RS-2 Districts where lots abut multiple streets or right-of-way, the front lot or property line shall be determined by the assigned property address.

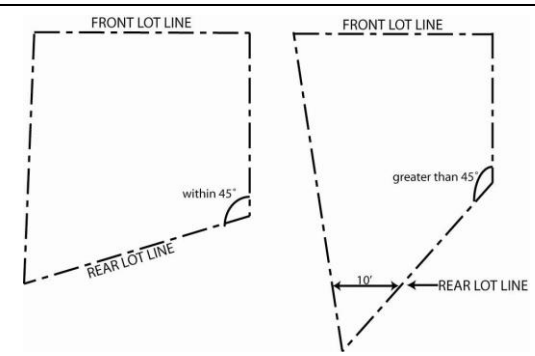


Figure 19.12.3-E: LOT OR PROPERTY LINE, REAR

7. Lot or Property Line, Rear

Means a lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, it shall be deemed the rear lot line for the purpose of measuring rear-yard depth. See Figure 19.12.3-E. In instances where neither the front lot line nor the rear lot line is a simple straight line and it may not be easy to determine whether any lot line is within 45 degrees of being parallel to the front lot line, the Community Development and Services Director may make the determination of the rear property line.

8. Lot or Property Line, Interior

Means a lot line not abutting a street.

9. Lot or Property Line, Side

Means any lot line that is not a front lot line or a rear lot line.

10. Lot or Property Line, Street

Means a lot line abutting a street.

11. Lot Width

Means the mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at points 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line. See Figure 19.12.3-G.

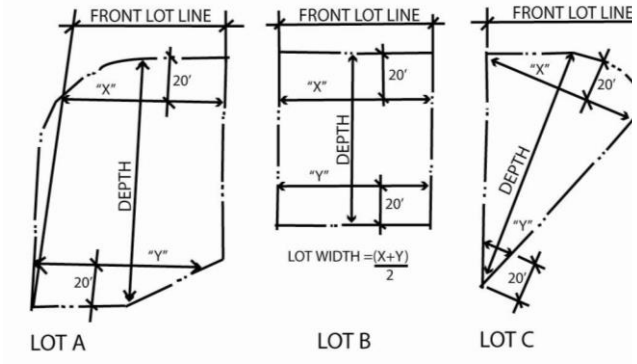


Figure 19.12.3-G: LOT WIDTH MEASUREMENT

E. SETBACKS

1. Attached Buildings

Attached buildings, whether principal or accessory, shall be treated as a single structure for the purpose of applying setbacks. This requirement shall not apply to residential patio covers, carports, or open shade structures.

2. Measurement

Setbacks shall be measured as the distance between the nearest lot line and the foundation of a building or structure along a line at right angles to the lot line. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line. Allowable projections into setback areas shall not be utilized for measurement of setbacks.

3. Setback Line

Means a line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location of buildings, structures, or uses. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

4. Setback, Front

Extends across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site. The front setback must follow the curvature of the front property line in cases where a lot is on a cul-de-sac or knuckle. See Figure 19.12.3-F.

5. Setback, Front on Corner Lots

The front setback of a corner lot shall be measured from the side of the lot designated as the "front." On a corner lot only, one street line shall be considered as a front line, which shall be the shorter street frontage.

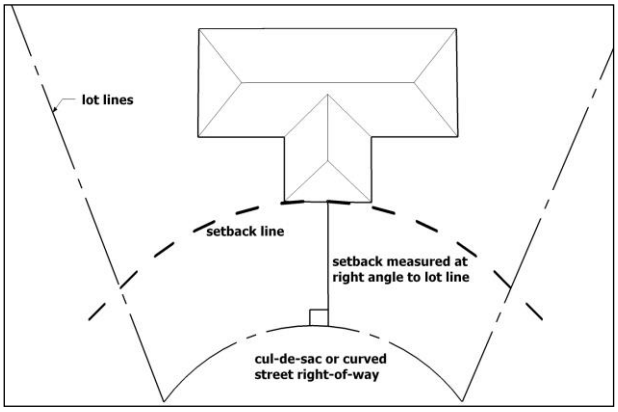


Figure 19.12.3-F: CUL-DE-SAC SETBACK MEASUREMENT

6. Setback, Rear

Extends across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot, the rear yard shall extend only to the side yard abutting the street.

7. Setback, Side Interior

Means a side setback on that portion of a lot that is not adjacent to a private or public street. It extends from the rear line of the required front yard or the front property line of the site where no front yard is required, to the front line of the required rear yard or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site.

8. Setback, Side Street

A side setback on that portion of a lot that is adjacent to a private or public street. It extends from the rear line of the required front yard or the front property line of the site where no front yard is required, to the rear property line of the site, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site.

9. Build-to Line

An alignment established at a certain distance from the property line to a line along which the building must be built.

F. ENCROACHMENT

1. Features Allowed Within Setbacks

Trees, shrubs, flowers, hedges, and other landscape features may be located within any required setback. Fencing and walls are allowed subject to the requirements of Section 19.7.5.K, *Fences and Walls*. The following features may be located within any required setback, subject to the following limitations set forth:

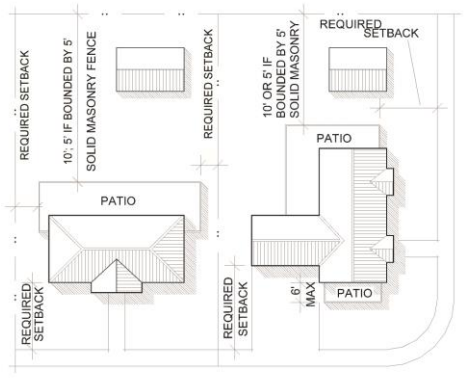


Figure 19.12.3-H: PATIO ENCROACHMENTS

(a) Antennas

Antennas, including satellite dishes in excess of 36 inches in diameter, amateur licensed radio antennas, and similar personal communication device reception towers and facilities shall not be located in any required front or side setback area unless such prohibition would substantially interfere with reception of such devices or facilities to the extent they are rendered inoperable.

(b) Attached Patio Covers, Pergolas, and Awnings

(1) Not closer than ten feet from the rear property line and five feet from a side property line, measured from the bearing wall or post, provided that the roof area encroaching into the rear setback does not exceed one-third of the area of the required rear yard, with the exception of townhome or single-family attached developments that may exceed one-third of the area of the required rear yard. See Figure 19.12.3-H.

(2) Eaves and overhangs may extend one foot into the five-foot side setback.

(3) The required setback may be reduced to five feet from the rear property line, measured from the bearing wall, or post, provided that the yard is bounded by a solid masonry fence at least five feet in height. See Figure 19.12.3-I.

(4) Eaves and overhangs may extend 12 inches into the reduced five-foot rear setback.

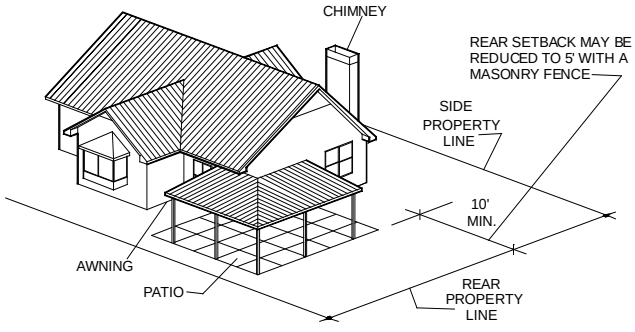


Figure 19.12.3-I: BUILDING PROJECTIONS INTO SETBACKS

(5) For single-family attached developments with one single-family attached unit per each individual lot, the restriction on roof area not exceeding one-third of the area of the required rear yard shall not apply. (Detached shade structures and carports are treated as "Accessory Structures.")

(6) All attached patio covers, pergolas, and awnings must also comply with applicable building code requirements.

(c) Balconies, Porte Cocheres, and Covered Porches

(1) Such features may encroach up to six feet into a front or rear yard and one foot into a side yard, with a maximum overhang of 12 inches. Structures must also comply with applicable building code requirements.

(2) Porches on homes that have a minimum 10-foot front setback may encroach a maximum of four feet into the required front setback.

(d) Bay Windows

Bay windows that do not exceed 8.5 feet in width may encroach up to 2.5 feet provided the window is no closer than three feet to a property line. Structures must also comply with applicable building code requirements.

(e) Attached Carports

(1) Attached carports shall not be closer than five feet from a side property line and behind the front setback line measured from the bearing wall or post.

(2) Eaves and overhangs may extend one foot into the required side setback.

(3) Eaves and overhangs may extend up to 30 inches into a required front or rear setback, but shall maintain a minimum of a four-foot setback measured to the eave or overhang.

(4) Attached carports must also comply with applicable building code requirements.

(f) Media Niches and Fireplaces

Media niches, fireplaces, chimneys, and combination media niche/fireplaces limited to one per wall and not exceeding 12 feet in linear dimension along the affected wall may project up to two feet into a required yard. However, at no time shall the resulting setback be less than three feet. Structures must also comply with applicable building code requirements.

(g) Cornices, Eaves, Mechanical Equipment, and Ornamental Features

Such features may encroach up to three feet into a setback or as allowed by the building official.

(h) Signs

Signs may encroach into required setbacks as allowed in Chapter 19.8: *Signs*.

(i) Steps

Steps or stairs may encroach up to three feet into a side yard and six feet into a front or rear yard. Steps or stairs must also comply with applicable building code requirements.

(j) Uncovered Porches, Terraces, Platforms, Decks, Subterranean Garages, and Patios

(1) When more than 12 inches, but less than 30 inches in height, such features may encroach up to three feet in a side yard and six feet into a front or rear yard.

(2) When less than 12 inches in height, such features may extend to the property line. (This includes flatwork, such as concrete slabs, walks, bricks, and flagstone.)

(k) Flagpoles, Yard and Lighting Fixture Poles

(1) No limitation applies when such features are 20 feet or less in height.

(2) Flagpoles, yard and service lighting fixture poles greater than 20 feet in height require approval of a conditional use permit to encroach into setbacks. Also see Section 19.8.3.D, *The American Flag*.

(l) Pedestrian Bridges

Such features may encroach up to five feet into a required setback. A larger encroachment into the public right-of-way may be approved through an encroachment permit.

2. Public Rights-of-Way

In the DR, DP, MC, and DX Districts, subject to an administratively-issued revocable permit from the Public Works Parks and Recreation Director or designee and approved by City Council, the following features may be located within a public right-of-way, subject to the limitations set forth:

(a) Trees, shrubs, flowers, fences, retaining walls, hedges, and other landscape features.

(b) Balconies, stairs, attached balconies, overhangs and awnings, provided such features maintain a minimum vertical clearance of 80 inches from finished grade and they do not extend beyond the curb face of an adjacent street or alley.

(c) Cornices, eaves, reveals, columns, ribs, pilasters, or other similar architectural features, provided no architectural foam is located within ten vertical feet of finished or street grade.

(d) Signs, in accordance with Section 19.8: *Signs*.

(e) Sidewalk cafes and associated street furniture.

19.12.4. DEFINED TERMS

ABANDONED VEHICLE

A vehicle as described in Title 15.12 of the Henderson Municipal Code.

ABUTTING OR ADJOINING

Two or more uses of land having common district boundaries, lot lines, or being immediately adjacent, including across a street, easement, right-of-way.

ACCESS ROAD

A road designated on an approved grading plan and used during construction operations for the movement of grading equipment, hauling of fill material, and for other traffic to and from the grading site.

ACCESSORY BUILDING OR STRUCTURE

A building or structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.

ACCESSORY USE

A use of land that is incidental to the principal permitted or conditionally-permitted use on a site and is found on the same site or lot.

ACCOMMODATIONS FACILITATOR

A person or entity other than the owner, lessee or other lawful occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a room within a residential unit for the purpose of transient lodging. The term includes, without limitation, a hosting platform.

ACCOMMODATION FACILITY

A day-care facility that is operated by a business licensed to conduct business other than child care and is an auxiliary service provided for the customers of the primary business.

ACTION

An act to approve, approve with conditions, or to deny any development review application described in Article 19.6, *Administration*, with consideration given to whether the application complies with the Development Code and all other applicable regulations. Acknowledgement of a withdrawal or a continuance are other forms of action.

ADMINISTRATIVE ADJUSTMENT

Minor deviations from otherwise applicable standards that may be approved by the Community Development and Services Director.

AFFORDABLE HOUSING

Housing affordable for a family with a total gross income that does not exceed 80 percent of the median gross income for Clark County, based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for Clark County.

AGE-RESTRICTED COMMUNITY

Any type of housing community governed by a common set of rules, regulations and/or restrictions that prohibit persons under a certain age from residing within the community or limit the number of persons under a certain age who may reside within the community.

AIRPORT APPROACH ZONE (APZ)

The airport approach area, as defined in Federal Aviation Regulations Part 77, Surfaces.

AIRPORT AUTHORITY

The Clark County Director of Aviation.

AIRPORT TRANSITION ZONE

The land areas directly beneath the transition surfaces, as defined in Federal Aviation Regulations Part 77, Surfaces.

AIRPORT TURNING ZONE

The land areas directly beneath the conical surface and the horizontal surface, as defined in Federal Aviation Regulations Part 77, Surfaces.

ALLEY

A minor public right-of-way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

ALTER

To make any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

ANIMAL, DOMESTIC

Small animals of the type generally accepted as household pets including, but not limited to, dogs, cats, birds, and fish, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs, or similar animals.

ANIMAL, EXOTIC

Any species of wild or exotic animals not customarily confined or cultivated by humans for domestic or commercial purposes, but kept as a pet or for display. These animals are prohibited unless otherwise allowed in strict compliance with HMC Title 7.

ANIMAL, LARGE

An animal larger than the largest breed of dogs, including horses, cows, and other mammals customarily kept in corrals or stables.

ANIMAL, POT-BELLIED PIG

A small domesticated pig (native to southeastern Asia), often raised as a house pet, having a saddle-shaped back, a straight tail, potbelly, swayback, and black, white, or black and white coat.

ANIMAL, SMALL

An animal no larger than the largest breed of dogs, including fish, birds, and mammals customarily kept in kennels.

APPEAL

A procedure by which a decision, interpretation, or enforcement action is brought from a lower decision-making authority to a higher authority for determination.

APPROVAL

Written notice by an authorized representative of the City of Henderson approving the design, progress, or completion of work.

ARCADE

A covered passageway, typically found at street level, often comprised of a series of arches supported by columns.

ARTICULATION

Describes the degree or manner in which a building wall or roofline is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors, or textures.

ARTS AND CRAFTS OUTDOOR SHOW

Outdoor display and sale of painting, sculpture, hand crafts, and similar objects.

ASSESSED VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Clark County Property Appraiser's office for the purposes of taxation.

A-WEIGHTED DECIBELS

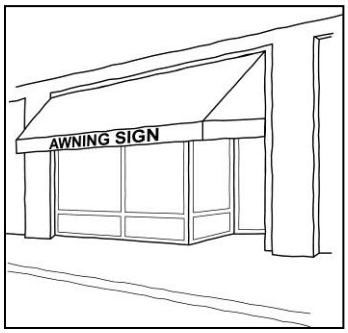
The ear is not as effective in hearing low-frequency sounds as it is hearing high-frequency sounds. That is, low-frequency sounds of the same dB level are not heard as loudly as high-frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter that is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter. The sound pressure level in dB(A) gives a close indication of the subjective loudness of the noise. The sound pressure level in decibels is measured with a sound-level meter or noise dosimeter using the A-weighted network. The standard notation is dB(A) or dBA.

AWNING

Means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. The awning area is a roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the awning/canopy or cantilevered from the building. An awning is distinguished from a marquee in that a marquee is covered with rigid material. An awning is distinguished from a canopy in that an awning is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

AWNING SIGN

A sign painted on, printed on or otherwise attached flat against the surface of an awning.



AXIS

The centerline of a structure that divides it into two halves.

BACK-LIT AWNING SIGN

An internally illuminated fixed-space frame structure with translucent, flexible, reinforced covering designed in awning form, either with or without graphics or copy applied to the visible surface of the awning.

BACKGROUND NOISE

The term used to describe the noise measured in the absence of the noise under investigation. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for 90 percent of a sample period. This is represented as the L_{90} noise level.

BACKHAUL NETWORK

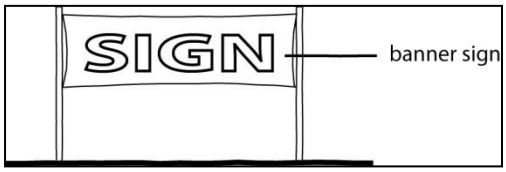
The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network through the use of existing wire line networks, fiber systems, microwave links, or other transport technology.

BALCONY

A porch or other outdoor use area associated with the upper floor(s) of a building.

BANNER

A fabric device, either solid in color or displaying a civic or private symbol, message or pattern, whether flown on a flagpole, draped or displayed by some other method. The term banner also includes all other forms of bunting and fabric or metallic festoonery, whether "stars and stripes" or other colors, used for festive occasions or to draw attention to a place or event.



BARRIER PLANT

A plant that, by its characteristics, would act as a barrier to pedestrian movement.

BASEMENT

A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet (as distinguished from a cellar, which has less than one-half of its floor-to-ceiling height above the average level of the adjoining ground or has a floor-to-ceiling height of less than 6.5 feet).

BERM

In the context of landscaping or buffer yard requirements, a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

BILLBOARD (OFF-PREMISES)

A sign that advertises products or services that are not sold on the premises upon which the sign is constructed.

BLOCK FACE

The lands abutting one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of the County of Clark, Nevada.

BOULDER HIGHWAY LINEAR PARK

Continuous landscaped area within the Boulder Highway right-of-way, as defined by the Boulder Highway Corridor Investment Strategy and Landscape Design Manual.

BOUNDARY LINE ADJUSTMENT

A process where the boundaries of recorded lots are combined or relocated in accordance with the standards in NRS Section 278.

BUFFER

A perimeter area around a lot or parcel which, through landscape planning, distance, or structures, is designed to improve nuisances between adjacent land uses or between a land use and a street.

BUFFER YARD

Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUFFER ZONE

For purposes of the alcohol and liquor uses of this Code, the Buffer Zone separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed use offering Alcohol and/or Liquor and the property line of the nearest established or approved school, religious facility, or general child care facility.

BUILDING

Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which is governed by the following characteristics:

A. Is permanently affixed to the land;

B. Has one or more floors and a roof; and

C. Is bounded by either open space, yards, or the lot lines of a lot.

BUILDING OFFICIAL

The building official for the City of Henderson, Nevada.

BUILDING, PRINCIPAL

The building or structure on a lot used to accommodate the primary permitted use, possibly occurring in more than one building or structure.

BUILD-TO ZONE

The Build-To Zone is defined by a minimum percentage of each building façade that shall be shall be built to the minimum setback. The balance of the building shall be built at a distance not to exceed the maximum build-to line.



Channel letter

BULKHEAD

The portion of a building's facade closest to the ground.

CANOPY, BUILDING

A rigid, multi-sided structure covered with fabric, metal, or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

CERTIFICATE OF INCLUSION

Authorization granted to an applicant to allow for the incidental taking of threatened or endangered species under the provisions of the Incidental Take Permit. Authorization is granted upon receipt of payment of all required mitigation fees.

CHANNEL LETTER

A fabricated or formed three-dimensional letter, number, or symbol.

CHARACTER

Those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

CITY

The City of Henderson, Nevada.

CITY COUNCIL

The City Council of the City of Henderson.

COMMERCIAL MESSAGE

Words, symbols, logos, pictures, or any combination of elements that identify or direct attention to a business, commodity, service, or entertainment sold or offered for sale or a fee.

COMMERCIAL VEHICLE

Every vehicle designed, maintained, or used primarily for the transportation of property or passengers in furtherance of commercial enterprise, or any vehicle of over 10,000 pounds gross unloaded weight, but not including any residential mobile home or motor home. Storage of a commercial vehicle or vehicles constitutes a commercial use of land; but this provision shall not be interpreted to prohibit the parking of a single commercially licensed automobile at a residence.

COMMUNITY DEVELOPMENT AND SERVICES DIRECTOR

The Community Development and Services Director for the City of Henderson, Nevada.

COMMUNITY FACILITY:

1. A facility that provides day care to children;

2. A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents or;

3. A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

COMPATIBLE OR COMPATIBILITY

The characteristics of different uses, activities or design that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

COMPLETE APPLICATION

An application for development approval or a permit that has been submitted in the required format, including all mandatory information and accompanied by the established fee.

COMPREHENSIVE PLAN

The master plan of the City of Henderson, entitled the, "*Henderson Comprehensive Plan*," as amended.

COMPREHESIVE PLAN AMENDMENT

An application to modify the text or future land use map of the adopted Henderson Comprehensive Plan.

CONDITIONAL USE PERMIT

A discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features.

CONDITIONALLY PERMITTED

A use permitted subject to approval of a conditional use permit or temporary use permit.

CONNECTING WALKWAY

(1) Any street sidewalk, or (2) Any walkway that directly connects a building entrance to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or driveways and around buildings, or to follow parking lot outlines that are not aligned to a logical route.

CONNECTIVITY

The relative degree of connection between streets, sidewalks, or other means of travel.

CONSTRUCTION

Any or all activity, except tunneling, necessary or incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, public or private highways, roads, premises, parks, utility lines, or other property, including land clearing, grading, excavating, and filling.

CONTINUOUS SOUND

Any sound that exists essentially without interruption for a period of ten minutes or more.

CORNICE

A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

COURT

An open space of prescribed dimensions opposite a required window of a habitable room in a multifamily dwelling that is unobstructed by structures and open to the sky, except as otherwise provided in this Title.

COUNTY

The County of Clark, Nevada.

CPTED

An acronym for "Crime Prevention through Environmental Design." Architectural design, site design, and landscape design principles intended to reduce the fear and incidence of crime, and to improve the quality of life.

CROSS-ACCESS

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

CUPOLA

A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

CURB

A stone, concrete or other improved boundary usually demarcating the edge of a roadway, parking lot or other paved area.

CUT SLOPE

The exposed ground surface resulting from the excavation of material from the natural terrain.

DECIBEL

A unit of measure of sound (see "sound pressure level"). The level of noise is measured objectively using a sound level meter. This instrument has been specifically developed to mimic the operation of the human ear. The human ear responds to minute pressure variations in the air. These pressure variations can be likened to the ripples on the surface of water but of course cannot be seen. The pressure variations in the air cause the eardrum to vibrate, and this is heard as sound in the brain. The stronger the pressure variations, the louder the sound is heard. The standard notation is dB.

DECISION-MAKING BODY

The entity (typically City Council, Planning Commission, or the Community Development and Services Director) that is authorized to finally approve or deny an application or permit required under this Development Code.

DECK

A platform, either freestanding or attached to a building, which is supported by pillars or posts.

DESIGN REVIEW

The review of a site plan or other diagrammatic display of a proposed development, including lot lines, public infrastructure, buildings, and site elements such as landscaping, parking, fencing, and similar features.

DEVELOPED RESIDENTIAL DISTRICT

A district zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable property interests in such land.

DEVELOPMENT

The carrying out of any building activity or mining operation and the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two or more parcels (see "Subdivision" below).

A. The term "development" includes:

1. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land.

2. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development.

3. Any change in use of land or a structure.

4. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland.

5. The clearing of land as an adjunct of construction.

6. The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling, or excavation on a parcel of land.

7. The deposit of refuse, solid or liquid waste, or fill on a parcel of land.

8. The installation of landscaping within the public right-of-way when installed in connection with the development of adjacent property.

B. The term "development" does not include:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

2. Work by any utility and other entity or persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing, on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

3. A change in the ownership or form of ownership of any parcel or structure.

4. Creation or termination of rights of access, easements, or covenants concerning development of land or other rights in land.

DEVELOPMENT AGREEMENT

An agreement for the development of land pursuant to NRS 278.0201 *et seq*. and HMC 19.6.10.A.

DEVELOPMENT AGREEMENT, STANDARD

A development agreement, as defined by HMC 19.12.4, primarily intended for use within an area subject to a Public Facilities Needs Assessment, as defined by HMC 19.12.4, in a form approved by the City Attorney and on file in the Office of the City Attorney. The approved form may be changed at the discretion of the City Attorney.

DEVELOPMENT AGREEMENT ADVISORY COMMITTEE

A committee charged with determining the applicability of development agreements and the subsequent negotiation of development agreements on behalf of the City. The Development Agreement Advisory Committee (DAAC) is composed of the directors of Community Development and Services, who shall act as chair; Public Works, Parks and Recreation; and Utility Services, along with the City Manager and City Attorney, or their designees.

DEVELOPMENT CODE TEXT AMENDMENT

The process by which the text of this Development Code text is revised in accordance with all City and State laws.

DEVELOPMENT PERMIT

For the purposes of Sec. 19.7.9 Multiple Species Habitat Conservation only, "development permit" means an onsite or offsite permit issued by the City that authorizes the development of a parcel of land that has not previously been improved in accordance with all applicable City ordinances including, but not limited to, building permits and grading permits for construction activities. Demolition permits and temporary power permits do not constitute a development permit.

DEVELOPMENT REVIEW COMMITTEE

A committee of City staff charged with review of several application types as established in Table 19.6.2-1, *Summary Table of Development Review Procedures*, and composed of the following persons or their representatives:

A. The Community Development and Services Director, who shall act as chair;

B. The Public Works, Parks and Recreation Director;

C. The Building Official;

D. The Fire Chief;

E. The Police Chief;

F. The Director of Utility Services;

G. The City Attorney; and

H. A secretary to the committee.

DEVELOPMENT STANDARDS

Regulations that limit the size, bulk, or siting conditions of particular types of buildings or uses located within any designated district.

DIGITAL VIDEO DISPLAY

An electronic graphic display sign capable of displaying digital videos.

DISTRIBUTION LINE

An electric power line bringing power from a distribution substation to consumers.

DISTRICT

A base or overlay zoning district within which the use of land and structures and the location, height, and bulk of structures are governed by this Code.

DORMER

A window or other projection from a roof that includes its own roof.

DRIVE-THROUGH FACILITY

An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVEWAY

A private roadway providing access to a street or highway from a building or structure.

DWELLING UNIT

One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with a single kitchen, sleeping, and bathroom facilities for the exclusive use of a single housekeeping unit.

DYNAMIC BRAKING DEVICE

A device used primarily on trucks and buses to convert the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as an engine or "jake" brake.

EASEMENT

A grant of one or more property rights (e.g., access) by the owner to, or for the use by, the public, a corporation, or another person or entity.

ELECTRONIC MESSAGE CENTER

A sign or component of a sign that uses changing lights to form a message or series of messages that are electronically programmed or modified by electronic processes.

EMERGENCY WORK

Work required to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.

EROSION

Means the wearing away of the ground surface as a result of movement by wind or water.

EXCAVATION

Means the mechanical removal of earth material.

FAA

The Federal Aviation Administration.

FAMILY UNIT

A family unit is defined as a person living alone or any of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

A. Any number of related people; or

B. No more than six unrelated people.

The size of a family unit is subject to the maximum dwelling unit occupancy of 20 persons set forth in Section 19.5.3.A.1. For purposes of this section, "related" means by blood, marriage, adoption, guardianship, or other duly and legally authorized custodial relationship.

FARMERS MARKET

A designated area where on designated days and times, agricultural and home manufactured products may be sold directly to the public in accordance with City regulations. The City shall have the right to relocate or discontinue a market to specify the days and times of its use and to stipulate what goods may be sold.

FCC

The Federal Communications Commission.

FENCE

An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENCE, DECORATIVE

A continuous permanent or temporary structure designed primarily for aesthetic appeal and not intended or designated as a method of prohibiting entry to a property.

FESTOON

A string or garland suspended in a loop or curve between two points.

FILL SLOPE

The exposed ground surface resulting from the placement of excavated material on the natural terrain.

FINAL MAP

A map prepared in accordance with the provisions of NRS 278.325, 278.360 to 278.460, inclusive, 278.472, 278.4725 or 278.4955, and any applicable local ordinance, that is designed to be placed on record in the office of the Clark County Recorder.

FIRE LANE

A "Fire Apparatus Access Road" as defined in the Fire Code.

FLAG

The flag of a recognized government and its agencies or a flag-like device not bearing governmental emblems, whether flown from a flagpole, draped, or displayed by some other method.

FLOODPLAIN

A natural watercourse and adjacent low-land areas that would be inundated by flood waters that are generated from a 100-year storm.

FRONTAGE

See Section 19.12.3.D.6, *Lot or Property Line, Front*.

GARAGE

A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and intended for the storage of motor vehicles and equipment with no facilities for mechanical service or repair of a commercial or public nature.

GRADE

The vertical alignment of a surface of land as it exists or as rendered by cut or fill activities.

GRADING

Rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.

GRUBBING

The removal of trees and other large plants by their roots.

HABITABLE STRUCTURE

A structure that has facilities to accommodate people for an overnight stay, including, but not limited to, residential homes, apartments, condominiums, hotels, motels, and manufactured homes, and which does not include recreational vehicles.

HARDSCAPE

The part of a development's grounds consisting of structures, such as patios, retaining walls, and walkways, made with hard materials.

HAZARDOUS WASTE OR MATERIALS

Chemicals or substances that are physical or health hazards as defined and classified in the Fire and Building Codes and Title 29 of the Code of Federal Regulations, such as: explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers, and other health hazards.

HENDERSON MUNICIPAL CODE (HMC)

The Municipal Code of the City of Henderson, Nevada.

HIGH-VOLTAGE TRANSMISSION LINE

A facility that transmits a minimum of 69 kilovolts of electrical power.

HILLSIDE

The part of a hill between the summit and the foot with slopes of 15 percent or more.

HILLSIDE DEVELOPMENT PLAN

A series of words and graphic depictions prepared by an applicant that describe the proposed development of property located within the Hillside Overlay District. See Section 19.4.8.

HILLSIDE REGULATION MAP

A graphic display depicting properties subject to the requirements of the Hillside Overlay District, including parcels with 15 percent or greater slope and sensitive ridgelines that may be incorporated into the official zoning map.

HMC

Henderson Municipal Code.

HOSTEL

An establishment operated, managed, or maintained under sponsorship of a non-profit organization that holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended, or that is licensed by and operated under the rules of Hosteling International -American Youth Hostels, or a comparable hosteling umbrella organization approved by the City Council. Such uses provide beds for rent on a daily basis in individual rooms or dormitories, and guests shall be provided toilet and bathing facilities. This use type does not include homeless shelters, honor camps, halfway houses, and for early-release shelters operated through the judicial system or in conjunction with or in lieu of incarceration in a penal institution. Hostels are also distinguished from drug, alcohol, or other rehabilitation facilities or similar institutional facilities providing physical or psychological care.

HOSTING PLATFORM

A person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking, or other means.

HOTEL OR MOTEL, RESIDENTIAL

An establishment offering transient lodging consisting of five or more guest rooms with kitchenettes or kitchen facilities as part of any guest room and available for occupancy of continuous periods exceeding a weekly basis.

ILLUMINATION, DIRECT

Illumination by means of light that travels directly from its source to the viewer's eye.

ILLUMINATION, EXTERNAL

A lighting source that projects light onto a sign surface from an exterior location to the sign itself.

IMPLEMENTING AGREEMENT

For the purposes of Sec. 19.7.9 Multiple Species Habitat Conservation only, "implementing agreement" means that certain document entitled Clark County Multiple Species Habitat Conservation Plan Implementing Agreement, approved by the Henderson City Council on October 3, 2000.

IMPULSE SOUND

A noise containing excursions usually less than one second as measured on a peak un-weighted sound pressure measuring instrument.

INCIDENTAL TAKE PERMIT

The permit, effective as of February 1, 2001, issued by the Secretary of Interior pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539 which incorporates by reference the Multiple Species Habitat Conservation Plan and Implementing Agreement and allows the incidental taking of threatened or endangered species in the course of otherwise lawful activities.

INFRASTRUCTURE

Man-made structures that serve the common needs of the population, such as: potable-water systems; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas, telephone, cable, and other utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails; and transit stops.

INTERPRETATION

The process whereby the Community Development and Services Director interprets or explains the provisions of this Code in relation to a proposed use or activity.

KITCHEN

That portion of a dwelling unit devoted to the preparation or cooking of food for the purpose of consumption by residents of the dwelling unit. A kitchen indicates the presence of complete cooking facilities (i.e., stove, oven and/or microwave oven, refrigerator, dishwasher, and sink). For the purposes of this Code, a natural gas stub or a 220-volt electrical outlet/wiring shall classify any food preparation area as a kitchen.

L-10 TENTH PERCENTILE NOISE LEVEL

The A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded to one minute in a ten-minute period) and is denoted L10.

L-90 NINETIETH PERCENTILE NOISE LEVEL

The A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded to nine minutes in a ten-minute period) and is denoted L90.

LANDSCAPE MAINTENANCE DISTRICT

The sum of all legal parcels of real property containing improvements requested by the applicant to be included and maintained within the district in accordance with Section 19.6.10.B, *Creation of Landscape Maintenance Districts*, and all other applicable City standards.

LANDSCAPE MAINTENANCE DISTRICT, ACCEPTANCE OF

The date the City accepts maintenance of the area upon which the improvements to be included in a landscape maintenance district are located.

LANDSCAPE MAINTENANCE DISTRICT, ASSESSMENT

The amount and time periods as determined by the maintenance district coordination team for property described in an application for a landscape maintenance district.

LANDSCAPE MAINTENANCE DISTRICT, ASSESSMENT UNIT

Each legal lot or parcel of real property comprising and being included within the boundaries of the maintenance district and upon which a single-family dwelling unit may be constructed, whether such building unit has been constructed or not.

LANDSCAPE MAINTENANCE DISTRICT, PUBLIC LIGHTING

Works or improvements useful in lighting a street, sidewalk, or other place used for a public purpose as defined in NRS 278.4783.

LANDSCAPE MAINTENANCE DISTRICT, SECURITY WALL

The perimeter wall of a residential subdivision located immediately abutting the maintenance district, but not including gates, as defined in NRS 278.4785.

LANDSCAPING

An area devoted to or developed and maintained with native or exotic plantings; lawn; groundcover; gardens; trees; shrubs and other plant materials; decorative outdoor landscape elements; pools; fountains; water features; paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, loading or storage areas); and sculptural elements. Plants on rooftops and porches or in boxes attached to buildings are not considered landscaping.

LANDSCAPING, INTERIOR PARKING LOT

A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding walkways providing direct access to the facility, driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

LANDSCAPING, PERIMETER

A landscaped area adjoining the perimeter or exterior boundary of a subdivision, project, parking, loading or similar paved area, excluding driveways or walkways providing access to the subdivision, project or other facility.

LAUNDROMAT

A facility where patrons wash, dry, or dry clean clothing or other fabric items in machines operated by the patron.

LEQ (EQUIVALENT SOUND PRESSURE LEVEL)

The steady sound level that, over a specified period of time, would produce the same energy equivalence as the fluctuating sound level actually occurring. Denoted as "Leq."

LEQ (9HR)

The Leq noise level for the period 8:00 p.m. to 5:00 a.m. or commercial and industrial nighttime measurements.

LEQ (10HR)

The Leq noise level for the period 9:00 p.m. to 7:00 a.m. or residential nighttime measurements.

LEQ (14HR)

The Leq noise level for the period 7:00 a.m. to 9:00 p.m. or residential daytime measurements.

LEQ (15HR)

The Leq noise level for the period 5:00 a.m. to 8:00 p.m. or commercial and industrial daytime measurements.

LIGHTING, INDIRECT

Illumination from a light source not contained within a sign or awning or halo or silhouette lighting that is not visible or exposed on the face of the sign.



Halo lighting

LIGHTING, HALO OR SILHOUETTE

A type of indirect sign illumination where a concealed light source illuminates the wall behind sign letters.

LOADING AREA

An off-street area of a lot where goods are received and/or from which they are shipped, and where adequate space is available to permit maneuvering of vehicles entirely on the lot.

LOT

A piece or parcel of land established by plat, subdivision, or otherwise permitted by law to be used, occupied or intended to be occupied by one or more buildings, structures or uses, together with such open spaces and access to or frontage on a street, as required by this Code.

LOUDNESS

A rise of ten dB in sound level corresponds approximately to a doubling of subjective loudness. That is, a sound of 85 dB is twice as loud as a sound of 75 dB, which is twice as loud as a sound of 65 dB, and so on. That is, the sound of 85 dB is 400 times the loudness of a sound of 65 dB.

MAIN BODY

As used in the design standards, the primary mass of a house or other building. The main body may be augmented by side or rear wings as well as bays, porches, and balconies.

MALT BEVERAGE

Beer, ale, porter, stout, or other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

MANUFACTURED HOME

A structure that is:

1. Built on a permanent chassis.
2. Designed to be used with or without a permanent foundation as a dwelling when connected to utilities.
3. Transportable in one or more sections.
4. Eight feet or more in body width or 40 feet or more in body length when transported or, when erected onsite, contains 320 square feet or more.
5. Complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.).

MARIJUANA

Any of the following, or as defined in NRS 453A and 453D, as may be amended or renumbered:

1. The dried leaves and flowers of any plant of the genus Cannabis, and any mixture or preparation thereof that are appropriate for the use of marijuana; and
2. The seeds of a plant of the genus Cannabis;
3. The resin extracted from any part of the plant;
4. Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
5. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted there from), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

MARIJUANA, MEDICAL USE OF

Means (a) the possession, delivery, production or use of marijuana; (b) the possession, delivery or use of paraphernalia used to administer marijuana; or (c) any combination of the acts described in subsections (a) and (b), as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition.

MARIJUANA, CULTIVATION FACILITY

An entity licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers as defined in NRS 435D.030.

MARIJUANA, DISPENSARY FACILITY - MEDICAL

A facility that is registered with the State of Nevada Department of Taxation; acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card as defined by NRS 453A.410.

MARIJUANA, DISPENSARY FACILITY – RETAIL

An entity licensed by the State of Nevada Department of Taxation to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

MARIJUANA, EDIBLE MARIJUANA PRODUCTS

Products that contain marijuana or an extract thereof; which are intended for human consumption by oral ingestion; are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

MARIJUANA, ESTABLISHMENT

A marijuana cultivation facility, an independent marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or medical marijuana dispensary or a retail marijuana store which is licensed by the State of Nevada Department of Taxation.

MARIJUANA, INDEPENDENT TESTING LABORATORY

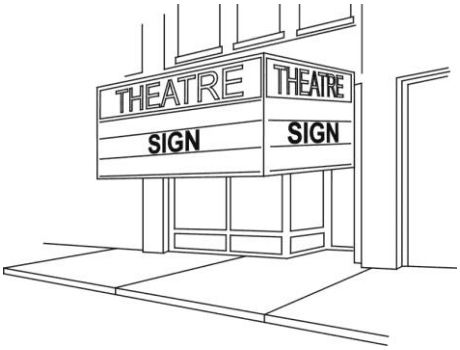
An entity licensed by the State of Nevada Department of Taxation to test marijuana and marijuana products, including for potency and contaminants.

MARIJUANA, MARIJUANA-INFUSED PRODUCTS

Marijuana products that are infused with marijuana or an extract thereof; and are intended for use or consumption by humans through means other than inhalation or oral ingestion. This term includes, without limitation, topical products, ointments, oils and tinctures.

MARQUEE

A shelter projecting from and supported by the exterior wall of a building constructed of rigid materials on a supporting framework. A marquee is distinguished from an awning in that an awning is covered with non-rigid material. A marquee is distinguished from a canopy in that a marquee is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.



MARQUEE SIGN

MASTER DEVELOPMENT PLAN

A plan establishing the requirements for development in the master plan development (MP) overlay district.

MASTER PLAN

The provisions for development of land including all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, private streets, ways, and parking facilities, common open space, and public facilities.

MASTER SIGN PLAN

A plan establishing the requirements for the size, location, and design of signs within a development that is constructed or managed as a single development.

MATERIAL STRUCTURE VALUE

The cost of labor and materials necessary to erect a sign. The term does not include any revenue or expenses related to the lease of real property upon which the sign is located.

MAXIMUM EXTENT FEASIBLE

Means that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account, but shall not be the overriding factor in determining "maximum extent feasible."

MAXIMUM PRACTICAL EXTENT

Means that, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

MINI-STORAGE

See "Warehousing and/or Storage Yard." Section 19.5.6.M

MITIGATION FEE

The fee imposed pursuant to the provisions of Section 19.7.9.B, *Imposition of Mitigation Fee*.

MIXED-USE

The development of a site, building, or structure with two or more different uses including, but not limited to, residential, office, retail, public uses, personal service, or entertainment uses, designed, planned, and constructed as a unit.

MOBILE HOME

A vehicle without motor power designed or equipped for long-term habitation purposes and to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle. This use type does not include travel trailers, commercial coaches, manufactured homes, or any structure built in compliance with the requirements of Chapter 461 of NRS.

MOBILE HOME LOT

Any area or tract of land designated, designed, or used for the occupancy of a mobile home.

MOTOR COURT

The vehicular access to housing units within a cluster.

MOTOR HOME

Means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for the storage or conveyance of materials, tools, equipment or machinery, and so designed that it is or may be mounted on wheels, used as a conveyance on highways and streets, and propelled by its own motor power.

MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

The Clark County Multiple Species Habitat Conservation Plan approved and adopted by the Henderson City Council on August 3, 1999, and as thereafter approved and modified.

MULTI-TENANT DEVELOPMENT

A development (either a single or multiple-building development) consisting of two or more business establishments. The tenants of a multi-tenant development typically share vehicle access and parking facilities. Building entrances may be separate or common.

MURAL

A graphic representation that is painted on a building, wall, or fence.

NEVADA REVISED STATUTES (NRS)

The Nevada Revised Statutes, as amended.

NOISE

Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

NOISE DISTURBANCE OR UNREASONABLE NOISE

Any sound that annoys, injures, or endangers the safety or health of a reasonable person(s) with normal sensitivities or endangers the comfort, repose, health, hearing, peace, or safety of another person(s), or that causes injury to, or damage to property or business.

NOISE MONITORING DEVICE

A device capable of all of the following (i) monitoring noise levels (ii) detecting exposure to noise levels that exceed an acceptable level for more than a continuous five-minute period (iii) sending real-time alerts to the subject property owners, property managers or registered local contact, and (iv) being programmed to receive real-time alerts if noise levels continuously exceed the acceptable level under this code for the five-minute period. The noise monitoring device must comply with all laws, rules and regulations regarding privacy.

NONCONFORMING LOT

A lot whose area, dimensions, or location were lawful under prior law on the day before the effective date of this Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment to conform to all the present requirements of this Code.

NONCONFORMING STRUCTURE

A structure that was lawfully erected but does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this Code or by reason of annexation of territory to the City.

NONCONFORMING USE

The use of a structure or land that was lawfully established and maintained but does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this Title or by reason of annexation of territory to the City.

NONCONFORMING SITE

A site that was lawfully established and maintained but does not conform with the applicable development standards (e.g., landscaping, parking) for the district in which it is located by reason of adoption or amendment of this Title or by reason of annexation of territory to the City.

NONCONFORMITY

A nonconforming use, lot, site, structure, or building.

OFF-STREET LOADING

A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

OFF-STREET PARKING

A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

OPEN SPACE, COMMON

A parcel or parcels of land, an area of water, or a combination of land and water within the site designated that is designated and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.

OPEN SPACE, NATURAL

Protected lands that, depending on their resource sensitivity, are conserved in their natural state restored, or improved with appropriate native landscaping to retain a natural or natural-appearing condition and

are integrated into an interconnected open space and trails system. Natural open space may include appropriate public trails or other public improvements. Open space is typically publicly-owned and maintained.

OPEN SPACE, PRIVATE

A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

OPEN SPACE, USABLE

An outdoor or unenclosed area on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or corner side yard, and excluding any space with a dimension of less than six feet in any direction or an area of less than 36 square feet. The area must be surfaced with lawn, pavers, decking, or sport-court-type that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.

OPPOSITE

Walls, windows, signs, districts or property lines are deemed "opposite" if a line perpendicular to a vertical plane through one element and having its widest horizontal dimension would intersect a similar vertical plane through another element.

OUTDOOR ACTIVITY

Any enterprise, operation, or activity that occurs in an unroofed area as part of a permitted use on a lot, and any outdoor display of materials, machinery, vehicles, or things that may or may not be for sale or rent.

OUTDOOR STORAGE

The keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

OUTPARCEL

A portion of land in a subdivision, shopping center, or other development that does not contain the primary building associated with the development, and that is intended for development of one or more smaller independent buildings usually located adjacent to a development's street frontage. Outparcels are typically smaller than the parent parcel and may not be contiguous to the parcel containing the primary building or buildings. Also known as Pad Site.

OVERLAY DISTRICT

A zoning district that encompasses one or more underlying base zoning districts and that imposes additional or alternate requirements to that required by the underlying zone(s).

PARAPET

A building facade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

PARCEL

All real property for which a development permit is applied.

PARCEL MAP

A subdivision map as provided in NRS 278.461, 278.462, 278.463, 278.464 or 278.466.

PARKING AISLE

The traveled way by which cars enter and depart parking stalls or spaces.

PARKING AREA

Any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

PARKING LOT

An off-street, ground-level, open area for the temporary storage of motor vehicles.

PARKING, SHARED

Joint use of a parking lot or area for more than one use.

PARKING SPACE

The space or area in which a vehicle would park in a private or public parking lot.

PARKING STRUCTURE

A building or structure consisting of more than one level and used to temporarily park or store motor vehicles.

PARKWAY STREET

A public frontage street designed to provide vehicular access to property and public amenities abutting the Boulder Highway, as identified in Chapter 6 of the Boulder Highway Corridor Investment Strategy.

PASEO

A linear park or path designated for walking or recreation.

PEDESTRIAN ARCADE

A public or private right-of-way across a block or within a block to provide access to be used by pedestrians.

PEDESTRIAN ORIENTATION

Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

PEDESTRIAN SCALE

The use of human-proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, and architectural details.

PERMITTED

As related to a particular use type, "permitted" means the use is allowed without a requirement for approval of a use permit or temporary use permit.

PERSON

Any individual, partnership, company, corporation, association, firm, organization, government agency, administration, or department, or any other group of individuals, or any officer or employee thereof.

PILASTER

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature. This term is also used for the supporting structures of masonry walls.

PLAINLY AUDIBLE NOISE

Any noise for which the information content of that noise is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehensive of whether a voice is raised or normal, or comprehensible musical rhythms.

PLAN

The provisions for development of a planned unit development, including a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, private streets, ways, and parking facilities, common open space, and public facilities.

PLANNED UNIT DEVELOPMENT

An area of land controlled by a landowner that is to be developed as a single entity for one or more planned unit developments, one or more public, quasi-public, commercial or industrial areas, or any combination of these uses.

PORCH

A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room that is not heated or cooled and that is attached to the outside of a building.

PORTICO

A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

POWER TOOL

Any device powered mechanically, by electricity, by gasoline, by diesel fuel, or by any other fuel, which is intended to be used or is actually used for, but shall not be limited to, the performance of such functions as cutting, nailing, stapling, sawing, vacuuming, or drilling.

PRE-EXISTING

A use or condition in existence prior to the effective date of the subject provision.

PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS

Any tower or antenna for which a building permit, design review, or conditional use permit has been properly issued prior to the effective date of this Code, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not yet expired.

PRIMARY ENTRANCE

A place of ingress and egress to a building, parcel, or development used by the public and facing the street from which the structure obtains its street address.

PRIMARY FACADE

The side of the building containing the primary entrance, or the side of a building facing the street from which the building derives its street address.

PRIMARY STREET

The street adjacent to and facing the primary front facade of a structure.

PRINCIPAL USE

See "Use, Principal."

PROJECT

Any proposal for new or changed use, or for new construction, alteration, enlargement or expansion of any property or structure, that is subject to the provisions of this Code.

PROJECT OF REGIONAL SIGNIFICANCE

As adopted by the Southern Nevada Regional Planning Coalition, "Project of Regional Significance" means any of the following:

A. Site-Specific Projects

1. Site-specific building or development projects of either a private, public, or quasi-public nature that satisfy one of the following criteria and occur within a half-mile of the boundary of an adjacent municipal corporation or unincorporated area:

(a) Tentative maps or planned unit developments of 500 units or more;

(b) Tourist accommodations of 300 units or more;

(c) A commercial or industrial facility generating more than 6,250 average daily vehicle trips, as defined by the Institute of Transportation Engineers or its successor; or

2. Zoning map amendments or local land use plan amendments that could result in development that exceeds the threshold criteria identified above and that occurs within a half-mile of the boundary of an adjacent municipal corporation or unincorporated area; or

3. Any conditional use permit request that involves property within 500 feet of the boundary of an adjacent municipal corporation or unincorporated area.

B. Regionally Significant Infrastructure Projects

Multi-jurisdictional regional infrastructure projects not under the purview of existing regional agencies (such as the Regional Transportation Commission), including, but not limited to, the following facilities when they impact more than one jurisdiction:

1. A transmission line that carries 60 kilovolts or more;

2. A facility that generates electricity greater than 50 megawatts;

3. Natural gas storage and peak shaving facilities; and

4. Gas regulator stations and mains that operate over 200 pounds per square inch.

PROJECT OF SIGNIFICANT IMPACT

A development project that:

1. Results in 500 or more dwelling units;
2. Contains 300 or more hotel rooms;
3. Includes 160 or more acres of nonresidential; or
4. Generates over 3,000 average daily trips (commercial/industrial only).

PROPERTY BOUNDARY

An imaginary line at the ground surface, and its vertical extension, that separates the real property owned by one person from that owned by another person.

PROTECTED USE

School sites, religious assemblies, and day-care centers as defined in Section 19.5.

PUBLIC FACILITIES NEEDS ASSESSMENT

An analysis that identifies existing public facilities and the structure of network used for the delivery of goods, services, and public safety, including, without limitation, communications facilities, water systems, sanitary sewer systems, storm sewer systems, streets and roads, traffic control systems, sidewalks, parks and trails, recreational facilities, fire, police and flood protection and all related appurtenances, equipment and employee costs, or any combination thereof, intended for use by the general public, or land approved for such use, and evaluates the need for and phasing of additional facilities and services required. A public facilities needs assessment is approved upon adoption by ordinance by the City Council.

PUBLIC PARK

Any land area dedicated to and/or maintained by the city for public purposes generally consisting of landscaped areas, picnic shelters, small play structures, or the like; and which may include programmable facilities such as ball fields, multi-purpose fields, swimming or aquatic facilities, facilities for other recreational purposes, sports complexes, plazas, water features, and other specific site furnishings, but shall not include: (a) privately-owned amusement parks; or (b) privately-owned or privately-managed golf courses.

PUBLIC PLAYGROUND

Any outdoor facility (including the parking lot); intended for recreation; open to the public and any portion of the playground that has three or more separate apparatus intended for recreation of children (slides, swings, see-saws, etc.)

PUBLIC RIGHT-OF-WAY

Land owned by the United States of America, the State of Nevada, Clark County, or the City of Henderson, that is used, reserved, or intended for use for pedestrian or vehicular travel.

REAL PROPERTY

A lot or parcel of land together with all structures located thereon.

RECREATIONAL VEHICLE

A vehicle towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. This use includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, and converted trucks or buses.

RECYCLABLE MATERIALS

Solid waste including, but not limited to, newspaper, corrugated cardboard, aluminum, yard debris, (i.e. vegetation, green waste), office paper, glass, tin and steel cans, metal, motor oil, plastic, antifreeze, wood, and food waste which is intended for reuse, remanufacture, or reconstruction for the purpose of using the altered form.

REDEVELOPMENT AREA REVIEW

A process where a proposed development is reviewed for consistency with an applicable redevelopment plan for a specific portion of the City that has already been adopted by the City Council.

REGIONAL MALL

A commercial development consisting of a minimum of 500,000 square feet connected by an enclosed common walkway, with a minimum of four major anchor stores and where the majority of the commercial tenant spaces have internal-facing commercial storefronts.

RESORT VILLAGE

A pedestrian-oriented, mixed-use project of at least five acres located in a MC district, MR district, or CT zoning district and within a master-planned development which also contains a resort hotel. The resort village must be adjacent to the resort hotel and developed in accordance with the purposes and intent of the MC, MR or CT district as set forth in Title 19. A resort village located outside of the Las Vegas Boulevard gaming corridor or in the rural Clark County gaming zone, as such terms are defined in Nevada Revised Statutes Chapter 463, shall not contain more than three taverns. Each of such taverns may be licensed to operate a maximum of 15 slot machines. Parking is to be located predominately at the perimeter of the resort village with no more than one percent of the parking located in the interior of the resort village. These restrictions do not include any parking reserved for the exclusive use of residents of the resort village. Such resident parking must be restricted from public use.

RETAINING WALL

A wall designed and constructed to withstand lateral earth and hydrostatic pressures.

REVEGETATION

The placement of native living plant materials or seeds on areas where the natural vegetation has been removed. Such areas include disturbed natural areas and manmade cut and fill slopes.

REVERSION TO ACREAGE

A process where the lot lines of two or more platted lots within a subdivision are removed or relocated to form a single larger parcel or site.

REVIEW BODY

The entity (typically City staff or Planning Commission) that is authorized to recommend approval or denial of an application or permit required under this Code.

REZONING

A legislative process where the official zoning map designation for a lot, portion of a lot, or group of lots is changed in accordance with the process in NRS Section 278.

RIDGE

An elongated crest or series of crests of a hill.

RIDGELINE

A ground line located at the highest elevation of and running parallel to the long axis of the ridge.

ROCK CRUSHING

See "Mining and Processing, General" or "Mining and Processing, Short Term." Section 19.5.6.J.

ROUTINE MAINTENANCE

Normal repair and upkeep of a sign's or billboard's structural integrity and appearance. The term does not include any increase in the size or height of the structure or any addition or enhancement to the structure that increases the visual effect of the structure or increases the impact on the use of the land in the area around the structure.

SCHOOL SITE

A public or private facility recognized by the State of Nevada Board of Education that provides educational instruction to children in grades kindergarten to twelfth grade, has a minimum enrollment of 50 students, and conducts classes on either a nine-month or 12-month basis, or parcels with an existing use permit for a school.

SECONDARY STREET

A street facing a secondary or side/rear facade of a structure.

SENSITIVE RIDGELINE

A line designated on the Hillside Regulation Map meeting all the following characteristics as viewed from vantage points that are one or more miles apart and below the 15 percent slope line:

A. A series of points that when connected form an uninterrupted line with a definable starting and ending point.

B. Two intersecting side slopes each having a minimum gradient of 15 percent.

C. A starting point where three side slopes intersect at a definable point, which shall be a point at which the elevation is a minimum of 200 vertical feet higher than the closest parcels outside of the 15 percent slope line as designated on the Hillside Regulation Map.

D. An ending point of a sensitive ridgeline shall be the highest vertical elevation along the series of connecting points.

SEXUAL ACTIVITIES, SPECIFIED

Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks, or female breasts.

SHADED WALKWAY

For purposes of this Code, a shaded walkway shall be any one of the following:

A. A sidewalk at least ten feet wide made of pervious concrete with shade trees at 30-foot intervals or of standard concrete with the trees planted in grates at the same distance.

B. A five-foot sidewalk adjacent to a landscape strip at least ten feet wide planted with shade trees at 30-foot intervals.

C. A sidewalk at least six feet wide covered with weather-protection materials (such as awnings, an arcade, or other structure).

SHADE TREE

A tree grown primarily to produce shade, not including palm trees.

SHOPPING CENTER

Any structure or group of structures housing any assemblage of commercial and/or retail uses, including personal services, food service, and other ancillary uses, with a minimum 25,000 square feet of gross floor area upon a single lot or parcel of land, or upon contiguous parcels of land that have common vehicular access and parking facilities. A shopping center may consist of one or more "out parcels" under separate ownership or lease that contain complementary commercial enterprises.

SHORT-TERM VACATION RENTAL – ADVERTISEMENT

Any and all means, whether verbal or written, through any media whatsoever, whether in use prior to, at the time of, or after the enactment of this ordinance, used for conveying to any member or members of the public the ability or availability to rent a short-term vacation rental unit as defined in Section 19.5.3.G, or used for conveying to any member or members of the public a notice of an intention to rent a short-term vacation rental unit as defined in Section 19.5.3.G. For purposes of this definition, the following media are listed as examples, which are not and shall not be construed as exhaustive: Verbal or written announcements by proclamation or outcry, newspaper advertisement, magazine advertisement, handbill, written or printed notice, printed or poster display, billboard display, e-mail or other electronic/digital messaging platform, electronic commerce/commercial internet web sites, and any and all other electronic media, television, radio, satellite-based, or internet web site.

SHORT-TERM VACATION RENTAL – GOOD NEIGHBOR PAMPHLET

A document prepared by the City that summarizes the general rules of conduct, consideration, and respect, including, without limitation, provisions of this Code and other applicable laws, rules, or regulations, pertaining to the use and occupancy of short-term vacation rental units. Short-term vacation rental operators may supplement this pamphlet, but the pamphlet must contain the minimum City of Henderson information.

SHORT-TERM VACATION RENTAL – NOISE MANAGEMENT PLAN

A plan that incorporates noise monitoring devices or alternate means of monitoring and responding to noise levels that exceed acceptable levels at and/or around the short-term vacation rental property.

SHORT-TERM VACATION RENTAL – OCCUPANCY

The use or possession of, or the right to use or possess, any residential dwelling unit, or portion thereof, in transient lodging for dwelling, lodging, or sleeping purposes.

SHORT-TERM VACATION RENTAL – OCCUPANT

Any person who, for rent, uses, possesses, or has the right to possess any residential dwelling unit, or portion thereof, in transient lodging for dwelling, lodging, or sleeping purposes.

SHORT-TERM VACATION RENTAL – PARTY

A party, for the purpose of a short-term vacation rental, is defined as a gathering of persons that exceeds the maximum occupancy permitted under Section 19.5.3.G.2(k).

SHORT-TERM VACATION RENTAL – PERMANENT RESIDENT

Any person who has or shall have the right to use or possession of the same residential dwelling unit, or portion thereof, for dwelling, lodging, or sleeping purposes for 31 consecutive days or more.

SHORT-TERM VACATION RENTAL – REGISTERED LOCAL CONTACT

A person or persons designated by the short-term vacation rental property owner in its City registration to respond to all complaints regarding a short-term vacation rental.

SHORT-TERM VACATION RENTAL – RENT

The amount charged for occupancy at a short-term vacation rental, valued in money, barter or trade, but does not include the amount charged for any food or beverage service or for personal services rendered to the occupant, such as but not limited to concierge services, clothes cleaning services, massage, or physician services.

SIDE OR REAR WINGS

As used in the design standards, massing forms of a house or building subordinate to the main body attaching to the side or rear faces of the main body. Side or rear wings are usually smaller than the main body. Wings are typically limited to a maximum width of one third the width of the main facade.

SIGN

A visual communications device used to convey a message to its viewer. A sign means and includes every advertising message, announcement, declaration, insignia, mural, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of any establishment, product, good or service, or the interests of any person or entity.

SIGN, A-FRAME

A temporary and/or portable sign constructed with two sides attached at the top allowing the sign to stand in an upright position.

SIGN, ABANDONED

A sign that no longer directs, advertises, or identifies a legal business establishment, product, or activity, or that lacks any required maintenance certification.

SIGN, ANIMATED

Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, BLADE

A projecting sign, generally eight square feet or smaller in size, either lighted or unlighted, designed to be suspended from a canopy or to project from a wall or post above a walkway to aid pedestrians in locating store entrances.

SIGN, CABINET

A sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a cabinet or box that houses the lighting source and equipment.

SIGN, CANOPY

A sign painted on, printed, on or otherwise attached flat against the surface of a canopy.

SIGN, CHANNEL LETTER, PIN-MOUNTED

A wall sign mounted directly on the face of a building wall as channel letters without a raceway or other background other than the background provided by the building wall to which it is attached.

SIGN, CHANNEL LETTER, RACEWAY-MOUNTED

A wall sign mounted directly on a raceway (a metal structure that encloses the electrical components of a sign) as channel letters. Also includes channel letters mounted on a background other than the building wall.



Pin-mounted channel letter signs

SIGN, CHANGING-IMAGE

A sign or portion thereof that, through the use of moving structural elements, lighting, video, television, or plasma screens, holographic displays, or an electronic message center, to depict or simulate movement, action, scrolling text, or a change in appearance of any manner. Time and temperature, electronic message center, electronic graphic display, and digital video display signs are examples of changing-image signs.

SIGN, CONSTRUCTION

A temporary sign identifying the persons, firms or businesses directly connected with a construction or development project.



Raceway-mounted channel letter sign

SIGN, DIRECTIONAL/INFORMATIONAL

An incidental sign designed to guide or direct pedestrian or vehicular traffic, to specify procedures or to warn of hazards. Directional/informational signs contain no commercial message but may contain a company name or logo if such name or logo enhances the directional or informational message of the sign. For example, a small logo combined with a directional arrow may reduce confusion for drivers looking for a certain driveway entrance.

SIGN, DIRECTORY

A wall or freestanding sign on a multi-tenant development site that is used to convey directions and tenant information to pedestrians and motorists who have entered the site.

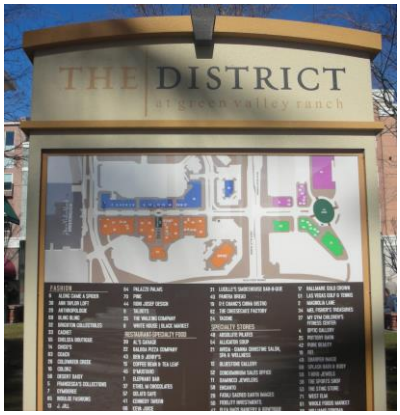
SIGN, DISTINCTIVE MATERIALS/DESIGN

A sign that uses indirect lighting and is constructed primarily of the following materials and methods:

A. Ceramic tile—painted or sandblasted;

B. Wood—carved or sandblasted;

C. Metal—formed, etched, cast, or engraved;

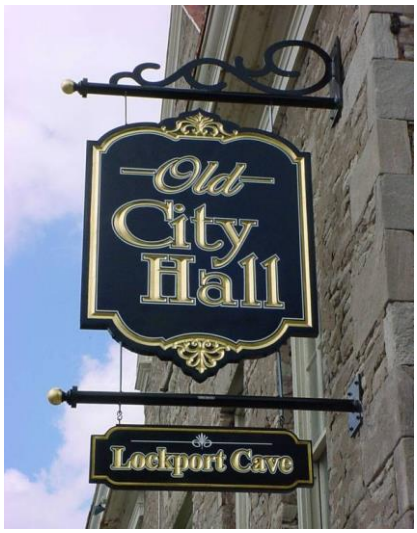


Directory sign

D. Brick or stone with recessed or raised lettering; or

E. Other similar high-quality, exterior-grade materials approved by the Community Development and Services Director.





Distinctive material sign examples

SIGN, EASEL

An A-frame sign type typically used indoors or under a canopy or awning.

SIGN, ELECTION

A sign containing a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate but does not include a message intended solely for a commercial purpose. These signs are regulated as temporary off-premises election signs.

SIGN, ELECTRONIC GRAPHIC DISPLAY

A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using light emitting diodes (LEDs), fiber optics, light bulbs, other illumination devices, or a combination thereof, within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays.

SIGN, FLASHING

An illuminated sign that contains an intermittent or sequential flashing light source or any other means to attract attention. This definition is not intended to include animated signs.

SIGN, FREESTANDING

A sign supported by the ground or by freestanding frames, braces, or poles and not attached to any building. This includes ground signs, detached signs, pole signs, and monument signs.

SIGN, ILLEGAL

A sign that does not comply with the requirements of this Development Code and that has not received lawful nonconforming status or has lost its lawful nonconforming status.

SIGN, ILLUMINATED

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

SIGN, INCIDENTAL

A small sign, emblem, or decal pertaining to goods, products, services, or facilities that are available on the premises where the sign occurs and intended primarily for the convenience of the public.

SIGN, MARQUEE

A sign painted on, printed on, or otherwise attached flat against the surface of a marquee.

SIGN, MASTER DEVELOPMENT

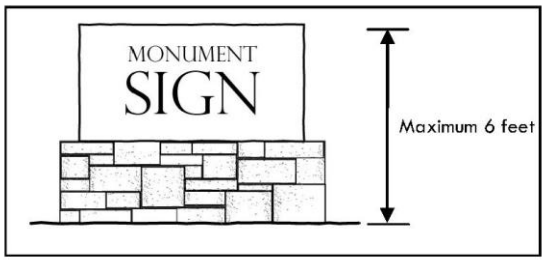
A permanent off-premises sign that identifies, embellishes, or directs visitors to a planned community or large aggregate collection of developments. A master development sign is generally a permanent project emblem or identity sign, whereas a temporary off-premises kiosk sign is a marketing sign of a more temporary nature.

SIGN, MENU-BOARD

A permanent sign placed for the purpose of listing food or beverages available for sale at a drive-through or walk-up restaurant.

SIGN, MONUMENT

A low-profile freestanding sign with a solid base resting on the ground and typically incorporating the design and building materials complementary to the architectural theme of the buildings on the same property. A monument sign shall be no taller than 6 feet above grade.



SIGN, MOVING

Any sign or device that has any visible moving part, visible revolving part or visible mechanical movement.

SIGN, MULTI-TENANT DEVELOPMENT

A sign on the site of a multi-tenant development identifying the name of the development, the address of the development, and two or more tenants within the development.

SIGN, MURAL

A graphic representation that is painted on a building, wall, or fence.

SIGN, NONCONFORMING

A sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed but does not conform with standards of location, size, or illumination for the district in which it is located by reason of adoption or amendment of this Code or by reason of annexation of territory to the City.

SIGN, OFF-PREMISES

A sign or billboard that advertises products or services that are not sold on the premises upon which the sign is located. See also "Billboard."

SIGN PERMIT

A permit issued by the Building and Fire Safety Department authorizing the installation, modification, or removal of signage.

SIGN, POLE

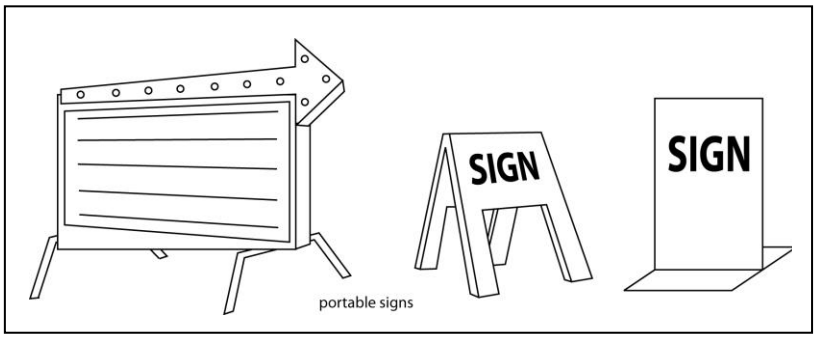
A free-standing sign, usually double-faced, mounted on a round pole, square tube, or other fabricated member without any type of secondary support.

SIGN, PORTABLE

Any sign designed to be moved and not permanently attached to the ground or to a structure or building.

SIGN, PROJECTING

Any sign that is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached by more than 12 inches. Includes blade, suspended, and hanging signs.

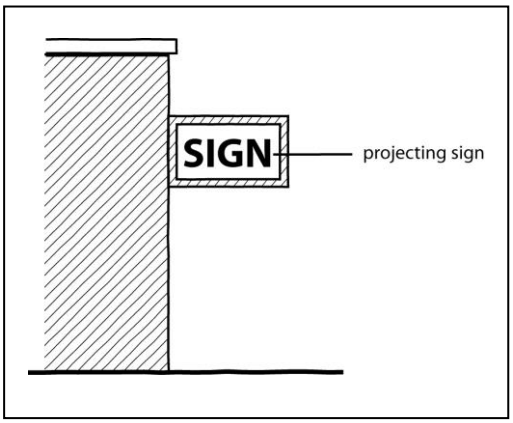


SIGN, PUBLIC SERVICE INFORMATION

Any sign intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, or traffic control.

SIGN, REAL ESTATE

Any temporary sign pertaining to the sale, exchange, lease, or rental of land or buildings. This definition includes stab signs, designed and constructed to be installed in the ground without tools, but excludes subdivision development and directional signs.



SIGN, ROOF

Any sign erected upon or above a roof or parapet wall of a building and that is completely or partially supported by the building.

SIGN, ROTATING

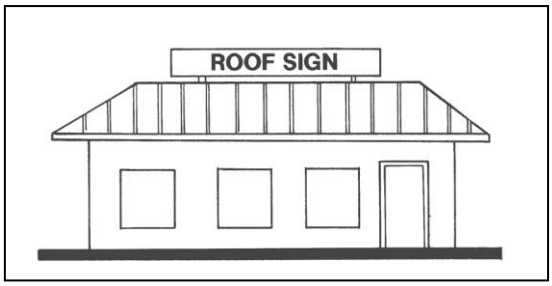
Any sign or portion thereof that physically revolves about an axis.

SIGN, SNIPE

A sign or poster affixed to a tree, fence, etc.

SIGN, STAB

Angle-iron-mounted and similarly constructed signs typically placed along roadsides to direct traffic to projects or activities or to support political candidates.



SIGN, SUBDIVISION DIRECTIONAL

A sign designed to inform the public of the existence of a real estate subdivision.

SIGN, SUBDIVISION (OR NEIGHBORHOOD) IDENTIFICATION

A monument or wall sign identifying a recognized subdivision, condominium, apartment complex, or residential development.

SIGN, TEMPORARY BUSINESS

A temporary sign used for grand opening events immediately after issuance of an initial business license or to advertise a temporary sales or promotional event taking place upon the subject property.

SIGN, TEMPORARY OFF-PREMISES DEVELOPMENT DIRECTIONAL

A temporary off-premises sign that is intended to serve only the short-term customer directing needs of its respective development and is not envisioned to be a semi-permanent directional sign post for a greater number of projects. Included in this definition is the original message and graphics on the face of the sign, thereby distinguishing temporary off-premises development directional signs from billboards and temporary off-premises kiosk signs that are contemplated by this chapter to employ changeable messages and graphics.

SIGN, TEMPORARY OFF-PREMISES ELECTION

A temporary sign other than a billboard that advertises, promotes, supports, or opposes a candidate, issue, or ballot question to be decided in a scheduled election. This definition includes City, County, and other public elections as well as elections of clubs, labor unions, and other organizations that are not conducted by the City, County, or state.

SIGN, TEMPORARY OFF-PREMISES KIOSK

A temporary off-premises sign that directs potential buyers or renters to more than one real estate project offering lots, buildings, or dwellings for sale or rent. Where specifically approved by the City Council, a temporary off-premises kiosk sign may also direct travelers to public and semipublic uses, such as City buildings, recreation facilities, hospitals, and airports. A temporary off-premises kiosk sign is intended to serve multiple developments for a period of time longer than would be needed for a single project, with the names and directional symbols changed from time-to-time during the life of the sign. A temporary off-premises kiosk sign is different from a master development sign in that a temporary off-premises kiosk sign is a temporary marketing sign, whereas a master development sign is a permanent display of a name or emblem.

SIGN, TEMPORARY OFF-PREMISES OPEN HOUSE

A temporary off-premises sign directing potential house buyers to an active open house event for a house that is for sale.

SIGN, TEMPORARY OFF-PREMISES SPECIAL EVENT

A temporary sign advertising or pertaining to any civic, patriotic, or other special event of general public interest taking place within the City.

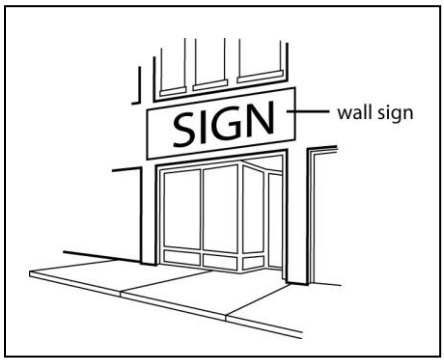
SIGN, TEMPORARY REAL ESTATE

A temporary sign pertaining to the construction, sale, exchange, lease, or rental of land or buildings. Includes Temporary signs for new construction, temporary signs for land sales or leases, temporary real estate signs for existing improved property, temporary off-premises open house signs, temporary off-premises kiosk signs, and temporary off-premises development directional signs.

SIGN, TEMPORARY

A sign that is temporary in nature, such as temporary real estate signs and signs advertising occasional sales or promotions, and that are not permitted for permanent placement or to have the functional effect of permanently placed signs.

SIGN, UNDER-CANOPY



A sign suspended beneath a canopy, ceiling, roof, marquee, or similar structure. Also see "Sign, Blade."

SIGN, VEHICLE

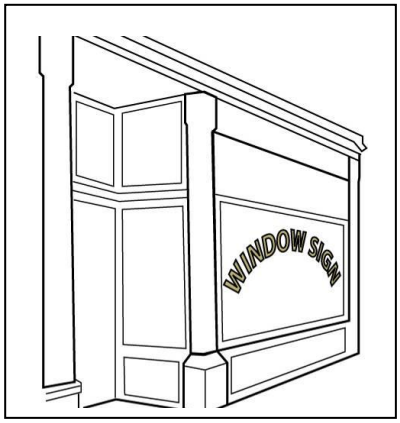
A sign or other advertising device painted on or otherwise affixed to a car, truck, trailer, or other similar vehicle.

SIGN, WALL

Any sign posted, painted, or suspended from or otherwise affixed to the wall of any building or structure in an essentially flat position, or with the exposed face of the sign in a place approximately parallel to and not greater than 12 inches away from the wall with no copy on the sides or edges or engraved into the facade of a structure. Wall signs that are painted on a building wall surface may contain any art of graphic representation painted onto a building wall containing a product name, brand, trade style, or similar copy representation. A wall sign is distinguished from a mural since murals contain no copy or reference to a commercial person, product, or organization.

SIGN, WEEKEND DIRECTIONAL

See "Stab Sign."



SIGN, WINDOW

A sign that is attached, affixed, or placed and intended to be seen in, on, or through a window or door and is visible from the exterior of the building.

SINGLE FAMILY RESIDENCE

A structure containing one or more dwelling units in which resides a family unit, as defined herein, or a Community Residence as defined in 19.5.3.D.

SINGLE HOUSEKEEPING UNIT

The functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a dwelling unit, including the joint use of common areas and sharing household activities and responsibilities (i.e., chores, expenses, and meals).

SINGLE OWNERSHIP

Holding record title, possession under a contract to purchase or possession under a lease by a person, firm, corporation or partnership, individually, jointly, in common or in any other manner where the property is or will be under unitary or unified control.

SITE

A lot or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit that is proposed for development in accordance with the provisions of this Code and is in a single ownership or has multiple owners, all of whom join in an application for development.

SITE DISTURBANCE

The area on a lot or parcel, excluding streets, that has been graded, excavated, cleared or grubbed, or contains cut slopes or fill slopes.

SLOPE ANALYSIS MAP

A pictorial representation prepared by the City of the natural topography of property expressed in a series of percentages. See Section 19.4.8.

SOIL

All earth material of any origin that overlies bedrock and may include a decomposed zone of bedrock that can be excavated by mechanical equipment or blasting.

SOLAR REFLECTANCE INDEX (SRI)

A composite index used to estimate how hot a surface will get when exposed to full sun. The temperature of a surface depends on the surface's reflectance and emittance, as well as solar radiation. The Solar Reflectance Index (SRI) is used to determine the effect of the reflectance and emittance on the surface temperature and varies from 100 for a standard white surface to zero for a standard black surface. The SRI is calculated using ASTM E1980, "Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low-Sloped Opaque Surfaces."

SOUND

A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates a finite speed to distance points that evokes an auditory sensation.

SOUND LEVEL METER

A sound level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications S 1.4-1971. A sound level meter for the purposes of this Code shall contain at least an A-scale and both fast and slow meter response.

SOUND PRESSURE LEVEL

In decibels (dBA), is 20 times the logarithm to the base ten of the ratio of the pressure of a given sound to the reference pressure. The reference pressure is ten micropascals per square meter. Abbreviated LP or SPL.

STANDARD DRAWINGS

The Uniform Standard Drawings for Public Works Construction, Offsite Improvements, Clark County Area, Nevada, as modified and adopted by the City of Henderson.

STANDARD SPECIFICATIONS

The Uniform Standard Specifications for Public Works Construction, Offsite Improvements, Clark County Area, Nevada, as modified and adopted by the City of Henderson.

STEADY NOISE

A sound pressure level that remains essentially constant during the period of observation and does not vary more than six dBA when measured with the slow response of the sound level meter.

STREET

An improved vehicular passage within a right-of-way that affords the primary means of access to abutting lots. The term "street" includes avenue, drive, circle, road, roadway, parkway, boulevard, or any other similar term.

STREET, CUL-DE-SAC

A minor street with only one outlet, which provides for an adequate turning area for vehicular traffic at its terminus.

STREET FRONTAGE

The frontage of the parcel or lot with access to the public right-of-way.

STREET, LOCAL

A street designed to provide vehicular access to abutting property and to discourage through-traffic, and that is defined specifically as such on the City's Master Transportation Plan.

STREET, MAJOR ARTERIAL

A street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials, and that is defined specifically as such on the City's Master Transportation Plan.

STREET, MINOR ARTERIAL

A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets, and that is defined specifically as such on the City's Master Transportation Plan.

STREET, MAJOR COLLECTOR

A street that collects traffic from local streets and connects with minor or major arterials, and that is defined specifically as such on the City's Master Transportation Plan.

STREET, MINOR COLLECTOR

A street that collects traffic from local streets and connects with minor or major arterials, and that is defined specifically as such on the City's Master Transportation Plan.

STREET, PRIVATE

A street that has not been accepted by the municipality or other governmental entity.

STREET, PUBLIC

A right-of-way intended to be used for travel by the public, improved for such purpose, and accepted by the City of Henderson for perpetual maintenance.

STREET STUB

A terminated street intended for future connection.

STRUCTURE

Any manmade construction in, on, or over the ground or water, including: buildings, stadiums, platforms, radio towers, sheds, storage bins, fences, improved facilities for drainage, flood control, retention, public recreation, and other facilities.

SWIMMING POOLS AND HOT TUBS

Water-filled enclosures having a depth of 18 inches or more used for swimming or recreation.

TOBACCO PARAPHERNALIA/ACCESSORIES

Includes pipes, pipe tampers and cleaners, cigar cutters, humidors, lighters, cigarette papers or wrappers, holders of smoking materials of all types, hookahs, cigarette rolling machines, and other similar accessories designed for the smoking or ingestion of tobacco products.

TRAFFIC IMPACT STUDY

A report analyzing anticipated roadway conditions with and without an applicant's development and may also include a parking study and overall access management plan for the development site.

TRAILER

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or for the conduct of any business, trade or occupation, or for use as a selling or advertising device, or for the storage or conveyance of materials, tools, equipment, machinery, or recreational apparatus, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by the motor power of another vehicle.

TRANSMISSION LINE

An electric power line bringing power to a receiving or distribution substation.

TREILLAGE

Two or more trellis structures.

UNDISTURBED AREA

The area on a lot or parcel that has not been graded for access, a building pad, or a driveway. Undisturbed areas may include areas that are fenced and landscaped.

USE

The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

USE, PRINCIPAL

The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be used, occupied, or maintained.

USE, SIMILAR

A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele.

VACATION, TYPE I

A process where the City abandons interest in any public street or easement.

VACATION, TYPE II

A process where the City abandons interest in an easement for municipal utility (water or sewer) or controlled by the City. (Municipal Utility Easement).

VARIANCE

A grant by the Planning Commission permitting an owner to use a lot not wholly in accordance with the provisions of this Code because the Commission finds that strict conformance would be an unusual hardship not created by the owner but depriving him of reasonable use of the lot. Such a grant specifies a minimum deviation or deviations from the regulations intended to cure the hardship, but not create detrimental conditions affecting abutting property owners or the public-at-large.

VEGETATION

Trees, grass, shrubs, or vines.

VEHICLE

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, ANTIQUE

Any vehicle older than 40 years.

VEHICLE, CLASSIC

Any vehicle between 25 and 40 years old.

VEHICLE, CUSTOM

Any vehicle that has been significantly modified after delivery from the manufacturer for the purpose of enhancing engine performance, suspension performance, braking, handling, appearance, or other permanent and significant modifications to the body, electrical systems, parts or engine thereof that distinguish the vehicle from original equipment manufacturer's (OEM) specifications, other than minor cosmetic modifications including, but not limited to, pin striping or decals.

VISIBLE

Likely to be noticed by a person of average height walking on a street or sidewalk two years after installation of any planting intended to screen a view.

VISIBLE LIGHT TRANSMITTANCE

An optical property that indicates the amount of visible light transmitted. The higher the visible transmittance, the more light is transmitted. A high visible transmittance is desirable to maximize daylight.

WALKWAY

A hard-surface passage or path used for walking.

YARD

An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this Code, including a front yard, side yard, or rear yard.

YARD, CORNER SIDE

The yard of a corner lot extending from the front yard to the rear yard and between the side street and the primary structure.

YARD, FRONT

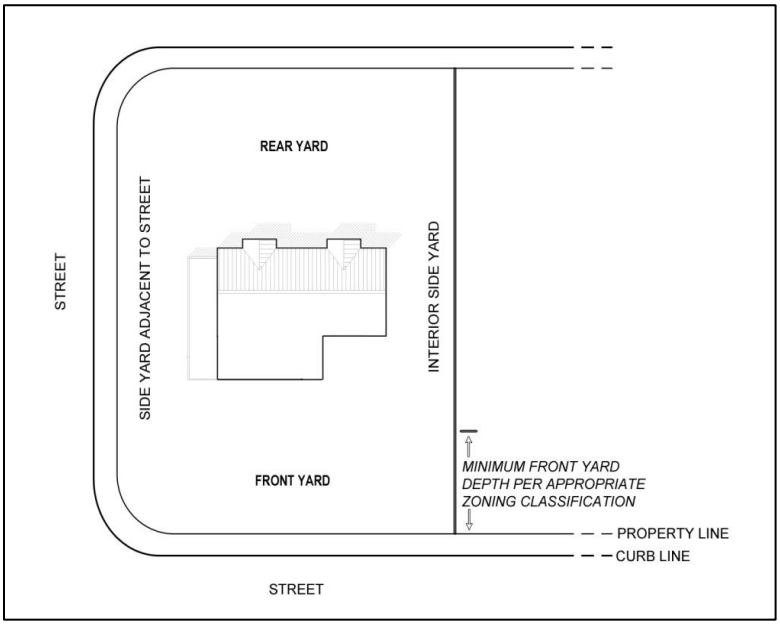
The yard area extending along the entire length of the front property line and the depth between the street right-of-way line and the front façade or façades of the primary structure.

YARD, REAR

The yard area extending along the entire length of the rear property line and the depth between the rear property line and the rear façade or façades of the primary structure.

YARD, SIDE

The yard area extending from the front yard to the rear yard and between the side property line and the primary structure.



ZONING MAP AMENDMENT

A formal application and procedure for amending the official zoning map.