

City of Henderson

# Development Code Update

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*Revised*

# Use Regulations

*Prepared by*

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October 2019



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# Introduction

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This paper presents draft provisions for the regulation of uses in the Development Code, including use allowances by zoning district, standards for specific uses, and use classifications.

The Development Code will be organized into five parts, in the following order:

Part I – Introductory Provisions

Part II – Development and Design Standards

Part III – Use Regulations

Part IV – Administration and Enforcement

Part V – Interpretations and Definitions

This paper includes Part III – Use Regulations. Specifically, use regulations presented in this paper include:

Use Allowances by District. Allowed uses are presented in a table intended to provide a quick and easy summary of development possibilities in a given district. Use tables specify the level of review required and provide cross-references to other sections of the Code where additional regulations apply.

Use Definitions and Standards for Specific Uses. Definitions of each of the uses regulated in the Code and standards and requirements applicable to a particular use.

The goal of the proposed revisions to use regulations is to create a streamlined, user-friendly set of standards that clearly establishes permitted development in each zoning district.

## Summary of Changes

A brief summary of how the draft regulations presented in this paper differ from the current regulations is provided below.

## Use Allowances by District

Uses allowances by district are generally carried forward with refinements for consistency with Henderson Strong, contemporary development practices, and State and federal law. They have also been updated based on staff comments and code user input.

## Use Definitions and Standards for Specific Uses

This Section of the paper includes standards and requirements applicable to specific uses and activities that are allowed in some or all zoning districts. These standards are currently located in Chapter 19.5 (Use Regulations). The majority of these provisions are carried forward with refinements for clarity and formatting and consistency with the new Code. In some cases, specific use regulations in the current Code are carried forward with particular revisions of note. These uses, along with the nature of the revisions, follow:

- Accessory Dwelling Units – refinements to required setbacks so they are consistent with those for other accessory buildings to allow conversion.
- Outdoor dining and seating - additional specificity added for clarity on nature of use, hours of operation, and maintenance/litter removal.

Additionally, standards for the following new uses have been incorporated.

- Farmer's markets
- Mobile vending
- Urban agriculture

Use types, categories and classifications in the current Code have been refined or renamed to reflect standard terminology in contemporary land use law and practice.

# Use Regulations

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## Chapter 19.2 Use Allowances by District

### 19.2.1 Land Use Regulations

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Table TBD, Land Use Regulations – Residential Zoning Districts, lists the land use regulations for residential zoning districts.

Land uses are defined in Chapter TBD, Use Classifications and Standards, along with provisions for developments with multiple principal uses and unlisted uses. Uses not listed in the table or not found to be substantially similar to uses listed in the table are prohibited.

- A. Uses Expressly Prohibited. The following uses are expressly prohibited within the City:
1. Residential Motels.
  2. Bed & Breakfast facilities.
  3. Age-restricted communities, unless approved through the master development plan or development agreement process. Applications for age-restricted communities shall include an analysis of potential impacts on city services.

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**TABLE TBD: LAND USE REGULATIONS**

“P” Permitted use; “S” Use permitted subject to additional standards listed for the specific use type; “C” Conditional use permit required; “A” Use permitted as an accessory use to a principal use; “T” Temporary use permit required; “-” Use not allowed																			
Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Accessory Uses																			
Animal Keeping	See Section TBD, Accessory Animal Keeping																		
Drive-in and Drive-through Facilities	-	-	-	-	-	-	-	-	C	C	C	C	C	C	-	-	C	-	-
Home Occupation	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Outdoor Display and Sales	-	-	-	-	-	-	-	-	A	-	A	A	A	A	A	A	-	-	-
Outdoor Dining and Seating	See Section TBD, Outdoor Dining and Seating																		
Residential Uses																			
Household Living	See use types below																		
Dwelling, Live/Work	-	C	C	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-
Dwelling, Multifamily	-	P	P	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-
Dwelling, Single-family Attached	P (RS-6 and RS-8 only)	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Dwelling, Single-family Detached	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Senior Housing	-	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
<i>Accessory Dwelling Unit</i>	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Community Residence	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Facility for Transitional Living for Released Offenders	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Manufactured/Mobile Home Park or Subdivision	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Short Term Vacation Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Travel Trailer/RV Park	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-
Public/Institutional Uses																			
Airport or Landing Strip	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Club or Lodge	-	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	-	C	-
Cultural Institution	-	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	-	C
Day Care	See use types below																		
<i>Day Care Center</i>	C	C	C	-	-	-	-	-	C	S	C	C	S	C	-	-	-	-	-
<i>Family Home</i>	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-
<i>Group Child Care</i>	C	C	-	C	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-

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Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Detention Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Employment & Training Center, Non-Profit	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	-	-	-	C
Government Office	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	P
Heliport	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	C
Hospital	-	-	-	-	-	-	-	-	S	P	P	P	S	-	-	-	-	-	C
Institutional Housing	See use types below																		
<i>Group Living-General</i>	-	C	C	C	-	-	-	-	C	-	-	S	-	-	-	-	-	-	C
<i>Supportive Housing</i>	C	C	C	-	-	-	-	-	S	C	C	-	-	-	-	-	-	-	C
Park and Recreation Facility	C	C	C	C	-	-	-	-	C	C	C	C	C	C	-	-	-	-	C
Public Safety Facility	C	C	C	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C
Religious Assembly	C	C	C	C	-	-	-	-	C	C	C	-	-	-	C	C	C	C	C
School	-	S	S	-	-	-	-	-	C	C	S	-	-	-	C	-	C	S	S
Social Service Facility	C	C	C	C	-	-	-	-	C	C	C	C	C	C	C	-	C	-	C
Telecommunication Facility	See Section TBD, Telecommunication Facilities																		
Utility, Minor	P	P	P	P	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P
Utility, Major	C	C	C	C	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C

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Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Vocational School	-	-	-	-	-	-	-	-	S	S	S	P	S	S	P	P	P	-	-
Youth Drop-In Center	C	C	C	-	-	-	-	-	C	C	C	C	-	-	-	-	C	-	C
Commercial Uses																			
Animal Services	See use types below																		
<i>Animal Boarding</i>	C	-	-	-	-	-	-	-	C	-	P	P	S	-	C	-	-	C	-
<i>Animal Sales and Grooming</i>	-	-	-	-	-	-	-	-	S	-	S	S	-	-	-	-	-	-	-
<i>Veterinary Clinic/Hospital</i>	-	-	-	-	-	-	-	-	C	-	S	S	-	-	-	-	-	-	-
Artists' Studio	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	P	-	-
Bail-Bond Broker	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Banquet Facility	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-	-	-
Commercial Recreation and Entertainment	See use types below																		
<i>Cinema/Theaters</i>	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	-	-	C
<i>Indoor Sports and Recreation</i>	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	C	C	-	C
<i>Outdoor Recreation and Entertainment</i>	C	-	-	-	-	-	-	-	-	-	S	S	C	-	C	C	C	-	C

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Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
<i>Teenage Dancehalls and Nightclubs</i>	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-
Daily Labor Service	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	-	-	-	-
Eating and Drinking Establishment	See use types below																		
<i>Restaurant</i>	-	-	-	-	-	-	-	-	P	S	P	P	P	P	S	-	S		S
<i>Restaurant with Bar</i>	-	-	-	-	-	-	-	-	C	S	S	S	S	S	-	-	C		S
<i>Tavern</i>	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-
<i>Beer or Wine Lounge</i>	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-
Farmer’s Markets	C	C	C	C	-	-	-	-	S	S	S	S	S	S	-	-	-	-	-
Financial Institution	See use types below																		
<i>Banks and Credit Unions</i>	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-
<i>Check Cashing, Deferred Deposit Service, and/or Vehicle Title Loan Facility</i>	-	-	-	-	-	-	-	-	C	-	C	C	-	-	S	-	S	-	-
Fleet-Based Services	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	S	S	-	-
Food Preparation	-	-	-	-	-	-	-	-	C	C	P	P	P	-	P	-	-	-	-
Funeral and Interment Service	-	-	-	-	-	-	-	-	-	-	C	C	-	-	S	S	-	-	S

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Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Gaming Establishment	See use types below																		
<i>Nonrestricted Gaming</i>	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-
<i>Restricted Gaming</i>	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	S	S	-	-
Hookah/Smoking Lounge	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C		C	-	-
Instructional Service	-	-	-	-	-	-	-	-	P	S	P	P	S	P	C	C	C	-	S
Laboratory	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	P	-	-
Maintenance and Repair Service	-	-	-	-	-	-	-	-	C	C	P	P	P	-	P	P	-	-	-
Marijuana Establishment	See use types below																		
<i>Marijuana, Cultivation Facility</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-
<i>Marijuana, Infusion or Manufacturing Facility</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-
<i>Marijuana, Independent Testing Laboratory</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-
<i>Medical Marijuana Dispensary</i>	-	-	-	-	-	-	-	-	C	C	C	C	-	-	C	C	C	-	-
<i>Retail Marijuana Dispensary</i>	-	-	-	-	-	-	-	-	C	C	C	C	-	-	C	C	C	-	-

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Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Mini-Storage Facility	-	S	S	-	-	-	-	-	C	-	S	S	-	-	S	S	C	-	-
Mobile Vendor	TBD, Mobile Vendor																		
Office	See use types below																		
<i>Business and Professional</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
<i>Medical</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	S
Pawnshop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-
Personal Service	See use types below																		
<i>General</i>	-	C	C	-	-	-	-	-	P	S	P	P	S	-	-	-	-	-	-
<i>Dry Cleaning Agency</i>	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	-	-	-	-
<i>Massage</i>	-	-	-	-	-	-	-	-	-	-	C	C	-	C	-	-	-	-	-
<i>Reflexology</i>	-	-	-	-	-	-	-	-	S	S	S	-	S	-	-	-	-	-	-
<i>Tattoo and Body Alteration Studio</i>	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-
Retail Sales and Service	See use types below																		
<i>General</i>	-	-	-	-	-	-	-	-	P	S	P	P	P	-	S	S	S	-	-
<i>Auction Facility</i>	-	-	-	-	-	-	-	-	-	-	S	S	-	S	S	S	S	-	-
<i>Building Materials</i>	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	P	-	-	-

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Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Convenience Market	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	S	S	-	-
Food and Beverage Sales, General	-	-	-	-	-	-	-	-	P	C	P	P	P	P	-	-	-	-	-
Food and Beverage Sales, Liquor Store	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-
Pharmacy	-	-	-	-	-	-	-	-	P	S	P	P	P	-	S	-	-	-	-
Plant Nursery	-	-	-	-	-	-	-	-	-	-	C	P	-	-	P	P	-	-	-
Printing Service	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-
Rental Service	-	-	-	-	-	-	-	-	S		S	S		-	-	-	-	-	-
Secondhand Goods	-	-	-	-	-	-	-	-	S	-	S	-	-	-	-	-	-	-	-
Smoke/Tobacco Shop	-	-	-	-	-	-	-	-	C	-	C	C	C	-	C	C	C	-	-
Swap Meet	-	-	-	-	-	-	-	-	-	-	C	C	-	-	S	S		-	-
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-
Vehicle/Equipment Related Uses	See use types below																		
Auto Broker	-	-	-	-	-	-	-	-	S	S	S	S	-	S	S	S	S	-	-
Vehicle Sales and Leasing	-	-	-	-	-	-	-	-	-	-	C	C	C	S	C	C	-	-	-
Vehicle Rental	-	-	-	-	-	-	-	-	-	P	C	C	S	P	C	C	-	-	-



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Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Equipment Sales, Service, and Rental	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	C	-	-	-
Car Wash, Automatic	-	-	-	-	-	-	-	-	-	-	S	S	-	S	-	-	-	-	-
Car Wash, Full Service	-	-	-	-	-	-	-	-	-	-	S	S	-	S	-	-	-	-	-
Car Wash, Self Service	-	-	-	-	-	-	-	-	-	-	C	S	S	S	-	-	-	-	-
Commercial (Retail) Fueling Center	-	-	-	-	-	-	-	-	C	-	C	C	-	C	C	C	C	-	-
Fleet Fueling Station	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	C	-	-
Service Station	-	-	-	-	-	-	-	-	C	-	C	S	C	S	C	C	-	-	-
Smog Check Station	-	-	-	-	-	-	-	-	S	-	S	S	-	S	S	S	S	-	-
Vehicle/Equipment Repair	-	-	-	-	-	-	-	-	-	-	C	S	-	S	S	S	-	-	-
Vehicle Storage	-	-	-	-	-	-	-	-	-	-	S	C	-	S	C	C	-	-	-
Visitor Accommodation	See use types below																		
Hotel	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-	-	-	-
Motel	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-	-	-	-
Recreational Vehicle Resort	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-
Resort Hotel	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-

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Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
<i>Time-Share Project</i>	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-
Wedding Chapel	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Industrial Uses																			
Cogeneration Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C
Commercial Laundry	See use types below																		
<i>General</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
<i>Limited</i>	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	-
Communication and Data Storage Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Concrete Product Production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-
Construction Storage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	C	-	-
Food and Beverage Manufacturing	See use types below																		
<i>Small Scale</i>	-	-	-	-	-	-	-	-	-	-	C	C	C	-	P	-	P	-	-
<i>Large Scale</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-
Industry	See use types below																		
<i>Custom</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-

**TABLE TBD: LAND USE REGULATIONS**

<p>“P” Permitted use; “S” Use permitted subject to additional standards listed for the specific use type;  “C” Conditional use permit required; “A” Use permitted as an accessory use to a principal use;  “T” Temporary use permit required; “-” Use not allowed</p>																			
Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	C	-	-
Limited	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Research and Development	-	-	-	-	-	-	-	-	-	C	C	P	-	-	P	P	P	-	-
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-
Logistics and Shipping	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Maintenance Service Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-	C
Mining and Processing	See use types below																		
General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-
Short Term	C	C	C	C	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C
Recycling Facility	See use types below																		
Collection Facility	-	-	-	-	-	-	-	-	-	-	S	S	-	-	S	S	S	-	-
Processing Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-
Warehousing, Storage, Wholesaling, and Distribution	-	-	-	-	-	-	-	-	-	-	C	C	-	-	S	S	S	-	-
Agricultural Uses																			
Agriculture	See use types below																		

**TABLE TBD: LAND USE REGULATIONS**

<p><i>"P" Permitted use; "S" Use permitted subject to additional standards listed for the specific use type;  "C" Conditional use permit required; "A" Use permitted as an accessory use to a principal use;  "T" Temporary use permit required; "-" Use not allowed</i></p>																			
Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Animal Production	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Crop Production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Horticulture	-	-	-	-	-	-	-	-	C	-	P	-	-	-	-	-	-	C	-
Urban Agriculture	See use types below																		
Community Garden	S	S	S	S	-	-	-	-	S	S	S	S	S	S	S	S	S	S	S
Indoor Agriculture	P	P	P	P	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-
Market Garden	S	S	S	S	-	-	-	-	S	S	S	S	S	S	S	S	S	-	-
Temporary Uses																			
Circuses and Carnivals	-	-	-	-	-	-	-	-	T		T	T	T	-	-	-	-	-	T
Commercial Filming, Limited	T	T	T	T	-	-	-	-	T	T	T	T	T	T	T	T	T	T	T
Holiday Events and Sales/Rental	-	-	-	-	-	-	-	-	T	-	T	T	T	T	T	T	T	-	-
Mining and Processing, Temporary	S	S	S	S	-	-	-	-	S	S	S	S	S	S	S	S	S	S	S
Storage/Shipping Containers	T	T	T	T	-	-	-	-	T	T	T	T	T	T	T	T	T	T	T
Street Fairs	T	T	T	T	-	-	-	-	T	T	T	T	T	T	-	-	-	-	T
Temporary Construction Trailer, Onsite	S	S	S	S	-	-	-	-	S	S	S	S	S	S	S	S	S	S	S

**TABLE TBD: LAND USE REGULATIONS**

<p><i>"P" Permitted use; "S" Use permitted subject to additional standards listed for the specific use type;  "C" Conditional use permit required; "A" Use permitted as an accessory use to a principal use;  "T" Temporary use permit required; "-" Use not allowed</i></p>																			
Land Use	RS	RM	RH	RMH	MR	MX	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Temporary Construction Trailer, Offsite	T	T	T	T	-	-	-	-	T	T	T	T	T	T	T	T	T	T	T
Temporary Development Lodging	T	T	T	T	-	-	-	-	-	-	-	-	T	-	-	-	-	-	T
Temporary Dwelling Unit	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Temporary Live Entertainment Events					-	-	-	-	T	T	T	T	T	T	-	-	-	-	-
Temporary Event	T	T	T	T	-	-	-	-	T	T	T	T	T	T	T	T	T		T
Temporary Religious Assembly	T	T	T	T	-	-	-	-	-	-	T	T	-	-	T	T	T	T	T
Temporary Real Estate Sales Office, Onsite	S	S	S	S	-	-	-	-	S	S	S	S	S	S	S	S	S	S	S
Temporary Real Estate Sales Office, Offsite	T	T	T	T	-	-	-	-	T	T	T	T	T	T	T	T	T	T	T
Temporary Security Trailer	S	S	S	S	-	-	-	-	S	S	S	S	S	S	S	S	S	S	S
Trade Fair	-	-	-	-	-	-	-	-	-	T	T	T	T	T	T	T	T	-	T
Temporary Vehicle/Equipment Sales and Auctions	-	-	-	-	-	-	-	-	-	-	T	T	T	T	T	T	T	-	-

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## Chapter 19.32 Use Classifications and Standards

### 19.32.1 General Provisions

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- A. Use Classifications. Use classifications organize land uses regulated by this Code into general “use categories,” and specific “use types” within the categories, based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or housing types, how goods or services are sold or delivered, and site conditions. Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The following use classifications are included in this Code: Accessory Uses, Residential Uses, Public/Institutional Uses, Commercial Uses, Industrial Uses, Agricultural Uses, and Temporary Uses.
- B. Developments with Multiple Principal Uses. When all principal uses of a development fall within one use category, the entire building is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations within that category.
- C. Unlisted Uses. Where a particular use type is not specifically listed in this Chapter, the Community Development and Services Director shall assign the land use to a use category or use type that is substantially similar in character consistent with the procedure in Section TBD, Interpretation. The Community Development and Services Director shall give due consideration to the purpose and intent of this Code concerning the zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.
  - 1. *Standards for Approving Unlisted Uses.* In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other use types allowed in a specific zoning district, the Community Development and Services Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:
    - a. The volume and type of sales; retail, wholesale, etc.;
    - b. The size and type of items sold and nature of inventory on the premises;
    - c. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
    - d. Any dangerous, hazardous, toxic, or explosive materials used in the processing;



- e. The nature and location of storage, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
  - f. The type, size, and nature of buildings and structures;
  - g. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
  - h. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;
  - i. Trip purposes and whether trip purposes can be shared by other use types on the site;
  - j. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other use types;
  - k. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
  - l. Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
  - m. The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types in the zoning district.
- D. Each land use and activity covered by this Chapter shall comply with the requirements of the section applicable to the specific use or activity, in addition to any applicable standard this Code requires in the zoning district where the use or activity is proposed and all other applicable provisions of this Code.

### 19.32.2 Accessory Uses

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

- a. Be clearly subordinate in area, extent, and purpose to the principal use or structure; and
    - b. Not violate any standards of this Code when taken together with the principal use or structure.
  - 2. *Use-Specific Standards.* Unless otherwise provided in this Code, an accessory use is subject to all regulations applicable to the principal structure on the site.
  - 3. *Timing.* Accessory uses shall not be established prior to the start of construction of the principal use or structure.
- B. Accessory Animal Keeping.
- 1. *Definition.* The keeping of animals as an accessory use.
  - 2. *Standards.* The keeping of all animals as an accessory use shall conform to Title 7 of the HMC, Animals, all other provisions of law governing animal keeping, and the following standards:
    - a. *General Standards.* The following standards apply to all animal keeping activities.
      - i. Unless otherwise allowed in another part of this Code, the keeping of animals shall be for the owner's or resident's use only.
      - ii. The owner shall properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.
    - b. *Household Pets.* Animals or birds ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, ferrets, birds, potbellied pigs, hamsters, parakeets, rabbits, non-venomous reptiles and amphibians not more than six feet in length may be kept in compliance with the following standards.
      - i. Outdoor Enclosure Location. Outdoor enclosures shall be located in an interior side or rear yard and set back a minimum of five feet from the property line.
      - ii. Dogs, Cats, and/or Ferrets. A maximum of three dogs, three cats, and/or three ferrets over three months of age, may be kept at any place, or premises, or in any one residence.

- iii. Potbellied Pigs. May be kept as an accessory use on a lot with a detached single-family dwelling in the RS-1 and RS-2 Districts in compliance with the following standards.
  - (a) Maximum Number. A maximum of one potbellied pig may be maintained per property/lot.
  - (b) Registration Required. All potbellied pigs shall be registered with a nationally recognized registry for potbellied pigs.
  - (c) Mandatory Spaying or Neutering and Vaccination. All potbellied pigs shall be spayed or neutered and appropriately vaccinated.
  - (d) Maximum Height and Weight. Potbellied pigs shall not exceed 28 inches in height, measured from the shoulder, or 150 pounds in weight.

- c. Nondomesticated Companion Animals. Nontraditional animal species bred and kept in captivity and utilized as pets such as goats, emus, rheas, llamas, and alpacas, may be kept as an accessory use on a lot with a detached single-family dwelling in compliance with the following standards.

- i. Minimum Lot Size. 10,000 square feet.
- ii. Maximum Number. One animal per 0.20 acres up to a maximum of 10 per parcel.
- iii. Fencing and Enclosures.
  - (a) Animals shall be kept within a fenced or walled enclosure at all times.
  - (b) Enclosures shall be a minimum of six feet in height.
  - (c) All non-domestic companion animals shall be kept in such a way that they are not visible to the public from any city street or alleyway. A solid wall or visual barrier must surround the property boundary and all nondomestic companion animals shall be corralled or fenced within the area surrounded by the visual barrier or solid wall. Open fencing shall not be permitted, unless screened material is installed.
- iv. Neighbor Notification. All adjoining property owners must sign an approval statement that includes the proposed use and number of

animals. The statements must be provided to Community Development.

- d. *Backyard Chickens.* Hens (not roosters) may be kept outdoors as household pets and/or for the production of eggs for personal consumption as an accessory use on a lot with a detached single-family dwelling in compliance with the following standards.
- i. Minimum Lot Size. Hens may only be kept on a lot with a minimum size of 6,000 square feet.
  - ii. Maximum Number. A maximum of seven hens may be kept on a single lot.
  - iii. Coops.
    - (a) Hens shall be kept in a predator-proof coop with a fenced-in run.
    - (b) Coops larger than 120 square feet require a building permit and must meet all requirements for accessory structures.
    - (c) Coops shall be separated by a minimum of 20 feet from any dwelling on an adjacent lot.
    - (d) Coops shall be set back a minimum of five feet from any property line.
    - (e) Coops shall not be located in a front yard.
    - (f) Coops must be maintained and cleaned at all times to minimize odors and other nuisances.
  - iv. Chickens may not be raised for slaughter or bred for sale.
  - v. Per Title 7, roosters are not permitted in any zoning district.
  - vi. These standards do not apply to fowl kept in compliance with the requirements applicable to horses and cows in Section TBD, Horses and Cows.
- e. *Goats.* Goats may be kept outdoors as household pets and/or for the production of milk for personal consumption as an accessory use on a lot with a detached single-family dwelling in compliance with the following standards.

- i. Minimum Lot Size. Goats may only be kept on a lot with a minimum size of 10,000 square feet.
- ii. Maximum Number. One goat is allowed per 10,000 square feet of net lot area up to a maximum of four goats per parcel.
- iii. Fencing and Enclosures.
  - (a) Goats shall not run free and shall be kept in a permanently fenced yard, corral, or other enclosure constructed in compliance with the requirements of a fence permit issued by the Building Department. Goats shall be kept within a fenced or walled enclosure at all times.
  - (b) Enclosures shall be a minimum of six feet in height.
  - (c) Open fencing shall not be permitted, unless screen material is installed.
  - (d) Enclosures shall be located a minimum of 75 feet from the front property line and a minimum of 20 feet from all other property lines.
  - (e) Enclosures shall be a minimum of 20 feet by 20 feet per animal, shall include a minimum of 40 square feet of shade per animal, and shall have a properly operating hose bib within 10 feet of the enclosure.
- iv. Goats may not be raised for slaughter or bred for sale.
- v. These standards do not apply to goats kept in compliance with the requirements applicable to horses and cows in Section TBD, Horses and Cows.
- f. *Horses and Cows.* Horses (equines) and cows (bovines) may be kept as an accessory use to a primary residential use on a lot with a detached single-family dwelling in compliance with the following standards.
  - i. Horses.
    - (a) Allowed Districts. The keeping of horses is limited to the RS-1, RS-2, and DH districts.

(b) Maximum Number. A maximum of one horse and one foal up to the age of one year may be kept for each 10,000 square feet of site area.

(1) For the purposes of this Section, regardless of actual square footage, any RS-2 zoned parcel that is less than 20,000 square feet in area, but that is one-tenth or more of the net area of what was originally a government-created five-acre parcel, shall be considered to contain 20,000 square feet; and any RS-1 zoned parcel that is less than 40,000 square feet in area, but that is one-fifth or more of the net area of what was originally a government created five-acre parcel, shall be considered to contain 40,000 square feet. All other parcels shall be evaluated based on actual net lot area.

(c) Fencing and Enclosure. Horses shall not run free and shall be kept in a permanently fenced yard, corral, or other enclosure constructed in compliance with the requirements of a fence permit issued by the Building Department.

ii. Cows.

(a) Allowed Districts. The keeping of cows is limited to the RS-1 and DH districts.

(b) Permit Required. The keeping of cows requires CUP approval.

(c) Maximum Number. One cow is allowed per 40,000 square feet of net lot area up to a maximum of two cows per parcel.

(d) Fencing and Enclosures.

(1) Cows shall not run free and shall be kept in a permanently fenced yard, corral, or other enclosure constructed in compliance with the requirements of a fence permit issued by the Building Department. Cows shall be kept within a fenced or walled enclosure at all times.

(2) Enclosures shall be a minimum of six feet in height.

- (3) Open fencing shall not be permitted, unless screen material is installed.

iii. Barns, Stables, and Corrals. Barns, stables, corrals, and other enclosures shall be in compliance with the following standards.

- (a) Enclosures shall be located a minimum of 75 feet from the front property line and a minimum of 20 feet from all other property lines.
- (b) Enclosures shall be a minimum of 20 feet by 20 feet per animal, shall include a minimum of 40 square feet of shade per animal, and shall have a properly operating hose bib within 10 feet of the enclosure.

g. *Apiaries.*

i. Definition.

- (a) Apiary means any hive box or other place where bees are kept by any person, and all beekeeping equipment used in connection therewith.
- (b) Bees means honey-producing insects of the genus *Apis*, and includes adults, eggs, larvae, pupae, and all material, excluding honey and rendered beeswax, that is deposited into colonies by the adults. Beekeeping of anything other than bees as defined herein and regulated by this Section is not permitted within the boundaries of the City.
- (c) Beekeeper means a person who owns or has charge of one or more apiaries.
- (d) Beekeeping equipment means anything used in the operation of an apiary including, but not limited to, hive boxes, supers, frames, top and bottom boards, and extractors.
- (e) Colony means the bees, comb, and honey contained in the hive box.
- (f) Disease means any condition adversely affecting bees or their brood which may become epidemic including, without limitation, bacteria, viruses or invertebrate pests and the presence of

undesirable genetic characteristics including those associated with *Apis Mellifera Scutellata* or hybrids of this subspecies.

- (g) Feral bee means wild bees, which are generally aggressive, have a tendency to swarm, and are of little value for commercial honey production or for pollination of crops.
- (h) Flyway barrier means a solid wall, fence, or dense vegetation that will modify bees' flight patterns. Flyway barriers must be at least six feet in height as measured from the ground adjacent to where the hive box is located and must run along the adjacent property lines and extend 10 feet in either direction beyond the hive box. If a different height is needed for commercial purposes, it must be approved by the City through the zoning approval.
- (i) Hive box means the structure with movable frames in which a bee colony lives and which may not exceed a height of 56 inches. It shall be unlawful for any person to have in the person's possession any bees kept in other than hive boxes.
- (j) Aggressive bees or aggressive bee behavior means defensive actions such as unprovoked attacks, robbing of hives, significantly increased flying speed, formation of a dark cloud above the hives, and reaction to carbon dioxide.

ii. City Approval and Registration.

- (a) Community Development and Services Department approval (zoning approval) described in this Section is required prior to housing an apiary on any real property within the City boundaries. No person shall participate in any beekeeping activity or otherwise keep, maintain, or allow to be kept any hive box or other facility for the housing of bees on or in any property within the City without first obtaining zoning approval. A home occupation license and other approvals required through the City's business licensing division may also be applicable.
- (b) Participation in the Nevada Department of Agriculture Voluntary Apiary Registration Program is required.

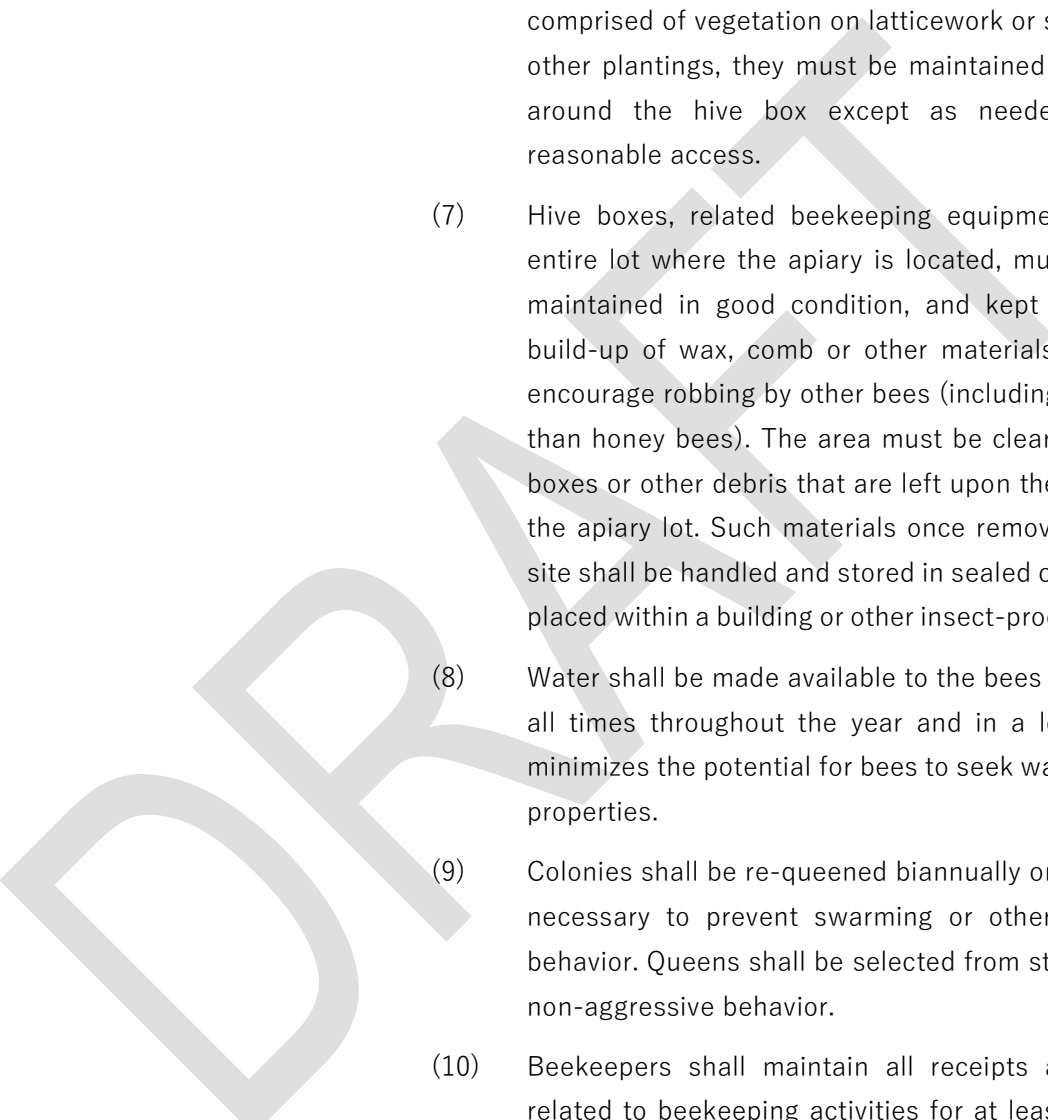


- (c) Zoning approval shall not be transferable. Only the owner of the real property where the apiary is proposed, or an occupant of the real property where the apiary is proposed, with the owner's written permission, is eligible to apply for an apiary zoning approval. Each beekeeper shall be responsible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

iii. Standards.

- (a) All Districts.

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

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- (5) Hive boxes must be located a minimum of 20 feet from any street.
  - (6) If hive boxes are located less than 30 feet from any street, or less than 15 feet from any property line, a flyway barrier is required. If flyway barriers are comprised of vegetation on latticework or shrubbery or other plantings, they must be maintained and pruned around the hive box except as needed to allow reasonable access.
  - (7) Hive boxes, related beekeeping equipment, and the entire lot where the apiary is located, must be clean, maintained in good condition, and kept free of any build-up of wax, comb or other materials that might encourage robbing by other bees (including bees other than honey bees). The area must be clear of remnant boxes or other debris that are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
  - (8) Water shall be made available to the bees on the lot at all times throughout the year and in a location that minimizes the potential for bees to seek water on other properties.
  - (9) Colonies shall be re-queened biannually or as often as necessary to prevent swarming or other aggressive behavior. Queens shall be selected from stock bred for non-aggressive behavior.
  - (10) Beekeepers shall maintain all receipts and records related to beekeeping activities for at least two years from the date of such record. Beekeepers may be required by the City and the Nevada Department of Agriculture to submit such records in response to a nuisance complaint or regulatory enforcement activities.

- (11) No beekeeper shall own or operate an apiary that exhibits aggressive bee behavior, contains apiary pests, or is an abandoned apiary.
- (12) No grandfathering rights shall be attached to any property, lot, entity, organization, person, business, or institution under this Section.
- (13) High pollen and nectar producing plants must be provided on-site for purposes of pollination and avoiding nectar dearths that could cause aggressive behavior. Beekeepers shall maintain such flowering plants in proportion to the number of hive boxes they possess to support bee foraging and as reflected in their site plan.
- (14) An apiary establishment that offers products for sale must obtain a producer's certification from the Nevada Department of Agriculture.
- (15) Beekeepers shall comply with all applicable federal, state, and city code, laws, regulations, and requirements.

(b) Commercial and Industrial Districts.

- (1) Hive boxes and beekeeping equipment shall be kept in a secure location on the premises that is inaccessible to the public.
- (2) Beekeepers shall identify the beekeeper's name and telephone number on all hive boxes in a manner that is clearly readable. A copy of the zoning approval shall be placed in a conspicuous place near the hive box.
- (3) An apiary establishment that offers products for sale must comply with City business licensing requirements.

(c) Residential Districts.

- (1) Hive boxes shall not be located in a front yard.

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

15, or Section TBD, Enforcement, including the imposition of criminal penalties.

C. Drive-in and Drive-through Facilities.

1. *Definition.* An outdoor service window or similar area that allows for a service to be provided from a building to persons in vehicles.
2. *Standards.*
  - a. *Where Allowed and Permit Requirement.* Drive-in and drive-through facilities are not allowed in residential districts or in the CO District. In other districts, drive-in and drive-through facilities are allowed subject to CUP approval.
  - b. *Speakers.*
    - i. Within 500 Feet of a Residential Dwelling. Outdoor speakers or other public-address systems that emit sound are prohibited. Face to face ordering is allowed.
    - ii. More than 500 Feet from a Residential Dwelling. An automated volume control system is required. Design treatments, such as porte cocheres, may be required to provide further sound mitigation.
  - c. *Design.* Design of the drive-in or drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site; screening; architectural compatibility with the principal structure; and the pedestrian environment of the overall development.
  - d. *Location.*
    - i. Drive-through lanes and stacking spaces shall be setback a minimum of 20 feet from any street side property line when within 50 feet of a residential district.
    - ii. Drive-through facilities (including the drive lanes and stacking spaces) shall not be located between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods including landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s) shall be incorporated.

- e. *Waiver or Modification of Standards.* The standards of this Section may be modified or waived through CUP approval.

D. Home Occupation.

1. *Definition.* Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or accessory building. This does not include live/work dwellings.
2. *Standards.*
  - a. *Size/Area.* A home occupation shall occupy no more than 20 percent of the building floor area, excluding garage space.
  - b. *Employees.* No one other than a resident of the dwelling shall be employed onsite or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.
  - c. *Operational.*
    - i. There shall be no stock-in-trade other than items that are used for product demonstration or samples or products fabricated by artists or artisans.
    - ii. A home occupation shall be conducted entirely within a portion of a building, not within a required parking area.
    - iii. No home occupation may have customers or clients come to the home except by prior appointment, and no more than three customers or clients per hour are allowed.
    - iv. There shall be no advertising of the address of the home occupation that results in attracting persons to the premises.
    - v. No kilns exceeding 10 cubic feet in size shall be permitted, and a home occupation shall comply with the performance standards in Section TBD. There shall be no electrical or mechanical equipment not normally found in a residential structure.
    - vi. A home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount associated with residential uses in the district.
  - d. *Exterior Appearance and Outdoor Storage.*

- i. No changes in the exterior appearance of the dwelling to accommodate the home occupation shall be allowed.
  - ii. No outdoor storage of materials or equipment in conjunction with the home occupation shall be permitted.
- e. *Parking/Vehicles/Traffic.* Not more than one truck or vehicle incidental to a home occupation shall be kept on the site or on any adjacent street. Commercial vehicles as defined by this Code are not permitted.
- f. *Prohibited Home Occupations.*
  - i. No home occupation shall be allowed that will create noise, dust, fumes, odors, smoke, glare, vibration, electrical hazards, fire hazards, the storage of hazardous materials, or any other nuisance to a greater degree than normally experienced in the district in which the permit is granted.
  - ii. The following uses and activities shall not be conducted as a home occupation:
    - (a) Vehicle/Equipment repair;
    - (b) Beauty or barber shop; or
    - (c) Restaurants.
  - iii. No home occupation shall be allowed that is prohibited by the City of Henderson Building Code.

E. Moving Van/Truck Rental.

- 1. *Definition.* Rental of pick-up trucks, cargo vans, and trucks as an accessory use to a principal use on-site.
- 2. *Standards.*
  - a. Moving van/truck rental as an accessory use is limited to the CC, CH, CA, IL, and IG Districts.
  - b. A maximum of three vehicles for rent may be parked on site.
  - c. Trucks shall be limited to those 16 feet or less in size.
  - d. Vehicles for rent shall not displace parking spaces required for another use.

F. Outdoor Display and Sales.



1. *Definition.* The display and sale (or rental) of products and services primarily outside of a building or structure that houses an existing, licensed business including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.
  2. *Standards.* These standards apply to outdoor display and sales. The standards shall not apply to establishments engaged in the sale or rental of vehicles or equipment.
    - a. Outdoor display/sales activities shall be limited to mixed-use and nonresidential districts;
    - b. Display/sales areas shall be located immediately adjacent to the front or sides of a building of the principal use, and shall not occur to the rear of a building;
    - c. Display/sales areas shall be located outside of drive aisles, fire lanes, parking areas, required landscape areas, or pedestrian ways;
    - d. Display/sales areas shall not exceed eight feet in height;
    - e. Such uses shall take place on an improved surface such as paved area; and
    - f. Display/sales areas shall not be located within landscaped areas.
- G. Outdoor Dining and Seating.
1. *Standards.*
    - a. *Applicability.* The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way is subject to an encroachment permit issued by the Department of Public Works.
    - b. *Accessory Use.* Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.
    - c. *Hours of Operation.* The hours of operation are limited to the hours of operation of the associated eating and drinking establishment.
    - d. *Maintenance.* Outdoor dining and seating areas shall always remain clear of litter.

### 19.32.3 Residential Uses

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A. General Standards for All Residential Uses. The following general standards apply to all Residential Uses in the City.

1. *Maximum Dwelling Unit Occupancy.* Occupancy by persons living in a dwelling unit shall comply with all of the following:
  - a. Compliance with the definition of a “family unit” or a “Community Residence”.
  - b. A maximum of 20 occupants. CUP approval is required for occupancy of a dwelling unit by more than 10 persons 18 or older, not including house parents, guardians, and other persons related to the house parents or guardians, of a Community Residence.
  - c. A minimum of 150 square feet of gross floor area for each of the first 10 occupants and 300 square feet for each additional occupant.
2. *Domestic Employees.* No shift change involving two or more employees shall take place between the hours of 10:00 p.m. and 6:00 a.m. For the purposes of this subsection, “employees” shall include child-care workers, domestic help, contract workers, in-home health-care providers, assisted-living service providers, or any other employee associated with a residential use.

B. Household Living.

1. *Dwelling, Live/Work.*
  - a. *Definition.* A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.
  - b. *Standards.*
    - i. General Standards.
      - (a) The residential portion within the live/work unit shall be a minimum of 700 square feet in area. Waivers to this standard may be processed through the design review or CUP process.
      - (b) The residential portion shall be contiguous with and an integral part of the working space, with direct access between the two areas, and not a separate stand-alone dwelling unit.

- (c) Live/work units shall not be located within a single-family detached dwelling but may be located within single-family attached dwellings as well as vertical mixed-use dwellings.
- (d) Live/work units must be specifically indicated as such on a site plan approved through an entitlement application.
- (e) Live/work units are not permitted in existing developments unless the original approval for that development is amended.
- (f) The nonresidential portion within the live/work unit shall be located on the ground floor.
- (g) Any nonresidential activity shall require a City business license.
- (h) The nonresidential portion of the building shall comply with all applicable nonresidential Building Code requirements.
- (i) Employees shall be limited to occupants of the residential portion of the building plus up to two people not residing in the residential portion.
- (j) Drive-through windows are prohibited.
- (k) The use shall comply with the landscaping and open space standards for mixed-uses in Chapter TBD, Development and Design Standards.
- (l) No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.
- (m) The following uses are permitted for live/work units:
  - (1) Business and professional offices.
  - (2) Artist studios.
  - (3) Retail sales of items produced or created on-site as part of the live/work use.
  - (4) Personal services such as photography studios, tailors, seamstresses, shoe repair, and other similar uses but excluding any uses prohibited below.

- (5) Instructional services such as music and dance lessons, tutoring, palmistry and fortune-telling, and other similar uses but excluding any uses prohibited below.
- (6) Other uses may be approved through the CUP process if determined to be compatible with the overall characteristics of the development or neighborhood.
- (n) A live/work unit shall not be established or used in conjunction with any of the following activities:
  - (1) Sexually oriented businesses.
  - (2) Cosmetology or hair salons/barber shops.
  - (3) Animal sales and animal-related services.
  - (4) Liquor sales.
  - (5) Eating and drinking establishments.
  - (6) Massage establishments.
  - (7) Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles, vehicle detailing and painting, upholstery, etc).
  - (8) Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
  - (9) Welding, machining, or any open flame work.
  - (10) Any other activity or use determined by the Commission to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- (o) Client and customer visits to live/work units are permitted subject to any applicable conditions of the applicable use

permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.

- (p) Client and customer visits to live/work units are permitted subject to any applicable conditions of the applicable use permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.
- (q) All of the standards of this Section and all other conditions imposed on the CUP, shall be set forth in codes, covenants, and restrictions, which shall be recorded with respect to the property after review and approval of the City Attorney.

ii. Standards for Mixed-Use and Nonresidential Districts.

- (a) Manufacturing activities associated with a live/work unit shall be limited to those types of manufacturing that would be classified as “Limited Industry” under this Code if operated as a principal use.
- (b) The Commission may, with clear and convincing justification provided by the applicant, allow more than two employees at a live/work unit in the IL and IP districts.
- (c) A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.
- (d) If a building contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Chief Building Official.
- (e) The owner or developer of any nonresidential building containing live/work units shall provide written notice to all occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with

commercial and industrial uses at higher levels than would be expected in residential areas. State and federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.

iii. Standards for Residential Districts.

- (a) Manufacturing and retail sales activities shall not be allowed in a live/work unit in a residential district.
- (b) The exterior appearance of the live/work unit shall be designed to be compatible with adjacent and nearby residential uses.
- (c) Building and lot layout shall demonstrate that the quiet enjoyment expectations of the neighbors in the building or adjacent buildings take precedence over work needs of the unit in question.
- (d) Signage shall be limited to one wall sign of 15 square feet.
- (e) Garages and/or exterior areas shall not be used for work space for a live/work use.
- (f) Customer visits and deliveries shall be limited to the hours between 8:00 a.m. and 6:00 p.m., Monday through Friday, unless otherwise provided by use permit, and shall not occur on state and federal holidays.
- (g) No more than one live/work use is allowed per legal dwelling unit on the property.
- (h) No more than one single one-ton or smaller commercial vehicle related to the business activity shall be kept at the dwelling site.
- (i) No outdoor storage of materials or equipment related to the business activity shall be permitted. No outdoor activity related to the business activity shall be permitted.
- (j) Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.

2. *Dwelling, Multifamily.*

- a. *Definition.* Two or more dwelling units on one lot, each of which includes a separate household, including duplexes, condominiums, townhouses, row houses, multiple detached residential units, or apartments.
  - b. *Standards.* In the CT District, multifamily dwellings are allowed only as part of a mixed-use project and limited to 20 percent of the CT zoned area of the subject development or master plan.
- 3. *Dwelling, Single-Family Attached.*
  - a. *Definition.* A dwelling unit that is designed for occupancy by one household located on a separate lot from any other principal dwelling unit and attached through common walls to one or more dwellings on abutting lots.
- 4. *Dwelling, Single-Family Detached.*
  - a. *Definition.* A residential building containing not more than one dwelling unit and occupied by a family unit, and that is located on its own individual lot and not physically attached to any other principal structure. For regulatory purposes, this term does not include mobile homes, recreational vehicles, or other forms of temporary or portable housing. This term includes “manufactured home,” which is defined as a dwelling unit that is built on a permanent chassis that is transportable in one or more sections and designed to be used with or without a permanent foundation that complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq).
- 5. *Senior Housing.*
  - a. *Definition.* A deed restricted apartment or condominium development in which the ages of all occupants shall be restricted to 62 years of age or older for all units; or, in the alternative, at least one resident in each of 80 percent of the units shall be 55 years of age or older. This use includes multifamily dwelling units that qualify as “housing for older persons” under the provision of federal law, including without limitations housing developments that:
    - i. Provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and
    - ii. Publish and adhere to policies and procedures that demonstrate intent to provide housing for persons 55 years of age or older to the extent allowed by applicable state or federal law.

- b. *Standards.* Personal Services (General) uses may be allowed as accessory uses subject to the following:
  - i. Personal services uses shall be limited to residents of the development and shall not be open to the general public.
  - ii. No exterior signage shall be visible to the public.
  - iii. No more than three individual personal service use types within a development shall be allowed.

6. *Accessory Dwelling Unit.*

- a. *Definition.* A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.
- b. *Standards.*
  - i. Required Setbacks. Accessory dwelling units shall meet the setback requirements for the principal dwelling except as follows:
    - (a) Detached Accessory Dwelling Units 14 feet or Less in Height.  
The required side and rear setback for detached accessory dwelling units 14 feet or less in height is five feet.
  - ii. Maximum Size. Accessory dwelling units shall be no more than 25 percent of the floor area of the principal dwelling or 1,000 square feet in size, whichever is greater.
  - iii. Maximum Number. There shall be no more than one accessory dwelling unit on a lot.
  - iv. Density. Accessory dwelling units shall not count toward any applicable maximum residential density requirements.
  - v. Use Limitations. Accessory dwelling units shall not be sold apart from the principal dwelling upon the same lot where they are located.

C. *Community Residence.*

- 1. *Definition.* A dwelling unit of a residential character for fewer than 11 unrelated individuals with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff



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

The term “Community Residence” includes “residential facilities for groups,” as defined by Nevada Revised Statutes 449.017 in which fewer than 11 unrelated persons with disabilities reside, a “halfway house for recovering alcohol and drug abusers” as defined by Nevada Revised Statutes 449.008, in which fewer than 11 persons reside, and a “home for individual residential care”, as defined by Nevada Revised Statutes 449.0105. The term does not include a “facility for the treatment of abuse of alcohol or drug abuse”, “modified medical detoxification facilities”, “transitional living facilities for released offenders”, “facilities for treatment with narcotics”, or “community triage centers” as each of these is defined within Chapter 449 of the Nevada Revised Statutes. The term also does not include an “institution”, “hospital”, “boarding house”, “lodging house”, “fraternity”, “sorority”, “dormitory”, or any other group living arrangement for unrelated individuals who are not disabled. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

2. *Standards.* Community residences shall comply with the general standards for all residential uses in Section TBD, Residential Uses, and the following.

- a. *All Community Residences.* A Community Residence shall comply with any and all local, state and federal governmental licensing or certification requirements as well as all public health and safety requirements, including any applicable building and fire safety code requirements. A residential facility for groups shall be equipped with a fire sprinkler system if the facility has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.
- b. *Halfway Houses for Recovering Alcohol and Drug Abusers.*
  - i. A halfway house for recovering alcohol and drug abusers shall require such residents to be actively and continuously enrolled in an outpatient

rehabilitation or substance abuse program that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both.

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

c. *Occupancy.*

- i. Residents of a residential facility for groups may also reside with house parents or guardians who need not be related to any of the persons with disabilities and, if applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity, as long as the total number of occupants of the home does not exceed 20 persons.
- ii. CUP approval is required for occupancy of a dwelling unit by more than 10 persons 18 or older, not including house parents, guardians, and other persons related to the house parents or guardians, of a Community Residence.
  - (a) An application for a CUP shall not be denied on any basis that discriminates against persons with disabilities. If it deems appropriate, the approving body may continue a public hearing on the application to another date in order to allow Community Development and Services staff to consult with, or to obtain an opinion from, a person or entity with expertise in the Federal Fair Housing Act regarding whether an approval or denial of the application is justified under state and federal law.
  - (b) Requests to waive, reduce or refund CUP application fees for a community residence shall be considered by the Director of Community Development and Services and shall be administratively granted where the request is reasonable and the applicant can demonstrate a financial hardship or other good cause for the waiver, refund or discount.

D. Facility for Transitional Living for Released Offenders.

1. *Definition.* A dwelling unit of a residential character that provides housing and a living environment for up to six persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility as defined in NRS 449.00455. As used in this definition, "person who has been released from prison" means:
  - A parolee;
  - A person who is participating in a judicial program as established in NRS 209.4886 or 213.625 or a correctional program as established in NRS 209.488 or 213.632.
  - A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement as established in NRS 213.371 to 213.410, inclusive; or
  - A person who, within the past two years, has been released from prison by expiration of his term of sentence.
2. *Standards.* Facilities for transitional living for released offenders shall comply with the general standards for all residential uses in Section TBD, Residential Uses, and the following standards, which shall not be waived.
  - a. *Licensing and Other Requirements.* The facility must comply on an ongoing basis with all governmental licensing and applicable notification requirements.
  - b. *Minimum Parcel Size.* The facility must be located on a parcel with minimum size of 6,500 square feet.
  - c. *Transit Proximity.* The facility must be located on a parcel that is within 1,500 feet of an existing bus stop served by a regional bus system.
  - d. *Indoor Common Area.* A minimum of 25 square feet of Indoor common area shall be provided per resident.
  - e. *Scale and Architectural Character.* The facility shall be consistent with the scale and architectural character of the neighborhood.
  - f. *Signage.* No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Facility for Transitional Living for Released Offenders.

- g. *Separation.* The facility shall be located a minimum of 1,500 feet from another facility for transitional living for released offenders, a halfway house for recovering alcohol and drug abusers, residential facility for groups, community assembly, school, day care facility, or city park.
- h. *Live-In Staff.* There shall be no more than two live-in facility staff at the subject property.
- i. *Occupancy.* The number of occupants within a facility shall not exceed the following occupancy standards:
  - i. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (18 years of age or older).
  - ii. For each bedroom thereafter:
    - (a) A maximum of one adult, for bedrooms less than 100 square feet in area; and
    - (b) A maximum of two adults, for bedrooms 100 square feet in area or greater.

E. Manufactured/Mobile Home Park or Subdivision.

- 1. *Definition.* A development designed and occupied by mobile homes, including sites containing spaces with required improvements and utilities that are leased for the long-term placement of mobile homes or manufactured homes and subdivisions of individual lots, each containing one single-family mobile home or manufactured home. May include services and facilities used in common by residents.
- 2. *Standards.* Manufactured/mobile home parks and subdivisions shall comply with the general standards for all residential uses in Section TBD, Residential Uses, and the following.
  - a. *Minimum Lot Area.* Each dwelling unit shall have at least a 2,800-square-foot lot or site area for dwelling placement.
  - b. *Setbacks.*
    - i. Each dwelling unit in the park or subdivision shall be set back at least 15 feet from any other dwelling unit, common driveway, or street.
    - ii. All structures shall be set back at least 20 feet from the perimeter boundary of the district.

- c. *Common Facilities and Recreational Features.* Common facilities and recreational features shall be centrally located.

F. Short-Term Vacation Rental.

- 1. *Definition.* The commercial use, by any person, of any residential development for lodging, where any individual guest occupies the property for 30 consecutive calendar days or less. This use type does not include a dwelling or room used as a primary residence.
- 2. *Standards.* TBD.

G. Travel Trailer/RV Park.

- 1. *Definition.* Any lot, tract of land, or facility renting or leasing space for the accommodation of two or more owners or users of travel trailers and recreational vehicles, not intended for permanent residence.
- 2. *Standards.* In the CT District, travel trailer/RV parks are allowed only as part of a mixed-use project.

#### 19.32.4 Public/Institutional Uses

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A. Airport or Landing Strip.

- 1. *Definition.* Runways and related facilities for aircraft take-off and landing.

B. Cemetery.

- 1. *Definition.* Land used or intended to be used for the burial or interment of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.
- 2. *Standards.* Crematoriums must be separated a minimum of 1,500 feet from residential districts.

C. Club or Lodge.

- 1. *Definition.* Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests. This use type includes union halls, social clubs, youth centers, fraternal, and veteran's organizations.

D. Cultural Institution.

1. *Definition.* An institution and/or associated facility engaged in displaying or preserving objects of interest in one or more of the arts or sciences. This use type typically includes but is not limited to libraries, museums, and art galleries.

E. Day Care.

1. *Day Care Center.*

- a. *Definition.* Establishments that provide care for persons on a less-than-24-hour basis other than Group Child Care or Family Home. This use may include nursery schools, preschools, accommodation facilities, and day care centers offering non-medical care. This use must also comply with all local and state licensing requirements.
- b. *Standards.*
  - i. Indoor and Outdoor Space. Day care centers shall include the minimum square footage of outdoor play space on the site (including trees or structures that provide adequate shade over the play space) and indoor space per State of Nevada requirements as listed in NAC 432A.250 (Building and Grounds);
  - ii. Separation. Day care centers located within residential districts shall be located a minimum of 1,000 linear feet from any other Day Care Center or Group Child Care use also located within a residential district;
  - iii. Location. Day care centers shall:
    - (a) Be located on lots that front a minor collector or greater street as indicated on the Henderson Master Transportation Plan; and
    - (b) Be located on a lot of at least 12,000 square feet in size.
  - iv. CO and CT Districts. Day care centers are limited to facilities serving employees of office development in the district located in a building with another principal use with no entrance leading directly to the outside, without a freestanding sign, and occupying less than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less, unless approved with CUP approval.

2. *Family Home.*

- a. *Definition.* A residential dwelling used primarily as a residence, which also provides care for a maximum of six persons on a less-than-24-hour basis, offering non-medical care for children or adults. This use must also comply with all local and state licensing requirements.
- b. *Standards.*
  - i. Indoor and Outdoor Space. Family homes shall include the minimum square footage of outdoor play space on the site (including trees or structures that provide adequate shade over the play space) and indoor space per State of Nevada requirements as listed in NAC 432A.250 (Building and Grounds).
  - ii. Separation. Family homes located within residential district shall be located a minimum of 1,000 linear feet from any other Day Care Center or Group Child Care use also located within a residential district.
  - iii. CN, CO, and CC Districts. Family homes are limited to facilities operating as an accommodation facility with the primary purpose of serving employees of the onsite business, located in a building with another principal use with no entrance leading directly to the outside and without a freestanding sign.

3. *Group Child Care.*

- a. *Definition.* A residential dwelling used primarily as a residence or an accommodation facility that provides care for at least seven children but no more than 12 children on a less-than-24-hour basis. This may include nursery schools, preschools, and day care centers offering non-medical care. This use must also comply with all local and state licensing requirements.
- b. *Standards.*
  - i. Indoor and Outdoor Space. Group child care shall include the minimum square footage of outdoor play space on the site (including trees or structures that provide adequate shade over the play space) and indoor space per State of Nevada requirements as listed in NAC 432A.250 (Building and Grounds).
  - ii. Separation. Day Care uses located within residential districts shall be located a minimum of 1,000 linear feet from any other Day Care Center or Group Child Care use also located within a residential district.

iii. Location. Group child care uses shall:

- (a) Be located on lots that front a street right-of-way that is a minimum of 47-feet in width; and
- (b) Be located on a lot of at least 10,000 square feet in size.

F. Detention Facility.

- 1. *Definition.* Facilities providing housing, care, and supervision for persons confined by law.

G. Employment & Training Center, Non-Profit

- 1. *Definition.* Facility operated by a nonprofit organization (e.g. Goodwill Industries, Salvation Army, and Opportunity Village) intended to provide employment and training. Such facilities may include, but are not limited to, activities such as light assembly of products, training, administrative offices, repair and sale of secondhand clothing, and furniture and appliances, and may also include certain facilities for persons with disabilities. This use type does not include homeless shelters or other forms of transient or permanent residential accommodation.

H. Government Office.

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

I. Heliport.

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

J. Hospital.

- 1. *Definition.* Facilities providing medical, surgical, psychiatric, or emergency medical services to the sick or injured, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. This use type includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. A hospital may



incorporate a restaurant, florist, pharmacy, and gift shop as accessory uses within the principal structure.

2. *Standards.* In the CN and CT Districts, hospitals are limited to 7,500 square feet of floor area or less and shall demonstrate that emergency response vehicles or other visitor activities will not interfere with existing or anticipated adjacent uses.

K. Institutional Housing.

1. *Group Living – General.*

- a. *Definition.* Shared living quarters for seven or more individuals without separate kitchen or bathroom facilities for each room or unit. This use type includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs, but excludes residential or apartment hotels or motels.
- b. *Standards.* Group living facilities shall comply with the general standards for all residential uses in Section TBD, Residential Uses, and the following standards.
  - i. PS District. In the PS District, personal services use types may be provided as an accessory use where the personal service use is limited to residents of the facility, is not open to the general public, and no exterior signage is visible to the public.

2. *Supportive Housing.*

- a. *Definition.* A residential facility with self-contained dwelling units or private or shared sleeping rooms that provide a combination of housing and supportive services for the elderly or functionally impaired. Permitted services include, but are not limited to, meals, housekeeping, personal care, medication supervision, and social and recreational activities. Facilities may provide direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses' aides prescribed by a resident's physician, but surgical and emergency medical services are not permitted.
- b. *Standards.* Supportive housing facilities shall comply with the general standards for all residential uses in Section TBD, Residential Uses, and the following standards.
  - i. PS District. In the PS District, personal services use types may be provided as an accessory use where the personal service use is limited

to residents of the housing facility, is not open to the general public, and no exterior signage is visible to the public.

ii. Age Restricted Facilities.

- (a) The ages of all occupants shall be restricted to 62 years of age or older for all units, or in the alternative, at least one resident in each of 80 percent of the units shall be 55 years of age or older.
- (b) Housing structures exceeding two or more stories in height shall provide elevators or ramps between all levels with a maximum grade of one foot in height for every 12 feet of horizontal distance. Stairs shall not be the sole route between any two levels.

L. Park and Recreation Facility.

- 1. *Definition.* Parks, playgrounds, recreation facilities, and open spaces.
- 2. *Standards.*
  - a. *Residential Districts.* Private or non-public park and recreation facilities shall not include commercial functions.
  - b. *PS District.* Park and recreation facilities shall be subject to review by the Parks and Recreation Board.
  - c. *Discontinuation.* If a park, recreational facility or open space discontinues daily operation or maintenance, see Section TBD, Operation and Maintenance Closure Plan.

M. Public Safety Facility.

- 1. *Definition.* Facilities for public safety and emergency services, including police and fire protection, not including detention facilities.
- 2. *Standards.* Substations may be allowed as accessory to other primary uses (e.g., station within a recreation center or mall), subject to design review requirements. Stand-alone sub-stations require approval of a CUP.

N. Religious Assembly.

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

2. *Standards.*

- a. *Day Cares and Schools.* Day cares and/or schools may be allowed as part of a community assembly use though CUP approval when the approving body finds that the use will be compatible with adjacent areas in terms of hours of operation, noise, lighting, parking, and similar considerations, and not cause significant traffic impacts.
- b. *Classes.* Only classes operating in conjunction with the community assembly use may be permitted as an accessory use.

O. School.

- 1. *Definition.* Educational institutions having a curriculum comparable to that required in the public schools or offered in institutions of higher learning in the State of Nevada. Private schools are further defined by NRS Section 394.103 and public schools are further defined by NRS Section 385.007.
- 2. *Standards.* Schools shall be located, developed, and operated in compliance with the following standards unless specifically modified through CUP approval.
  - a. *Traffic Impact Study.* The site must comply with the traffic impact study recommendations. A traffic impact study is required for:
    - i. All new construction, additions, and retrofits;
    - ii. Addition of portable structures to an existing school site;
    - iii. Any increase to the student count at the school beyond the count provided for the most recently approved traffic impact study; or
    - iv. If a traffic impact study has never been completed.
  - b. *Outdoor Recreation Area.* The school must provide programmable outdoor recreation area per Section TBD (currently 19.7.6.E.7). Athletic fields, vegetated roof-top play areas, school gardens, and spaces featuring vertical gardens can be considered. If space is not available on-site, programmed outdoor recreation area shall be located adjacent to or within safe access to a park or other community center or facility which students may access per an existing shared use agreement.
  - c. *Circulation.* For non-residential zones, the school site must be designed so that auto, bus, pedestrian, and bicycle access, circulation, and parking do not

negatively impact or are not negatively impacted by traffic serving other uses on-site.

- d. *Access.* The site must not be directly accessed by a major or minor arterial.
- e. *Airport Environs (AE) Overlay District.* The site must not be located in the AE Overlay District.

P. Social Service Facilities.

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

Q. Telecommunication Facility.

- 1. *Definition.* Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.
- 2. *Standards.*
  - a. *Purpose.* The purpose of these regulations is to:
    - i. Protect residential areas and land uses from potential adverse impacts of telecommunication facilities.
    - ii. Encourage the location of telecommunication facilities in nonresidential areas.
    - iii. Minimize the total number of telecommunication facilities throughout the community.
    - iv. Strongly encourage the joint use of new and existing telecommunication sites as a primary option rather than construction of additional single-use telecommunication towers.

- v. Encourage users of telecommunication facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
  - vi. Encourage users of telecommunication facilities to configure them in a way that minimizes adverse visual impacts through careful designing, siting, landscape screening, and innovative camouflaging techniques.
  - vii. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
  - viii. Consider the public health and safety of telecommunication facilities.
  - ix. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of structures.
- b. *Applicability and Exemptions.* The requirements of this Section apply to all telecommunication facilities that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:
- i. Licensed amateur (ham) radio and citizen band operations.
  - ii. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
  - iii. Emergency services radio.
  - iv. Radio and television mobile broadcast facilities.
  - v. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
  - vi. A single ground- or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this Code, including any mast, or a receive-only radio or television satellite dish antenna, provided the satellite dish does not exceed one meter in diameter in a residential district or two meters in diameter in a nonresidential or mixed-use district.

- vii. Any antenna or wireless communications facility that is exempt from local regulation consistent with the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the Nevada Public Utilities Commission (NPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or NPUC permit or a copy of applicable FCC regulations prior to its installation.

c. *Allowed Telecommunication Facilities and Required Permits.*

- i. Administrative Approval. The following telecommunication facilities may be administratively approved by the Community Development and Services Director:

- (a) Stealth facilities in a nonresidential or mixed-use district developed and located consistent with the following standards.

- (1) The facility shall be flush-mounted to the building structure and shall not extend above the wall on which it is attached;
- (2) The facility shall not be located on a lot occupied by a single-family dwelling; and
- (3) The antenna shall be behind a RF transparent screening material that is integrated into an existing structure in a manner that does not change the architecture or increase the height of the structure.

- (b) Alternative tower structures in a nonresidential or mixed-use district.

- (c) Antennas located on existing or rebuilt telecommunication facility or towers provided any modifications to the existing telecommunication facility or reconstruction of the tower complies with the following standards.

- (1) The modified or reconstructed tower shall be of the same type as the existing tower or an alternative tower structure;
- (2) The modified or reconstructed tower height shall not exceed 10 feet over the base zoning district height

maximum or 70 feet, whichever is less. An increase in tower height may only occur one time per tower;

- (3) The reconstructed tower shall be located within 50 feet of the location of the original tower and shall meet separation requirements of this Section; and
  - (4) The reconstructed tower shall be the only tower on-site.
- (d) Telecommunication facilities located on the site of an electrical substation.
- (e) A network using multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
- (f) Reconstruction of an existing "full-array" tower to slim-line stealth monopole construction.
- (g) Telecommunication facilities on City property consistent with the following standards:
  - (1) On non-park City property, the facility is designed as a freestanding, co-locatable alternative tower structure or monopole not to exceed the height of the existing structures on the site or 70 feet, whichever is taller, or the facility consists of concealed or slim-line antennas attached to existing or replaced sports-field lights or net posts, but does not increase the height of the line or post structure;
  - (2) On Parks and Recreation sites, the Parks and Recreation Director has reviewed the proposed facility and provided written comments to the Community Development and Services Director;
  - (3) The facility is located on the property in an area predetermined by the City;
  - (4) The facility meets the separation requirements of this Section;

- (5) All associated support equipment not located within an existing building shall be located within an underground vault or within an enclosed structure designed to be architecturally compatible with existing buildings on site or the nearest adjacent buildings. The equipment storage structure shall be designed to accommodate equipment for future locations as well as additional storage as needed; and
- (6) An alternative tower structure designed as a flagpole shall display an appropriately sized flag. If an American flag is displayed, then it shall comply with the Federal Flag Code (Public Law 94:344). A plaque measuring no more than 12 inches by 12 inches and displaying the facility reference number and a contact telephone number for maintenance of the flag shall be attached to the structure in a means clearly visible to the public.

ii. CUP Required. The following telecommunication facilities are allowed with CUP approval.

- (a) Stealth facilities and alternative tower structures in a residential district developed and located consistent with the following standards.
  - (1) If attached to a structure, the facility shall be flush-mounted to the building structure and shall not extend above the wall on which it is attached;
  - (2) The facility shall not be located on a lot occupied by a single-family dwelling;
  - (3) The antenna shall be behind a RF transparent screening material that is integrated into an existing structure in a manner that does not change the architecture or increase the height of the structure;
  - (4) The facility shall be located on the perimeter of a development; and
  - (5) The facility shall not be located on a vacant lot.



- (b) Telecommunication facilities in nonresidential or mixed-use districts that do not meet the criteria in Subsection TBD, Administrative Approval, above.

d. *Application Requirements.*

- i. Engineering Documentation. A Nevada licensed professional engineer shall provide engineering documentation for any information of an engineering nature that the applicant submits as part of permit application for a telecommunication facility, whether civil, mechanical, or electrical. At the sole discretion of the Director, technical information submitted as part of a permit application may be referred to a technical professional retained by the City to provide independent peer review of information for consistency with the requirements of this Section. The applicant shall pay the reasonable actual cost and a reasonable administrative fee for hiring a technical professional to provide peer review.
- ii. FCC Licensing. Applicants must be providers of telecommunication services, licensed by the Federal Communications Commission.
- iii. GPS Coordinates. Applicants shall provide global positioning system (GPS) coordinates for the proposed telecommunication facility prior to issuance of a building permit.
- iv. Inventory of Existing Sites. Each application for a telecommunication facility shall include an inventory of existing and approved telecommunication facilities that are within one mile of the proposed location, including specific information about the service area, location, height, and design of each facility. The Community Development and Services Director may share such information with other applicants or other organizations seeking to locate a telecommunication facility within the City provided, however, that the Community Development and Services Director is not by sharing such information in any way representing or warranting that such sites are available or suitable.

e. *Standards.* Telecommunication facilities shall be located, developed, and operated in compliance with the following standards and with applicable standards of the zoning district in which they are located.

- i. Location and Siting.

- (a) No new freestanding facility shall be located within 200 feet of a low-density residential use or 100 feet of a medium or high-density residential use as defined in the Comprehensive Plan or within 600 feet of another freestanding facility, unless approved by the approving body upon finding that appropriate techniques have been used to minimize the visual impact of the facility to the extent feasible, mounting on a building or co-location on an existing pole or tower is not feasible, and the goals of this Code would be better served.
  - (b) When feasible, providers shall co-locate facilities in order to reduce adverse visual impacts. The Director may require co-location or multiple-user telecommunication facilities based on a determination that it is feasible and consistent with the purposes and requirements of this Section.
  - (c) When determined to be feasible and consistent with the purposes and requirements of this Section, the Director shall require the applicant to make unused space available for future co-location of other telecommunication facilities, including space for different operators providing similar, competing services.
- ii. Height. Telecommunication facilities shall not exceed 10 feet above the base zoning district maximum height unless a greater height is allowed through CUP approval.
  - iii. Design and Screening. Telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible.
- (a) Stealth Facilities. Stealth facilities shall be utilized as appropriate to the site and type of facility. Where no stealth facility is proposed for the site, a detailed analysis as to why a stealth facility is physically and technically infeasible for the project shall be submitted with the application.
  - (b) Alternative Tower Structure. If a stealth facility is not feasible, an alternative tower structure is preferred based on the

potential to reduce visual impacts. Where an alternative tower structure is not proposed, a detailed analysis as to why the proposed facility better meets the purposes of this Section shall be submitted with the application.

- (c) Equipment Cabinets. Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. An eight-foot-high solid masonry wall with a solid-metal gate shall surround all equipment not located within an existing building. The wall and gate shall be designed to match existing development on the site. If located on vacant land, the applicant must build the enclosure out of decorative materials such as split-faced block, slump-stone, or stucco. Chain-link fencing is prohibited.
- (d) Landscaping. Landscaping shall be provided for and maintained to screen any ground structures or equipment visible from a public right-of-way.
- (e) Lighting. Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.
- (f) Signs. No signs shall be allowed on a telecommunication facility unless required by the FAA, FCC, or other applicable authority.

iv. HENNET. Telecommunications facilities shall not have any adverse impact or be constructed within the line of site of any existing or future proposed HENNET facilities operated by the City's Department of Utility Services.

- f. *Availability of Suitable Existing Telecommunication Towers, Other Structures, or Alternative Technology.* No new telecommunication facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the approving body or staff that no existing tower, structure, or alternative technology that does not require the use of towers or structures can

accommodate the applicant's proposed antennas. An applicant shall submit information requested by the approving body or staff related to the availability of suitable existing towers, other structures, or alternative technology, which may consist of the following:

- i. No existing towers or structures are located within the geographic area, which meet the applicant's engineering requirements.
- ii. Existing towers or structures do not have sufficient height to meet applicant's engineering requirements.
- iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- iv. The applicant's proposed antenna would cause or be affected by electromagnetic interference with antenna on the existing towers or structures.
- v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- vii. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.

g. *Required Findings.*

- i. General Findings. In approving a telecommunication facility, the decision-making authority shall make the following findings:
  - (a) The proposed use conforms with the purposes of this Section and any standards applicable to the proposed facility;
  - (b) The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location;

- (c) The proposed site results in fewer or less severe impacts than any feasible alternative site; and
    - (d) The proposed facility will not be readily visible or it is not feasible to incorporate additional measures that would make the facility not readily visible.
  - ii. Additional Findings for Facilities Not Co-Located. To approve a telecommunication facility that is not co-located with other existing or proposed facilities or a new ground-mounted antenna, monopole, or lattice tower the decision-making authority shall find that co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal consideration including that such siting:
    - (a) Would have more significant adverse effects on views or other environmental considerations;
    - (b) Is not permitted by the property-owner;
    - (c) Would impair the quality of service to the existing facility; or
    - (d) Would require existing facilities at the same location to go off-line for a significant period of time.
  - iii. Additional Findings for Any Other Exception to Standards. The approving body may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable federal or State law.
- h. *Conditions of Approval.* In granting a CUP approval for a telecommunication facility, the approving body may impose necessary conditions to minimize any adverse effect of the proposed wireless communication facility on adjacent properties.
- i. *Denial.* In the event that an application for a telecommunication facility is denied, a written explanation shall be provided to the applicant as well as the governing body, including the following:
  - i. A list of each procedure and standard that the applicant failed to meet.
  - ii. Each specific ground upon which the denial was based.
  - iii. A record of the documents relied upon for the decision.

- j. *Removal of Abandoned Telecommunication Facilities.* Any telecommunication facility that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such facility shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned facility within said 90 days shall be grounds to remove the facility at the owner's expense. If there are two or more users of a single telecommunication tower, then this provision shall not become effective until all users cease using the telecommunication tower.
- k. *Nonconforming Uses.*
- i. No Expansion of Nonconforming Use. Telecommunication facilities that are installed, in compliance with the provisions of this Code, shall not be deemed to constitute the expansion of a nonconforming use or structure.
  - ii. Preexisting Telecommunication Facilities. Preexisting telecommunication facilities shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting wireless communication towers. New construction other than routine maintenance on a preexisting wireless communication tower shall comply with the requirements of this Code.
  - iii. Rebuilding Damaged or Destroyed Nonconforming Telecommunication Facilities. Bona fide nonconforming telecommunication facilities that are damaged or destroyed may be rebuilt without having to first obtain design review or a CUP and without having to meet the separation requirements specified in this Section. The type, height, and location of the telecommunication tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

R. Utility, Minor.

1. *Definition.* Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes,

transformer boxes, cap banks, underground water and sewer lines, and utility communication devices.

S. Utility, Major.

1. *Definition.* Generating plants, renewable energy generating plants, electrical substations, aboveground electrical transmission lines, switching buildings, refuse collection, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, waste transfer facilities, transportation or communications utilities (including wireless), and similar facilities of public agencies or utility providers.

T. Vocational School.

1. *Definition.* A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, business, or commerce, and meeting all applicable state requirements for a facility of its type.
2. *Standards.*
  - a. *CN and CO Districts.* Classroom instruction only. Intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair) is prohibited.
  - b. *CC and CT Districts.* Vocational schools consisting of intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair, etc.) require approval of a CUP.
  - c. *CA District.* Only automobile driving schools, motorcycle driving schools, and auto-related trade schools are permitted. Auto body classes shall require approval of a CUP unless operated on the premises of an existing auto body shop.

U. Youth Drop-In Center.

1. *Definition.* An establishment in a dwelling of residential character or a commercial facility that provides services only during the day, furnishes food, temporary respite, financial assistance, assistance in obtaining permanent residence, counseling, limited medical care for unaccompanied minors. The facility must be operated by a nonprofit organization, as defined by Chapter 82 of the Nevada Revised Statutes. This use must comply with all local and state licensing requirements. This definition does not include a day care facility or a facility that provides immediate and short-term emergency medical care.

2. *Standards.*

- a. The facility must be located on a parcel with a minimum size of 6,000 square feet unless modified through CUP approval.
- b. Only the underlying property owner or qualified supervisor shall be permitted to live at the facility if located within a residence.
- c. A qualified supervisor shall be present at all times. A qualified supervisor shall be a minimum of 18-years old, and meet the State of Nevada requirements of NRS 244.
- d. The maximum age of a person who utilizes services at the facility shall not be older than 18 years of age.
- e. Youth drop-In center hours of operation shall be limited from 8:00 a.m. to 6:00 p.m. Those requiring assistance are not allowed to utilize the facility for no more than two hours at any given time. The hours of operation can be modified through CUP approval when the approving body finds that there is clear and convincing evidence that potential impacts on other uses and/or surrounding properties will be mitigated.
- f. Such uses shall provide an outdoor open space within an enclosed area. Users of the facility shall not congregate outside without qualified supervision.
- g. Youth drop-in centers shall be located a minimum of one mile from any other youth drop-in center, or any parcel where a day-care center is established or approved. The distance requirements may be waived or reduced through CUP approval when the approving body finds that there is clear and convincing evidence that a waiver or reduction the separation requirement will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City.
- h. Loitering in the surrounding neighborhood is prohibited.

### 19.32.5 Commercial Uses

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A. General Standards for Alcohol and Liquor Uses and Live Entertainment.

1. *Alcohol and Liquor Uses.*

- a. *Applicability.* The standards of this Section apply to all uses involved in the sale or offering of alcohol or liquor.



- b. *Required Separation.* Uses involved in the sale or offering of alcohol or liquor shall be located a minimum distance from other uses, located inside or outside of the City, as established in Table TBD, Required Separation, Alcohol and Liquor Uses, except as exempted in Section TBD or waived as provided in Section TBD.
- i. Distance Separation Analysis Application Required. A distance separation analysis application, as defined in Section TBD, is required for review and determination of site suitability; compliance with the requirements in HMC Chapter 4.36, Liquor – Regulations and Licensing; and compliance with the requirements of this Section.

**TABLE TBD: REQUIRED SEPARATION, ALCOHOL AND LIQUOR USES**

Proposed Use Type	Required Separation (ft)			
	School Public or Private	Community Assembly	Day Care Center	Sexually Oriented Business
Category I Uses (tavern, nonprofit club, billiard hall, liquor store, brewpub, microbrewery, craft distillery)	1,000	500	200	1,000
Category II Uses (restaurant with bar; beer, wine, and spirit-based products on or off-sale; full on-sale; full off-sale; convenience market; wine lounge; winery)	500	500	0	1,000

- c. *Exemptions to Separation Requirement.* The following uses are exempt from the separation requirements of this Section.
- i. Establishments within any resort village.
  - ii. Catering.
  - iii. Wholesale sale of alcohol or liquor.
  - iv. Retail sale of gift baskets containing alcohol or liquor.
  - v. Accommodation facilities located within or operated as part of limited or non-restricted gaming locations.

- d. *Waiver of Required Separation.* Distance separation requirements may be waived or reduced through CUP approval when the approving body makes all of the following findings. Issuance of a CUP does not guarantee or constitute approval of a liquor license.
  - i. There is clear and convincing evidence that a waiver or reduction the separation requirement will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City.
  - ii. The use will be conducted in a manner that is harmonious and compatible with existing and/or approved protected uses.

2. *Live Entertainment*

- a. *Applicability.* The standards of this Section apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on a single site:
  - i. A musical, dance, or comedic act or event, disc jockey (unless merely playing recorded music), play, recital, concert, or other similar performances or activities intended to entertain.
- b. *Exits and Entrances.* Exits and entrances shall not be located opposite a residential district immediately adjoining the site. This provision does not apply to emergency entrances and exits.
- c. *CUP Required.* CUP approval is required except as follows or expressly stated in another part of this Code.
  - i. Banquet Facilities. Live entertainment uses shall be permitted accessory to banquet facilities, provided they comply with the following standards. Live entertainment uses related to banquet facilities that do not comply with the following standards are subject to CUP approval.
    - (a) All live entertainment activities shall occur within the banquet facility building or tenant space.
    - (b) Hours of operation are between 8:00 am to 2:00 pm.
- d. *Type of Entertainment.* A CUP for live entertainment shall apply only to the type of entertainment listed in the notice of final action. If a different type of

entertainment is requested other than those listed, it shall require approval of a new or amended CUP.

- e. *Conditions of Approval.* In granting a CUP, the approving body may impose necessary conditions to ensure compatibility with surrounding uses and zoning districts.

B. Animals Services.

1. *Animal Boarding.*

- a. *Definition.* A facility for keeping, boarding, training, breeding or maintaining of dogs, cats, or other household pets not owned by the operator. Typical uses include pet clinics, pet day care, and animal shelters, but exclude pet stores and animal hospitals.
- b. *Standards.*
  - i. The property owner/operator must comply with all applicable requirements of Title 7 of the HMC, Animals, and obtain a Professional Animal Handler permit.
  - ii. All indoor animal use areas shall be entirely enclosed, properly ventilated, and provide sound barriers and odor protection to adjacent properties and users within the same development.
  - iii. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.
  - iv. All animals shall be confined within an enclosed area or on a leash at all times.
  - v. Exterior overnight boarding is prohibited.
  - vi. Exterior pens for daytime use shall be located a minimum of 50 feet from any residential-zoned property and shall be screened from view from adjacent streets and adjoining properties, unless modified through CUP approval.
  - vii. Residential Districts. Animal boarding is prohibited in residential districts except the RS-1 and RS-2 Districts where animal boarding is permitted only as an ancillary use to the primary residential use of the

property and shall be entirely enclosed except for exterior pens for daytime use.

viii. Mixed Use Districts. No outside pens are allowed.

ix. CT District. Animal boarding is allowed only as an ancillary use to a resort hotel.

x. DH District. Animal boarding is permitted only as an ancillary use to the primary residential use of the property and shall be entirely enclosed except for exterior pens for daytime use.

2. *Animal Sales and Grooming.*

a. *Definition.* Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

b. *Standards.*

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

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

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

iv. All animals shall be confined within an enclosed area or on a leash at all times.

v. Exterior overnight boarding is prohibited.

vi. Exterior pens for daytime use shall be located a minimum of 50 feet from any residential-zoned property and shall be screened from view from adjacent streets and adjoining properties, unless modified through CUP approval.

- vii. Animal grooming uses shall be entirely enclosed.

3. *Veterinary Clinic/Hospital.*

- a. *Definition.* Establishments where animals receive dental, medical, and surgical treatment as well as shelter and care during the time of such treatments. This use may include incidental grooming and boarding services.
- b. *Standards.*
  - i. The property owner/operator must comply with all applicable requirements of Title 7 of the HMC, Animals, and obtain a Professional Animal Handler permit.
  - ii. All indoor animal use areas shall be entirely enclosed, properly ventilated, and provide sound barriers and odor protection to adjacent properties and users within the same development.
  - iii. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.
  - iv. All animals shall be confined within an enclosed area or on a leash at all times.
  - v. Exterior overnight boarding is prohibited.
  - vi. Exterior pens for daytime use shall be located a minimum of 50 feet from any residential-zoned property and shall be screened from view from adjacent streets and adjoining properties, unless modified through CUP approval.
  - vii. Veterinary clinic/hospital uses shall be entirely enclosed, except outdoor daytime activity areas (e.g. walking areas, pens, dog runs) located a minimum of 50 feet from any residential use.
  - viii. A minimum 100-square-foot animal use area shall be located within 50 feet of the entrance. The animal use area shall be landscaped with groundcover, shrubs, and at minimum of one tree. Turf, other than artificial turf, is prohibited.

C. Artists' Studio.

1. *Definition.* Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts or skilled in an applied art or craft.
- D. Bail-Bond Broker.
1. *Definition.* Person or establishment offering bonds in lieu of confinement by judicial courts.
- E. Banquet Facility.
1. *Definition.* An establishment that is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption only during an event; and 3) outdoor gardens or reception facilities.
- F. Commercial Recreation and Entertainment.
1. *Cinema/Theaters.*
    - a. *Definition.* Any facility for the indoor display of films and motion pictures on single or multiple screens.
  2. *Indoor Sports and Recreation.*
    - a. *Definition.* Establishments providing predominantly participant sports, indoor amusement and entertainment services conducted within an enclosed building, including electronic game centers having more than three coin-operated game machines. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice and roller skating rinks, indoor racquetball courts, and athletic clubs.
  3. *Outdoor Recreation and Entertainment.*
    - a. *Definition.* Participant sports or spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, miniature golf courses, tennis clubs, outdoor batting cages, swimming pools, archery ranges, and riding stables and academies.
    - b. *Standards.*

- i. Residential Districts. Outdoor recreation and entertainment uses are prohibited in residential districts except stables or riding academies in the RS-1 or RS-2 Districts.
- ii. Golf Courses and Driving Ranges.
  - (a) Golf courses and driving ranges shall comply with Title 4 requirements.
  - (b) Golf courses and driving ranges shall comply with applicable turf restrictions in Titles 14 and 19 of the HMC.
  - (c) Banquet facilities and other special events may be allowed as an accessory use with CUP approval.
  - (d) If a golf course and/or driving range discontinues operation, Section TBD, Operation and Maintenance Closure Plan, shall apply.
- iii. Stable or Riding Academy. In addition to the standards in Section TBD, Animal Keeping, establishments offering facilities for the care and exercise of horses and for use in providing instructional or recreational activities in horseback riding for persons other than occupants of the premises shall comply with the following standards.
  - (a) The maximum number of horses shall be determined as part of a CUP approval but in no case shall the maximum number exceed one animal per 4,000 square feet of lot area. The approving body shall consider location to existing residential dwellings and compatibility with the surrounding neighborhood in their decision on a CUP application.

4. *Teenage Dancehalls and Nightclubs.*

a. *Definition.*

- i. Teenage Dancehall. An establishment in which social dances, attended by teenagers, are regularly held or conducted as a substantial part of the business, whether admission is by a set admission charge, the donation of money, or at no charge. Teenage dancehall does not include dance schools, places operated by government entities, schools, religious institutions, or any other place used by an

establishment, association or organization which might occasionally host or sponsor a social dance for teenagers incidental to the entity's purpose.

- ii. Teenage Nightclub. An establishment providing live entertainment as a substantial part of the business in which teenagers regularly gather, whether admission is by a set admission charge, the donation of money, or at no charge. Teenage nightclub does not include places operated by government entities, schools, religious institutions, or any other place used by an establishment, association or organization which might occasionally host or sponsor live entertainment for teenagers incidental to the entity's purpose.

- b. *Standards.* To ensure compatibility with surrounding uses and properties and to protect the welfare of both teenagers and the public generally, teenage dancehalls and nightclubs shall conform to the requirements of HMC Chapter 4.60 for Teenage Dancehalls and Teenage Nightclubs and the following.

- i. Hours of Operation. Hours of operation shall end at 10:00 p.m. on any evening preceding a day in which the public middle or high schools in the City are open for classes and 12:00 midnight on any other day. No patron shall be permitted to enter or remain on the permittee's premises after closing.

- ii. Distance Requirement.

- (a) Teenage dancehalls or nightclubs shall be located a minimum of 2,000 feet from any other teenage dancehall or teenage nightclub establishment.

- (b) Teenage dancehalls or nightclubs shall be located a minimum of 1,000 feet from any parcel where a school, park, library, liquor store, tavern, or smoke/tobacco shop are established or approved, and from any parcel with a residential land use category as designated by the Comprehensive Plan.

- (c) Exceptions. The distance requirements may be waived or reduced through CUP approval when the approving body finds that there is clear and convincing evidence that a waiver or reduction the separation requirement will not compromise the purpose and the general intent of this Code and the HMC to



protect the public health, safety, and general welfare of the citizens of the City.

- iii. Outside Speakers Prohibited. Outside speakers and/or outdoor sound systems are prohibited.

G. Daily Labor Service.

- 1. *Definition.* Any building or premises that serves as a staging point or gathering place for persons who are seeking immediate employment in daily labor activities and who accept or are assigned such employment in compliance with whatever employment is available on that particular day. For purposes of this definition, “daily labor” means manual labor, including, without limitation, construction cleanup, garbage pickup and removal, demolition, convention setup and takedown, landscaping, planting, and digging.
- 2. *Standards.*
  - a. The use shall be located on a major collector or minor arterial as designated on the Master Transportation Plan.
  - b. The use shall be located a minimum of 400 feet from any religious facility, school, general day care facility, city park, or residential district.
  - c. The hours of operation shall be limited to the hours between sunrise and sunset.
  - d. Signage up to four square feet in size shall be posted on the premises indicating that loitering on the premises is not allowed.
  - e. Persons who are seeking employment must wait for employment within a fully enclosed structure or an area screened from public view.

H. Eating and Drinking Establishment.

- 1. *Restaurant.*
  - a. *Definition.* A place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and where only a service bar is allowed. See HMC Chapter 4.36.
  - b. *Standards.*

- i. CO District. Limited to facilities serving employees of office development in the district located in a building with another principal use with no entrance leading directly to the outside, without a freestanding sign, and occupying less than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less, unless approved with CUP approval.
- ii. IL and IP Districts. Allowed only as an accessory use with a maximum size of 25 percent of a building's gross floor area.
- iii. PS District. Allowed only as accessory to a cultural, educational, medical, civic institution, or recreational facility and are limited to a maximum of 5,000 gross square feet of floor area.

2. *Restaurant with Bar.*

- a. *Definition.* An area kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and has food available for service during all times that alcoholic beverages are sold, and wherein there is a fixed or permanent barrier to ensure separation between the bar/lounge area and the dining area sufficient to exclude minors from the bar/lounge area. See HMC 4.36.
- b. *Standards.* Restaurants with bars shall comply with requirements related to operational characteristics such as alcohol and liquor uses, gaming establishments, live entertainment, outdoor dining, and other applicable standards; Title 4 requirements, and the following standards.
  - i. Hours of Operation. The hours of operation shall be limited to between 6:00 a.m. and 2:00 a.m. unless authorized through CUP approval in consideration of residential compatibility due to aspects such as the location of building ingress and egress, setbacks, parking locations, and loading zones.
  - ii. Minimum Dining Area. A minimum of 50 percent of the net floor area of the premises occupied by the restaurant with bar (excluding cooking, food preparation, office, storage, restroom, and outdoor seating areas) shall be designated as dining area.

- iii. Required Seating Capacity. The actual seating available at all times within the indoor dining area must be able to accommodate a minimum of 100 persons.
- iv. Bar Enclosure. The bar area may not be fully enclosed (by use of full walls or other separation methods) with only an access door provided between it and the dining area. A maximum 42-inch tall wall may be utilized to separate the bar from the dining area, or other height to accommodate seating areas as determined by the Community Development and Services Director.
- v. Any use that includes Restricted Gaming shall comply with the standards in Section TBD, Restricted Gaming, and Title 4.32.
- vi. CO District. Limited to facilities serving employees of office development in the district located in a building with another principal use with no entrance leading directly to the outside, without a freestanding sign, and occupying less than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less, unless approved with CUP approval.
- vii. IP District. Allowed only as an accessory use with a maximum size of 25 percent of a building's gross floor area.
- viii. PS District. Allowed only as accessory to a cultural, educational, medical, civic institution, or recreational facility and are limited to a maximum of 5,000 gross square feet of floor area.

### 3. *Tavern.*

- a. *Definition.* An establishment primarily engaged in selling or serving alcoholic beverages at retail by the drink to the general public for on-premises consumption.
- b. *Standards.* Taverns shall comply with requirements related to operational characteristics such as alcohol and liquor uses, gaming establishments, live entertainment, outdoor dining, and other applicable standards; Title 4 requirements, and the following standards.
  - i. Objective. The health, safety, morals, and welfare of the inhabitants of the City are best promoted and protected by requiring a separation between individual taverns and established residential areas.

ii. Separation Distance Requirements.

- (a) Unless exempted in Section TBD, Exemptions, a tavern use shall be located a minimum of 2,000 feet from another existing or approved tavern use, regardless of the jurisdiction where located.
- (b) The approving body shall consider location to existing residential dwellings and compatibility with the surrounding neighborhood in their decision on a CUP application for a tavern use located within 500 feet of a residential dwelling.
- (c) Nothing in this Section shall be construed to authorize a proposed tavern use simply because a proposed tavern use may comply with the minimum separation requirements. The City retains all discretion to approve or deny a tavern use.

iii. Exemptions. The following taverns are exempted from the standards of this Section:

- (a) Lawfully-established taverns in existence prior to July 3, 2001, unless the use is discontinued for a period of six months or more.
- (b) Taverns located within a resort hotel or a nonrestricted gaming establishment.

iv. Any use that includes Restricted Gaming shall comply with the standards in Section TBD, Restricted Gaming, and Title 4.32.

4. *Beer or Wine Lounge.*

- a. *Definition.* A place where the primary business is the service or sale of wine, beer, and similar beverages (but not including alcoholic liquors) at retail either by the glass or the bottle to the general public for consumption in a lounge setting. Retail sale of beverages for off-premises consumption is permitted as an accessory use. This use includes tasting rooms and craft- and micro-breweries where production or distilling, food service, and retail sales are subordinate to the sale of beverages for on-site consumption.
- b. *Standards.* Beer and wine lounges shall comply with requirements related to operational characteristics such as alcohol and liquor uses, gaming

establishments, live entertainment, outdoor dining, and other applicable standards; Title 4 requirements, and the following standards.

i. All Establishments.

- (a) The hours of operation shall be limited to between 11:00 a.m. and 2:00 a.m. unless the wine or beer lounge is an accessory use in which case the beer or wine lounge shall be operated only during the hours of operation of the primary business.
- (b) Slot machines (gaming devices) are prohibited.
- (c) Service to tables/lounge area is required.
- (d) Bar seating is prohibited.

ii. Accessory Use to a Primary Business. A beer or wine lounge is permitted as an accessory use to an approved Category I or II use, or a use approved by the Commission, subject to the standards applicable to all establishments above and the following:

- (a) Total square footage to be used for serving beer or wine shall be limited to 25 percent of the net floor area (not including offices, restrooms and storage area) or 1000 square feet, whichever is less.

I. Farmer's Markets.

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

2. *Standards.*

- a. *Management Plan.* A management plan shall be prepared and provided to the Community Development and Services Director. The management plan shall include the following:

- i. Identification of a market manager or managers, who shall be present during all hours of operation.
- ii. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.

- b. *Hours of Operation.* Market activities may be conducted between the hours of 7:00 a.m. and 10:00 p.m. with specific hours and duration to be approved by the City. Set-up of market operations cannot begin more than two hours prior to the operational hours of the market and take-down shall be completed within two hours of the close of the market.
- c. *Waste Disposal.* Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

J. Financial Institution.

1. *Banks and Credit Unions.*

- a. *Definition.* Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This use type includes those institutions whose primary service is the exchange of currency, including banks, credit unions, and other establishments engaged in the onsite circulation of cash money, but does not include bail-bond brokers or check-cashing services.

2. *Check-Cashing, Deferred-Deposit Service, and/or Vehicle Title Loan Facility.*

a. *Definition.*

- i. “Check Cashing” is any person(s) or establishment engaged in the business of cashing checks or accepting deferred deposits for a fee, service charge, or other consideration. Such uses are not licensed banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.

- ii. “Deferred Deposit” is any person or establishment offering a transaction in which, per a written agreement: 1) a customer tenders to a person a personal check drawn upon the account of the customer; and 2) the service provides to the customer an amount of money that is equal to the face value of a check, less any fee charged for the transaction, and agrees not to cash the check for a specified period. Deferred-deposit services are not licensed banks, trust companies, savings and loan associations, credit unions, development

corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.

- iii. “Vehicle Title Loan” is a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself.

b. *Standards.*

- i. Purpose. The purpose of regulating such uses is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of check-cashing, deferred-deposit, and/or vehicle title loan services that may result in the displacement of other necessary commercial and financial services.
- ii. Minimum Size. The building or portion thereof that is dedicated to the check-cashing, deferred-deposit service, and/or vehicle title loan use shall have a minimum of 1,500 square feet of building floor area.
- iii. Separation Requirements. The following distance requirements shall be applied to all locations:
  - (a) Check-Cashing, deferred-deposit service, and/or vehicle title loan facilities shall be located a minimum of 1,000 linear feet from any other check-cashing, deferred-deposit service, and/or vehicle title loan use.
  - (b) Check-Cashing, deferred-deposit service, and/or vehicle title loan facilities shall be located a minimum of 200 feet from any parcel with a residential land use designation as depicted in the Comprehensive Plan.
  - (c) In cases where the check-cashing, deferred-deposit, and/or vehicle title loan use is located at a counter or space within another business (e.g. convenience store, grocery store, executive office), the term “facility” shall mean the entire space of the businesses combined.
  - (d) Distance separation requirements may be waived or reduced through CUP approval when the approving body finds that the reduction will not compromise the aforementioned purpose and

the general intent of this Code to protect the public health, safety, and general welfare of the City.

- iv. Building Design. The building design shall be compatible with the surrounding area in terms of building materials, massing, and architectural style. Bright and/or fluorescent colors are prohibited as a principal exterior building color, but may be used as accent colors.
- v. Temporary Signs. Temporary signs are only permitted as described within Section TBD, Temporary Signs, and must receive prior approval.
- vi. Vehicle Title Loan Facilities. No vehicles may be stored at the location of a vehicle title loan facility.

K. Fleet-Based Services.

- 1. *Definition*. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.
- 2. *Standards*.
  - a. Fleet-based services involving emergency response shall front or have direct access to an arterial street as designated on the Master Transportation Plan.
  - b. The City may apply limits to maximum vehicle speeds, use of sirens, number of vehicles or other potential health and safety impacts.

L. Food Preparation.

- 1. *Definition*. Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, retail bakeries, and small-scale specialty food production.

M. Funeral and Interment Service.

- 1. *Definition*. Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead other than in cemeteries or religious assembly uses. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial or cremation, crematoriums, and columbariums.



2. *Standards.*

- a. Crematoriums must be separated a minimum of 1,500 feet from residential districts.
- b. *CC and CH Districts.* Limited to mortuaries. Cremation is not allowed.
- c. *PS District.* Allowed only as accessory to a cemetery.

N. Gaming Establishment.

1. *Nonrestricted Gaming.*

- a. *Definition.* The operation of 16 or more slot machines, gaming devices, or live games.
- b. *Standards.*
  - i. New nonrestricted gaming establishments may only be established as part of a resort hotel per Section TBD, Resort Hotel.
  - ii. Existing nonrestricted establishments and those approved for development by the Council prior to July 21, 1998, may only be altered subject to CUP approval, requirements in HMC Section 4.32.350.B, and design review.

2. *Restricted Gaming.*

- a. *Definition.* The operation of 15 or fewer slot machines that are incidental to the primary business at the establishment wherein the slot machines are to be located regardless of ownership of the slot machines; or as may be amended from time to time by the State in NRS Chapter 463. Restricted gaming facilities must comply with Title 4.32.
- b. *Standards.* An establishment which is licensed to sell alcoholic beverages at retail by the drink to the general public shall comply with the following standards.
  - i. 1-5 Slot Machines (Restaurant with Bar).
    - (a) Restaurant with bar use shall be subject to the standards in Section TBD with the addition that all slot machines must be embedded in the bar top;
    - (b) All other restricted gaming locations shall be required to comply with the minimum State standards as stated in NRS 463.161

(regardless of the effective date) with the addition that all slot machines must be embedded in the bar top.

ii. 6-15 Slot Machines (Tavern).

- (a) The establishment shall be primarily engaged in the service of meals with selling or serving alcoholic beverages at retail by the drink to the general public for on-premises consumption;
- (b) The establishment shall contain a permanent physical bar per NRS 463.161 (regardless of the effective date);
- (c) A minimum of eight slot machines must be embedded in the bar top. If less than eight, all slot machines must be embedded in the bar top;
- (d) The establishment shall contain a restaurant which:
  - (1) Serves meals ordered by patrons from tables or booths;
  - (2) Includes an indoor dining area with seating for at least 75 persons (25 of the seats may include table or booth seating within the bar area) in a room separate from the on-premise kitchen. The stools or chairs at the bar and outdoor dining area may not be counted;
  - (3) Includes a kitchen which is operated between the hours of 6 a.m. and 2 a.m.; and
  - (4) Complies with HMC Chapter 4.36.
- (e) The bar area may not be fully enclosed (by use of full walls or other separation methods) with only an access door provided between it and the dining area. A maximum 42-inch tall wall may be utilized to separate the bar from the dining area, or other height to accommodate seating areas as determined by the Community Development and Services Director.

O. Hookah/Smoking Lounge.

- 1. *Definition.* Any business which primarily serves tobacco or non-tobacco products (e.g., fruit, vegetables) whereby patrons, who are 18 years of age or older, share the tobacco or non-tobacco products from a communal hookah, water pipe, or similar device. The business may also sell non-alcoholic beverages and snacks. A hookah, water pipe, or

similar device may not be used as a primary or ancillary use where minors are allowed. A hookah, hooka, or shisha is a single- or multi-stemmed water pipe for smoking.

2. *Standards.* The sale of alcohol shall only be allowed as part of an approved restaurant with bar, tavern, or beer or wine lounge tavern.

P. Instructional Service.

1. *Definition.* Provision of instructional services or facilities including photography, crafts, dance or music studios, driving schools, hypnotherapy (not in conjunction with a medical office), palmistry and fortune telling, karate schools, and similar instructional services, diet centers, fitness studios, health clubs, spas, yoga studios, and weight-reduction establishments.
2. *Standards.*
  - a. *CO and CT Districts.* Limited to health clubs, spas, and weight-reduction establishments.
  - b. *PS District.* Allowed only in conjunction with a hospital, school, park, or religious assembly.

Q. Laboratory.

1. *Definition.* Establishments providing medical or dental laboratory services or small-scale establishments providing photographic, analytical, or testing services within a building or portion of a building of 5,000 square feet or less. Other laboratories are classified as "Industry, Research and Development."

R. Maintenance and Repair Service.

1. *Definition.* Establishments providing appliance repair, office machine repair, furniture upholstery, or building maintenance services, but not including maintenance and repair of vehicles.

S. Marijuana Establishment.

1. *Marijuana, Cultivation Facility.*
  - a. *Definition.* Means an enclosed facility that acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to marijuana dispensaries; facilities for the production of edible marijuana products or marijuana-infused products; or other marijuana cultivation facilities, as defined in NRS Chapter 453A, as may be amended or renumbered.

b. *Standards.* All marijuana cultivation facilities shall comply with the following standards.

- i. Purpose and Intent. The purpose and intent of this Section is to provide a procedure for the regulations of marijuana establishments within the City. These regulations are in addition to the regulations of Title 4 of the HMC, Business Regulations and Licenses, and provide all land use regulations for marijuana establishments.
- ii. Distance Limitations. Marijuana establishments shall meet the minimum separation requirements of Table TBD, Marijuana Establishments, Minimum Separation.

**TABLE TBD: MARIJUANA ESTABLISHMENTS, MINIMUM SEPARATION**

Marijuana Establishment	Protected Use (1) (2)			Dispensary
	School (3)	Community Facility	Public Park or Playground (4)	
Cultivation Facility	1,000 feet	300 feet	1,000 feet	
Dispensary	1,000 feet	300 feet	1,000 feet	5,280 feet (5)
Infusion or Manufacturing	1,000 feet	300 feet	1,000 feet	
Independent Testing Laboratory	1,000 feet	300 feet	1,000 feet	

(1) The separation from a marijuana establishment to a protected use is for a protected use that existed or occupied on the date on which the application for the marijuana establishment was submitted to the State of Nevada.

(2) Distance shall be measured as the shortest straight line between the front door of the building of the proposed marijuana establishment to the property line of the protected use. If both the proposed marijuana establishment and the protected use are tenants within a commercial or industrial development and located on the same parcel of property, the distance shall be measured as the shortest straight line distance between the front door of the building of the proposed marijuana establishment to the closest exterior wall(s) of the building or portion thereof of the protected use.

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

(4) For purposes of this Section, "public park or public playground" includes privately owned and/or maintained parks that are made available for public purposes.

(5)

- This distance separation does not apply to medical and recreational dispensaries under the same ownership, within the same tenant space.
- Distance separation between marijuana dispensaries shall be measured as the shortest straight line between the closest exterior walls of the building or portion thereof of the proposed marijuana dispensary to the closest exterior walls of the building or portion thereof of the established marijuana dispensary. This distance may be waived by the Council, if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such

**TABLE TBD: MARIJUANA ESTABLISHMENTS, MINIMUM SEPARATION**

Marijuana Establishment	Protected Use (1) (2)			Dispensary
	School (3)	Community Facility	Public Park or Playground (4)	

separation requirements will not compromise the general intent of this Code to protect the public health, safety and general welfare of the citizens of the City.

- iii. Permanent Building Required. Marijuana establishments shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.
- iv. Outdoor Storage Prohibited. Outdoor storage, including the use of cargo/shipping containers for on-site storage.
- v. CUP Approval.
  - (a) Approval of a CUP does not guarantee approval of a business license.
  - (b) The CUP shall lapse without further action if the use ceases for a period exceeding 90 days.
- vi. Emissions. There shall be no emission of dust, fumes or vapors into the environments from the facility. The air filtration system shall be designed by a Nevada licensed engineer and shall be installed prior to certificate of occupancy. The ventilation system shall be designed so that the odor of marijuana cannot be detected by a person with normal sense of smell at the exterior of the marijuana business or at any adjoining use or property. The existence of a detectable odor shall be determined by measuring the concentration of cannabis terpenes in compliance with the City's marijuana odor policy.
- vii. Retail Sales Prohibited. There shall be no retail sales at the cultivation facility.
- viii. Minimum Square Footage. Marijuana cultivation facilities shall be a minimum of 5,000 gross square feet in size.

2. *Marijuana, Infusion or Manufacturing Facility.*

- a. *Definition.* An enclosed facility and entity licensed by the State of Nevada Department of Taxation to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
- b. *Standards.* All infusion or manufacturing facilities shall comply with the following standards.
  - i. Purpose and Intent. The purpose and intent of this Section is to provide a procedure for the regulations of marijuana establishments within the City. These regulations are in addition to the regulations of Title 4 of the HMC, Business Regulations and Licenses, and provide all land use regulations for marijuana establishments.
  - ii. Distance Limitations. Marijuana establishments shall meet the minimum separation requirements of Table TBD, Marijuana Establishments, Minimum Separation.

**TABLE TBD: MARIJUANA ESTABLISHMENTS, MINIMUM SEPARATION**

Marijuana Establishment	Protected Use (1) (2)			Dispensary
	School (3)	Community Facility	Public Park or Playground (4)	
Cultivation Facility	1,000 feet	300 feet	1,000 feet	
Dispensary	1,000 feet	300 feet	1,000 feet	5,280 feet (5)
Infusion or Manufacturing	1,000 feet	300 feet	1,000 feet	
Independent Testing Laboratory	1,000 feet	300 feet	1,000 feet	

(1) The separation from a marijuana establishment to a protected use is for a protected use that existed or occupied on the date on which the application for the marijuana establishment was submitted to the State of Nevada.

(2) Distance shall be measured as the shortest straight line between the front door of the building of the proposed marijuana establishment to the property line of the protected use. If both the proposed marijuana establishment and the protected use are tenants within a commercial or industrial development and located on the same parcel of property, the distance shall be measured as the shortest straight line distance between the front door of the building of the proposed marijuana establishment to the closest exterior wall(s) of the building or portion thereof of the protected use.

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

(4) For purposes of this Section, "public park or public playground" includes privately owned and/or maintained parks that are made available for public purposes.

(5)

**TABLE TBD: MARIJUANA ESTABLISHMENTS, MINIMUM SEPARATION**

Marijuana Establishment	Protected Use (1) (2)			Dispensary
	School (3)	Community Facility	Public Park or Playground (4)	

- This distance separation does not apply to medical and recreational dispensaries under the same ownership, within the same tenant space.
- Distance separation between marijuana dispensaries shall be measured as the shortest straight line between the closest exterior walls of the building or portion thereof of the proposed marijuana dispensary to the closest exterior walls of the building or portion thereof of the established marijuana dispensary. This distance may be waived by the Council, if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such separation requirements will not compromise the general intent of this Code to protect the public health, safety and general welfare of the citizens of the City.

iii. Permanent Building Required. Marijuana establishments shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.

iv. Outdoor Storage Prohibited. Outdoor storage, including the use of cargo/shipping containers for on-site storage.

v. CUP Approval.

(a) Approval of a CUP does not guarantee approval of a business license.

(b) The CUP shall lapse without further action if the use ceases for a period exceeding 90 days.

vi. Minimum Square Footage. Marijuana infusion or manufacturing facilities shall be a minimum of 1,400 gross square feet in size.

vii. Retail Sales Prohibited. There shall be no retail sales at the facility.

3. *Marijuana, Independent Testing Laboratory.*

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

b. *Standards.* All independent testing laboratory facilities shall comply with the following standards.

- i. Purpose and Intent. The purpose and intent of this Section is to provide a procedure for the regulations of marijuana establishments within the City. These regulations are in addition to the regulations of Title 4 of the HMC, Business Regulations and Licenses, and provide all land use regulations for marijuana establishments.
- ii. Distance Limitations. Marijuana establishments shall meet the minimum separation requirements of Table TBD, Marijuana Establishments, Minimum Separation.

**TABLE TBD: MARIJUANA ESTABLISHMENTS, MINIMUM SEPARATION**

Marijuana Establishment	Protected Use (1) (2)			Dispensary
	School (3)	Community Facility	Public Park or Playground (4)	
Cultivation Facility	1,000 feet	300 feet	1,000 feet	
Dispensary	1,000 feet	300 feet	1,000 feet	5,280 feet (5)
Infusion or Manufacturing	1,000 feet	300 feet	1,000 feet	
Independent Testing Laboratory	1,000 feet	300 feet	1,000 feet	

(1) The separation from a marijuana establishment to a protected use is for a protected use that existed or occupied on the date on which the application for the marijuana establishment was submitted to the State of Nevada.

(2) Distance shall be measured as the shortest straight line between the front door of the building of the proposed marijuana establishment to the property line of the protected use. If both the proposed marijuana establishment and the protected use are tenants within a commercial or industrial development and located on the same parcel of property, the distance shall be measured as the shortest straight line distance between the front door of the building of the proposed marijuana establishment to the closest exterior wall(s) of the building or portion thereof of the protected use.

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

(4) For purposes of this Section, "public park or public playground" includes privately owned and/or maintained parks that are made available for public purposes.

(5)

- This distance separation does not apply to medical and recreational dispensaries under the same ownership, within the same tenant space.
- Distance separation between marijuana dispensaries shall be measured as the shortest straight line between the closest exterior walls of the building or portion thereof of the proposed marijuana dispensary to the closest exterior walls of the building or portion thereof of the established marijuana dispensary. This distance may be waived by the Council, if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such separation requirements will not compromise the general intent of this Code to protect the public health, safety and general welfare of the citizens of the City.



- iii. Permanent Building Required. Marijuana establishments shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.
- iv. Outdoor Storage Prohibited. Outdoor storage, including the use of cargo/shipping containers for on-site storage.
- v. CUP Approval.
  - (a) Approval of a CUP does not guarantee approval of a business license.
  - (b) The CUP shall lapse without further action if the use ceases for a period exceeding 90 days.
- vi. Emissions. There shall be no emission of dust, fumes or vapors into the environments from the laboratory.
- vii. Retail Sales Prohibited. There shall be no retail sales at the laboratory.

4. *Medical Marijuana, Dispensary.*

- a. *Definition.* A business that is registered with the State of Nevada Department of Taxation per NRS 453A.322, as may be amended or renumbered; and acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card or to another medical marijuana dispensary.
- b. *Standards.* All medical marijuana dispensary facilities shall comply with the following standards.
  - i. Purpose and Intent. The purpose and intent of this Section is to provide a procedure for the regulations of marijuana establishments within the City. These regulations are in addition to the regulations of Title 4 of the HMC, Business Regulations and Licenses, and provide all land use regulations for marijuana establishments.
  - ii. Distance Limitations. Marijuana establishments shall meet the minimum separation requirements of Table TBD, Marijuana Establishments, Minimum Separation.

**TABLE TBD: MARIJUANA ESTABLISHMENTS, MINIMUM SEPARATION**

Marijuana Establishment	Protected Use (1) (2)			Dispensary
	School (3)	Community Facility	Public Park or Playground (4)	
Cultivation Facility	1,000 feet	300 feet	1,000 feet	
Dispensary	1,000 feet	300 feet	1,000 feet	5,280 feet (5)
Infusion or Manufacturing	1,000 feet	300 feet	1,000 feet	
Independent Testing Laboratory	1,000 feet	300 feet	1,000 feet	

(1) The separation from a marijuana establishment to a protected use is for a protected use that existed or occupied on the date on which the application for the marijuana establishment was submitted to the State of Nevada.

(2) Distance shall be measured as the shortest straight line between the front door of the building of the proposed marijuana establishment to the property line of the protected use. If both the proposed marijuana establishment and the protected use are tenants within a commercial or industrial development and located on the same parcel of property, the distance shall be measured as the shortest straight line distance between the front door of the building of the proposed marijuana establishment to the closest exterior wall(s) of the building or portion thereof of the protected use.

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

(4) For purposes of this Section, “public park or public playground” includes privately owned and/or maintained parks that are made available for public purposes.

(5)

- This distance separation does not apply to medical and recreational dispensaries under the same ownership, within the same tenant space.
- Distance separation between marijuana dispensaries shall be measured as the shortest straight line between the closest exterior walls of the building or portion thereof of the proposed marijuana dispensary to the closest exterior walls of the building or portion thereof of the established marijuana dispensary. This distance may be waived by the Council, if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such separation requirements will not compromise the general intent of this Code to protect the public health, safety and general welfare of the citizens of the City.

iii. Permanent Building Required. Marijuana establishments shall be located in a permanent building and shall not be located in a trailer, cargo/shipping container or motor vehicle.

iv. Outdoor Storage Prohibited. Outdoor storage, including the use of cargo/shipping containers for on-site storage.

v. CUP Approval.

- (a) Approval of a CUP does not guarantee approval of a business license.
  - (b) The CUP shall lapse without further action if the use ceases for a period exceeding 90 days.
- vi. All Districts. The following standards apply to medical marijuana dispensaries in all districts.
  - (a) Hours of Operation. Hours of operation are limited to between the hours of 8:00 am and 11:00 pm, unless extended through the CUP approval.
  - (b) Drive-through Prohibited. Drive-through services are prohibited.
  - (c) Emissions. There shall be no emission of dust, fumes or vapors into the environment from the facility.
  - (d) Minimum Square Footage. Medical marijuana facilities shall be a minimum of 1,400 gross square feet in size.
  - (e) Outdoor Seating Prohibited. Outdoor seating is prohibited.
  - (f) Outdoor Display Prohibited. There shall be no outdoor display of merchandise or merchandise visible from the outside of the establishment.
  - (g) Windows. Windows in common customer space must remain unobstructed, allowing visibility into the facility. Window tint, decals and signage of any kind is prohibited.
- vii. MC and MR Districts. In the MC and MR Districts, dispensaries shall be located in a freestanding building or in a building with attached lease space on one or more sides, and without a residential unit.
- viii. Industrial Districts. The following additional standards apply to medical marijuana dispensaries in industrial districts.
  - (a) Dispensaries may be permitted in the same building in conjunction with a cultivation site under the same ownership or management.

- (b) Stand-alone medical dispensaries shall only be permitted within buildings that contain multiple tenant spaces designed with retail/office storefronts, located on arterial roadways as designated by the Master Transportation Plan.

5. *Retail Marijuana, Dispensary.*

- a. *Definition.* A business that is registered with 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.
- b. *Standards.* A retail marijuana dispensary shall only be in conjunction with a medical marijuana dispensary at the same location. All standards applicable to medical marijuana dispensaries shall be met.

T. Mini-Storage Facility.

- 1. *Definition.* Provision of storage space for goods within an enclosed building with direct access to individual storage spaces.
- 2. *Standards.*
  - a. *All Nonresidential Districts.*
    - i. All mini-storage facilities shall provide minimum 32-foot-wide drive aisles between all buildings and adjacent to all building walls with storage compartment access doors.
    - ii. Caretaker's quarters shall be provided unless waived through CUP approval. Where provided, caretaker's quarters shall be incorporated into and occupy space on the premises of the mini-storage facility. No freestanding caretaker's quarters are permitted within the IP district.
    - iii. Mini-storage facility shall include a single 500-square-foot (minimum) landscaped private recreation area within the mini-storage project adjacent to the caretaker's quarters for exclusive use by resident manager/caretaker. The landscaped recreation area shall include a minimum of one large shade tree installed at 24-inch-box size, shrubs, and recreation equipment as approved by the Community Development and Services Director. Recreation equipment shall consist of picnic

table and barbecue facilities or other comparable equipment for use by the resident manager.

- iv. All buildings in the mini-storage facility shall be architecturally compatible with the surrounding uses. Architectural compatibility shall be measured as follows:
  - (a) Projects constructed abutting residential or public/semipublic zoning shall display roof design, wall relief features, and colors commonly found in residential construction;
  - (b) Projects abutting commercial or industrial districts may employ more rigid lines and features;
  - (c) Where a project abuts existing residences or land that is planned for residential uses, the residential compatibility requirement shall control;
  - (d) For facilities proposed within existing commercial/shopping centers, the design standards of Section TBD shall control, with special attention given to adhering to any established architectural styles or themes within the center, which may negate the requirement for a sloped/tile roof.
- v. Hours of public access to mini-storage units abutting one or more residential districts shall be restricted to the period from 6:00 a.m. to 10:00 p.m. daily.
- vi. All setbacks abutting residentially-zoned parcels shall be landscaped consistent with Section TBD, Landscaping.
- vii. Rear and side building setbacks may be reduced to zero feet for single-story buildings when adjacent to commercial or industrial districts.
- viii. Mini-storage uses shall provide a decorative perimeter wall with a maximum height of eight feet, up to 12 feet under certain circumstances where additional height is required to secure storage areas.
- ix. Perimeter walls shall comply with the fence/wall appearance standards in Section TBD, Dumpster Screening.

- x. This use may include outdoor vehicle storage not to exceed a maximum of 20 percent of the site. Where greater than 20 percent of the site is allocated to vehicle storage, the vehicle storage must be treated as a separate use.
  - xi. All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of eight feet, constructed in compliance with the standards in Section TBD, Dumpster Screening. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
  - xii. The storage of hazardous materials shall comply with the standards in Section TBD, Hazardous Material Storage.
  - xiii. Additional Standards Applicable in the CN District.
    - (a) Mini-storage buildings shall be limited to one story, except for the office and caretaker's quarters or as modified through CUP approval.
    - (b) No outdoor vehicle storage shall be permitted.
    - (c) No storage or rental of vehicles or equipment utilized for moving shall be permitted.
- b. *RM-16, RH-24, and RH-36 Districts.*
- i. Mini-storage facilities are prohibited in developments that include single-family detached and single-family attached dwelling units.
  - ii. Mini-storage facilities within multifamily developments shall be allowed only in locations that meet the following criteria:
    - (a) The development is located within one-half mile of a college and/or university as defined by NRS Section 394.103 and NRS Section 385.007; or
    - (b) The development has at least 500 feet of frontage along a right-of-way with a width of 200 feet or greater.
  - iii. Shall be prohibited when adjacent to a lower-density residential district.

- iv. Mini-storage facility shall be limited to a maximum height of eight feet if the roof is flat and 12 feet if roof is pitched unless exempted from the height requirement in this Code.
- v. A manager or security official shall remain onsite 24-hours, seven days a week. A manager/security quarters may be permitted within a unit of the multifamily buildings.
- vi. A maximum of five percent of the site may be allocated for the mini-storage use.
- vii. Mini-storage facilities shall be compatible in design, materials, scale, and roofline architecture with the multifamily buildings.
- viii. The development shall have frontage along an arterial or collector street as identified in the Master Transportation Plan.
- ix. Mini-storage uses shall be setback a minimum five feet from all property lines, and a minimum of 25-feet from residential buildings.
- x. A minimum five-foot landscape buffer shall be provided between the mini-storage uses and multifamily buildings.
- xi. Hours of public access to mini-storage units shall be restricted to the period from 9:00 a.m. to 5:00 p.m. daily.
- xii. No outdoor vehicle storage shall be permitted.

U. Mobile Vendor.

- 1. *Definition.* A self-contained truck or trailer or non-motorized push cart that is readily movable without disassembling, and is used to sell merchandise, prepare and serve food and beverages, or provide other services.
- 2. *Standards.*
  - a. *Location.* Mobile vendors may only operate in mixed-use and nonresidential districts. Mobile vendor vehicles shall not be permitted as a permanent or proprietary location on any property within the City. Vehicles shall not be left unattended at any time, or be left onsite when inactive, or stored overnight.
  - b. *Number.* Maximum one mobile vendor per day per lot.
  - c. *Duration.* Maximum four hours per day per lot. No lot may have a mobile vendor onsite for more than 90 days total in any 12-month period.

- d. *Allowed Products.* Operations are limited to the sales of food and beverages for immediate consumption.
- e. *Vehicle and Parking Requirements.*
  - i. Allowed Vehicles. Operations shall only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and Health Department approvals. Other types of food vending from a temporary structure such as a push cart, standalone trailer, or kiosk are not allowed under this Code.
  - ii. Displaced Parking. Mobile vendors may displace up to three required parking spaces for a maximum of four hours per day per parking lot. Required parking spaces for an existing use may be displaced if the existing use is not open during the vending period.
  - iii. Paving. Mobile vendor vehicles shall only be stopped or parked on surface paved with concrete, asphalt, or another surface approved by the Community Development and Services Director.
- f. *Obstructions.* Mobile vendor location and operations, including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans with Disabilities Act.
- g. *Nuisance.* Mobile vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.
- h. *Modifications.* Modifications to the standards of this Section may be approved consistent with Chapter TBD, Modifications.

V. Office.

1. *Business and Professional.*

- a. *Definition.* Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, computer



software consulting, data management, call centers, engineering, interior design, graphic design, real estate, insurance, investment, and legal offices, but not including banks and savings and loan associations. This includes establishments providing travel information and travel reservations to individuals and businesses, but not car-rental agencies and reservation services that do not make travel arrangements as a primary function of their operation.

- b. *Standards.* In the CA District, business and professional offices are allowed only on the site of an when directly associated with a car dealership.

2. *Medical.*

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

- b. *Standards.*

- i. PS District. Medical offices are allowed as conditional uses only when ancillary to a primary use, except that they are permitted by right when ancillary to a hospital. When located on the site of a school, medical offices shall be only open to students and faculty/staff and shall be open no more than two hours before ad/or after scheduled school times.

- ii. Surgical Recovery Centers. Surgical recovery centers are considered an ancillary use to medical office since they contain suites where medically stable guests can recover after surgical procedures for a short time (typically 2-3 days) with medical supervision. Family members may visit without visiting hour restrictions unless restricted through the project's entitlement approvals. Surgical recovery centers ancillary to medical offices shall be limited to the following.

- (a) Six or fewer suites.
- (b) Maximum length of stay of five days.
- (c) One overnight guest per patient.

W. Pawnshop.

1. *Definition.* Establishments engaged in the buying or selling of new or secondhand merchandise, and offering loans secured by personal property.
2. *Standards.* Pawnshops shall be licensed in compliance with requirements in HMC Chapter 4.64 and comply with the following standards.
  - a. *Pawnshops with Vehicles.*
    - i. Maximum Number. A maximum of one pawnshop with vehicles is allowed within any single industrial center, which must be located at the intersection of two or more major arterial streets.
    - ii. Allowed Sales. A dealer may only sell unredeemed pawned vehicles. The sale of new or other used vehicles is prohibited.
    - iii. Parking. The applicant must demonstrate that the minimum amount of off-street parking required by this Code will be provided for all uses, and a plan must be submitted to show the location for stored pawned vehicles.
  - b. *Additional Standards Applicable to Pawnshops in the CC and CH Districts.*
    - i. At least 50 percent of the public space in the store shall be dedicated to the display of items for sale.
    - ii. Sale or display of firearms is prohibited.
    - iii. A maximum of one pawnshop is allowed within any single commercial center, which must be located at the intersection of two or more major arterial streets.

X. Personal Service.

1. *General.*
  - a. *Definition.* Provision of frequently needed services of a personal nature, such as: barber and beauty shops, tanning booths/salons, photographic studios, seamstresses, tailors, shoe repair shops, laundry and dry-cleaning drop-off/pick-up facilities (no dry cleaning performed on the premises), and self-service laundries (laundromats).
  - b. *Standards.*

- i. CO District. Self-service laundries (laundromats) are not an allowed use.
- ii. CT District. Self-service laundries (laundromats) require CUP approval.

2. *Dry-Cleaning Agency.*

- a. *Definition.* Dry-cleaning agencies perform dry cleaning on the premises for retail customers only. Such use types do not include commercial laundries.
- b. *Standards.*
  - i. CO District. Limited to facilities serving employees of office development in the district located in a building with another principal use with no entrance leading directly to the outside, without a freestanding sign, and occupying less than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less, unless approved with CUP approval.
  - ii. CN, CC, CH, and CT Districts. Permitted by right only in freestanding buildings. CUP approval is required if located in a building with attached leased space on one or more sides.

3. *Massage.*

- a. *Definition.* Any fixed place of business where any individual, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on, or permits to be engaged in or conducted, for money or any other consideration, any massage or health treatments involving massages including, but not limited to, those businesses that provide massage accessory to their principal permitted use. The definition of massage and the regulations set forth in this Section do not apply to massage therapy performed by a person specified in NRS 640C.100(1)(a) if the massage therapy is performed in the course of the practice for which the person is licensed.
- b. *Standards.*
  - i. General Standards.
    - (a) HMC Requirements. All massage establishments shall conform to the requirements of HMC Chapter 4.84 for Massage Establishments.

(b) Hours of Operation. Massage establishment hours of operation shall be limited from 8:00 a.m. to 10:00 p.m.

(c) Location Requirements.

- (1) Massage establishments shall be located a minimum of 1,000 feet from any other massage establishment as measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed massage establishment and the occupied space of the nearest established or approved massage establishment.
- (2) The foregoing distance requirement may not be waived at any time.
- (3) Nothing in this Section shall be construed to authorize a proposed massage establishment simply because a proposed massage establishment may comply with the minimum separation requirement. The City retains all discretion to approve or deny a massage establishment use.

(d) Building Design.

- (1) Exterior windows shall not be tinted, covered, or blocked in such a manner to impede a view inside the massage establishment from the exterior. Establishment must comply with Title 4 standards regarding window tint and exterior reflectance percentages.
- (2) The establishment shall provide a waiting area for patrons separate from any area wherein massages are provided. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance.
- (3) Any cubicle, room, booth, or area within the massage establishment in which a massage may be given may not be fitted with a door capable of being locked.

- (e) Floor Plan Required. A detailed floor plan shall be submitted to Community Development at the time of licensing and building permit to show compliance with all requirements of this Code.

- ii. Enforcement Authority.

- (a) Any authorized representative of the City shall have access to every part and portion of the premises for which a CUP is issued under the provisions of this Section, at any time when such business is open for the transaction of business, and after regular business hours if business is still being conducted, for the purpose of determining that the provisions of this Chapter and Title 4 of the HMC are being complied with. It shall be unlawful for any person to fail to allow any authorized city representative access to the premises or to hinder such representative in any manner.
- (b) The CUP may be subject to revocation per Chapter TBD, Enforcement, in the event the massage establishment business license expires, is revoked, or is otherwise terminated.

- 4. Reflexology.

- a. Definition. Any establishment that involves the application of specific pressure by the use of the licensed practitioner's hands, thumbs, and fingers to reflex points in the client's hands, feet, or ears using alternating pressure, and such techniques as thumb walking, finger walking, hook and back up, and rotation on a reflex. This practice does not involve the removal of any clothes other than shoes or socks.

- b. Standards. Reflexology establishments shall comply with the following standards.

- i. General Standards.

- (a) HMC Requirements. All reflexology establishments shall conform to the requirements of HMC Chapter 4.85 for Reflexology.
- (b) Hours of Operation.

- (1) Reflexology establishment hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. or the hours of operation for the specific development, whichever is more restrictive. A CUP is required if requesting different hours of operation, and the applicant shall demonstrate how the modified hours are consistent and compatible to other uses within the same development and with uses on the surrounding properties.
- (2) The primary business of reflexology must be provided during all times the business is open.

(c) Location Requirements.

- (1) Reflexology establishments shall be located a minimum of 1,000 feet from any other reflexology establishment.
- (2) The foregoing distance requirements may be waived through the CUP only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.
- (3) Nothing in this Section shall be construed to authorize a proposed reflexology establishment simply because a proposed reflexology establishment may comply with the minimum separation requirement. The City retains all discretion to approve or deny a reflexology establishment use.

(d) Building Design.

- (1) Exterior windows shall not be tinted, covered, or blocked in such a manner to impede a view inside the reflexology establishment from the exterior.
- (2) The establishment shall provide a waiting area for patrons separate from any area wherein reflexology is provided. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance.
- (3) Reflexology shall not take place within an enclosed room. Individual reflexology areas may be defined by walls not taller than three feet in height, as measured from the finished floor.
- (4) A detailed floor plan shall be submitted to Community Development for review and approval at the time of licensing and building permit to show compliance with all requirements of this Code.

(e) CN, CC, CH, CT, CA, MC and MR Districts. Reflexology establishments may be permitted by right as an accessory use to a personal service use, hotel, resort hotel, beauty shop, fitness club, country club, golf course clubhouse, public or private recreation center, or a massage establishment, subject to the following:

- (1) Reflexology as an accessory use is limited to hours of operation between 8:00 a.m. to 10:00 p.m. A CUP is required if requesting different hours of operation and the applicant can demonstrate how the modified hours are consistent and compatible with the other uses within the same development and on the surrounding properties.
- (2) The use shall conform to the building design requirements of this Section.

ii. Enforcement Authority.

- (a) Any authorized representative of the City shall have access to every part and portion of the premises for which a CUP is issued under the provisions of this Section , at any time when such business is open for the transaction of business, and after regular business hours if business is still being conducted, for the purpose of determining that the provisions of this Chapter and Title 4 are being complied with. It shall be unlawful for any person to fail to allow any authorized city representative access to the premises or to hinder such representative in any manner.
- (b) The CUP may be subject to revocation consistent with Chapter TBD, Enforcement, in the event the reflexology establishment business license expires, is revoked, or is otherwise terminated.

5. *Tattoo and Body Alteration Studio.*

- a. *Definition.* Establishments offering permanent body art or coloring, establishments where decorations are inserted in human skin, and similar businesses whose primary function is permanent body alteration for nonsurgical purposes. Establishments engaged solely in ear piercing, establishments that provide permanent make-up, and medical offices are not included in this use type.
- b. *Standards.*
  - i. Required Separation. A tattoo and body alteration studio shall be located a minimum of 500 feet from any other tattoo and body alteration studio unless modified through the CUP approval.
  - ii. Hours of Operation. A tattoo and body alteration studio hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m. Tattoo and body alteration studio located within a regional mall shall be limited to the hours of operation for the regional mall and shall only have a storefront that is located facing internally to the regional mall.
  - iii. Alcohol Prohibited. No alcohol may be sold, consumed or purchased in any tattoo and body alteration studio.



- iv. Visibility. Storefront doors and windows shall not be tinted, covered or blocked in such a manner to impede a view inside the tattoo and body alteration studio from the exterior.
- v. Additional Standard Applicable in the CC District. Tattoo and body alteration studios located within a regional mall shall be limited to the hours of operation for the regional mall and shall only have a storefront that is located facing internally to the regional mall.

Y. Retail Sales and Service.

1. *General.*

- a. *Definition.* The retail sale or rental of merchandise not specifically listed under another use classification. This use type includes department stores, clothing stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, electronics sporting goods, kitchen utensils, hardware, appliances, art, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (but not including service and installation).
- b. *Standards.* In the CO District, general retail is limited to facilities serving employees of office development in the district located in a building with another principal use with no entrance leading directly to the outside, without a freestanding sign, and occupying less than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less, unless approved with CUP approval.

2. *Auction Facility.*

- a. *Definition.* An activity where goods, vehicles, equipment, or livestock are sold by auction within an enclosed building or structure or conducted outdoors.
- b. *Standards.*
  - i. Limitation. All activities shall be conducted within an enclosed building except in the IG District where outdoor auctions may be permitted with CUP approval.
  - ii. CC and CA Districts. Limited to vehicle or equipment auctions only allowed as accessory to vehicle sales and leasing.

3. *Building Materials.*

- a. *Definition.* Retailing, wholesaling, or rental of building supplies or equipment, or the provision of building construction-related services. This use type includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments exclusively devoted to retail sales of paint and hardware, and activities classified under "Vehicle/Equipment Sales and Services," including vehicle towing services.

4. *Convenience Market.*

- a. *Definition.* A small retail self-service store selling a limited line of fast-moving food and nonfood items, usually with extended hours of operation and usually with a high volume of customer traffic comprised of quick transactions of a small number of items.
- b. *Standards.*
  - i. Windows shall face all adjacent parking areas.
  - ii. All exterior doors shall be provided with individual light sources.
  - iii. Parking areas shall remain lit from dusk to dawn, subject to the lighting standards of Section TBD, Glare and Lighting.
  - iv. Vacuuming equipment shall be set back a minimum of 50 feet from any adjacent residential land use unless waived through CUP approval.
  - v. CO District. Limited to facilities serving employees of office development in the district located in a building with another principal use with no entrance leading directly to the outside, without a freestanding sign, and occupying less than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less, unless approved with CUP approval.

5. *Food and Beverage Sales, General.*

- a. *Definition.* Grocery stores, delicatessens, and similar commercial establishments engaged in retail sales of food and beverages for offsite preparation and consumption.

6. *Food and Beverage Sales, Liquor Store.*

- a. *Definition.* Retail establishments that sell alcoholic beverages for consumption off-premises as a primary use.
- 7. *Pharmacy.*
  - a. *Definition.* Stores or shops licensed by the Nevada Board of Pharmacy where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, dispensed or sold at retail, displayed for sale at retail, or where prescriptions are compounded or dispensed. This classification includes pharmacies owned or operated by the State of Nevada and political subdivisions and municipal corporations therein.
  - b. *Standards.* In the CO District, pharmacies are limited to facilities serving employees of office development in the district located in a building with another principal use with no entrance leading directly to the outside, without a freestanding sign, and occupying less than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less, unless approved with CUP approval.
- 8. *Plant Nursery.*
  - a. *Definition.* Any establishment(s) primarily engaged in retailing nursery products and garden supplies, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. Fertilizer of any type is stored and sold in package form only.
- 9. *Printing Service.*
  - a. *Definition.* A commercial establishment providing custom reproduction of written or graphic materials on a custom order or self-service basis. These use types typically provide photocopying, blueprint, and photo reproduction services, but do not include bulk or large-scale printing on presses, which is categorized as "limited industry."
- 10. *Rental Service.*
  - a. *Definition.* The rental of general merchandise and equipment primarily intended for homeowner use, including but not limited to clothing, electronics, videos, tools and garden equipment, furniture, household appliances, special occasion or seasonal items, and similar consumer goods. This use category does not include the rental, storage, or maintenance of large construction

equipment; such vehicles are restricted to the broader use category of “Vehicle/Equipment Sales and Rentals.”

b. *Standards.*

- i. The net site area shall not exceed two acres.
- ii. All maintenance of equipment must be conducted within a building.
- iii. All equipment shall be stored within an enclosed area or building.

11. *Secondhand Goods.*

- a. *Definition.* The retail sale or rental of used appliances, furniture, clothing, video games, and other merchandise by secondhand dealers. This use type does not include antique shops primarily engaged in the sale of used furniture and accessories, other than appliances, that are at least 60 years old, jewelry shops whose primary business is the sale of newly manufactured jewelry, auto dealers, pawnshops, used-book stores, used-baseball-card stores, and stamp-and similar-collectibles stores.
- b. *Standards.* No outdoor display, sales, or storage of any merchandise shall be permitted unless otherwise permitted through CUP approval.

12. *Smoke/Tobacco Shop.*

- a. *Definition.* Establishment in which sales of tobacco products such as cigarettes, cigars, chewing tobacco, snuff, pipe tobacco, dipping tobacco, bidis, and tobacco paraphernalia and accessories consist of 10 percent or more of the product display, sales, and storage areas of the space. Smoke/tobacco shop establishments include any person or business that operates a store, stand, booth concession, or other place at which the sales of tobacco products are made to purchasers for personal consumption. Smoke/tobacco shops shall prohibit minors to enter or remain upon the premises, unless the minor is accompanied by the minor’s parent/guardian.
- b. *Standards.* The purpose of regulating smoke/tobacco shops is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of smoke/tobacco shop establishments that may result in the displacement of other necessary commercial services. CUP approval is required subject to, but not limited to, the following standards:

- i. Smoke/tobacco shop establishments shall be located a minimum of 2,000 feet from any other smoke/tobacco shop establishment.
- ii. Smoke/tobacco shop establishments shall be located a minimum of 1,000 feet from any parcel where a school, park, or library are established or approved.
- iii. The distance requirements may be waived or reduced through CUP approval when the approving body finds that there is clear and convincing evidence that a waiver or reduction the separation requirement will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, a freeway, railroad, or other major roadway with a minimum width of a minor arterial, or a drainage facility or topographical feature that prevents vehicular and pedestrian access.
- iv. A smoke/tobacco shop establishment may not be located within the same shopping center or development as a use that provides primarily child-oriented services or goods (i.e. doctors office, day care, recreational centers, retail stores, etc.). Such previously established smoke/tobacco shop establishments shall be exempt.

13. *Swap Meet.*

- a. *Definition.* A location in which multiple vendors, dealers, sellers, or traders have rented, leased, purchased, or otherwise obtained an area from an operator or sponsor for the purpose of selling, bartering, exchanging, or trading new or used articles of personal property. The sale of merchandise may include secondhand items, specialty items, and hand-crafted items where the aggregate value of all such property exceeds the amount of one thousand dollars.
- b. *Standards.* No outdoor display, sales, or storage of any merchandise or equipment is permitted, except if outdoor activities have been approved through CUP approval or in connection with temporary activities that have been authorized by means of a temporary use permit.

Z. Sexually Oriented Business.

1. *Definition.* Adult bookstores, adult novelty businesses, adult video stores, adult motion picture theaters, adult video arcades, adult clubs, commercial adult establishments, escort services, nude modeling agencies, nude modeling studios, outcall promoters, and sex clubs. The terms within this definition are defined in Title 4 of the HMC.
2. *Standards.*
  - a. *Separation Requirements.*
    - i. The applicant shall provide evidence certified by a professional land surveyor licensed in the State of Nevada that the proposed sexually oriented business will be separated from other uses a minimum distance as follows:
      - (a) A minimum separation of 1,000 feet from the following:
        - (1) A child care facility;
        - (2) A religious assembly use;
        - (3) A property designated with a mixed-use zoning designation;
        - (4) A hospital;
        - (5) A school (public or private);
        - (6) A governmental office;
        - (7) A public park;
        - (8) A teenage dancehall;
        - (9) A teenage nightclub; and/or
        - (10) Another sexually oriented business.
      - (b) A minimum separation of 1,500 feet from a property with a residential land use category as designated by the Comprehensive Plan.
    - ii. The distance requirements may be waived or reduced through CUP approval when the approving body finds that there is clear and convincing evidence that a waiver or reduction the separation requirement will not compromise the purpose and the general intent of

this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City.

- b. *IG and IP Districts.* Sexually-oriented businesses are limited to adult bookstores, adult novelty businesses, and adult video stores as defined in HMC 4.110.010.
- c. *Other Requirements.*
  - i. The use shall conform to the requirements of HMC Chapter 4.110 for Sexually Oriented Businesses.
  - ii. Businesses known as "outcall promoter and outcall entertainer" and "escort and escort service" shall also be subject to the requirements and regulations imposed by the provisions of HMC Chapter 4.110.
  - iii. Nothing in this Code pertaining to sexually oriented businesses is intended to make legal any business or activity that is expressly declared illegal under any other provisions of the Municipal Code or under any state or federal laws.
- d. *Exemptions.* The provisions of this Section do not apply to those businesses that:
  - i. Operate a manufacturing or wholesale business, licensed in compliance with HMC Chapter 4.05;
  - ii. Are prohibited from conducting retail sales;
  - iii. Prohibit public access to the premises; and
  - iv. Meet all requirements of this Code; or
  - v. Personal introduction businesses.

AA. Vehicle/Equipment Related Uses.

- 1. *Auto Broker.*
  - a. *Definition.* A facility or area used primarily for the wholesaling of motor vehicles, typically on an intermediary basis between an auction house and a car dealership. The term does not include a facility or area used for the retail sales of vehicles.
  - b. *Standards.*

- i. A maximum of two vehicles may be stored on the property.
- ii. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
- iii. The repair or servicing of vehicles is prohibited.
- iv. Retail sales of vehicles to the public is prohibited.

2. *Vehicle Sales and Leasing.*

a. *Definition.* Sale or lease of automobiles, motorcycles, light trucks, or recreational vehicles, including incidental storage and incidental maintenance.

b. *Standards.*

- i. All Districts. Establishments engaged in the retail sale of used vehicles shall include at least one area for the display of vehicles for sale. The Community Development and Services Director may limit this area to one vehicle based on site conditions and the proposed use's ability to comply with the standards in this Code.
- ii. Commercial Districts. The following additional standards apply to vehicle sales and leasing establishments in commercial districts.
  - (a) New car sales are prohibited in all commercial districts except the CA District.
  - (b) In all commercial districts except the CO and CN districts, sale of used vehicles may be permitted with CUP approval, subject to the following standards:
    - (1) Vehicle display and sales occurring outdoors shall be located on a site with a minimum size of 200,000 square feet, or all vehicle display and sales shall take place within an enclosed structure.
    - (2) Materials, supplies, and equipment associated with operation of the use (including delivery trucks) shall be enclosed within a building or screened from all views from adjacent streets.
- iii. IL and IG Districts. Sales of vehicles in the IL and IG districts shall be limited to the following:



- (a) Used vehicle sales made between licensed dealers with no sales made directly to the general public;
- (b) Used vehicle sales as an accessory to an automobile dismantling/wrecking use;
- (c) Used vehicle sales as an accessory to an automobile salvage or towing use; and
- (d) Sales of classic, custom, and antique vehicles provided vehicles are displayed and stored indoors.

3. *Vehicle Rental.*

- a. *Definition.* Rental of automobiles, motorcycles, and light trucks, including incidental storage and maintenance.
- b. *Standards.*
  - i. CT District. Allowed only as an accessory use to a hotel, motel, or parking structure.
  - ii. Moving Truck Rental, Accessory Use. For moving truck rental as an accessory use, see Section TBD, Moving Truck Rental.

4. *Equipment Sales, Service, and Rental.*

- a. *Definition.* Sales, servicing, rental, fueling, and washing of large trucks, all-terrain vehicles, boats, construction or agricultural equipment, and similar equipment, including incidental storage and incidental maintenance.
- b. *Standards.*
  - i. Establishments engaged in the retail sale of equipment shall include at least one area for the display of equipment for sale. The Community Development and Services Director may limit this area to one vehicle based on site conditions and the proposed use's ability to comply with the standards in this Code.
  - ii. Equipment display and sales occurring outdoors shall be located on a site with a minimum size of 200,000 square feet, or all equipment display shall take place within an enclosed structure.

- iii. Materials, supplies, and equipment associated with operation of the use (including delivery trucks) shall be enclosed within a building or screened from all views from adjacent streets.

5. *Car Wash.*

a. *Definition.*

- i. Automatic Car Wash. An establishment where washing, drying, and polishing of an automobile occurs in a car wash bay, in which the owner of the vehicle activates the system, and the automobile washing machine cleans the exterior of the vehicle.
- ii. Full Service Car Wash. An establishment where operating functions are performed entirely by the business operator with the use of washing, waxing, and drying equipment supplemented with manual detailing by the business operator.
- iii. Self Service Car Wash. An establishment where washing, drying, polishing, or vacuuming of an automobile is done entirely by the owner or occupant of the vehicle.

b. *Standards.* Car washes are subject to the following standards.

- i. All Districts. The following standards apply to car washes in all districts.
  - (a) Site layout shall include screening and buffering to help avoid adverse impacts on properties in the surrounding area.
  - (b) The location of display racks and vending machines shall be specified on the site plan as part of the design review application.
  - (c) Vacuuming equipment shall be set back a minimum of 50 feet from any adjacent residential land use unless waived through CUP approval.
  - (d) Openings to the wash bays shall be designed to minimize the visual intrusion into adjoining properties. Where possible, openings to the wash bays shall not face public right-of-way.
- ii. Mixed-Use Districts. The following additional standards apply to car washes in mixed-use districts.

- (a) Car washes are permitted only accessory to a service station.
- (b) All car-washing activities shall occur within an enclosed building.
- (c) Design of the car wash drive lanes and stacking spaces shall demonstrate integration with the site; screening; architectural compatibility with the principal structure; and the pedestrian environment of the overall development.

6. *Commercial (Retail) Fueling Center.*

- a. *Definition.* Any building, land or other premises used for the retail dispensing or sales of vehicular fuels or oils and accessories for the motor-vehicle trade.
- b. *Standards.*
  - i. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
    - (a) The dispensing of petroleum products, water, and air from pump islands; and
    - (b) The sale of items from a vending machine which shall be located next to the main structure.
  - ii. No automotive repair may take place on the premises or within any building.
  - iii. No vehicle shall be parked on the premises for the purpose of offering the vehicle for sale.
  - iv. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

7. *Fleet Fueling Station.*

- a. *Definition.* An unmanned facility for the fueling of vehicle fleets that may include fuel for certain gasoline vehicles. This use type is primarily intended to serve diesel trucks, taxicabs, and similar fleet-type vehicles employing charge account fuel billing. This use type does not include service stations, convenience stores, or other retail services except vending machines.

8. *Service Station.*

- a. *Definition.* Any building, land area or other premises used for the retail dispensing or sales of vehicular fuels, minor servicing and maintenance of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. This use type also includes express oil-change facilities, smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This use type does not include auto body or repair of heavy trucks or vehicles.
- b. *Standards.*
  - i. All Districts. The following standards apply to service stations in all districts.
    - (a) Site Layout.
      - (1) Site layout shall include screening and buffering to avoid adverse impacts on properties in the surrounding area.
      - (2) Openings to the service bays shall not face public rights-of-way and shall be designed to minimize their visibility from adjoining residential or lower-intensity zoned properties, as determined through the CUP or design review application.
    - (b) All automotive repairs shall take place within a building.
    - (c) No vehicle shall be parked on the premises for the purpose of offering the vehicle for sale.
    - (d) No used or discarded automotive parts or equipment; or disabled, junked, or wrecked vehicles shall be located outside.
  - ii. Mixed-Use Districts. The following additional standards apply to service stations in mixed-use districts.
    - (a) All car-washing and repair activities shall occur within an enclosed building.

- (b) Vacuuming equipment shall be set back a minimum of 50 feet from any adjacent residential land use unless waived through CUP approval.
- (c) Design of the car wash drive lanes and stacking spaces shall demonstrate integration with the site; screening; architectural compatibility with the principal structure; and the pedestrian environment of the overall development.

9. *Smog Check Station.*

- a. *Definition.* A facility for the testing of vehicle emissions.
- b. *Standards.*
  - i. All equipment must be stored within an enclosed structure, which shall be designed to be architecturally compatible with the principal structure on the site.
  - ii. When operated as a primary use, no other automobile repair shall be permitted in conjunction with the facility.

10. *Vehicle/Equipment Repair.*

- a. *Definition.* Repair of automobiles, trucks, motorcycles, recreational vehicles or boats, including the sale, installation, and servicing of related equipment and parts. This use type includes auto repair shops, body and fender shops, vehicle upholstery shops, wheel and brake shops, and tire sales and installation, but does not include vehicle dismantling or salvage and tire retreading or recapping.
- b. *Standards.*
  - i. All Districts. The following standards apply to vehicle/equipment repair establishments in all districts.
    - (a) Storage of unlicensed or inoperable vehicles shall be prohibited.
    - (b) Site Layout.
      - (1) Site layout shall include screening and buffering to help avoid adverse impacts on properties in the surrounding area.

- (2) Openings to the service bays shall not face public rights-of-way and shall be designed to minimize their visibility from adjoining residential or lower-intensity zoned properties, as determined through the CUP or design review application.
  - ii. MC District. When located along Boulder Highway, bays may not face the public right-of-way unless there is an intervening building between the proposed use and the public right-of-way.
  - iii. MR District. The following additional standards apply to vehicle/equipment repair establishments in the MR District.
    - (a) No building, structure, canopy, gasoline pump, or storage tank shall be located within 300 feet of a residential district, unless otherwise approved through a CUP.
    - (b) The following activities and equipment are permitted only within an enclosed building:
      - (1) Lubrication equipment;
      - (2) Motor vehicle washing equipment;
      - (3) Hydraulic hoists and pits; and
      - (4) Tire repair and installation.
    - (c) Bays shall not face a local, collector, or arterial street, but may face an alley or rear lot line.
  - iv. CH and CA Districts. Body and fender shops require CUP approval.
11. *Vehicle Storage.*
- a. *Definition.* Storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles.
  - b. *Standards.*
    - i. CC and CA Districts. Allowed only as an accessory use to vehicle sales and leasing establishments.
    - ii. Recreational Vehicle Storage. Recreational vehicle storage is subject to the following standards.

- (a) Recreational vehicle storage is limited to lots in the CH District.
- (b) Recreational vehicle storage shall take place within an enclosed structure, or screened from all offsite views by a solid, decorative, masonry wall of at least eight feet in height.

BB. Visitor Accommodation.

1. *Hotel.*

- a. *Definition.* Building or other structure kept, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered at daily rates to transient guests on a less-than-weekly basis. Hotels must have a minimum of 90 rooms used for sleeping accommodations in a single or connected structure where access to the sleeping rooms is through a foyer and hallways. A hotel may also contain a restaurant and personal-service shops.

2. *Motel.*

- a. *Definition.* Building or other structure kept, maintained, advertised, or held out to the public to be a place that provides five or more rooms as sleeping accommodations offered at a daily rate to transient guests on a less-than-weekly basis where access to the rooms used for sleeping accommodations in a single or connected structure is through a foyer and enclosed hallways. A motel may also contain incidental food service.

3. *Recreational Vehicle Resort.*

- a. *Definition.* A commercial establishment providing individual spaces and facilities for recreational vehicles for the purpose of transient lodging or recreation purposes. Such use types may include accessory retail sales, outdoor recreation, and limited personal services establishments for use by resort patrons.

4. *Resort Hotel.*

- a. *Definition.* A building or group of buildings kept, used, maintained, advertised, and held out to the public to be a hotel or motel where sleeping accommodations are offered to transient guests, in which more than 200 rooms are used for sleeping accommodations, and the premises on which the building or group of buildings are located are a minimum of 25 acres or more, and that

has a minimum of the following amenities, all of which are directly connected to the building or group of buildings upon the premises.

- i. One main bar with more than 30 permanent seats wherein alcoholic liquors are dispensed by the drink to customers at such bar;
- ii. One service bar wherein alcoholic liquors are prepared for service only at tables and not direct to customers at such bar;
- iii. Entertainment that includes at least one of the following:
  - (a) One facility with at least 25 seats wherein live entertainment is provided by at least one professional entertainer (musician or variety artist) on a regularly scheduled basis; or
  - (b) One facility with at least 300 seats wherein live entertainment is provided by at least one professional entertainer (musician or variety artists) on a semi-regular basis (at least six times per year).
- iv. One restaurant open for service to the public 24 hours per day, seven days per week, which is used, kept, maintained, advertised or held out to the public to be a place where meals are served and that has a seating capacity of more than 60 persons at one time at tables;
- v. Room service to all rooms including, without limitation, service of meals;
- vi. A recreational facility that includes at least one of the following:
  - (a) Four regulation tennis courts with locker rooms and attendant facilities;
  - (b) One swimming pool that is swimmable and adequate in relationship to the size of the resort hotel as approved by the Council;
  - (c) One regular golf course consisting of at least nine holes comprising at least 50 acres;
  - (d) One gymnasium with dimensions of at least 40 feet in width, 60 feet in length, and 20 feet in height and equipped with exercise equipment.



- vii. Massage. Massage establishments meet the building design requirements of Section TBD, Building Design, may be permitted by right as an accessory use to a resort hotel.
- viii. When determining whether a particular applicant complies with the resort hotel standards, the Council may consider:
  - (a) The physical layout of buildings and facilities,
  - (b) The unity of title and ownership of the buildings or group of buildings,
  - (c) The operation and management relationship of gaming to hotel administration, and
  - (d) The proximity of the proposed resort hotel to residential development.
- ix. When determining whether a particular applicant complies with the requirement that the premises on which the building or group of buildings are located are a minimum of 25 acres or more, the Council may exempt from this requirement those premises within a master-planned development provided that all other requirements of the resort hotel definition shall continue to apply to the particular applicant.
- b. *Standards.* Resort hotels shall comply with all applicable standards in Title 4.32 of the HMC and this Code.

5. *Time-Share Project.*

- a. *Definition.* A project or building in which a purchaser receives the right, for a specified duration, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room, or segment of real property. This right of use or occupancy may be annually or on some other seasonal or periodic basis. This use type may include time-share estates, interval ownership establishments, vacation licenses or leases, club membership, time-share uses, and hotel/condominium structures operating on a time-share basis.
- b. *Standards.*
  - i. No time-share unit shall serve as a primary residence.
  - ii. Conversion of one or more individual time-share units to permanent residential use is prohibited unless all time-share units are being

converted and the project complies with all the use-specific standards for multifamily development.

- iii. CT District. In the CT District, all time-share units must be affiliated with and located within a resort complex containing at least one hotel with 200 rooms or more.

CC. Wedding Chapel.

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

### 19.32.6 Industrial Uses

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A. General Standards for All Industrial Uses.

- 1. *Prohibited Industrial Uses*. The following uses are specifically prohibited in all industrial zoning districts, unless otherwise noted:
  - a. Feedlots.
  - b. *Petroleum and Coal Products Manufacturing*. All establishments falling within North American Industry Classification System (NAICS) Major Group 3241, Petroleum and Coal Products Manufacturing, as identified in the 2007 U.S. NAICS Manual.
  - c. *Primary Metal Manufacturing*. All establishments falling within NAICS Major Group 331, Primary Metal Manufacturing, as identified in the 2007 U.S. NAICS Manual.
  - d. *Fabricated Metal Product Manufacturing*. All establishments falling within NAICS Major Group 332, Fabricated Metal Product Manufacturing, as identified in the 2007 U.S. NAICS Manual. Uses within this category may be considered through a CUP if the use(s) is operated in a way that would not cause safety or environmental concerns as determined by the Community Development and Services Director through the Development Review Committee.
  - e. *Electric Power Generation Facilities*. All electric power generation facilities falling within NAICS Major Groups 221111, Hydro Electric Power Generation, 221112, Fossil Fuel Electric Power Generation, 221113, Nuclear Electric Power Generation, and 221119, Other Electric Power Generation, as identified in the 2007 U.S. NAICS Manual, but not including cogeneration facilities.

- f. *Natural Gas Distribution.* All establishments falling within NAICS Major Group 221210, Natural Gas Distribution, as identified in the 2007 U.S. NAICS Manual.
  - g. *Animal Slaughtering and Processing.* All establishments falling within NAICS Major Groups 311611, Animal (except Poultry) Slaughtering, 311615, Poultry Processing, 311999, All Other Miscellaneous Food Processing, and 311613, Rendering and Meat Byproduct Processing, as identified in the 2007 U.S. NAICS Manual.
  - h. *Seafood Processing.* All establishments falling within NAICS Major Groups 311711, Seafood Canning, and 311712, Fresh and Frozen Seafood Processing, as identified in the 2007 U.S. NAICS Manual.
- B. Cogeneration Facility.
  - 1. *Definition.* A facility for the simultaneous production of useful thermal energy and electricity from the same fuel source.
- C. Commercial Laundry.
  - 1. *General.*
    - a. *Definition.* A business that launders and dry cleans clothing and other fabric articles in bulk quantities. The term includes cleaning services for hospitals, restaurants, hotels, and similar clients, as well as rug and dry-cleaning plants.
  - 2. *Limited.*
    - a. *Definition.* A business that launders clothing and other fabric articles in bulk quantities within a completely enclosed building. This use type does not include dry cleaning.
- D. Communication and Data Storage Facilities.
  - 1. *Definition.* Data storage facilities and broadcasting, recording, and other communication services accomplished through electronic mechanisms, but excluding Utilities, Major and Wireless Communication Facilities. This classification includes radio, television, or recording studios, telephone switching centers, telegraph offices, and similar uses.
- E. Concrete Product Production.
  - 1. *Definition.* Establishments that produce concrete products from raw materials on site, including concrete blocks, cinder blocks, and similar products. These use types often

include stockpiling of raw materials and storage of products produced on site (including concrete ready-mix plants).

F. Construction Storage Yard.

1. *Definition.* A facility utilized for the storage of vehicles, equipment, and materials utilized in the construction industry.

G. Food and Beverage Manufacturing.

1. *Small Scale.*

- a. *Definition.* Establishments primarily engaged in the production, processing, packaging, or manufacturing of food or beverage products and incidental instruction, direct sales, or on-site consumption in facilities less than 10,000 square feet in size. Examples include small coffee roasters, micro-breweries (manufacturing 15,000 barrels per year or less), micro-distilleries (manufacturing 10,000 barrels per year or less), wine manufacturing, meat or fish processing, small-batch candy shops, cheese makers, wholesale bakeries, and brew-on-premises stores which provide ingredients and equipment for customers to manufacture their own product.

2. *Large Scale.*

- a. *Definition.* Establishments primarily engaged in the production, processing, packaging, or manufacturing of food or beverage products and incidental instruction, direct sales, or on-site consumption in a facility over 10,000 square feet. This classification includes uses such as bottling of alcoholic or nonalcoholic beverages; canning, bottle, processing, and packaging of food; coffee roasting; food products; oleomargarine; brewing; and distillation of liquor and spirits. This use does not include slaughtering of animals or fowl.

H. Industry.

1. *Custom.*

- a. *Definition.* Establishments primarily engaged in onsite production or fabrication of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment, and which may include incidental instruction or direct sales for consumers. Typical uses include ceramic studios, fabric and needleworking, leather working, metalworking,

glassworking, candle-making shops, woodworking, and custom jewelry manufacturers.

2. *General.*

- a. *Definition.* Manufacturing of non-edible products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials that typically involve a high incidence of truck or rail traffic, and outdoor storage. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. This use type does not include noxious industrial uses, such as asphalt and chemical manufacture, hot-mix plants, rendering, and tanneries.

3. *Limited.*

- a. *Definition.* Establishments engaged in manufacturing of non-edible products and finished parts primarily from previously-prepared materials by means of physical assembly or reshaping. These industrial activities produce limited impacts on nearby properties, such as noise, gas, odor, or vibration. This classification includes uses where retail sales are clearly incidental to an industrial or manufacturing use; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

4. *Research and Development.*

- a. *Definition.* Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the Community Development and Services Director, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses can include biotechnology, films, and non-toxic computer component manufacturers.

I. Junkyard.

- 1. *Definition.* Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk or junk vehicles.

J. Logistics and Shipping.

1. *Definition.* Property and improvements used for freight, courier, and postal services; freight transfer truck terminals; transfer, loading, and unloading points for vehicles carrying goods and products; or for the operations of a “common carrier trucking company,” including the parking, servicing, repairing, or storage of trucks, truck tractors, and/or truck trailers. This use type does not include trucking accessory to limited or general industry uses.
- K. Maintenance and Service Facility.
1. *Definition.* Facilities providing maintenance and repair services for vehicles and equipment and materials storage areas, including corporation yards, equipment service centers, and similar facilities owned by the City, public or private utilities, or other public entities.
- L. Mining and Processing.
1. *General.*
    - a. *Definition.* Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses include borrow pits, quarries, rock-crushing and power-screening facilities, oil and gas drilling rigs, or concrete batch plants.
  2. *Short Term.*
    - a. *Definition.* Places or plants in place for more than two days but less than 18 months primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oils, or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses include borrow pits, quarries, rock-crushing and power-screening facilities, oil and gas drilling rigs, or concrete batch plants.
    - b. *Standards.*
      - i. The minimum distance between a short-term mining and processing facility and any existing, occupied residential dwelling units shall be ½ mile (2,640 feet). The only exceptions to this distance requirement shall be for temporary mining and processing equipment as described in Section 19.5.8.D.4 or by approval of a variance. Once an approved facility is in operation and a newly constructed or previously vacant dwelling unit becomes occupied within the ½ mile distance, the facility

shall be allowed to continue operation until the end of the approved time limit stipulated by the conditions of the use permit or as stipulated by the conditions on any extensions of time for the use permit.

- ii. All applicants shall provide documentation of the existing distance between a short-term mining and processing facility and any existing, occupied, residential dwelling units. Such documentation shall be provided at the time a use permit application is submitted to the Community Development and Services Department for processing.

M. Recycling Facility.

1. *Collection Facility.*

- a. *Definition.* A collection site for the acceptance or purchase of recyclable material from the public.
- b. *Standards.*
  - i. Power-driven processing equipment and collection vehicles are prohibited.
  - ii. The facility shall be a maximum of 3,000 square feet in size unless waived or reduced through CUP approval.
  - iii. Storage of recyclable materials, bins, boxes, and/or containers shall be within an enclosed building.
  - iv. Recycling collection facility hours of operation shall be limited from 8:00 a.m. to 10:00 p.m., or as established through CUP approval.

2. *Processing Facility.*

- a. *Definition.* Facility which collects, processes, repackages, and markets recyclable materials' eventual reuse in new products. Processing of recyclable materials includes, but is not limited to, bailing, compacting, flattening, crushing, shredding, cleaning, and any other mechanical sorting.
- b. *Standards.* Recycling processing facilities shall be located, developed, and operated in compliance with the following standards.
  - i. Hours of Operation. Hours of operation are limited to the following unless modified through CUP approval.

- (a) Facilities within 500 Feet of a Residential District. Facilities located within 500 feet of a residential district shall operate only during the hours between 9:00 a.m. and 7:00 p.m.
- (b) Facilities more than 500 Feet from a Residential District. Facilities located more than 500 feet from a residential district shall operate only during the hours between 7:00 a.m. and 10:00 p.m.
- ii. Surfacing. The storage of materials on the bare ground is prohibited. Storage of recyclable materials shall be in bins, boxes, containers, and/or on an impervious surface.
- iii. Prohibited Material. Hazardous, prohibited, and putrescible waste as identified by the Southern Nevada Health District shall not be accepted.
- iv. Haul Routes. Applicants shall provide documentation of the proposed haul routes to and from the recycling center at time of submittal to the City. Haul routes shall be approved by the Community Development and Services and Public Works Directors. A traffic study may be required by the Public Works Director.

N. Warehousing, Storage, and Wholesaling and Distribution.

- 1. *Definition.* Storage and/or sale or distribution of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation. This use includes commodity warehouses, refrigerated warehouses, and general merchandise warehouses.
- 2. *Standards.*
  - a. *All Districts.* All outside storage of materials, products, and equipment must be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.
  - b. *IL District.* All wholesaling and distribution functions shall take place within an enclosed building. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets



by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

- c. *IP District.* All wholesaling, distribution, and storage shall take place within an enclosed building. Vehicles used for transporting and warehoused or manufactured products and all outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

#### 19.32.7 Agricultural Uses

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A. Agriculture.

1. *Animal Production.*

- a. *Definition.* Commercial facilities engaged in the breeding, raising, feeding, and trans-shipping of livestock for producing animal products, animal increase, or value increase. Typical uses include grazing, ranching, dairy farming, and poultry farming. This use shall not include stockyards, slaughterhouses, hog farms, fertilizer works or plants for the reduction of animal matter.
- b. *Standards.* In the PS and DH Districts, the number of animals allowed shall be determined as part of the CUP approval. The location in relation to existing residential dwellings and compatibility with the surrounding neighborhood shall be considered.

2. *Crop Production.*

- a. *Definition.* The commercial cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries (See Nurseries and Garden Centers).

3. *Horticulture.*

- a. *Definition.* The raising of flowers, ornamental trees, and shrubs as a commercial enterprise. This classification excludes wholesale or retail nurseries (See Plant Nursery).

B. Urban Agriculture.

1. *Community Garden.*

- a. *Definition.* Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households.
- b. *Standards.*
  - i. Maximum Size. Gardens shall be no greater than one acre in size unless a larger garden is authorized through CUP approval.
  - ii. Management. A manager shall be designated for each garden who shall serve as liaison between gardeners, property owner(s), and the City.
  - iii. Hours of Operation. Gardens shall only be tended between 7:00 am and 7:00 pm unless additional hours are authorized through CUP approval.
  - iv. Buildings and Structures. Accessory buildings, such as sheds, greenhouses, and hoopouses are allowed and shall comply with the property development standards of the zoning district.
  - v. Equipment. Use of mechanized farm equipment is prohibited except as provided below or otherwise authorized through CUP approval.
    - (a) Heavy equipment may be used initially to prepare the land for gardening.
    - (b) Landscaping equipment designed for household use is permitted.
  - vi. Maintenance.
    - (a) The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.

- (b) Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.
- vii. Composting.
  - (a) Compost and compost receptacles shall be located so as not to be visible from a public right-of-way.
  - (b) Compost and compost receptacles shall be set back a minimum of 20 feet from residential buildings.
  - (c) In residential districts, composting is limited to the materials generated on-site and shall be used on-site.
- viii. Utilities. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
- ix. Signage. No more than one identification sign with a maximum area of nine square feet is permitted.
- x. Fencing. The site may only be enclosed by wrought-iron fencing, a maximum of eight feet in height. Solid block walls are prohibited unless already existing.

2. *Indoor Agriculture.*

- a. *Definition.* Cultivation of agricultural products other than marijuana or cannabis under controlled conditions entirely within an enclosed facility. Typical uses include hydroponics, aeroponics, aquaponics, and aquaculture.
- b. *Standards.* Indoor agriculture operations in residential districts are limited to home occupations consistent with Section TBD, Home Occupations.

3. *Market Garden.*

- a. *Definition.* The primary use of a site for cultivation of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs for sale or donation of its produce to the public.
- b. *Standards.* Market gardens are subject to the same standards as community gardens.

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## 19.32.8 Temporary Uses

- A. Purpose. This Section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.
- B. Approval Procedure. Any use listed in this Section may be permitted as a temporary use provided:
1. If applicable, the proposed temporary use obtains a temporary use permit in compliance with the requirements in Section TBD, Temporary Use Permits; and
  2. The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this subsection.
  3. Temporary uses permitted for a period exceeding 30 days or otherwise limited for the specific use shall require approval of a CUP in compliance with Section TBD, Conditional Use Permits.
  4. The Community Development and Services Director may also require design review consistent with Section TBD, Design Review, to ensure compliance with the requirements of this subsection.
- C. General Standards for All Temporary Uses and Structures. All temporary uses, structures, or events shall:
1. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
  2. Be compatible with the principal uses taking place on the site;
  3. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
  4. Not include permanent alterations to the site;
  5. Not maintain temporary signs associated with the use or structure after the activity ends;
  6. Not violate the applicable conditions of approval that apply to a site or use on the site;
  7. Not interfere with the normal operations of any permanent use located on the property; and

8. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

D. Standards for Specific Temporary Uses and Structure.

1. *Circuses and Carnivals.*

- a. *Definition.* Provision of games, eating and drinking facilities, live entertainment, animal exhibitions or similar activities in a tent or other temporary structure.
- b. *Standards.* Circuses and carnivals shall be limited to a maximum of seven days per occurrence.

2. *Commercial Filming, Limited.*

- a. *Definition.* A temporary use involving commercial motion picture or video photography at the same location for 30 or fewer days per quarter of a calendar year.

3. *Holiday Events and Sales/Rental.*

- a. *Definition.* Retail sales or rental of goods and products, or activities associated with nationally recognized holidays including but not limited to haunted houses, pumpkin sales, and holiday tree sales, which are not associated with a primary business on the subject site. Merchandise is typically displayed outside, and the use is seasonal or temporary in nature.
- b. *Standards.*
  - i. Such sales, when located outdoors, shall take place only on fully improved, paved lots with a lawfully established principal use, unless otherwise approved by the City.
  - ii. A temporary use permit is not required for a lawfully established principal use to sell holiday merchandise on-site during normal business hours, so long as the holiday merchandise is of a nature typically sold by the business year-round.

4. *Mining and Processing, Temporary.*

- a. *Definition.* Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential onsite

processing and production of only nonmetallic mineral products. Typical uses are rock-crushing and power-screening facilities.

b. *Purpose.* The intent of this subsection is to permit certain self-propelled material processing equipment to operate on construction sites for a short time, generally limited to no more than two days, to allow certain site cleanup and materials processing activities without meeting the distance and CUP requirements imposed on standard rock-crushing operations.

c. *Standards.* Temporary mining and processing equipment shall comply with the following standards:

- i. Temporary mining and processing shall not take place for a period exceeding 48 hours. Material processing equipment must not be operated in a stationary position for more than two calendar days.
- ii. Processing equipment shall be self-propelled by means of its own on-board engine.
- iii. Processing equipment must have a self-contained watering system of sufficient size and design to control dust, and shall be used continuously while the equipment is in operation.
- iv. Materials for processing or having been processed shall not be stacked more than 10 feet in height.
- v. Processed materials shall remain on the site where processed, and shall not be moved more than 1,000 feet from their source or origin.
- vi. Materials for processing shall not be imported to the site from another site.

5. *Storage/Shipping Containers.*

a. *Definition.* Standardized, reusable shipping vessels used in the transportation of freight and capable of being mounted and moved on a rail car, or mounted on a chassis for movement by truck trailer or loaded on a ship (also referred to as cargo containers, freight containers, or sea vans). This definition includes portable storage units.

b. *Standards.* Temporary storage/shipping containers may be permitted as a temporary use in compliance with the following standards:

- i. Nonresidential Districts.

- (a) Temporary storage/shipping containers are permitted without a temporary use permit on construction sites with a valid building permit provided the containers are not stacked, and provided the containers are removed following completion or expiration of all construction permits.
- (b) Storage/shipping containers may be located within City-approved outdoor storage yards provided the containers are not stacked. No CUP shall be required.
- (c) Temporary storage/shipping containers may be permitted as a temporary use for a maximum period of three months per site per year.
- (d) Temporary storage/shipping containers shall not be stacked.

ii. Residential Districts.

- (a) Temporary storage containers may be utilized by a residential use on its own lot for a period of up to two weeks without a temporary use permit. Use of a temporary storage container for a period longer than two weeks shall require a temporary use permit.
- (b) Use of a temporary storage container for a period exceeding 30 days shall require a CUP.
- (c) A maximum of one temporary storage/shipping container may be permitted as a temporary use on a lot in a residential district with a principal structure for a maximum of three occurrences per site per year.
- (d) Temporary storage/shipping containers must be located on an improved surface such as a parking or paved area and at least five feet from any lot line.
- (e) Storage containers may not be stacked.

6. *Street Fairs.*

- a. *Definition.* Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.

7. *Temporary Construction Trailer.*

- a. *Definition.* A temporary portable unit for construction office use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.
- b. *Standards.* The owner of a construction project may utilize a temporary office for use by construction and security personnel in compliance with the following standards:
  - i. The temporary trailer is permitted by right if located on the site of the construction activity. A temporary trailer may be approved offsite with a temporary use permit for up to 30 days; periods of longer than 30 days require approval of a CUP.
  - ii. The temporary trailer shall not be located within 25 feet of any residential use.
  - iii. The sanitary plumbing requirements can be waived by the building official provided adequate sanitary plumbing is available elsewhere on the site.
  - iv. The temporary trailer shall be removed 10 days after final inspection of the permanent structure or expiration of the corresponding building permit, whichever event occurs first. In the case of residential development projects, the office must be removed with 10 days of sale or lease of all dwelling units.

8. *Temporary Development Lodging.*

- a. *Definition.* Lodging associated with and on the site of a development project that is used on a temporary basis only by prospective buyers of land or residential dwelling units within that development or another project owned by the applicant within the city.
- b. *Standards.* Temporary development lodging shall comply with the following requirements:
  - i. Temporary development lodging shall not consist of more than three living units on any lot, and the maximum number units shall not exceed five percent of the total number of units approved for the development.
  - ii. Lodging is intended only for potential dwelling unit purchasers, and the lodging period shall not exceed 14 consecutive nights for any one guest.



- iii. Lodging shall be limited to residential structures located on the same site as the proposed development.

9. *Temporary Dwelling Unit.*

- a. *Definition.* A temporary portable unit for residential use that is occupied during the construction or reconstruction of a primary residence.
- b. *Standards.* Up to one temporary dwelling unit (consisting of a manufactured home, mobile home, or a travel trailer) may be located on a lot or site and may serve as a temporary dwelling unit during construction of a single-family residence in compliance with the following standards:
  - i. Temporary dwelling units may only be sited and occupied in compliance with the standards in Section 15.60.040 of the HMC; and
  - ii. Except as authorized by HMC Section 15.60.040, the temporary dwelling unit may be in place for a maximum period of 18 months. The property owner may request a single six-month extension of time, subject to approval of the Building Official.

10. *Temporary Live Entertainment Events.*

- a. *Definition.* Live Entertainment events lasting less than five days.
- b. *Standards.* Conditions may be added to ensure compatibility with surrounding properties.

11. *Temporary Event.*

- a. *Definition.* Events held during a fixed period of time including flea markets/swap meets, auctions, farm stands, seasonal sales, arts and crafts shows, animal shows, racing meets, parades, and other similar outdoor or indoor events.
- b. *Standards.* Events shall not exceed a maximum of five days and a site may host a maximum of six events per year.

12. *Temporary Religious Assembly.*

- a. *Definition.* Religious services conducted on a site that is not permanently occupied by a religious assembly use.
- b. *Standards.* Temporary religious assembly uses shall be limited to a maximum of 30 days per site per year.

13. *Temporary Real Estate Sales Office.*

- a. *Definition.* A temporary portable unit for sales office use that is located on the site of the development for which sales are occurring, and that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels. This use type also includes the temporary use of a portion of a model home for sales-office purposes.
- b. *Standards.* Temporary sales offices serving residential subdivisions shall be operated in compliance with the following standards:
  - i. Purpose. The primary use of a temporary sales office shall be to provide information concerning the initially approved subject subdivision. No other uses may be established at this facility, except that additional sites under construction by the same developer up to two miles away may be represented, subject to the maximum duration limitation applicable to the initially approved subdivision.
  - ii. Maximum Duration.
    - (a) The Community Development and Services staff may approve an onsite temporary sales office for a maximum of 12 months, unless an extension of time application is approved.
    - (b) A temporary trailer may be approved offsite with a temporary use permit for up to 30 days; periods of longer than 30 days require approval of a CUP.
    - (c) The Commission may approve, as a conditional use, an offsite temporary sales office for a period of longer than 30 days, up to a maximum of six months.
  - iii. Authorization for Offsite Location.
    - (a) The proposed location must be within one mile of the nearest portion of the first phase of the subject subdivision, with public access to the interior of the first phase either unavailable or unsafe as the result of conditions beyond the control of the developer.
    - (b) To qualify for consideration, the temporary office must offer information and represent for sale a subdivision that has a

recorded final map, has completed all onsite grading for at least the first phase, and has commenced construction of at least five dwelling units.

- iv. Appearance. The temporary locations may be established using a “Gelco-style” modular unit with a finished exterior, no glaring surface, with walls made of T-111 plywood or comparable materials and a composition roof or comparable material. Travel trailers, field office-type units, and motor homes are not permitted as temporary sales offices.
- v. Configuration.
  - (a) The site must be of a sufficient size and dimension to provide adequate parking, landscaping, and maneuvering room to allow automobiles to exit the site through a forward movement.
  - (b) Parking shall be provided at a minimum ratio of one space for each 100 square feet of gross floor area, but in no case shall less than six spaces be provided.
  - (c) Off-street parking areas shall be paved or improved with an alternate material approved by the Public Works Department.
  - (d) Water-efficient landscaping shall be provided at the ratio of 50 square feet of landscaping for each 100 square feet of gross floor area or part thereof. No more than 50 percent of the required landscaping material may be in above-ground containers.
  - (e) Indoor sanitary facilities shall be provided when and where sewer and water service are available.
  - (f) When water and sewer service are not available to the proposed site, portable restroom facilities shall be provided. Water and sewer must be connected to City infrastructure when available. Portable restrooms shall not be visible from public right-of-way and shall be secured on-site.
- vi. Removal. Immediately following the end of the time period granted for operation, all sales office facilities must be removed from the site, and the site returned to a safe and clean condition and be graded in a

manner consistent with requirements for drainage and dust controls established by the Public Works Department.

14. *Temporary Security Trailer.*

- a. *Definition.* A temporary portable unit for security office use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.
- b. *Standards.*
  - i. A residential or nonresidential use requiring security protection during hours of closure may include a travel trailer for that purpose for a maximum period of up to six months.
  - ii. The temporary trailer shall not be located within 25 feet of any residential use.

15. *Trade Fair.*

- a. *Definition.* Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days.

16. *Temporary Vehicle/Equipment Sales and Auctions.*

- a. *Definition.* The sale and auction of vehicles or equipment from a site not permanently licensed by the City for such sale or auctions.
- b. *Standards.* The number of events allowed at each site is limited to seven days per quarter per site.